

## Race, Law and Education

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Office Hours TBD

How can law, race and education work together to create effective law and policy designed to improve the country for all?

### Course Overview

This course intends to negotiate the intersection of law, race, and education by considering their multiple layers and cross-cultural history in education in the United States. We will strive to teach beyond—and perhaps constructively disrupt—the racial binary of Black and white that has historically muffled more comprehensive discussions.

This essential historical and legal context established in the class will allow students to bring new insight to contemporary policy issues and ultimately lead to previously unexplored remedies.

- We will ask which policies and priorities have led to negative policy outcomes and what clear and creative measures can be taken to prevent their repetition in the future.
- We will further discuss the distinction between policy and law
- We will explore the role of not-for-profit organizations in preventing injustices in law, race and education.

**Assessments.** Three papers, a weekly reflection of one to two pages based on intersectional issues raised in the reading. Some reflections may include drafting new laws or policy and explaining their basis.

Weekly 1-2 page journal entries and participation 40%

**Due dates: Jan. 28; Feb. 4, 11, 18, 25; March 11, 25; April 1, 8, 22**

No journal due on March 4, April 15, April 29, or May 6

Paper 1 (5 pages) 15%

Unit 1 or 2

**Due on Friday March 4 at 11:59 PM**

Paper 2 (5 pages) 15%

Unit 3, 4 or 5

**Due on Friday April 15 at 11:59 PM**

Original policy based on Paper 1 or Paper 2 10%

**Due on Friday April 29 at 11:59 PM**

Final paper (8-10 pages) 20%

Synthesis of two units in order to observe additional issues and propose further policy related to the intersection of law, race and education.

**Final paper due on Monday, May 9 at 11:59 PM.**

Class dates

January 28; February 4, 11, 18, 25; March 4, 11, 25; April 1, 8, 15, 22, 29; May 6, last day of classes May 9); no classes Friday March 18 (Spring Break)

**Course Policies**

**Attendance**

You are expected to attend all classes. Several unexplained absences will have a negative impact on your participation and final grade.

*We are professionals.* Send Petria May ([pm3284@nyu.edu](mailto:pm3284@nyu.edu)) an email if you will not attend class or if you will be late/leaving early.

**Participation**

Class sizes are small with one to two sessions in each unit, so your learning experience depends on being prepared and ready to participate in every class session.

Participation includes attendance, professionalism, active involvement in all class activities, and periodic check-ins. The quality as well as the quantity of your contributions and insights are important to our shared enterprise of learning. Class participation that detracts from fellow students' learning experience, shows a lack of respect for others, or suggests insufficient preparation is unwelcome. Aim to deliver high quality work in a timely and respectful manner.

**Professionalism**

The safety and freedom of all members of the university community to engage in a civil process of teaching and learning are essential. Accordingly, no student should engage in any form of behavior that interferes with the educational process, compromises the personal safety or well being of another, or disrupts the administration of university programs or services.

**Wellness**

Race, Law and Education is designed to stimulate, extend and challenge your thinking. Further, being open to a variety of points of view is crucial for new ideas to emerge. However, with such openness you may encounter ideas that trouble you personally. Please reach out to your professor to share your thoughts. NYU also offers resources

outside the classroom to support any students who may be upset or uneasy. Please reach out if you need help. The NYU Wellness Exchange on the 3rd floor of 726 Broadway, is dedicated to the health and wellbeing of all NYU students. Contact them at 212-443-9999 or online at [www.nyu.edu/999](http://www.nyu.edu/999).

## **Academic Integrity**

Integrity is critical to the learning process and to all that we do here at NYU. All students are expected to abide by the student code of conduct. Your responsibilities include, but are not limited to:

- Demonstrating sound judgment and integrity in the submission of documents and information.
- Refraining from behaving in ways that knowingly support or assist another person to violate the code of conduct.
- Reviewing and abiding by all [rules and policies of NYU](#), recognizing that being fully informed about NYU rules and codes governing civil behavior and academic integrity is an obligation of community membership.

Violations of the code of conduct, whether committed knowingly or out of ignorance, can result in disciplinary action and may result in a sanction up to and including expulsion from New York University. While there are negative grade implications of unexcused absences, cheating has far more serious and negative implications.

## **How to Avoid Plagiarism**

Representing the ideas of others as your own is plagiarism, whether accidental or by design. Do not plagiarize. Here are three helpful links:

- Plagiarism and How to Avoid It: Overview from NYU Libraries  
<https://guides.nyu.edu/plagiarism>.
- “How to Avoid Plagiarism” from Northwestern University,  
<http://www.northwestern.edu/provost/students/integrity/plagiarism.html>.
- “Plagiarism: What It is and How to Recognize and Avoid It” from Indiana University, <https://wts.indiana.edu/writing-guides/plagiarism.html>.

All references need to be cited or explained. See [easybib.com](http://easybib.com) or [owl.purdue.edu](http://owl.purdue.edu) for more about research and citations. Please ask your professor if you need more clarification.

## **Students with Disabilities**

Students whose class performance may be affected due to a disability should notify the professor early in the semester so that arrangements can be made, in consultation with the Henry and Lucy Moses Center for Students with Disabilities, to accommodate their needs. Please see [www.nyu.edu/csd](http://www.nyu.edu/csd) for more information.

## **Additional Course Policies**

Laptops, cell phones, smartphones, recorders, and other electronic devices may be addictive.<sup>1</sup> As such, you should think critically before using electronics anytime. One goal of this course is to develop listening skills, focused attention, and critical thinking. Therefore, you should not use any electronics in the classroom *unless invited by the instructor*.

## **Assignments & Grading**

### **Reading, thinking, discussing, and writing**

All reading materials are listed and linked on the syllabus by class date which are subject to change, upon reevaluation, with advance notice. You are expected to come to each session having completed the necessary readings and prepared to engage in class discussion. Journal writing assignments occur each week and cover that week's unit and topics. Paper writing assignments occur at the end of units and cover one or more units' concepts and topics. Your instructor may revise, add or reduce assignments in order to enhance your learning.

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<sup>1</sup> Alter, Adam L. *Irresistible: The Rise of Addictive Technology and the Business of Keeping Us Hooked*. New York: Penguin Books, 2018.

## Overview of Units

- **INTRODUCTORY READING**
- **UNIT 1. TRAUMA NARRATIVES ARISING FROM BLACK AMERICAN EDUCATION FROM SERVITUDE UNTIL TODAY**
- **UNIT 2. INDIGENEOUS PEOPLES AND THE ERASURE OF THEIR AUTHENTIC SELFHOOD THROUGH LAWS AND POLICIES THAT DIMINISH NATIVE CULTURE**
- **UNIT 3. WAR ON JAPANESE-AMERICAN EDUCATION 1941-1945**
- **UNIT 4. AMERICAN EDUCATION, MASS MIGRATION AND EARLY EXCLUSIONARY LAWS**
- **UNIT 5. CONTEMPORARY EFFECTS OF EXCLUSIONARY POLICIES: THE DIMINISHED EDUCATION OF GEOGRAPHICALLY INSECURE CHILDREN IN THE 21ST CENTURY**
- ***PULL THE THREAD.* CONTINUE RESEARCHING ONE UNIT'S ISSUES TO BUILD AN EFFECTIVE, ORIGINAL POLICY THAT DOES NOT YET EXIST. STUDENTS WILL WORK IN TEAMS WHEREIN EACH STUDENT WILL WRITE THEIR OWN POLICY IN CONSULTATION WITH TEAM MEMBERS. YOUR INDIVIDUAL POLICIES WILL BE BASED ON ADDITIONAL AND ORIGINAL RESEARCH.**
  - Synthesis of topics. Examination and cross fertilization of policy. Present new policy ideas based on existing policy. May work individually or in self-selected pairs;
  - Policy feedback and revision workshop. Process, record of conversations and finalized policies will be presented in the next class.
  - Policy presentations. Classmates will pose questions and provide feedback. Policy will be due at the end of class. Feedback should be incorporated into the final comparison paper due on May 9.
  - Writing workshop with submission of an individual draft that will incorporate the unit for which policy has been created AND one additional unit for a comparison of the policy issues involved in those two units. Propose additional policy of the second unit noting your reasoning for the different policies, how they compare, and how they will work together to create effective law and policy designed to improve the country for all.

### **1/28 INTRODUCTORY READINGS**

How did education become legally racialized? The country itself was racialized and such racialization was reinforced through education

## Historical precedent grappling with racial binaries

1. Asian: "Rethinking Race" by Shirley Hune (cited in Tamura's piece) (1995)  
file:///Users/petriamay/Desktop/1995HuneRethinkingRaceAmerasiaJ.pdf
2. Paolo Freire  
<https://journals.sagepub.com/doi/pdf/10.1177/1478210317721311>
3. ["Addressing the Living History of Oppression and Emancipation in American Education"](#) by LuAnne Kuelzer and Neil Houser (2019) (38-42)
4. [How U.S. immigration laws and rules have changed through history](#) by D'Vera Cohn (2015)

2/4, 2/11, 2/18

## UNIT 1. TRUE AND QUESTIONABLE TRAUMA NARRATIVES ARISING FROM BLACK AMERICAN EDUCATION FROM SERVITUDE UNTIL TODAY

Prohibition against the education of enslaved people and how it reverberates in contemporary society

### LAWS

XLV. And whereas the having of slaves taught to write, or suffering them to be employed in writing, may be attended with great inconveniences; Be it enacted, that all and every person and persons whatsoever, who shall hereafter teach, or cause any slave or slaves to be taught to write, or shall use or employ any slave as a scribe in any manner of writing whatsoever, hereafter taught to write; every such person and persons shall, for every such offence, forfeit the sum of £100 current money.—South Carolina Slave Code (~1695)

2/4

1. [Literacy as Freedom](#) (yes)
2. Read more: [South Carolina Slave Code - South Carolina Slave Code - Slaves, Person, Province, and Justices - JRank Articles](#)  
<https://law.jrank.org/pages/11669/South-Carolina-Slave-Code-South-Carolina-Slave-Code.html#ixzz7E14Qle8m>
3. Frederick Douglas to Harriet Beecher Stowe (1853)  
<http://utc.iath.virginia.edu/africam/afar03agt.html>
4. 14th Amendment becomes law (1868)  
<https://constitutioncenter.org/interactive-constitution/amendment/amendment-xiv>
5. LONG. *Plessy v. Ferguson* (1896)  
<https://supreme.justia.com/cases/federal/us/163/537/>

2/11

6. LONG. *Brown v. Board of Education* (1954)  
<https://www.oyez.org/cases/1940-1955/347us483>
7. [And Still They Rise: Practical Advice for Increasing African American Enrollments in Higher Education](#) by Mary Thierry Texeira and Pamela Merchant Christian 2002

**How does this article propose a throughline from laws prohibiting education during enslavement to predominantly white school districts underperforming? What policy choices, versus intrinsic inferiority, have**

**led to this issue? What is the role of policy in this proposal of solutions? What are policies that you might enact? Which policies have and haven't worked? Explain.**

8. "Chapter 10: Democratizing Education: Lessons from the African American Experience" by Donn C. Worgs and Leon D. Caldwell (pp 131-136) 2007  
[Chapter 10: Democratizing Education: Lessons from the African American Experience](#)

Recent desegregation

*Sheff v. O'Neill*. In 1989, the Connecticut Supreme Court found the districting unconstitutional and ordered the state to remedy the segregation. Over the following years, various settlements called for the creation of charter and magnet schools to increase racial diversity in Hartford.

2/18

9. [Case study: Sheff v. O'Neill](#)

Decision

10. LONG. [Milo Sheff, et. al. vs. William O'Neill](#),

11. "The Dangerous Narrative That Lurks Under the 'Achievement Gap' And the counternarrative about Black student potential" by Eric Higgins (2019)

[The Dangerous Narrative That Lurks Under the 'Achievement Gap' And the counternarrative about Black student potential](#)

12. [Dismantling False Narratives](#) (2019)

Toward a more well-rounded policy that bears in mind the reluctance to educate Black American and the accompanying laws, policies and practices based on that history.

13. Is "achievement gap" valid language? (2019)

[Talking about the achievement gap](#)

14. [The Tragedy of America's Rural Schools](#) (2021)

Throughline. Holmes County Consolidated School District is 99.86% African-American. Audio is also available online.

15. "New Laws Steer Some Teachers Away from Race-Related Topics" (2021)

[New laws steer some teachers away from race-related topics](#)

**This would be an interesting area in which to explore policies that have taken place outside of the legal framework. See "extras" section below for YouTube video from "Under the Blacklight" series.**

**2/25, 3/4**

## UNIT 2. INDIGENEOUS PEOPLES AND THE ERASURE OF THEIR AUTHENTIC SELFHOOD THROUGH LAWS AND POLICIES AIMED AT DIMINISHING NATIVE CULTURE

2/25

1. Motivation

[American Indian Boarding Schools Haunt Many](#) (NPR Part 1)

<https://www.npr.org/transcripts/16516865>

2. [History of Indian Education - OIE](#)
3. [Cheaper Than Bullets: American Indian Boarding Schools and Assimilation Policy, 1890-1930](#)
4. [https://www.un.org/esa/socdev/unpfii/documents/IPS\\_Boarding\\_Schools.pdf](https://www.un.org/esa/socdev/unpfii/documents/IPS_Boarding_Schools.pdf) ("Indigenous Peoples and Boarding Schools: A Comparative Study" prepared by Andrea Smith for the Secretariat of the United Nations Permanent Forum on Indigenous Issues)
5. LONG. The Merriam Report: The Problem of Indian Administration  
<https://www.narf.org/nill/resources/meriam.html>  
[The sad legacy of American Indian boarding schools in Minnesota and the US](#)

3/4

6. LONG. *A History and Foundation of American Indian Education Policy* by Stan Juneau, Blackfoot Tribe (2001)

[A History and Foundation of American Indian Education Policy](#)

7. ["Indian Education Revisited: A Personal Experience" by William G. Demmert, Jr.](#) (1999)
8. [The Traumatic Legacy of Indian Boarding Schools](#) by Mary Annette Pember (2019)
9. [Laws allowing U.S government to force Native American children into boarding schools remains](#)
10. [Boarding schools had a hidden agenda to steal land](#)

The General Allotment Act (a non-education law directly affecting Native peoples' education)

11. [The Dawes Act \(US National Park Service\)](#)

3/11

## UNIT 3. WAR ON JAPANESE-AMERICAN EDUCATION 1941-1945

1. President Roosevelt's Executive Order 9066 legalizing incarceration of Japanese-

American citizens

[FDR orders Japanese Americans into internment camps](#)

2. *Korematsu v. The United States* (30 pages)

<https://supreme.justia.com/cases/federal/us/323/214/>

3. Digital Exhibition

[Prisoners at Home: Everyday Life in Japanese Internment Camps](#)

4. "School Quality and Labor Market Outcomes: Japanese Internment as a Natural Experiment" by Martin Saavedra (24 pages)

file:///Users/petriamay/Desktop/School\_quality\_internment\_SSRN.pdf

5. Excerpts from *Exile Within: The Schooling of Japanese Americans 1942-1945* by Thomas James (1987) (Will be handed out in class)

3/25

#### UNIT 4. AMERICAN EDUCATION, MASS MIGRATION AND EXCLUSIONARY LAWS

1. [Race, Nationality, and Reality | National Archives](#) by archives.gov (2002)
2. "The Unheralded History of the Lemon Grove Desegregation Case" (E. Michael Madrid) litigated in 1931. <https://files.eric.ed.gov/fulltext/EJ793848.pdf>

**Note:** Enactment of extra-judicial policy involving trustees of the school district with the support of the local Chamber of Commerce and the PTA carries the practical weight of law until challenged and struck down.

3. [Excluded, Segregated and Forgotten: A Historical View of the Discrimination of Chinese Americans in Public Schools](#)
4. **A concentrated timeline of educational legislation affecting immigrants. We will read a selection from these important reference points.**

Lyndon Johnson signs the Immigration Act of 1965, also known as the Hart-Cellar Act, on October 3rd. It abolishes the National Origins Formula and results in unprecedented numbers of Asians and Latin Americans immigrating to the United States, making America's classrooms much more diverse (1965)

The Bilingual Education Act, also known as Title VII, becomes law. After many years of controversy, the law is repealed in 2002 and replaced by the No Child Left Behind Act. (1968)

The Improving America's Schools Act (IASA) is signed into law by President Bill Clinton on January 25th. It reauthorizes the ESEA of 1965 and includes reforms for Title I; increased funding for bilingual and immigrant education; and provisions for public charter schools, drop-out prevention, and educational technology. (1994)

As a backlash to illegal immigration, California voters pass Proposition 187 denying benefits, including public education, to undocumented aliens in California. It faces challenges by the ACLU and other groups and is eventually overturned. (1994)

California voters pass Proposition 227, requiring that all public school instruction be in English. This time the law withstands legal challenges. (1998)

The controversial No Child Left Behind Act ("NCLB") is approved by Congress and signed into law by President George W. Bush on January 8, 2002. The law, which reauthorizes the ESEA of 1965 and replaces the Bilingual Education Act of 1968, mandates high-stakes student testing, holding schools accountable for student achievement levels and providing penalties for schools that do not make adequate annual progress toward meeting the goals of NCLB.

President Obama signs into law the Every Student Succeeds Act on December 10, 2015.  
This latest version of the Elementary and Secondary Education Act (ESEA) replaces No Child Left Behind and gives states greater control over determining school quality.

4/1, 4/8

**UNIT 5. CONTEMPORARY EFFECTS OF EXCLUSIONARY POLICIES: THE DIMINISHED EDUCATION OF GEOGRAPHICALLY INSECURE CHILDREN IN THE 21ST CENTURY**

4/1

1. ESSA

[Title I, Part C - Migrant Education](#)

2. [Office of Migrant Education - Office of Elementary and Secondary Education](#)

3. McBrien, J. Lynn. "Educational Needs and Barriers for Refugee Students in the United States: A Review of the Literature." *Review of Educational Research*, vol. 75, no. 3, [Sage Publications, Inc., American Educational Research Association], 2005, pp. 329–64, <http://www.jstor.org/stable/3515985>.

4. [The Education of Immigrant Children | Harvard Graduate School of Education](#) (2014)

5. European model

[Education of migrant children: Education policy responses for the inclusion of migrant children in Europe | RAND](#) (2016) (37 pages)

4/8

6. [In a Migrant Shelter Classroom, 'It's Always Like the First Day of School'](#) by Dana Goldstein and Manny Fernandez (2018)
7. [US-Mexico border: The 'sidewalk school' teaching migrant children](#) by Dylan Baddour (2020)
8. [Who's Teaching the Children Crossing the US Border? Answers to 6 Questions](#) by Dahlia Faheid (2021)
9. [A Border School for Asylum Seekers Goes Virtual](#) by Jo Napolitano (2020)
10. [Addressing Immigration Doesn't End at the Border—Schools Need Help](#) by Julia H. Kaufman and Shelly Culbertson (2021)
11. [Undocumented and Asylum-Seeking Children from Central America and Mexico: Where They Are and How Schools Are Doing | RAND](#) (2021)

**4/15, 4/22**

***PULL THE THREAD.* CONTINUE RESEARCHING ONE UNIT'S ISSUES TO BUILD AN EFFECTIVE, ORIGINAL POLICY THAT DOES NOT YET EXIST. STUDENTS WILL WORK IN TEAMS WHEREIN EACH STUDENT WILL WRITE THEIR OWN POLICY IN CONSULTATION WITH TEAM MEMBERS. YOUR INDIVIDUAL POLICIES WILL BE BASED ON ADDITIONAL AND ORIGINAL RESEARCH.**

**4/29**

**Presentations of new policy, based one one unit**

**5/6 (Class 14/14)**

**Writing workshop for final paper building on new policy to incorporate a second unit with additional policy considerations.**

## **Example topics for extended policy research**

What is the connection between high stakes testing and the intersectionality of law, race and education?

How did magnet schools, often located in predominantly minority neighborhoods, evolve into schools that no longer served the students they were intended to assist?

How were Black veterans effectively (in practice) denied the benefits of the newly minted GI Bill through redlining and encouragement to join vocational, rather than college, programs?

How has the shifting definition of race affected the positioning of Latinos—historically, Mexicans—in The United States?

How might the narratives focusing on Asians as model minorities ignore the historical hardships they (differently, depending on the group) have endured within the U.S. educational system?

## EXTRAS|BACKGROUND

### Introduction

<https://www.eds-resources.com/educationhistorytimeline.html#1800>

### Unit 1

Education's Inequity: Opposition to Black Higher Education in Antebellum Connecticut by Hilary J. Moss

[Education's Inequity: Opposition to Black Higher Education in Antebellum Connecticut](#)

Man reading The Emancipation Proclamation, H.L. Stephens (1863)

<https://upload.wikimedia.org/wikipedia/commons/1/11/Stephens-reading-proclamation-1863.jpeg>

Policy: "More Than Cookies and Crayons: Head Start and African American Empowerment in Mississippi, 1965–1968" by Crystal R. Saunders

[More Than Cookies and Crayons: Head Start and African American Empowerment...](#)

*Self-Taught: African American Education in Slavery and Freedom* by Heather Andrea Williams

Testimonials: Under the Blacklight—CRT (2021)

What happens when policy is usurped in favor of local political action?

<https://www.youtube.com/watch?v=-WVjPWBqI64&t=4594s>

"Our Achievement-Gap Mania"

[Our Achievement Gap Mania](#)

### Unit 2

[The Church Has Ignored the Grief of First Nation Peoples Too Long](#)

"...the church is contested space."

Carlisle School

[Carlisle Indian Industrial School Historical Marker](#)

[Researchers identify 102 students who died at Native American school in Nebraska](#)

['Truth and Healing Commission' could help Native American communities traumatized by government-run boarding schools that tried to destroy Indian culture](#)

### Unit 3

Interned Japanese Citizens, the "uninjured casualties of war."

<https://www.youtube.com/watch?v=tp-msa4jBCw>

## Unit 4

### [American Education in the Age of Mass Migrations 1870-1930](#)

[Lessons on Judicial Interpretation: How Immigrants Takao Ozawa and Yick Wo Searched the Courts for a Place in America](#) (1998) by Steven C. Teel

[In a Race All Their Own: The Quest to Make Mexicans Ineligible for U.S. Citizenship](#) (pages 192-End)  
Addresses shifting racial classifications and policy The Lemon Grove incident and the reality that racial policies and practices often figure more prominently than laws.

## Unit 5

### [ACCESS TO EDUCATION FOR REFUGEE AND MIGRANT CHILDREN IN EUROPE HIGHLIGHTS](#)

[Schools grapple with obligations to migrants in shelters](#)