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Education, Law and the Courts: Communities in the Struggle for Equality and Equity in Public Education

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***Martínez v. State of New Mexico and Multicultural Education:***  
**Divide and Conquer? We Don't Think So!**

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**Abstract**

*Martínez v. State of New Mexico* (2014) is a school finance and equity lawsuit built on the promises of the state constitution. The plaintiffs are 51 parents and their children across seven regions of the state (Torres-Velásquez, 2017). In its decision (*Martínez*, 2018), the Court determined that the state's public education system was unconstitutional for not providing a sufficient education to the state's "at-risk" students: students from economically disadvantaged homes, Native American students, English language learners, and students with disabilities. The Court ruled in favor of the plaintiffs on all 174 *Martínez* allegations and determined that legislators would create remedies and locate funding. From the earliest draft, the *Martínez* complaint maintained that the state was not following New Mexico's Bilingual Multicultural Education Act (1973), Indian Education Act (2006) or Hispanic Education Act (2010). The plaintiffs wanted full implementation of these laws. A legislator asked, "If you had to pick one, bilingual education or multicultural education, which would you say is most important?" Both are central to student well-being and success. In order to address the question of priority—both being central to student success—we highlight core components of multicultural education for PreK-12 public education. We tie policy and practice recommendations back to the trial and to the Court decision and we suggest that a multicultural education curriculum is an integral part of a promising education for New Mexico's students.

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## Introduction

Article XII of New Mexico’s constitution specifically ensures the educational rights of Spanish-speaking students in New Mexico public schools, grades PreK-12 (Móntez, 1973). *Martínez v. State of New Mexico* (2014) is a school finance and equity lawsuit built on the promises of the state constitution. The plaintiffs are 51 parents and their children across seven regions of the state (Torres-Velásquez, 2017). Soon after *Martínez* was filed, a similar, but narrower complaint was filed on behalf of families and several districts in the state (*Yazzie v. State of New Mexico*, 2014). The Court consolidated the two lawsuits under *Martínez* because they were so similar. First District Court Chief Judge Sarah Singleton determined public education was a fundamental right and defined a sufficient education as graduating college and career-ready. In its decision (*Martínez*, 2018), the Court determined that the state’s public education system was unconstitutional for not providing a sufficient education to the state’s “at-risk” students: students from economically disadvantaged homes, Native American students, English language learners, and students with disabilities. The Court ruled in favor of the plaintiffs on all 174 *Martínez* allegations and determined that legislators would create remedies and locate funding. From the earliest draft, the *Martínez* complaint maintained that the state was not following New Mexico’s Bilingual Multicultural Education Act (1973), Indian Education Act (2006) or Hispanic Education Act (2010). The plaintiffs wanted full implementation of these laws.

For the purposes of this article, we will focus solely on the Bilingual Multicultural Education Act, in particular, multicultural education. While we will not discuss specific funding needs, we recognize that the legislative committee responsible for the state budget is the New Mexico Legislative Finance Committee (LFC). In order to make decisions on school finance for bilingual and multicultural education, the LFC asked for a better understanding of bilingual and multicultural education. One Latino legislator, who strongly supports bilingual education, publicly stated that he didn’t see the need to fund multicultural education at this time and publicly threw his support behind significantly more funding for bilingual education. Another legislator (White male) told a story of his two grandchildren. One received bilingual education and the other multicultural education. He provided examples of what they had learned about other cultures, other parts of the world and most importantly about themselves in these classes. He asked presenters, “If you had to pick one, bilingual education or multicultural

education, which would you say is most important?” The answer to his question is somewhat complicated. It is not an “either/or,” but rather “and.” Both are central to student well-being and success.

In order to address the question of priority, bilingual or multicultural education, we highlight core components of multicultural education for PreK-12 public education. Before the trial, expert witness Dr. Christine Sleeter provided a 95-page report and analysis on the status of multicultural education in the state, and during the trial she provided expert testimony. Some of her findings will be shared here. We address some of the confusion that divides policy-makers and advocacy groups into the either/or quandary. We view the benefits of multicultural education just as powerful and important as bilingual education. In this article, we tie policy and practice recommendations back to the trial and to the Court decision and we suggest that a multicultural education curriculum is an integral part of a promising education for New Mexico’s students. Prior litigation for Mexican American and Latino students has centered on discrimination, segregation, and bilingual education (Valencia, 2008). We are now seeing lawsuits around students’ rights to receive and teachers’ rights to teach a multicultural curriculum. We suggest that all our students deserve a rich multicultural education that affirms their true histories and identities and that such a curriculum will help them succeed in school.

### **Background**

New Mexico has always been a bilingual state (Móntez, 1973) and has long had the Bilingual Multicultural Education Act. New Mexico’s Public Education Department (NMPED, 2019a) is proud of this Act and publicly states so on its website. However, one significant limitation with multicultural education discovered in preparation for trial was that in New Mexico, multicultural education is folded into and lies under bilingual education, rather than the two areas working in tandem to serve all of New Mexico’s children. As a part of bilingual education, it was also discovered that the Bilingual Director at a school (who works with bilingual programs for ELL students—17% of a language/ethnic group population) also oversees and directs the multicultural education programs, including ethnic studies, intended for all children of all ethnic and language groups. This means that if students aren’t in bilingual education, they usually don’t receive multicultural education resources or services, unless it is infused into the student’s bilingual or English as a Second Language program.

Our courts are starting to see litigation focused on the right to teach a culturally correct curriculum affirming of student culture. Twenty years ago, in a village southeast of Albuquerque, two New Mexico teachers, the Córdova sisters, designed and implemented a curriculum that taught Chicano history. Their district administrators threatened to fire them if they did not stop. The teachers filed a federal lawsuit against the district with support from the New Mexico Civil Liberties Union, claiming that their First Amendment rights had been violated. The school district settled out of court (Hill, 1999). The teachers have now retired, but one wonders how many more teachers in similar situations have been pressured out of using an authentic and historically correct curriculum that empowers students to embrace and be proud of their identity.

Over the last ten years, our neighbors in Arizona have been involved in a lengthy attempt to prevent teachers from using a Mexican American Studies curriculum. It's important to note differences between Arizona and New Mexico. The two were originally one territory, but the plan for the territory to enter the nation was thwarted when *Nuevo Mexicanos*, determined to keep their language and culture in their daily lives and in the constitution, refused to join with a state that wanted English-only and saw the insistence to honor Spanish as a character flaw (Móntez, 1973). That fear of Mexican Americans was evident when in 2010 Arizona legislators filed and passed House Bill 2281 (State of Arizona, 2010), which effectively banned the Mexican American/Raza Studies Program (MA/RS) in Tucson Unified School District in 2011. Administrators, faculty and staff of the MA/RS program were accused of being a threat to National security. The state alleged that programs, curriculum, and their theoretical framework were being used to promote the "overthrowing of the U.S. government." Students named the theoretical framework and its curriculum "Critically Compassionate Intellectualism" (Romero, 2008). The State's attack on the program and its theoretical framework reveals Arizona's insidiousness and racism, given the dramatically positive impact of the program and its framework on student achievement in standardized tests, graduation rates, and college matriculation rates (Romero, 2008; Romero, 2014a; Romero, 2014b). Students and parents responded by filing a lawsuit against the State of Arizona. The plaintiffs alleged that the state superintendent of public instruction violated student rights and that the State's push to remove Mexican American Studies from the curriculum were violations under the 14th amendment (Strauss, 2017). In 2017, U.S. Circuit Court Judge Wallace Tashima agreed. Moreover, the

Court found that the State's and its officials' enactment and enforcement were motivated by "racial animus" (*Gonzales v. Douglas*, 2017).

Backlash is not confined to Arizona. Currently, New Mexico bilingual and multicultural educators continue to receive backlash in some parts of the state for teaching a language that is not English (Roybal, 2019). Yet, the selection of this year's Teacher of the Year, Mandi Tórriz, brings hope. She was recognized by the NMPED for her culturally responsive teaching, inclusivity and equity (Clark, 2019).

Programs that prepare teachers are guided by state regulations at the state level and professional standards at the national level. From 2017 to 2019, the New Mexico Public Education Department (NMPED) made changes to state education policy, education rules, regulations and code to incorporate diversity into educator preparation for all ages and grade levels. For example, New Mexico state standards and regulations for preparing early childhood educators (birth to third grade) now all include diversity, cultural and linguistic diversity, and culturally relevant pedagogy requirements (6.61.2 NMAC 2018; 6.61.11.3 NMAC 2018; 6.61.12.1 NMAC 2018). While the requirements appear in black and white, there are no clear definitions of terms, which could hamper implementation, monitoring and evaluation of programs.

Some New Mexico educator preparation programs have selected to be reviewed for accreditation by the Council for the Accreditation of Teacher Preparation (CAEP). Standards for culturally and linguistically diverse populations are interspersed throughout the expectations embedded in the process. For teacher specialists, the Specialized Professional Associations (SPAs) and the professional organizations of the particular field develop their professional standards. For example, TESOL International Association (formerly Teachers of English to Speakers of Other Languages) developed the TESOL SPA standards for CAEP (TESOL, 2019).

Educator Preparation Programs are expected to prepare teachers to teach culturally and linguistically diverse populations, and in the NMPED, this expectation has support. Kara Bobroff, Deputy Secretary of Identity, Equity and Transformation, is founder and former director of the Native American Community Academy (NACA) charter school, and founder of the NACA Inspired Schools Network (NISN); she is Navajo/Lakota and has thirty years of experience in special education and education for Native American students. Bobroff recently sent a letter to districts and stakeholders announcing that all districts and charters are now

required to implement a culturally and linguistically responsive framework (NMPED, 2019b). Districts and charters are required to appoint an equity council, submit a 90-day implementation plan, and include a specific focus on economically disadvantaged students, Native American students, English language learners, and students with disabilities. All of these changes are in response to the *Martínez* and *Yazzie* lawsuits. While this is great news, these changes appear to be unfunded mandates for districts that continue to express funding needs and for teachers who have not studied bilingual or multicultural education. Districts do receive funding for every student, but those funds are already designated. If districts are expected to comply with requirements for which the state was found to be negligent, then additional funding from the state will be needed.

Without a clear concrete definition of multicultural education or culturally responsive education in the law, a lack of understanding could contribute to a lack of implementation and possibly also affect funding. The law purports to define a “bilingual multicultural education program” as “a program using two languages, including English and the home or heritage language, as a medium of instruction in the teaching and learning process” (22-23-2. (A) NMSA 1978). The law’s section on Legislative Findings states:

L. the Bilingual Multicultural Education Act [22-23-1 NMSA 1978] will ensure equal education opportunities for students in New Mexico. Cognitive and affective development of the students is encouraged by:

- (1) using the cultural and linguistic backgrounds of the students in a bilingual multicultural education program;
- (2) providing students with opportunities to expand their conceptual and linguistic abilities and potentials in a successful and positive manner; and
- (3) teaching students to appreciate the value and beauty of different languages and cultures. (Section 22-23-1.1(L) NMSA 1978)

While justification for bilingual and multicultural education is critical, justification doesn’t provide a definition. Section B of the BMEA is quoted on page 2 of Deputy Bobroff’s letter, describing the success of a multicultural education system:

The New Mexico Legislature (Section 22-1-1.2(B) NMSA 1978) found that the key to success is having a multicultural education system that:

1. attracts and retains quality and diverse teachers to teach New Mexico's multicultural student population;
2. holds teachers, students, schools, districts, and the state accountable;
3. integrates the cultural strengths of its diverse student population into the curriculum with high expectations for all students;
4. recognizes that cultural diversity in the state presents special challenges for policymakers, administrators, teachers, and students;
5. provides students with a rigorous and relevant high school curriculum that prepares them to succeed in college and the workplace; and
6. elevates the importance of public education in the state by clarifying the governance structure at different levels.

These benefits of multicultural education are crucial, but the law still does not define it and leaves teachers, families, administrators, and policy-makers at a loss for implementation. Without a definition, and without recognition of the existing critical research in the field, it's easy to think that the field is void of definition and is archaic, insinuating an indictment (Gay, 2019). The purpose and clarity of the field are then viewed as little more than "broad affirmations of diversity" (Bennett, 2001).

### **Multicultural Education**

One tremendous resource for teachers, administrators, families, and scholars has been the National Association for Multicultural Education (NAME), an organization committed to advancing and advocating for equity and social justice through multicultural education. NAME (2019) provides a robust definition of the term. Parts have been excerpted below.

Multicultural education is a philosophical concept built on the ideals of freedom, justice, equality, and human dignity as acknowledged in various documents, such as the U.S. Declaration of Independence, constitutions of South Africa and the United States, and the Universal Declaration of Human Rights adopted by the United Nations. It affirms our need to prepare students for their responsibilities in an interdependent world. It recognizes the role schools can play in developing the attitudes and values necessary for a democratic society. It values cultural differences and affirms the pluralism that students, their communities, and teachers reflect. It challenges all forms of

discrimination in schools and society through the promotion of democratic principles and social justice... (NAME, 2019).

Banks (2013) provides a comprehensive research-based framework for multicultural education that includes the following five dimensions:

- *Content integration*, which refers to “the infusion of ethnic and cultural content into the subject area” or discipline (Banks, 2013, p. 10). Banks points out that ethnic and cultural content of historically marginalized groups can be infused meaningfully into all subject areas, although some lend themselves better than others. Sleeter’s (2005) framework shows how teachers can infuse ethnic and cultural content in relationship to curriculum content standards.
- *Knowledge construction process*, which refers to “the extent to which teachers help students to understand, investigate, and determine how the implicit cultural assumptions, frames of reference, perspectives, and biases within a discipline influence the ways in which knowledge is constructed within it” (Banks, 2013, p. 17). In other words, teachers help students examine how knowledge is constructed, and biases or points of view that are inherent in that process.
- *Equity pedagogy*, which refers to how “teachers modify their teaching in ways that will facilitate the academic achievement of students from diverse racial, cultural, gender, and social-class groups” (Banks, 2013, p. 18). Use of teaching styles that build on how students learn at home and in their communities is an example.
- *Prejudice reduction*, which refers to “lessons and activities teachers use to help students develop positive attitudes toward different racial, ethnic, and cultural groups” (Banks, 2013, p. 17).
- *Empowering school culture and social structure* refers to fair and equitable practices of grouping students (including for special education), as well as school climate that impacts on student learning.

One can assess the impact of multicultural education on students in relationship to a variety of outcomes, including achievement on standardized tests, academic self-concept, academic engagement, retention in and graduation from school, cross-cultural relationships and attitudes, knowledge of one’s own and other cultural group histories, cross-cultural knowledge in other areas such as literature, cultural identity, and so forth. Because of policy-makers’

interest in linking multicultural education with students' retention and achievement, the review that follows emphasizes empirical research in these areas.

There are tensions, however, between multicultural education, standards, and standardized testing. Sleeter's (2005) analysis of *California's History-Social Science Framework and Standards* illustrates tensions that may stem from the structure of curriculum content standards. Drawing on both a content analysis of the standards as well as an explanation of the standards by their authors, she explains:

The writers of California's standards decided to construct the story [of the United States] mainly as an immigrant story, with a story line that runs geographically from east to west. This structure fits a story of European immigration; it does not fit history as indigenous people tell it or as Mexicans or Asians tell it. (Sleeter, 2005, p. 56)

While one can develop a standards-based curriculum that is culturally relevant to Native American and Latino students, the "backbone" of the curriculum may be a textbook, materials, or state curriculum containing concepts and activities that actually push students away from learning authentic history and strengthening their identity.

Similarly, although academic rigor is an integral part of multicultural education, standardized tests arise from a paradigm that rank-orders students for their mastery of a traditional curriculum, then turns around and blames students of color for their lower than average performance. Further, these tests ignore the student outcomes their communities may value, such as cultural identity and respectful engagement with their community (Holm & Holm, 1990; McCarty & Lee, 2014; Reyner, 1990). As Cabrera and colleagues (2014) argue, standardized tests are part of the reality students must confront and can be useful, but they act as gatekeepers. They are not (nor should they be) the only way of assessing impact on students.

### **Empirical Research and Culturally Relevant Curriculum**

Empirical research consistently finds that a rigorous and well-designed curriculum that is culturally relevant and culturally responsive to students has a positive impact on them. While "multicultural curriculum" is broader than curriculum that would be culturally relevant to one's own students (i.e., it would also include content about groups who are not in one's classroom or school), the extant research examines the impact of culturally relevant ethnic studies curriculum on students from the same focal socio-cultural group. Ethnic studies curricula include units of study, courses, or programs that are centered around the knowledge and

perspectives of an ethnic or racial group, reflecting narratives and points of view rooted in the racial, historical, cultural and social reality, lived experiences, and intellectual scholarship of the students (Romero & Arce, 2009; Romero & Cammarota, 2019).

### **Culturally Responsive/Ethnic Studies Curriculum**

In a review of research of the impact of ethnic studies on students of color, Sleeter (2011) found that studies of 15 out of 16 programs (which ranged from single lessons to full semesters) had a positive impact on students in three areas: academic engagement, personal empowerment, and academic achievement (most projects were evaluated in only one of these areas). In the only program that did not show a positive impact, middle class conception of African American culture in the curriculum clashed with the urban students' conceptions of what it means to be African American.

Three projects have been validated using rigorous statistical research: Mexican American Raza Studies Program/Social Justice Education Project in Tucson, Ninth Grade Ethnic Studies in San Francisco Unified School District, and Math in a Cultural Context in Alaska.

Mexican American/Raza Studies and its Social Justice Education Project in Tucson Unified School District (TUSD) grew from collaborations between Chicano Studies teachers and the University of Arizona (Cammarota & Romero, 2009; Romero, 2008; Romero, Arce, & Cammarota, 2007). The four-semester standards-aligned high school curriculum was based on a model of "critically compassionate intellectualism" for strengthening teaching and learning of Mexican Americans. The model had three components: 1) curriculum that is socially, culturally and historically responsive to students, focuses on social justice issues, is aligned with state standards but designed through Chicano intellectual knowledge, and is academically rigorous; 2) critical pedagogy in which students develop critical thinking and critical consciousness, creating rather than consuming knowledge, and 3) authentic caring in which teachers demonstrate deep respect for students as intellectuals and full human beings. The curriculum centered on the racial, social, educational, and economic issues within the lives of the students, and immersion into university-level theoretical readings as a method of helping students name, contextualize and engage their realities. It included a community-based research project in which students gathered data about manifestations of racism and other forms of oppression in their school and community, used social science theory to analyze patterns in their data and identified ways these patterns could be challenged, and created paths through which students were able to

voice their issues and remedies in multiple community spaces to multiple community entities from grass-roots organizations to politically elected bodies. There have been several evaluations of the impact of the program on student achievement; the most rigorous of these evaluations is the Cabrera, Milam, Jaquette, and Marx (2014) audit. The researchers developed a student-level data set that enabled them to compare achievement (using AIMS – the state’s achievement tests) and graduation rates of eleventh and twelfth grade students who did, and did not, enroll in Mexican American/Raza Studies and Social Justice Education Project courses, constructing a matched comparison group. They found that, although the students in Mexican American/Raza Studies and Social Justice Education Project classrooms courses had, on the average, lower ninth and tenth grade GPA and achievement test scores than control students, by twelfth grade they attained “significantly higher AIMS passing and graduation rates than their non-Mexican American/Raza Studies and Social Justice Education Project classrooms peers” (Cabrera et al., 2014, p. 1106). The researchers, using a variety of statistical modeling and sampling strategies, found that the more courses students took, the stronger the impact on their achievement (see also Romero, 2008 and Cammarota & Romero, 2014).

At the origin of the program’s development, an intent was set to help students develop a stronger and deeper sense of identity, purpose, and hope (Romero, 2008). We (third author Augustine Romero and all involved in implementation) believed that if we were able to help our students develop a strong social and cultural identity based on the deep and profound sense of self-love, that if we could help our students empower themselves and help them name, define and operationalize their purpose; and if we could help them recognize and understand that in the intersection of their identity and purpose was Hope; if our students could develop and place into praxis these understandings, then the traditional academic benchmarks would hold a lower-level space on the paths set by our students (Romero, 2008; Romero & Cammarota, 2019). Therefore, the structural space of multicultural education within a culturally responsive environment was constructed upon the needs, desires and interests of the student. Within TUSD Mexican American/Raza Studies and Social Justice Education Project classrooms, students were encouraged to understand, cherish and center their socio-cultural reality, but they were simultaneously encouraged to better understand the socio-cultural reality of those with whom they share or even battle for space or voice (Romero, 2008; Romero & Cammarota 2019). This mindset and vision are especially critical in student transition into the transformative and

social action phases of critical multicultural education. Developing a deeper understanding of our world and those within our world gives our students a deeper state of strategic conjecture which makes our students better prepared to question, engage and transform their realities which are the first steps towards transforming their world.

With a different level of support, in 2007, San Francisco Unified School District was urged by their Board of Education to create a high school ethnic studies program. In 2010, the Board unanimously approved that it be piloted in five high schools. Using regression discontinuity design, Dee and Penner (2017) evaluated the impact of the program on 5 cohorts of ninth grade students in 3 of the 5 pilot high schools, using data on student GPA, attendance, and credits earned toward graduation. After controlling for several variables (such as students' entering GPA and measures of teacher effectiveness), results confirmed that participation in the course helped ninth-grade students increase "attendance by 21 percentage points, GPA by 1.4 grade points, and credits earned by 23" (p. 217).

In Alaska, Math in a Cultural Context (MCC) grew from collaboration between Yup'ik Native elders, teachers, and math educators to develop an elementary level curriculum supplement that connects Yup'ik culture and knowledge with mathematics as outlined in the National Council of Teachers of Mathematics standards. Lipka and his colleagues (2005) describe it as offering a "third space" that weaves together math content and local cultural knowledge; for example, "Parkas and Patterns" focuses on geometry. The curriculum also supports traditional ways of communicating and learning, such as collaborative learning and cognitive apprenticeship. Quasi-experimental research using a pretest-posttest control group design, assessing students' learning based on the state's benchmarks or achievement tests found that students in classrooms using the MCC curriculum made more progress toward the state mathematics standards than students in classrooms not using it (Lipka et al., 2005). Kisker and colleagues (2012) reported an experimental study using randomized assignment of 50 schools that enrolled a large proportion of Native students and placed them in one of two conditions (experimental or control) to test the impact of two modules on second graders' mathematics achievement. They found the impact of the MCC curriculum "positive, statistically significant, and moderate to large in terms of effect sizes" (Kisker et al., p. 100), with a positive impact on both Alaska Native and mixed-ethnic student groups. They also found students retained what they learned the following semester.

Evaluations of these and other projects demonstrate that when curriculum content is culturally relevant and/or culturally responsive and is linked directly to academic goals, students of color see an increase in their achievement, sometimes markedly so. Please note that these curriculum projects were well-designed, and taught by teachers who were well-prepared to create, nurture and deliver content that is meaningful, relevant and interesting to students. Teachers engaged students through a culturally responsive pedagogy, encouraging students to voice their issues and find remedies to disturbing societal patterns. Students were viewed as fully capable community members involved in collaborations with their own local communities and community leaders.

Clearly, a culturally responsive curriculum has the capacity to strengthen students' sense of cultural and ethnic self, which in turn impacts their achievement. Social psychology research studies using different research methodologies investigating students at middle school through university levels in different regions of the U.S. consistently find a relationship between academic achievement, high level of awareness of race and racism, and positive identification with one's own racial or ethnic group (Altschul, Oyserman, & Bybee, 2008; Chavous et al., 2003; Walker & Syed, 2013). There has been less similar research into the relationship between Native identity and academic achievement, although the small amount of research that exists suggests a similar pattern (Hill, 2004; Middlebrook, 2011).

### **Culturally Responsive Pedagogy/Equity Pedagogy**

Culturally responsive curriculum intersects with equity pedagogy, or culturally responsive pedagogy, the term used most in the research literature. Banks (2013) describes equity pedagogy as instructional modifications that enable students from marginalized backgrounds to achieve at high levels. Gay (2010) defines culturally responsive pedagogy as teaching “to and through [students’] personal and cultural strengths, their intellectual capabilities, and their prior accomplishments” (p. 26); it is premised on “close interactions among ethnic identity, cultural background, and student achievement” (p. 27). She notes further that, “Students of color come to school having already mastered many cultural skills and ways of knowing. To the extent that teaching builds on these capabilities, academic success will result” (Gay, 2010, p. 213). In other words, culturally responsive pedagogy, which is based in high academic expectations for students and caring, is a process of capitalizing on the knowledge, ways of learning, and experiences that students bring that may not be recognized

when teachers use teaching processes based in the dominant Euro-American culture (Gay, 2018).

Most empirical research linking culturally responsive pedagogy with student achievement has taken the form of case studies. One set of case studies uncovers practices of teachers nominated as exemplary by school administrators and/or parents as being particularly successful with minority students. In a well-known example, Ladson-Billings (1995) studied eight teachers nominated as highly successful teaching African American students, then collaborated with them to extract core features of their pedagogy. Importantly, regardless of whether the teachers were African American or not, they saw themselves as members of students' communities, and linked their teaching with students' community-based knowledge. Ladson-Billings identified three dimensions of culturally relevant pedagogy: holding high academic expectations and persistently supporting students to reach those expectations; acting on cultural competence by reshaping curriculum, building on students' funds of knowledge, and establishing relationships with students and their families; and cultivating students' critical consciousness regarding power relations, acknowledging racism in students' lives and helping them learn to think critically about and navigate its manifestations.

Another set of case studies linked culturally responsive pedagogy with student achievement using interviews with minority students to identify pedagogy they see as most helpful. Fránquiz and Salazar (2004) conducted a five-year case study of a high school examining factors that support Chicano/a students' academic success. According to students, critical elements included: *respeto* (respect), *confianza* (mutual trust), *consejos* (verbal teachings) and *buen ejemplos* (exemplary models).

Foundational to culturally responsive pedagogy appears to be the teacher's ability to build relationships with students, their families, and their communities, then learn through those relationships how to support student learning (Bishop, Ladwig, & Berryman, 2014; López, 2016; Rodríguez, 2014). The centrality of relationships was demonstrated in a large-scale study of Te Kohitanga in New Zealand, where Bishop, Ladwig, and Berryman (2014) gathered data in 31 secondary schools serving significant proportions of indigenous Maori students. They found that the level of interactive teaching and the level of student engagement varied directly with the quality of teacher-student relationships. Through interactive and caring relationships,

learning to learn from students and their communities, through relationships *in situ*, is foundational to culturally responsive pedagogy.

Specific to the teaching of reading, López (2016) asked, “To what extent is there a relationship between teachers’ beliefs and actions regarding culturally responsive teaching, and gains in Latino students’ reading achievement?” She studied 244 Latino students (grades 3-5) and their 16 teachers in three schools in Arizona. To measure teachers’ beliefs and actions, she used a modified version of the Culturally Responsive Teaching Beliefs Survey (Pohan & Aguilar, 2001) and the Culturally Responsive Teaching Behaviors Survey (developed for the National Indian Education Study). Students of teachers who believed and acted on principles of culturally responsive teaching made greater gains in reading than students of teachers whose beliefs and teaching were not consistent with culturally responsive teaching.

### **Prejudice Reduction**

Case studies of interracial interactions find that how students relate to each other across cultural, ethnic, and racial differences affects students’ academic experience (Allen, 2010; Borrero, Yeh, Cruz, & Suda, 2012). There is evidence that well-designed multicultural education can have a positive impact on students’ cross-racial attitudes and understanding. Okoye-Johnson (2011) found that exposure to a multicultural curriculum “brought about more positive changes in students’ racial attitudes than did exposure to traditional instruction” (p. 1263). Okoye-Johnson also found the impact on older students (ages 9-16) was much greater than on younger students (ages 3-8), perhaps because older students are more cognitively developed and have more experience with cross-racial contact. If we take seriously the potential power of curriculum and pedagogy to prepare young people for a respectful school experience and multicultural democracy, attention must be given to the curriculum as a whole.

### **Empowering School Culture**

An empowering school culture supports all students academically, culturally, and personally, reversing low academic expectations, poor student-teacher relationships, and marginalizing programming (such as remedial classwork) that commonly lead students to drop out (Avilés, Guerrero, Barajas, & Thomas, 1999; Hernández & Nesman, 2004). Castagno and Brayboy (2008) emphasize that for Indigenous students, empowering schooling takes into account the central place of sovereignty and self-determination, engaging youth and tribal communities as partners. These models are not mutually exclusive, but can be used together.

Equity audits can be an excellent tool for empowering school culture, when the school and community have learned to use the process to identify and address inequities for communication and problem-solving (Skrla, McKenzie, & Scheurich, 2009). Research clearly demonstrates marked improvements that sustain over time with the use of equity audits (Skrla, Scheurich, Garcia, & Nolly, 2004). Although initially it involves costs to teach a team and participants to use the process, equity audits help school leaders identify changes consistent with ensuring equitable representation of all students, and find that disciplinary referrals are no longer a result of cultural stereotypes, or unfair treatment of students of color or students with disabilities. The long-term financial benefits far outweigh the startup costs.

Other models, such as Youth Participatory Action Research (YPAR), place youth at the center of identifying key problems and solutions. YPAR was a key component of the Arizona Social Justice Education Project. Rodríguez (2014) describes results of another YPAR project, PRAXIS, that he led in a school with a dropout rate of about 50%. Based on their research, the students were able to identify strengths in their school as well as propose policy changes that would further help students. Following two years of the project, the school graduation rate substantially increased.

### **Teacher Recruitment and Professional Development**

We know that teachers matter to students, and that students of color frequently end up being taught by teachers who expect too little of them and do not form good relationships with them. Several studies have found that poor or disinterested teaching, low expectations, and poor teacher-student relationships discourage and eventually push out Latino students (Avilés et al., 1999; Kohli & Solorzano, 2012; Luna & Revilla, 2013) and Native American students (Coladarci, 1983; Deyhle, 1992).

There are benefits when schools serving Latino, Native American, and African American students recruit teachers who are from students' cultural communities, as well as teachers who demonstrate an ability to form relationships with students and learn from them and their communities (Valenzuela, 2016). With respect to teachers who are from the same racial or ethnic background as students, a growing body of research finds that students of color benefit as the proportion of teachers from their racial/ethnic backgrounds increases (Eddy & Easton-Brooks, 2011; Egalite, Kisida, & Winters, 2015; Villegas & Irvine, 2010). Reasons for these findings include teachers reading students' classroom behavior culturally and accurately,

teachers of color tending to have higher expectations for students of color than white teachers, psychological benefits to students of having role models with whom they can identify, and teachers of color being more likely to work with culturally relevant pedagogy than white teachers (Villegas & Irvine, 2010). In a review of research on workforce diversity and outcomes for disadvantaged students, Grissom, Kern, and Rodríguez (2015) found that higher proportions of teachers of color in schools are associated with lower proportions of students of color being suspended, expelled, or referred to special education, and higher proportions of students of color identified as gifted. In addition, some research has found students to trust teachers of their own background more than those of a different background (Irizarry & Williams, 2013).

School districts having most success recruiting such teachers (particularly teachers of color) form partnerships with local communities (including communities of color) and universities to identify young people who may wish to teach, adults who wish to change careers, community college students who might be interested in teaching, or paraprofessionals who are already in the schools. Examples of such partnerships can be found in *Diversifying the Teacher Workforce* (Sleeter, Neal, & Kumashiro, 2014), as well as in successful culturally responsive school models such as Rock Point (Holm & Holm, 1990) and the *Grow Your Own* model (Valenzuela, 2016).

Most research on teacher professional development for culturally responsive pedagogy consists of small-scale case studies that explore the impact on teacher pedagogy of specific kinds of professional development, such as a workshop series (DeJaeghere & Zhang, 2008; Thigpin, 2011; Zozakiewicz & Rodríguez, 2007), on-going teacher inquiry in networks or coursework (Abu El-Haj, 2003; Jacobs, Assaf, & Lee, 2011; Jennings & Smith, 2002; S. Nieto, 2003; Nieto & Bode, 2018; Sleeter, 2009), and community-based learning (Fickel, 2005; Moll & González, 1994).

Sustained, ongoing workshops combined with classroom-based coaching is the model of professional development for culturally responsive pedagogy that has the most research support. Teemant and colleagues (2011) and Teemant (2014) evaluated a coaching model for the Standards for Effective Pedagogy (Tharp, Estrada, Dalton, & Yamauchi, 2000). The professional development program included a 30-hour workshop and seven individual coaching sessions across an academic year, designed to improve teacher pedagogy and classroom organization in elementary classrooms serving culturally diverse students. In both studies (one

involving 21 teachers, the other involving 36 experimental and about 10 control group teachers) researchers found coaching associated with statistically significant improvements in teacher pedagogy, teacher growth, and classroom organization. Instructional coaching helped teachers transfer new teaching skills from the workshop to the classroom, and maintain changes a year later.

Can professional development for culturally responsive pedagogy improve student achievement? Data from research studies on three programs indicates that it can. Vogt and Au (1995) found that a professional development program for the Kamehameha Early Education Project, that combined readings, workshops, collaboration with reflection partners, modeling, and classroom observations with feedback, led to measurable changes in teacher pedagogy, and increases in students' literacy achievement. Data from three large-scale mixed-methods studies of a New Zealand program for culturally responsive pedagogy (Te Kotahitanga), using a model of professional development that included workshops, structured observations and classroom coaching, and teacher meetings for reflection on student outcome data, found a positive impact not only on classroom teaching but also on indigenous Maori student learning (Bishop, Berryman, Cavanagh, & Teddy, 2009; Bishop, Berryman, Wearmouth, Peter, & Clapham, 2012; Hynds et al., 2016). Powell, Cantrell, Malo-Juvera, and Correll (2016) studied the impact of teacher professional development organized around the Culturally Responsive Instruction Observation Protocol on 26 teachers and 456 students in four elementary schools, finding that the teachers demonstrated significantly higher levels of culturally responsive instruction by the end of the school year than at the beginning. Students of high implementers scored significantly higher in reading and math than did students of low implementers.

### **This Time and Place in New Mexico: Our Children Can't Wait**

In New Mexico, many individuals who were raised to honor their Spanish heritage without question, have begun to examine their genetic identity along the indigenous and colonized bloodlines of their families. In so doing they are learning about their mixed lineage and about the historical traumas that their Native American ancestors endured (J. M. Nieto, 2004). For immigrant students, the current political context is one in which our current President paints immigrants and Latinos as evil criminals. This, along with brutal border policies separating children from their parents, creates an atmosphere in which children are living in great fear and sorrow. As if this demeaning characterization is not enough, this vilifying

typology puts children at great life risk in their everyday activities and gives extremists an excuse to shoot at will. This distorted intent to protect our country from a whole group of people wrongly perceived to be evil and dangerous, was the excuse given for the recent El Paso mass shooting.

In the United States, litigation filed on behalf of Latino students in the last century for the most part centered on desegregation, discrimination, and language acquisition rights (Valencia, 2008; Perea, Delgado, Harris, Stefancic & Wildman, 2015). As we look to future litigation, there seems to be evidence to support the possibility that multicultural education is already playing a larger role in the Courts, since we continue to see increasing and substantial empirical evidence in favor of its use. There could not be a better time in our history to embrace multicultural education. Students have been vocal about their educational needs. Teenagers today are gravely concerned about the future of our planet and multicultural education provides an avenue for them to learn sustainable practices that honor our Earth while honoring groups that have been traditionally oppressed for not giving up those same practices and values. Greta Thunberg has made international news for launching a school strike for climate justice (Goodman, 2019). She points out that she is one of the “lucky” ones, noting that oppressed ethnic groups are the victims hit the hardest. This movement and call to action for sustaining life on our planet has drawn from Indigenous groups, Latinos and youth of all languages and backgrounds worldwide who have long held Mother Earth as sacred. Multicultural education could provide significant tools in terms of curriculum and pedagogy to sustain the cultures that have long held deep values honoring our land, water and environment.

At a time when students feel helpless about their safety and great pressure about their lack of agency in determining the future of the environment, there is great potential for multicultural education to provide a curriculum that gives students hope and voice around things that matter intensely to them, their future, and their lives. In the path to being college or career-ready, the vocational understanding students develop during this transformation and vivification could help them to realize the reality—that they are the Hope of the World. To force schools, legislators, and policy-makers to choose between bilingual or multicultural education is to divide resources and students unfairly. To say that only some students are to receive multicultural education limits the future of students of color, and limits the future of all students. *Divide and conquer? We don't think so!*

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