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The LEARNING-DISADVANTAGE GAP

Our Moral and Legal Challenge to K-12 *SOCIO-ACADEMIC* Discrimination

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***Socio-academic* discrimination** disables K-12 students with low(er) test scores, putting each at a disadvantage.† This includes "no-excuses" test-score rank and label profiling, negative stereotyping, and segregated, denied-access education.†, †† ref 9g, 9 (see below) *"At first they came for my neighbor's kid, but then they came for mine."* – J.C.T. adaptation

The High-Stakes Education Rule of standardized testing:*,** A public or charter student's low(er) score in math or English causes "remedial" doubling of these *endorsed* (required) high-stakes subjects. This routinely results in the *sanctioning* (denied access) of music and arts plus other *non* high-stakes "whole-student" subjects. Gov't and schools excuse it as "scheduling difficulties". Yet, **there cannot be any moral, fundamental or practical civil rights and Constitutional–protection difference between a disabling discrimination based on race versus a low(er) test score.**† *"Separate educational facilities* [or curriculum] *are inherently unequal"*– Chief Justice Earl Warren, U.S. Supreme Court. Brown v. B.o.E., 1954††

The ***socio-academically* disadvantaged** student often has limited educational support from a low-income family, single-parent home, or is an English-language learner (ELL). Unstable home environment is also common. This K-12 student is likely *not* a good "high-stakes" test taker.*, **, †

L E A R N I N G D I S A D V A N T A G E G A P

The ***socio-academically* advantaged** K-12 student is disproportionately and unequally enabled by higher test scores to have arts and other well-balanced whole-student educational opportunities. This student is advantaged to compete and succeed in personal and social development, education, career and life.

The student receives a good score on a "high-stakes"*, ** standardized test in math and/or English. This routinely allows for continued access (via "electives" and "pullouts") to "whole-student" non high-stakes subjects such as music and arts. Even when such curricula are *sanctioned* (denied) for *all*, the *socio-academically* advantaged student commonly outsources for an opportunistic advantage.*, ** The primary issue here is not of funding per se, but of excessive and high-stakes standardized testing of math and English, which dominates all else and dictates today's two-tier enabling vs. disabling educational opportunities.

The ***socio-academically* advantaged** student often comes from a mid to upper-income family in an academically supportive environment. This K-12 student is likely to be a good "high-stakes" test taker. That said, this is a poor substitute for *real* learning.*, **

The Gap starts here

* **High-stakes and excessive standardized testing** of math and English: Students are denied equal access to balanced "whole-student" curricula. Funding, teacher and admin jobs depend on relentless, unreliable test scores. Local schools are being closed. This produces "teaching to the test" (test-prepping abuse), and The High-Stakes Education Rule. 06c States refer to high-stakes teacher "accountability" from test scores as "VAM" (value-added measures), but research has shown the policy to be counter-productive to learning. 5.1w

**** The High-Stakes Education Rule:** *What is tested with "high-stakes" standardized accountability gets taught; what is not tested gets unequal or denied access.* The K-12 student of *socio-academic* advantage [high(er) test score] gets whole-student curriculum *unequal-access* or can outsource to learn, while the "invisible" disadvantaged [low(er) test score] learns to grow up with narrow, separate and disabling *denied-access* education. –J.C.T. Also see *Campbell's Law* (1976) http://dianeravitch.net/2012/05/25/what-is-campbells-law/

† **Disability or disabling:** anything that disables or puts one at a disadvantage (dictionary.com).

†† "***It is a right*** *which must be made available to all on equal terms*" – Brown v. B.o.E., Chief Justice Warren, U.S. Supreme Crt, 1954. 1, 9, 9c 09f *Individual rights do not stop at the school-house gate*"–1969 U.S. Supreme Court, Tinker v. Des Moines. "*The Constitution does not protect the sovereignty of States for the benefit of the States or State government, but* [instead] *for the protection of individuals. State officials cannot consent to the enlargement of the power of Congress beyond those enumerated in the Constitution*"–New York v. United States, U.S. Supreme Crt, 1992. 1, 9