



# The LEARNING-DISADVANTAGE GAP

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

By John Charles “Johnny” Thompson, Parents and Students for Music and Arts, [StopHighStakesTesting.org](http://StopHighStakesTesting.org)

### The Learning-Disadvantage Gap Begins Here...

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 math and English “high-stakes” test taker.<sup>\*, \*\*, †</sup>

#### Compare to:

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 math and English high-stakes test taker. That said, this is a poor substitute for *real* learning.<sup>\*, \*\*</sup>

### The Gap Widens and Demonstrates Corruption and Discrimination...

For the **socio-academically disadvantaged**, the **High-Stakes Education Rule** of standardized testing corrupts the very foundation of the opportunity to learn with equality.<sup>\*, \*\*</sup> 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. Government 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.**<sup>†</sup> *“Separate educational facilities [or curriculum] are inherently unequal”* - Chief Justice Earl Warren, U.S. Supreme Court. *Brown v. B.o.E.*, 1954.<sup>††</sup>

#### Compare to:

For the **socio-academically advantaged**, the student receives a good score on a high-stakes<sup>\*, \*\*</sup> 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.<sup>\*, \*\*</sup> 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 Gap Results In Disabling versus Enabling Futures...

**Socio-academic discrimination *disables*** K-12 students with low(er) high-stakes math and English test scores, putting each at a real-time and future disadvantage.<sup>†</sup> This includes routine and relentless enforcement of “no excuses” test-scores, rank and label profiling, negative stereotyping and segregated, denied-access educational opportunities.<sup>†, †† ref 9g, 9 (see below)</sup> *“At first they came for my neighbor’s kid, but then they came for mine.”* - J.C.T. 2014 adaptation from M. Niemöller, 1946

#### Compare to:

The **socio-academically advantaged** K-12 student is disproportionately and unequally *enabled* by high(er) high-stakes math and English test scores to study music and arts, as well as other well-balanced whole-student educational opportunities. This student is advantaged and enabled to compete and succeed in personal and social development, education, career and life.



\* **High-stakes and excessive standardized testing** of math and English: Students are denied equal access to balanced “whole-student” curricula. Funding, plus teacher and admin jobs, depend on relentless, unreliable test scores. Local schools are closing. This produces “teaching to the test” (test-prepping abuse), and The High-Stakes Education Rule.<sup>06c</sup> 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.<sup>5.1w</sup>

\*\***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](http://dianeravitch.net/2012/05/25/what-is-campbells-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 Court, 1954.<sup>1,9,9c09f</sup> *“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 Court, 1992.<sup>1,9</sup>

© [John Charles Thompson](http://www.allartsallkids.org) 2010, 14. All Rights Reserved. This presentation is authorized to be reproduced freely with expressed appropriate credits.

[www.allartsallkids.org](http://www.allartsallkids.org) • [facebook.com/allartsallkids](https://www.facebook.com/allartsallkids) • [info@allartsallkids.org](mailto:info@allartsallkids.org) • [@stopHStesting](https://twitter.com/stopHStesting)