ACLU
AMERICAN CIVIL LIBERTIES UNION of WASHINGTON
FOUNDATION

June 6, 2011

Via E-Mail and U.S. Regular Mail
Washington State Redistricting Commission
1063 Capitol Way South, Suite 16
P.O. Box 40948
Olympia, WA 98504-0948

Re: Establishment of Majority-Minority State Legislative District in Eastern Washington

Dear Members of the Commission:

ACLU OF WASHINGTON FOUNDATION
901 FIFTH AVENUE #630
SEATTLE, WA 98164
T/206.624.2184
WWW.ACLU-WA.ORG

JESSE WING
BOARD PRESIDENT

KATHLEEN TAYLOR
EXECUTIVE DIRECTOR

We write to urge the Commission to establish a majority-minority State Legislative District in Eastern Washington, and specifically in Yakima County. A map of this proposed district is attached as Exhibit 1, and the 2010 block groups are attached as Exhibit 2. The creation of such a district is necessary for both practical and legal reasons. As a practical matter, it is vital that this large and growing segment of Washington residents has the ability to elect candidates of their choice. According to the attached Declaration of Professor Luis Fraga, Associate Vice Provost and Professor of Political Science at the University of Washington, Latinos comprised 11.2% of Washington's population at the time of 2010 Census. If current birth and death patterns remain constant, this percentage will grow to 14.5% by the end of this decade. *See* Exhibit 3, Declaration of Luis Fraga at Page 2. The time has come for a district where Latinos and other minorities in Eastern Washington can elect candidates of their choice. Because it is possible to draw a majority-minority district in Yakima County, it is important as a matter of democratic governance that the Commission create such a district there.

More fundamentally, Section 2 of the Voting Rights Act compels the creation of a majority-minority district in Yakima County. *See* 42 U.S.C. § 1973. In *Thornburg v. Gingles*, 478 U.S. 30 (1986), the United States Supreme Court enunciated a three-factor threshold test to determine whether Section 2 requires the creation of a majority-minority district: (1) that the minority groups are "sufficiently large and geographically compact to constitute a majority" in the district," (2) that the groups are "politically cohesive," and (3) that majority voters' bloc voting enables them "usually to defeat the minority's preferred candidate." *Id.* at 50-51.

Once a party has shown these three factors, a court "must consider whether under the totality of the circumstances . . . the voting system operates to prevent the minority group from participating equally in the political process and electing representatives of its choice." *United States v. Blaine County, Montana*, 363 F.3d 897, 903 (9th Cir. 2004); *Thornburg*, 478 U.S. at 44-46. Courts examine a list of non-exhaustive factors in assessing this totality of the circumstances. These include: (1) the extent of any

history of official discrimination in the state or political subdivision that touched the right of the members of the minority group to register, to vote, or otherwise to participate in the democratic process; (2) the extent to which voting in the elections of the state or political subdivision is racially polarized; (3) the extent to which the state or political subdivision has used unusually large election districts, majority vote requirements, anti-single shot provisions, or other voting practices or procedures that may enhance the opportunity for discrimination against the minority group; (4) if there is a candidate slating process, whether the members of the minority group have been denied access to that process; (5) the extent to which members of the minority group in the state or political subdivision bear the effects of discrimination in such areas as education, employment and health, which hinder their ability to participate effectively in the political process; (6) whether political campaigns have been characterized by overt or subtle racial appeals; and (7) the extent to which members of the minority group have been elected to public office in the jurisdiction. Some cases also have examined whether there is a significant lack of responsiveness on the part of elected officials to the particularized needs of the members of the minority group and whether the policy underlying the state or political subdivision's use of such voting qualification, prerequisite to voting, or standard, practice or procedure is tenuous. *See Thornburg*, 478 U.S. at 45; *Blaine County*, 363 F.3d at 903.

These factors are not mechanically applied. Rather, courts take a functional view of the political process. Moreover, it is not necessary or even possible to show that every single non-exclusive factor has been met. While the factors are lengthy, they stem from a recognition that "[t]he essence of a § 2 claim is that a certain electoral law, practice or structure interacts with social and historical conditions to cause an inequality in the opportunities enjoyed by [minority] and white voters to elect their preferred representatives." *Thornburg*, 478 U.S. at 47. Importantly, intent to discriminate is <u>not</u> a factor in determining whether to create a majority minority district. Rather, parties must examine the totality of the circumstances.

The facts, history, and circumstances in Eastern Washington show the necessity of creating a majority-minority district. The proposed district meets the three threshold *Gingles* factors. As the attached map demonstrates, the district is geographically compact, comprising the southern half of the county and extending into the southeastern portion of the City of Yakima. The proposed district also would contain a majority of voting-age minority citizens. The minority Citizen Voting Age Population ("CVAP") of the proposed district is 50%, with by far the largest proportion (37%) composed of Latinos but also including Native Americans (8.5%); African-Americans (1.1%); Asian-Pacific Islanders (1.1%); and Other Minorities (1.9%). Using 2010 Census data, the overall percentage of minorities in the proposed district is even higher – 73%. These minority groups are politically cohesive, and there has been a history of bloc-voting that enables the majority consistently to defeat the minority-preferred candidates.

The totality of the circumstances also strongly favors the creation of a majority-minority district. In addition to the Declaration of Professor Luis Fraga, we also have submitted Declarations from Professor Frances Contreras, Associate Professor and

Director of the Higher Education Program at the University of Washington College of Education (attached as Exhibit 4); and from Professor Paul Apostolidis, the Judge & Mrs. Timothy A. Paul Chair of Political Science at Whitman College (attached as Exhibit 5). These Declarations, both individually and collectively, demonstrate the pressing need for the creation of a majority-minority district.

For example, Professor Apostolidis concludes that in the Yakima valley, "racially polarized patterns of voting behavior has helped to produce severe deficits in Latino political representation." Apostolidis Declaration at ¶ 5. The Declaration specifically discusses evidence of racially polarized voting in Sunnyside and Wapato, among other places. Professor Apostolidis also discusses the barriers to political participation faced by Latinos; the educational hurdles they face in Eastern Washington; and the employment, health, and educational disparities between Latinos and whites in Eastern Washington. *See* Apostolidis Declaration at ¶¶ 6-13.

Professor Contreras demonstrates in her 17-page Declaration the persistent educational challenges Latinos face in Washington State, particularly in rural Washington. Latino students do not have comparable access to school resources, programs, or academic support. Professor Contreras concludes that in rural Washington, "Latinos have historically and continue to experience inequitable access to opportunities to learn." Contreras Declaration at Page 1.

In addition to discussing the demographic trends of the Latino population in Washington, Professor Fraga's Declaration discusses the employment, educational, and health disparities for Latinos both in Yakima County and in Washington. For example, in Yakima County, "13.3% of Latinos of working age are unemployed whereas only 7.6% of whites are unemployed." Fraga Declaration at Page 4. Professor Fraga also shows the differences between Latinos and other groups in health insurance and poverty. In Washington, "Latinos have the highest poverty rates in the state," with approximately 30% living below the poverty line. *Id.* at 2-3.

In short, the time has come for the creation of a majority-minority legislative district in Eastern Washington. Such a district will be geographically compact and will fulfill the democratic and legal imperative to create districts allowing full participation for all Washington citizens.

Respectfully Submitted,

Sarah A. Dunne
Legal Director
ACLU of Washington

Joaquin G. Avila
Director, National Voting Rights Advocacy
Initiative, Seattle University School of Law*

* The reference to Seattle University School of Law is for purposes of affiliation and identification only. The viewpoints expressed do not necessarily reflect the viewpoints of Seattle University School of Law.

Enclosures

EXHIBIT 1

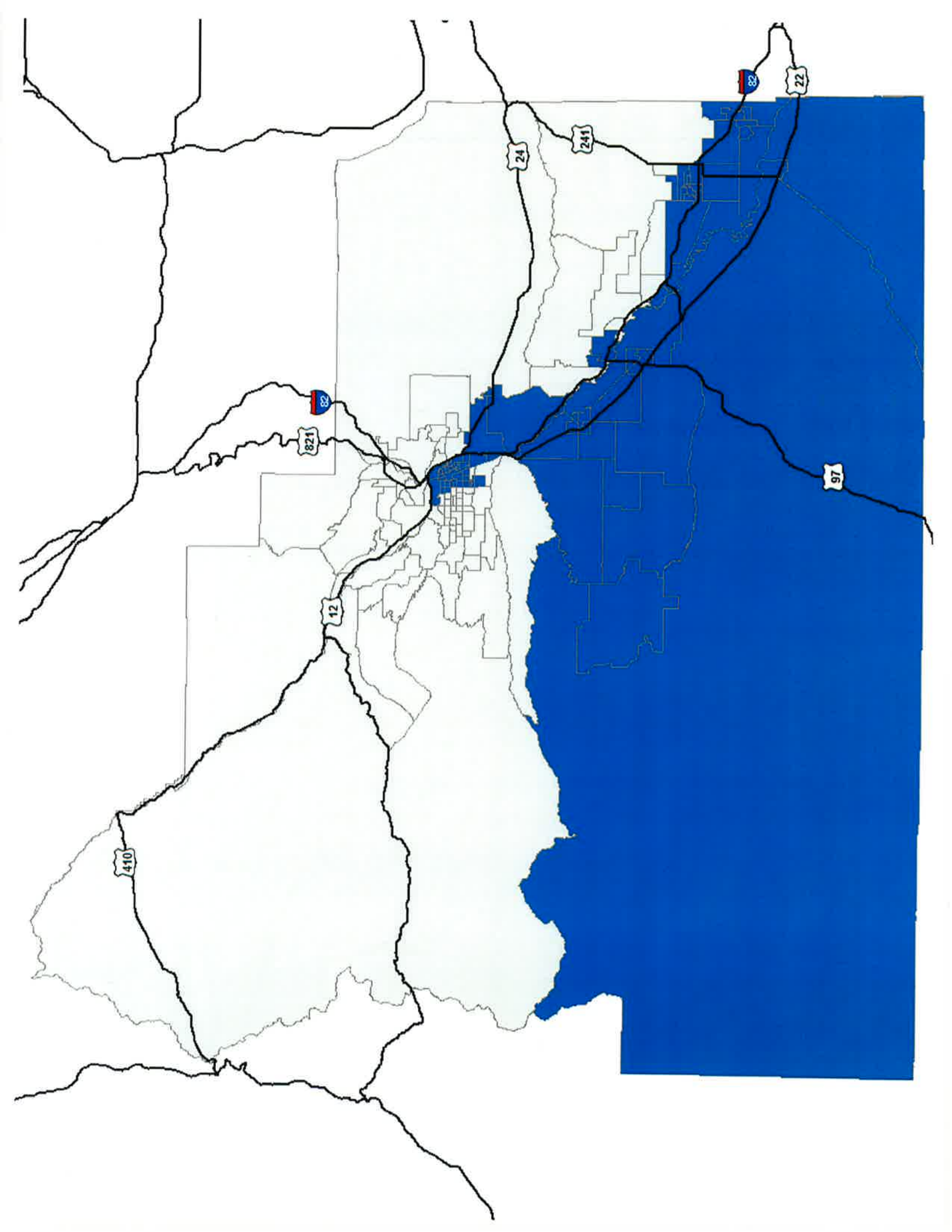
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EXHIBIT 2

2010 Block Groups

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EXHIBIT 3

June 3, 2011

Sarah E. Dunne, Legal Director
ACLU of Washington Foundation
901 Fifth Ave., Suite 630
Seattle, WA 98164

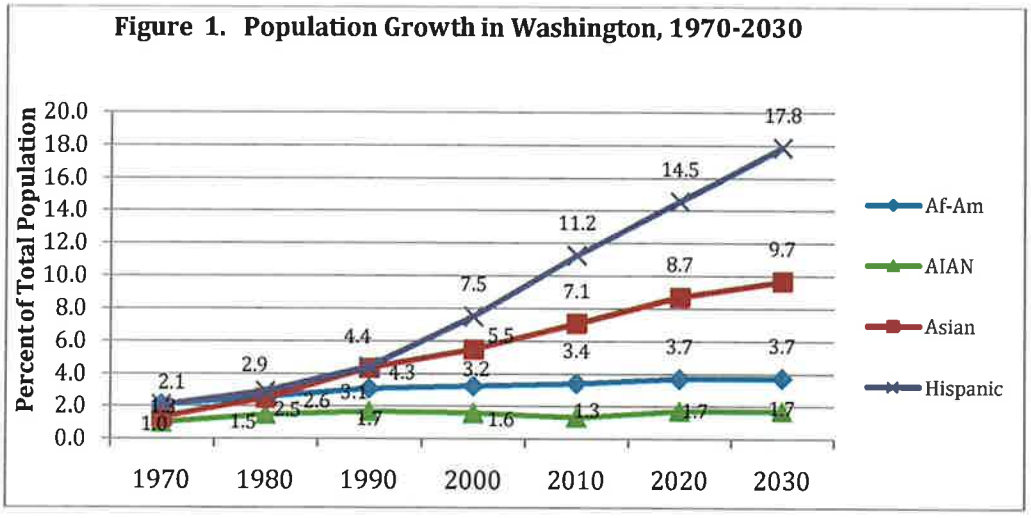
Dear Ms. Dunne:

I offer this declaration. I am receiving no compensation for this statement.

Luis Ricardo Fraga, PhD, is Associate Vice Provost for Faculty Advancement, Russell F. Stark University Professor, Director of the Diversity Research Institute, and Professor of Political Science, at the University of Washington. I am a specialist in the politics of race and ethnicity, Latino politics, voting rights, immigration politics, and education politics. I am author, co-author, or co-editor of five books. My two most recent books are the co-authored *Latino Lives in America: Making It Home* (Temple University Press 2010) and the authored *United States Government: Principles in Practice* (Holt McDougal 2010). I have also published forty articles and book chapters in academic venues including the top three journals in political science: the *American Political Science Review,* the *American Journal of Political Science,* and the *Journal of* Politics. I am receiving no compensation for this declaration.

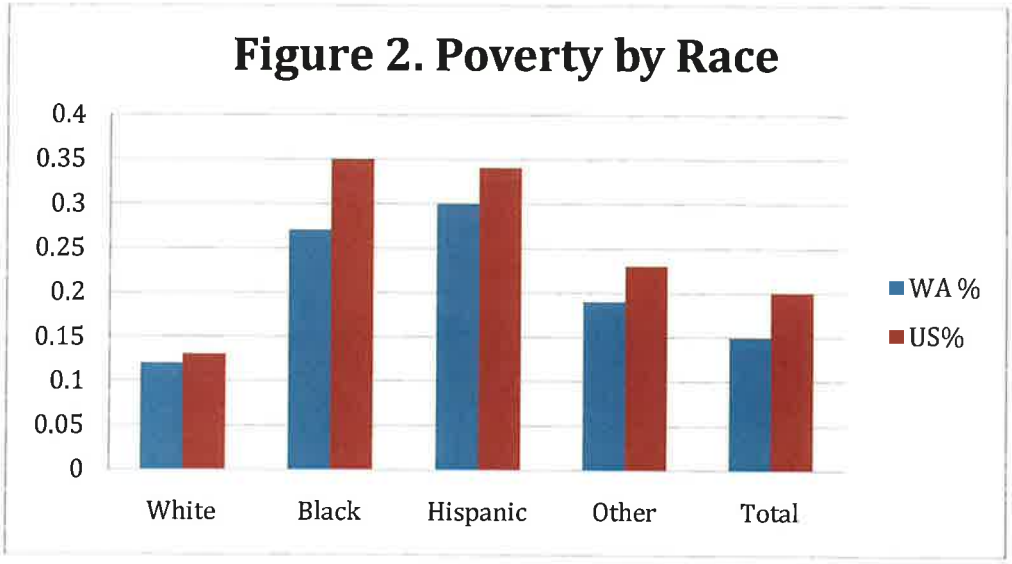
Hispanics/Latinos in Washington State face considerable disparities related to Caucasians/Whites on a number of social indicators. It is likely that these current patterns of disparity are, in part, due to a history of limited access to educational, social, and political institutions and a lack of responsiveness by these institutions to their needs and interests. Below I discuss the nature of these disparities.

In 1970, Latinos were estimated to comprise only 2.1% of the state population. At present, the 2010 Census estimates that they now are now 11.2% of the entire state population. This represents a dramatic growth rate of just under five times over the last forty years. The Census estimates that this growth is likely to continue. If current birth and death patterns are maintained, Hispanics are estimated to comprise 14.5% of the population in 2020 and 17.8% in 2030. The population growth of all racial/ethnic segments of the state population are displayed in Figure 1.



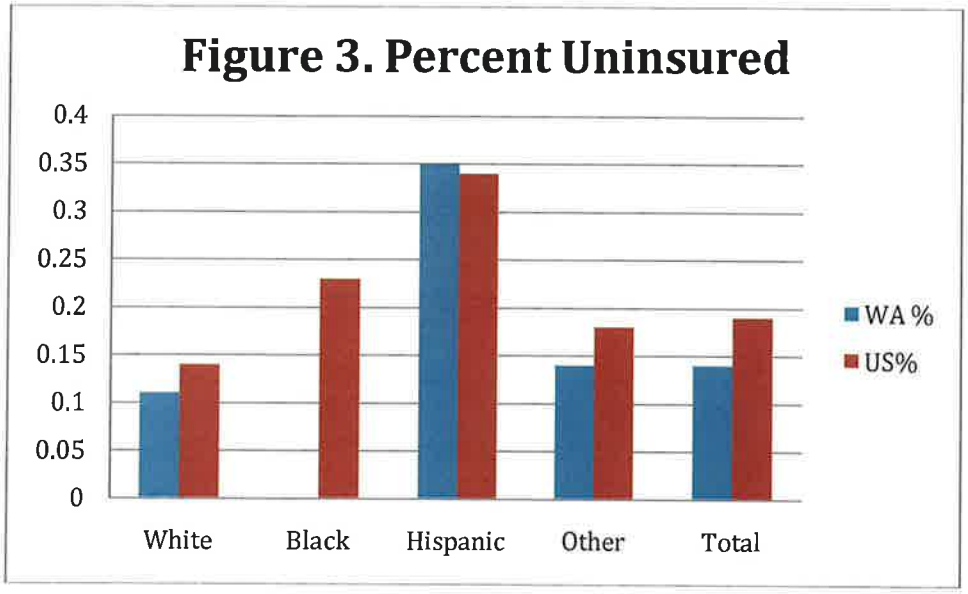
Source: Office of Financial Management, State of WA, and straight-line projections using 2010 Census data

The data in Figure 2 display disparities in poverty rates for major racial/ethnic segments of the population in 2010. Overall, an estimated 15% of all people living in Washington live at or below the poverty level. These data are for 2010. Latinos have the highest poverty rates in the state. It is estimated that 30% of all Latinos live below the official government poverty level. Only 12% of Whites live at or below the poverty level. Similar to Latinos, 27% of African Americans live below the poverty level.



Source: Census Bureau's March 2009 and 2010 Current Population Survey (CPS: Annual Social and Economic Supplements)

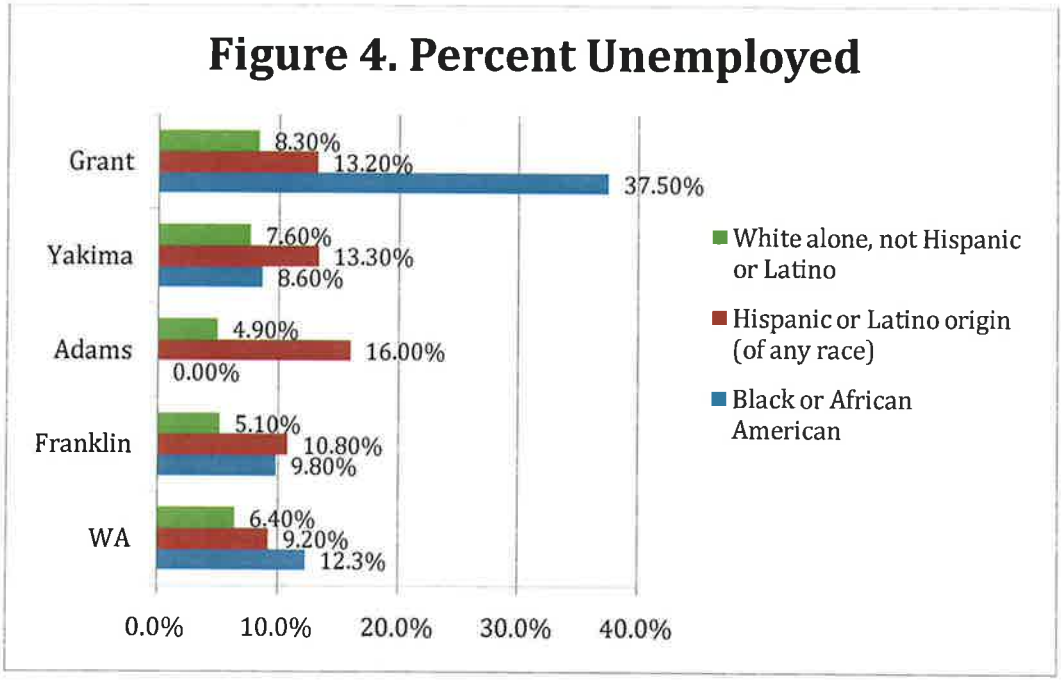
The percent of Washington residents who are uninsured is displayed in Figure 3. Again, it is Latinos who have the most severe disparities relative to whites. It is estimated that 14% of all residents in the state of Washington are uninsured. However, again, Latinos have the highest percentage of their population who are uninsured. A full 35% of Latinos are currently uninsured, where only 11% of whites in Washington do not have health insurance.



Source: Urban Institute and Kaiser Commission on Medicaid and the Uninsured estimates based on the Census Bureau's March 2009 and 2010 Current Population Survey (CPS: Annual Social and Economic Supplements)

Lastly, the data displayed in Figure 4 display rates of unemployment by racial ethnic group. Statewide, both Hispanics and African Americans have unemployment rates that are noticeably higher than that of Whites. It is estimated that 9.2% of Hispanics across the state are unemployed whereas only 6.4% of Whites are out of work. African Americans have the highest unemployment rates at 12.3%.

Figure 4 also displays estimated unemployment rates for selected counties in Washington. We note the racial/ethnic disparities in Yakima County. It is reported that 13.3% of Latinos of working age are unemployed in this county whereas only 7.6% of whites are unemployed. The rate of unemployment for African Americans in Yakima County is below that of Hispanics at 8.6%.

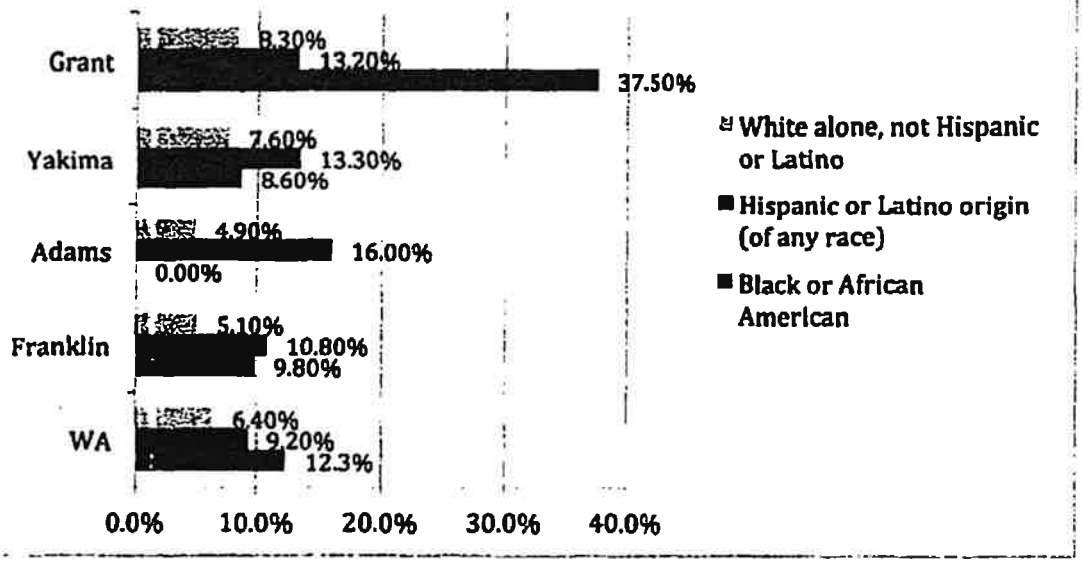


Source: U.S. Census Bureau, 2005-2009 American Community Survey

I declare under penalty of perjury that the forgoing is true and correct.

Luis Ricardo Fraga

Figure 4. Percent Unemployed



Source: U.S. Census Bureau, 2005-2009 American Community Survey

I declare under penalty of perjury that the forgoing is true and correct.

Luis Ricardo Fraga

EXHIBIT 4

Limited Opportunities to Learn among Latino Students in Eastern Washington: A Case of Historical and Contemporary Inequity

Frances Contreras, Ph.D.
Associate Professor
University of Washington

Introduction

Latino students in Washington State face considerable challenges in the educational system due to limited access to comparable school resources, programs and academic supports, an over emphasis on testing and accountability that guides instruction in low-income and low performing school districts, low expectations from their teachers, failure to engage Latino parents in the educational process, and a gross neglect towards EL students in all levels throughout the P-12 system. In rural school districts of this state, five of which I studied less than three years ago, Latinos have historically and continue to experience inequitable access to opportunities to learn and reach their full potential.

In 2008, the Washington State Legislature and Governor Gregoire approved ESHB 2687, a bill that calls for studies to be conducted on the academic achievement gap as it pertains to students of color. The Commission on Hispanic Affairs partnered with me to lead an examination of the achievement gap as well as the likely causes for such disparities in achievement for Latino students.[1] To this end, the research team utilized a multifaceted approach to data analysis, and conducted a mixed-method study (Proyecto Acceso/Project Access) on the profiles, perceptions, and characteristics of Latino students, parents and teachers in select urban, rural and urban ring school districts in Washington State. This paper reflects select findings that pertain to the rural school districts in my sample.

While this study was conducted in the Fall 2008, it is important to note that the status of Latinos throughout the education pipeline in Washington State has not improved. The result of this study and the studies conducted by each of the racial and ethnic commissions in Washington State, Governor Gregoire created during the 2009 session an Achievement Gap Oversight and Accountability Committee (AGOAC). As a Governor appointee to the Achievement Gap Oversight and Accountability Committee, I participated (in 2010) in a host of meetings that included ongoing examination of the very issues each of the racial and ethnic groups cited as barriers to educational achievement and progress towards reducing dropout rates and raising college transition rates. And I continue to research the very issues and findings that resulted from my 2008 study, which include high dropout rates among Latino students, inequitable access to bilingual teachers and resources, and a host of systemic barriers described below as largely responsible for persistent gaps in achievement and educational progress among Latino students in Washington State.

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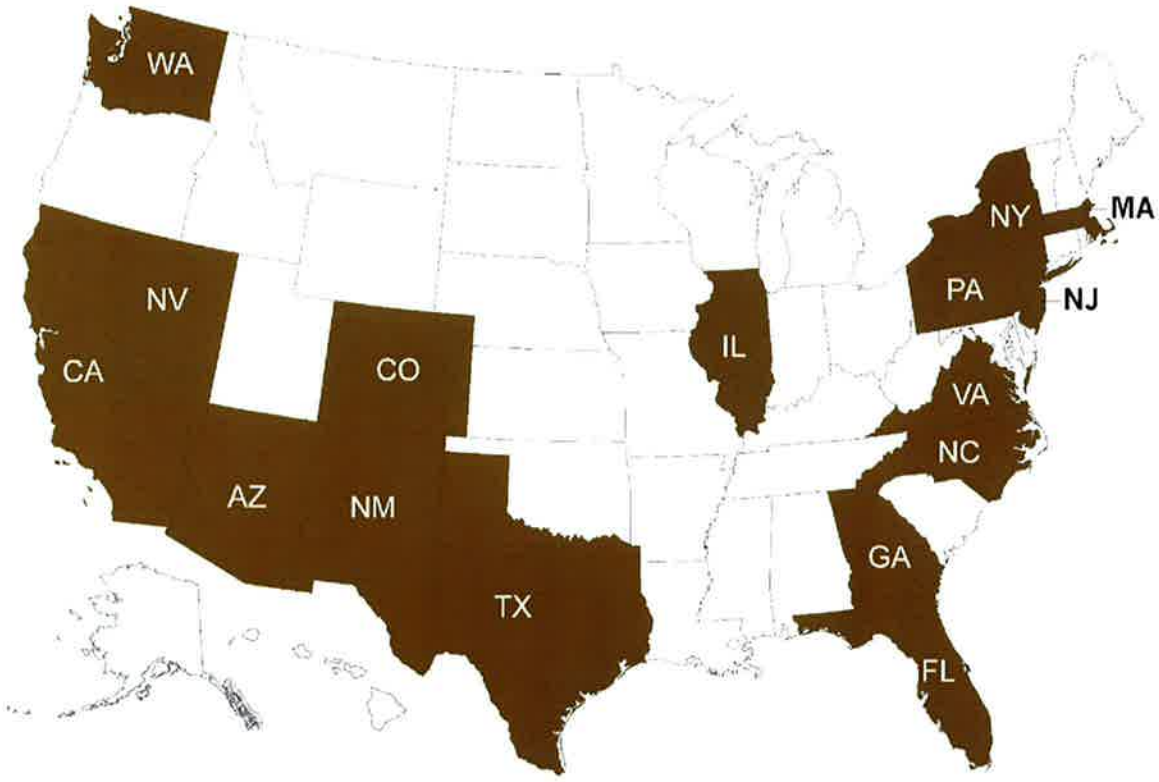
[1] Portions of this document have been adapted from the original report published in December 2008 (Contreras, et. al., 2008) and a forthcoming book chapter with members of the research team.

Background

Between 1986 and 2007, the non-Latino white student population in Washington's K-12 public schools grew by 6 percent, compared to 372 percent for Latinos. Increasingly, throughout eastern Washington's rural communities, Latinos are the majority not minority, often exceeding more than 75 percent of school district student populations. Additionally, in 2008 Latinos were 14.7 percent of the student population and there were 43 school districts in Washington State with 1,000 or more Latino students. Fast forward to 2010, Latino students are now 16.1 percent of the student population and one in five kindergartners is Latino in this state. Figure one illustrates how Latino students in Washington constitute a sizable proportion of students and residents, as this state is one of 16 states with the largest and rapidly increasing resident and student population.

Figure 1
Concentration of Latinos in the United States



Source: Contreras, F. (2011). *Achieving Equity for Latino Students.* New York: Teachers College Press, Columbia University.

While Latino students are distinct in that they represent the fastest growing K-12 public school population, they are distinct, too, in that they consistently rank at the bottom or near the bottom on

state assessments and other indicators of academic achievement. Examining test scores, however, does not tell us *why* test scores for Latino students remain worse overall than any other school population in Washington's K-12 schools. This academic achievement study commissioned by the State Legislature, goes beyond test scores and examines *why* Latino students are performing at their current levels. For one, understanding the opportunities to learn for Latino students in the state of Washington reveals the underlying basis for the gaps in achievement that is evident today.

Findings in the study document that a persistent achievement gap exists between Latino students and their non-Latino white peers. This is consistently found on multiple assessments and indicators of academic achievement used in Washington State. In 2007-2008 for example, Latino students did not meet the federal government's adequate yearly progress (AYP) requirements in reading or math at any grade level—elementary, middle school or secondary.

This study shows that over a ten-year period, progress has been made in reducing the achievement gap in grade 10 WASL reading and writing, but not in math. And under the new assessment, the Measure of Student Progress (MSP--which replaced the WASL in 2010), Latinos are still witnessing sizable gaps compared to their White and Asian American peers. Overall, Latinos have been the lowest scorers on WASL and MSP assessments, with ELL students having lower scores than any other group across all grade levels. Over 66 percent of ELL students in Washington State's transitional bilingual education program are Latinos.

But it is entirely insufficient to discuss test scores as the sole measure of the achievement gap. This is what leads policymakers and educators to label students as "underachievers." While there are students who do not perform well in exams or in school, state leaders have not looked deep enough to find out whether this is a result of individual effort, or the opportunities to learn within the educational system. Perhaps policy makers and educators should better examine those who have "underachieving" expectations for Latino students, rather than placing the onus of achievement solely on the student.

The key findings and recommendations presented here illustrate the critical need for addressing the levels of inequity that Latino students experience in Washington's schools and for raising Latino student achievement. A more detailed discussion of the study findings that pertain to the Eastern Washington rural districts follows the summary of the overarching key findings. The results from the mixed-methods conducted include a chi square analysis by district type and results from the qualitative data analysis from 29 interviews we conducted with teachers.

Key Findings from Washington Opportunity to Learn Study

Key Finding One: Latino student achievement on the WASL is consistently low in all areas, particularly math. This pattern of achievement is also seen in college entrance exams such as the ACT or SAT. For ELL students, achievement levels are even lower, and do not significantly increase as the student progresses through high school, making them unlikely to pass the WASL exit exam.

Key Finding Two: A comprehensive data and evaluation system is not readily available that monitors annual student achievement and progress longitudinally. Researchers are unable to conduct cohort data analysis, monitor access to curriculum, or to closely monitor student progress using multiple measures. For example, understanding the longitudinal progress among EL students

in the state should be data that is readily available through CEDARS. However, these data are not openly accessible and questions around district and school accuracy remain.

Key Finding #3: Cohort graduation rates among Latino students were approximately 56 percent in 2006, using Swanson's (2004) CPI method. The state of Washington is losing close to half of its Latino students before high school graduation.

By conservative measures, and using the 2008 OSPI cohort data, approximately 30 percent of Latinos dropped out of high school, and 34 percent of ELL students dropped out before graduating. States and districts need to continue ongoing efforts (see Ireland, 2007) to better understand whether students are leaving because they are not likely to have enough credits to graduate, and as a consequence are not at grade level, cannot pass the WASL, or due to other school-related factors. In addition, it is unclear whether an infrastructure for academic support has been built into the CORE 24 requirements.

Key Finding # 4: There is shortage of bilingual, bicultural teachers in the state of Washington despite rapid demographic growth of ELL students statewide.

Latino teachers represent a mere 2.7 percent of the total teaching population in Washington, while Latinos are now 14.7 percent of the student population. The survey findings conducted from this study conveyed a largely first-generation Latino population. This survey revealed that the majority of Latino families speak Spanish as the primary language in the home. This presents a unique challenge to our educational system that cannot be overstated.

"Latino students need teachers they can connect with. They come to school only to learn that all they have known all their lives is wrong or taboo."

The majority of Latino parents in the survey sample had either an elementary education or some high school as their highest level of education. This leads to educational, social and cultural challenges. As a Latino teacher commented when surveyed: "Latino students need teachers they can connect with. They come to school only to learn that all they have known all their lives is wrong or taboo."

The United States is nearly alone among developed nations where bilingualism or multilingualism is seen as a threat rather than an asset. By increasing the level of multiculturalism and linguistic diversity in the teacher workforce, thereby raising the capacity to better educate first-generation students, the state of Washington would be better positioned to be competitive in the global marketplace.

Key Finding #5: There is a disconcerting lack of clarity around models used for ELL instruction and a considerable variation regarding the use of paraprofessionals in the schools with high Latino concentrations.

Many of the schools the team visited used an "inclusion model" for ELL student instruction, but the definition of such a model varied significantly. In most instances, ELL students were not receiving supplemental bilingual academic support while enrolled in mainstream classes delivered in English. In addition, due to language barriers, students or paraprofessionals were often used as translators in these contexts, to assist their peers to deliver math content, rather than the teacher.

In addition to the inconsistent pedagogical strategies, paraprofessionals are being asked to carry a great deal of the responsibility for educating ELL students. During scheduled visits to schools to administer survey and conduct teacher interviews, the research team found a heavy reliance on paraprofessionals, from translating in classrooms, to direct delivery of curriculum content. Teachers commented that they "had to rely heavily on their 'parapro' to assist the ELL students" in their classrooms. Paraprofessionals do not possess the same level of qualifications as classroom teachers, and this overreliance on paraprofessionals calls into question the quality of educational service delivery for Latino students, particularly ELL students.

Key Finding #6: Latino parents experience a considerable level of isolation with schools, in part due to a language barrier, but also largely due to an environment in the schools where parents feel unwelcome.

Language was found to be a significant barrier to Latino parent participation in schools. Parents frequently commented that they would like to see more effort by school staff to personally communicate with them about their child's performance in school. In addition, a considerable percentage of parents (48.5 percent) responded that they needed bilingual services to communicate with teachers and staff, yet over a third of the survey participants (35.4 percent) were not offered a translator when interacting with school personnel. Just as we use WASL and test scores to hold students accountable for their learning, an instrument should be developed to hold school districts accountable for the capacity not only to communicate effectively with parents, but also to make it possible for parents who do not speak English to be involved in their child's education.

Key Finding #7: A seamless continuum to college does not exist for Latino students. In particular, information about college and financial aid for students is lacking, especially for 1079 students.

The survey results indicated that a very high percentage of Latino students wanted to attend a four-year college after high school (60.2 percent). They also wanted "to know how college works" and greater information on the college application process and requirements. There was also clear misunderstanding of House Bill 1079 (HB 1079), a law approved by the state Legislature in 2003 that allows undocumented students who meet specified criteria to pay in-state tuition to attend Washington colleges and universities. Knowledge and accurate information was lacking in many of the schools and regions that the research team visited to obtain student and parent data.

The Study Results

The research team had a multifaceted approach to data collection, one that acknowledged the concentration of Latino students and their families in the state. As a result, the researchers sought district sites with a representative sample of Latino students and Latino community members. From October 8, 2008 through November 21, 2008 the research team surveyed 461 students in 14 schools, 8 High Schools and 6 Middle Schools, interviewed 28 teachers, surveyed 244 teachers in the study sites, surveyed 247 parents at 17 community and parent events, and surveyed 167 Latino teachers in the state through the mail. The survey results are presented in this section as well as select quotes from the field notes taken by research team members throughout the data collection period. Descriptive statistics are used to present an overview of the student, parent and teacher views on their experiences, practices, and aspirations.

A Profile of the Latino Student Participants and the Schools they Attend

The Latino student study design sought input from 8th and 10 grade students in their math classes. The survey data was collected in 18 schools, 8 high schools and 6 middle schools from October 9-November 21, 2008 in districts with a representative sample of Latino students in urban, urban ring and rural school districts in various regions throughout the state. The criteria for district selection was based on several criteria, including: geographical distribution, percent free and reduced lunch, percent concentration of Latino students in the district, percent ELL, graduation rates, percent Latino students meeting the 8th grade Math and Reading WASL standards.[2] Together, these criteria enabled the research team to identify a representative sample of school districts from urban, rural and urban ring settings for survey data collection.

Since the subject of Math is widely documented as a gatekeeper subject to college enrollment and attainment[1] in addition to being a marker of course rigor in school, the study design was purposeful in attempting to gain the participation of students in their math classes as well as interview math teachers. Three to four math classes in each high school and middle school were targeted for data collection, one of which was an English learner math class (or a designated EL class if a math class was not offered). Students in each school also participated in survey and focus group data collection where they were asked a series of questions about their experiences in school, with their families, interaction with teachers. The focus group protocol elaborated on the themes embedded in the survey. Students from all levels of Math classes were selected for survey participation to provide for a range of low, middle and high achieving student respondents.

[2] Where possible an update on test scores for Latino students using select rural school districts have been inserted into this document. These districts were not part of the Opportunity to Learn Study in Washington State. Due to my Human Subjects agreements, I am not able to provide the names of the actual schools and districts that participated in this study. Publicly available data are therefore used in the sample districts that are named.

For the purpose of this document, the school districts selected for survey data collection are anonymous. Pseudonyms, as seen in Figure 2 are therefore provided to respect the privacy of the schools that agreed to participate in this study. The school characteristics were a way to ensure that the schools selected for the survey data collection were representative of the multiple school contexts that Latino children experience in Washington state (See Appendix A for Criterion).

Figure 2: Characteristics of Districts based on Criteria, Fall 2008

	District Characteristics		Student Demographics		Achievement		
School District	Geography	% FRPL	% Latino/a Composition	% ELL	Graduation Rates (2004-2005)	% Latino/a students meeting 8th Grade WASL Standards Reading	Math
Rural-Brillante	Rural Small	High	High	High	Medium	Low	Low
Urban-Esperanza	Urban Large	Low	Low	Low	High	High	Medium
Rural-Ganas	Rural Small	High	High	High	High	Low	Medium
Urban-Hacer	Urban Ring	High	Medium	Medium	Medium	Low	Low
Rural-Luz	Rural Small	High	High	High	High	Low	Medium
Urban-Excelencia	Urban Ring	Medium	Low	Low	High	High	High
Rural-Saber	Rural Large	High	High	High	High	Low	Medium
Rural-Talento	Rural Small	High	High	High	Low	Low	Medium

The school district profile illustrates an over sampling of rural districts because a sizeable proportion of Latinos live in the rural communities in this state, with many Latinos working in the agricultural sector. In addition, the rural context for education is largely overlooked in the research studies that have been conducted on Latino students. Yet, their experiences are critical to factor into the discussion on the best approaches to raising Latino student achievement. The research design therefore acknowledges the geographic distribution and presence of Latinos and their families in Washington, which is throughout the entire state.

All of the rural school districts in the sample had high percentage of students who qualified for free and reduced lunch. The small rural and large rural districts also had sizable Latino student populations, and have witnessed ongoing growth in the birth rates and migration patterns of Latinos over the past ten years. Interestingly the school districts also had medium to high graduation rates based on our criteria in comparison to other school districts in the state.

The urban school districts represented the full range of socioeconomic status, as measured by students classified as needing free and reduced lunch in the district, with one district each classified as low, medium and high. These districts also varied in student performance on the 8th grade WASL in reading and math. However, they were similar in their graduation rates (Medium or High), the percent ELL, and their Latino composition.

The district characteristics also illustrate low to medium 8th grade WASL achievement levels for Latino students in Reading and Math in the majority of districts, with the exception of the two urban districts, Excelencia and Esperanza. And while the research team asked over 16 districts to participate in this study, eight districts confirmed participation.

For the purpose of this report all of the responses for Latino students vs. their non-Latino peers are

aggregated, an obvious limitation of the study. I present here subsequent analyses by school type that we have conducted since the report was first published. The descriptive data presented represents the data results from an intensive seven-week data collection period among teachers students and parents in five rural school districts in Washington State and 3 urban and urban ring school districts. Our ongoing analysis both the survey and qualitative findings has revealed differences by regional type, which I will discuss here.

Student Characteristics of Survey Respondents

Out of a survey sample of 468 students, over half, 256 students were from one of five Latino groups. The majority of the Latino Students, 98 percent were from Chicano/Mexican American backgrounds (n= 245). Students in the Non-Latino category are represented by all ethnic groups (n=212 or 45.3 percent of the total student sample), with Whites representing the largest group (52.5 percent), followed by Asian Americans (24.6 percent), African Americans (3.9 percent), American Indians (4.4 percent), and students who marked "Other" represented 14.5 percent of the sample. All of the ethnic groups, due to their relatively small sample sizes, were aggregated to create a Non-Latino group, although the authors fully acknowledge the distinct experiences of other communities of color in the public education system. The majority of Latino and Non-Latino students who participated in this study were female, 57.6 percent of Non-Latinos, and 55.1 percent were Latinas.

Language

Spanish was reported as the primary language in the home for 75.9 percent of the Latino students in the sample who identified themselves as Mexican American/Chicano, South American, Cuban, Puerto Rican, or Central American. The majority of non-Latino students also spoke English as the primary language at home (58.9 percent), however there was a considerable degree of language diversity among the Asian American students in the sample. While Latino students reported speaking Spanish at home, they also reported a high level of fluency in English, with 81.9 percent acknowledging that they were fluent in English comparable to the Non-Latino group (81.5 percent) as seen in Table 1.

TABLE 1: FLUENT IN ENGLISH, LATINOS COMPARED TO NON-LATINOS (PERCENT)

	Latino		Non-Latino	
	N	Percent	N	Percent
Yes	204	81.9	167	81.5
No	45	18.1	38	18.5
Total	249	100	205	100

In addition to Spanish being the primary language in the home, the students overwhelmingly mentioned in school visits how the language barrier and lack of bilingual staff was the main reason for their parents lacking a greater level of interaction with the school. Students often explained that they would translate for their parents. When parents did interact with the school, the students themselves were often the translators. One example of the student as translator is the student led conferences, described to the researchers while visiting rural middle schools. While this is a very promising practice, the fact that the student was the sole translator for the parent and the teacher is cause for concern (with respect to direct and accurate translation) and a reflection of the limited translation services parents have access to when trying to communicate with school officials about the achievement levels of their child.

Students also explained to research team members that their "parents didn't feel comfortable coming to campus and that it was difficult for them to understand the college process, let alone its importance when they didn't even understand the K-12 system here in the United States." One high school student in particular suggested that it might be beneficial for the school, at the beginning of the year, offer an evening event for Latino parents in Spanish that informs them how the US education system works. The students in this small rural school (Brillante) also praised the recent hiring of a new Latina teacher and indicated that her hiring was already "creating a more welcoming environment."

Socioeconomic status

Consistent with the profiles seen for the Latino parent sample, and although the samples were not linked to the student data, Latino students had parents with considerably lower levels of parental education. Latino students in the sample were more likely than their peers to have parents with either "some high school" or "grade school or less" as the highest level of their father's education. Latino students had 50.6 percent of their fathers with a grade school or less education, compared to their non-Latino peers, where only 15.2 of students had fathers completing a "grade school or less" education. A similar profile exists for the mother's education level, where Latino students have mother's with a high school or less education. While over 75 percent of all students in the sample were unable to report their parent or family income levels, the parent education data suggests that Latino families are likely to be in the lowest income brackets within their regional context.

TABLE 2: FATHER'S EDUCATION LEVEL

	Latino		Non-Latino	
	N	Percent	N	Percent
Grade School or less	121	50.6	29	15.2
Some High School	75	31.4	49	25.7
High School Diploma or Less	24	10.0	32	16.8
Business or Trade School	1	.4	5	2.6
Some College	7	2.9	29	15.2
Associate or Two-Year Degree	3	1.3	11	5.8
Bachelor's or Four Year Degree	3	1.3	19	9.9
Graduate or Professional Degree	5	2.1	17	8.9
Total	239	100.0	191	100.0

TABLE 3: MOTHER'S EDUCATION LEVEL

	Latino		Non-Latino	
	N	Percent	N	Percent
Grade School or less	95	38.8	32	16.1
Some High School	86	35.1	32	16.1
High School Diploma or Less	34	13.9	40	20.1
Business or Trade School	-	-	5	2.5
Some College	13	5.3	45	22.6
Associate or Two-Year Degree	5	2.0	14	7.0
Bachelor's or Four Year Degree	7	2.9	21	10.6
Graduate or Professional Degree	5	2.0	10	5.0
Total	245	100.0	199	100.0

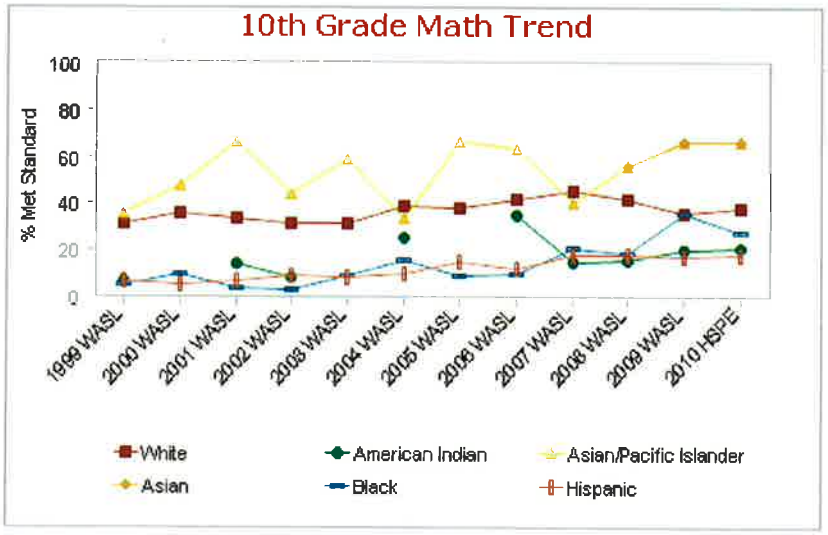
Testing & Accountability

The WASL scores for Latinos compared to their White and Asian American peers over a 10-year period convey consistently lower levels of achievement in Reading, Writing and Math. In this study we focus on Math achievement levels because math is considered to be the gatekeeper for college preparation among students, and gaps in math achievement begin very early in the education pipeline, ultimately limiting later postsecondary options and aspirations for Latino and underrepresented students (Chavez, 2004; Contreras, 2005; Cabrera, Swail & Lee, 2004; Gandara & Contreras, 2009). Further, in all of the years we assessed for AYP, with the exception of 2003, Latino students did not meet the proficiency standards in Math.

The gap in students meeting the WASL standard in Math in 1997/98 between Latinos and Whites was 24 percent and in 2007-2008 the gap between Latino students and Whites was 29.4 percent. At the 7th grade level, the gap in the percentage of students meeting the WASL standard was 17.3 percent between Latinos and Whites, and in 2008, this gap was 29.7 percent. For 10th graders, the picture of lower achievement continues, with the gap in 1997/98 between Latinos and White students meeting the 10th grade Math WASL standard was 26.5 and in 2008, the gap was 29.5 percent. While Latino and all students have reported gains over the past 10 years, there remains a considerable achievement gap, particularly in the subject of Math.

And under the new Measure of Student Progress Exam (MSP) first implemented in 2010, the test scores reveal gaps consistent or worse with the Latino test scores on the WASL. Using Yakima School District, a large rural district where Latinos comprise 67% of the student population, considerable gaps in math achievement still exist. And when comparing the achievement of Latinos to their peers across an 11-year trend, Latinos are more likely to score below all ethnic groups in Math. What is most problematic about these data is the fact that high school assessment in this state is used as an exit exam. Thus, students who fail to pass these exams do not earn a diploma from high school until they pass the exam or pursue an alternate route (e.g., GED) to the high school diploma.

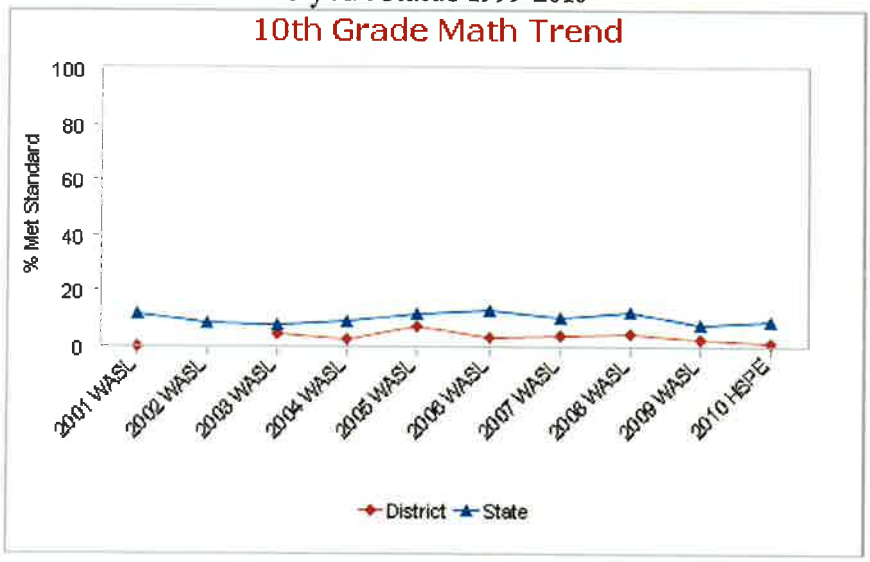
Figure 3
Yakima School District High School Proficiency Exam (HSPE) 10th Grade Math Results By Race/Ethnicity 1999-2010



Source: OSPI, 2011.

For EL students, these gaps in achievement are even more sizable. And since the majority of EL students in this state and nationally speak Spanish, the EL students that remain grossly underserved across district contexts further exacerbate the lower achievement levels among Latino students.

Figure 4
Yakima School District High School Proficiency Exam (HSPE) 10th Grade Math Results By EL Status 1999-2010



Source: OSPI, 2011.

Consistent with the current NCLB policy expectations for teachers, almost all teachers (99.2 percent) reported that meeting WASL standards was either a "very high priority" or a "priority" at their school. However within rural schools (Table 1), teachers (74.7%) where more likely to report that meeting WASL standards is a "very high priority" at their school than teachers within urban (49.3%) and urban ring (49.4%) schools, (Fisher-Freeman-Halton test = 16.74, $p < .0001$). This suggests that accountability concerns are especially salient for rural teachers, which could potentially impact the curricular focus for students in these schools such as teaching to the test.

TABLE 4: CROSSTABULATION OF SCHOOL TYPE AND PRIORITY OF MEETING WASL STANDARDS

Priority of Meeting WASL Standards	School Type			$\chi 2$	Φ
	Urban	Urban Ring	Rural		
Very High Priority	49.3%	49.4%	74.7%	16.16**	.25
	(35)	*(41)*	*(71)*		
Priority	49.3%	49.4%	25.3%		
	(35)	*(41)*	*(24)*		
Low Priority	1.4%	1.2%	0%		
	(1)	*(1)*	*(0)*		

*Note. **= $p \leq .01$. Group frequencies appear in parentheses below row percentages. N=249.*

The role of teachers has expanded and intensified during the era of accountability where teachers are now asked to "...relate to their students differently, enact pedagogies that are often at odds with their vision of best practice, and experience high levels of stress" (Valli & Buese, 2007, p. 520). Often in large schools, the school counselor is overburdened with student case-loads making the classroom teacher a potentially sole access point for college information for many Latino students (Contreras, et. al., 2008). However as the policy climate of the district becomes more high-stakes, the scope and intensification of teacher roles could potentially have unintended consequences for implementing these expanded responsibilities (Valli & Buese, 2007). In the case of Washington State, the policy climate has clearly influenced pedagogical approaches in the classroom.

Teachers discussed the pressure they felt to raise their schools' math scores and how this leads them to teach to the test. As a result, rural schools have adopted school-wide initiatives such an "advisory period" to prepare students for the test. These advisories in many schools are class periods designed to practice WASL questions and engage in test taking strategies. In a small rural school district that we visited in Eastern Washington, a math teacher in a school that is over 90 percent Latino, explained how he "teach [es] an advisory class comprised of students in 9^{th}-12^{th} grade where they work on practicing WASL test questions during this period." This math teacher, who has been in this school and district for over 15 years did not see the problem with having students from all grades in his "advisory" class despite the fact that these students are obviously at different levels in mathematics. This approach to pedagogical service delivery based on the state testing structure raises questions about the value of the math content Latino students in this class are exposed to and whether four years of such a period does more harm than good in raising mathematics achievement

levels. Teachers from Eastern Washington consistently conveyed how the high stakes testing climate influenced teaching. Another female middle school math teacher from a rural school described explains:

> I'm teaching to the WASL and the standards, which I think is OK. [But] then I can't really branch out and do any fun activities that provide additional supports, because I have to cover so much in a year.

While the pressure to improve student performance was described among teachers from all district types, the accountability climate played a central role in influencing the teaching and pedagogical approaches of teachers from rural school districts. These findings suggest a collective approach to teach to the WASL has emerged within these districts (that have some of the lowest WASL passing rates) as the answer to raising achievement, as narrowly defined by standardized test scores. While the name of the exam has been changed to the Measure of Student Progress (MSP), and the High School Proficiency Exam (HSPE) these data suggest that the high stakes climate in Washington is likely to remain across all district contexts, and directly influence teaching practice.

Teacher Expectations for Latino Students

Over 65 percent of the teachers surveyed believed that 25 percent or less of their Latino students would attend a four-year college in the future. There was also district variation in teacher responses. Teachers from urban school districts were most likely to report that less than 25 percent of their Latino students would attend college. With these low expectations of their 8th graders or 10th grade Latino students, it is difficult to know how these beliefs translate into practice in the classroom (Contreras, 2011). Teachers also believed that their Latino students were not prepared for college with 30.6 percent of teachers responding that 25 percent or less are prepared attend college. These data do not match with the student survey data, where well over 73 percent of Latino students aspired to earn a Associate's degree or higher (Contreras et. al., 2008; Contreras, 2011; Contreras, Torres, O'Reilly-Diaz & Esqueda, forthcoming). Researchers have found that non-minority teachers often possess lower expectations for their Latino and underrepresented students, which influences their efforts to assist struggling minority students or provide them with the necessary academic support to raise achievement (Contreras, 2011; Contreras, et. al., 2008; Delpit, 1995; Rousseau and Tate, 2003; Nieto, 1992, 1996; Haycock, 1998: Tatum, 1995; Ladson Billings, 1995; Hale-Benson, 1986; Delpit, 2001).

TABLE 5: PERCENT OF LATINO STUDENTS THAT TEACHER BELIEVES WILL ATTEND A FOUR-YEAR COLLEGE

	N	Percent
Less than 25%	89	37.7
25%	65	27.5
Half-50%	70	29.7
75%	11	4.7
Over 90%	1	.4
Total	236	100.0

A Mexican American teacher from a rural school district described this climate among teachers as "highly problematic," explaining that she had witnessed countless racist comments by school staff

during her tenure at her school. She recommended more teachers that understood the culture of Latino students to raise student engagement and achievement levels:

> Latino students need teachers they can connect with. They come to school only to learn that all they have known all their lives is wrong or taboo. They begin to reject their cultural values and language only to be replaced by the English language and American values. And when they begin to see that they still are unable to please, they begin to reject it all and turn to gangs or are complacent with minimum wage jobs and they *quit* school unfortunately.

Many teachers also expressed how their Latino students "don't visualize themselves as a success." This was a common sentiment across district contexts in the interview data. One teacher from a rural middle school also categorized her Latino students as "unmotivated" and not seeing the "bigger picture."

> Unmotivated [Latino] students sometimes don't see the bigger picture. They haven't had any role models or any family members that have gone to universities or colleges… they don't see themselves down the road. They just see today tomorrow or next week. They don't see a year from now or two years from now.

Another theme that emerged from the teacher data across all districts was the strong belief that Latino students' poverty greatly influenced their experiences in school. And in rural schools, teachers further conveyed how poverty played a strong role in limiting student awareness and knowledge of their options. A teacher from a small rural district explained, "Probably the biggest challenge I think we have with these students is their poverty level, and things that they just don't know."

These findings are consistent with the literature on aspirations and college awareness as related to peer networks and relationships to adults that serve as role models (Gandara, 1995; Stanton-Salazar & Spina, 2003). They suggest the need for greater student exposure to efforts within the school but perhaps out of the classroom to raise student exposure to role models, and college information. One program frequently discussed by teachers was the GEAR Up program in their school that selects students to engage in a range of college preparedness programs. Such efforts offer a viable mechanism for supporting schools in raising aspirations, achievement and providing greater support to Latino students (Gandara & Contreras, 2009; Gandara & Bial, 2001).

Teacher Interaction and Engagement Levels with Latino Parents

Latino parents can often feel unwelcomed or misunderstood navigating their child's school context. When participating in activities designed to increase parental involvement (such as PTA or parent-teacher conferences) Latino parents regularly feel confused or frustrated about the school structures, expectations for parents, and the inability to communicate key information through lack of translation services (Contreras, et. al., 2008; Gandara & Contreras, 2009; Hill & Torres, 2010). When asked about the nature of their interaction with Latino parents, responses differed by district context with 44.1 percent of teachers in rural schools interacting with Latino parents at least once a month compared to teachers in urban ring (24.6 percent) and urban (18.5 percent) schools, X_2 (10, N = 224) = 36.87, p <.001.

The competencies and insights that Latino parents can bring to the classroom about Latino student learning is often underutilized by both Latino parents (Yan & Lin, 2005) and teachers (Jones, 2003; Rodriguez & Lopez, 2003) due to either Latino parents' deference towards teacher professionalism and expertise and/or teacher' misconceptions about Latino parents' lack of concern or knowledge about their child's education. According to our statewide study, teachers within urban schools (35.1 percent) were more likely to report seeking input from Latino parents about their experiences and/or their achievement in school only "once an academic year," while teachers within rural schools (38.8 percent) were more likely to report seeking input "once every 4-6 months," X_2 (10, N = 211) = 25.30, p <.05.

Interaction with parents can also be through school-initiated parental involvement activities. As seen in Table 5, teachers in rural schools (71.2%) relied more heavily student parent conferences to communicate with Latino parents than teachers in urban ring (59.5%) and urban (26.9%) schools; while teachers within urban schools were more likely to report higher percentages of parent interaction through parent nights (30.8%) and discipline issues (13.5%) than their urban ring and rural peers, X_2 (10, N = 148) = 27.04, p <.05.

TABLE 6: CROSSTABULATION OF SCHOOL TYPE AND NATURE OF TEACHER INTERACTION WITH PARENTS OF LATINO STUDENTS

Type of Contact with Latino Parents	School Type			$\chi 2$	Φ
	Urban	Urban Ring	Rural		
Student Parent Conference	26.9%	59.5%	71.2%	27.04*	.43
	(14)	*(22)*	*(42)*		
Discipline Issue	13.5%	5.4%	6.8%		
	(7)	*(2)*	*(4)*		
Parent Night	30.8%	18.9%	6.8%		
	(16)	*(7)*	*(4)*		
After School Program	3.8%	2.7%	3.4%		
	(2)	*(1)*	*(2)*		
Community Organization	0%	0%	1.7%		
	(0)	*(0)*	*(1)*		

*Note. *= $p \leq .05$. Group frequencies appear in parentheses below row percentages. N=148.*

Latino parents in our study expressed a lack of full knowledge of the U.S. education system and difficulty engaging school staff and teachers to better advocate for their child. These structural and linguistic barriers inhibit Latino parent involvement. The efforts to schedule parent interaction around parent schedules varied by district context, X_2 (8, N = 228) = 45.47, p <.001. Teachers within rural schools (53.8 percent) were more likely than urban (21.7 percent) and urban ring (22.1 percent) teachers to report always making an effort to schedule parent nights and conferences at convenient times for Latino parents (Table 7). However, one of the key findings that were revealed in the teacher interviews was the use of Latino students as translators for the parent-teacher conference. It is difficult therefore to assess the quality and accuracy of this interaction if students are translating their own progress to their parents.

Scheduling parent interaction around parent schedules (e.g., weekends, later in evening) is critical

given the long hours that Latino parents work, particularly immigrant or first-generation Latino parents (Delgado-Gaitan, 2001; Soza, 1997). The lack of Latino parent involvement has often been misinterpreted by teachers as a lack of interest in their child's school, but the reality is that Latino parents very much value the education of their child (Scribner, Young & Pedroza, 1999; Soza, 1997).

TABLE 7: CROSSTABULATION OF SCHOOL TYPE AND SCHOOL EFFORT TO SCHEDULE PARENT NIGHTS/CONFERENCES AT CONVENIENT TIMES FOR LATINO PARENTS

School Accommodates for Latino Parents	School Type			χ^2	Φ
	Urban	Urban Ring	Rural		
Always	21.7%	22.1%	53.8%	45.47***	.45
	(13)	*(21)*	*(49)*		
Most of the time	35.0%	39.0%	37.4%		
	(21)	*(30)*	*(34)*		
Sometimes	25.0%	31.2%	7.7%		
	(15)	*(24)*	*(7)*		
Rarely	13.3%	7.8%	1.1%		
	(8)	*(6)*	*(1)*		
Never	5.0%	0%	0%		
	(3)	*(0)*	*(0)*		

*Note. ***= $p \leq .001$. Group frequencies appear in parentheses below row percentages. N=228.*

Teachers perceived the limited levels of Latino parent involvement to be a reflection of their immigrant status, lack of knowledge of the U.S. education system, or diminished value for education. A high school teacher from a rural school explained:

> The only challenge is the families that have come straight from Mexico. There are very few that value an education…it is not high on their priority list.

These sentiments toward Latino parents were commonly expressed among the middle and high school math teachers we interviewed. And these data do not match the high aspirations that Latino parents in our sample had for their children, with over 90 percent wanting their child to earn a Bachelors degree or higher (Contreras, 2011). With these biased perceptions of Latino parents, it is no wonder then why the teachers of Latino students do not believe that Latino students value education and over 65% of teachers believed that less than 25% of their students would attend college. What is so problematic with these data is the fact that we interviewed teachers at the beginning of the 8th grade year, and 10th grade year—prior to the transition to high school and early in the high school career. Teachers in rural school districts had preconceived notions of Latino student aptitude for college, which perhaps influences the low college readiness and transition rates among Latino students.

Conclusion

Latino students in rural Eastern Washington continue to face issues of exclusion from college-going curriculum and programs (e.g., Running Start), and low expectations from their teachers. The findings from the 2008 data collection and 2010 secondary data from the HSPE convey a story of minimal investment in Latino students. Given the sizable and growing composition of Latino students in the school districts in Eastern Washington, it is critical for the state to examine the state of equity in basic education services for all students, as outlined in Judge Erlick's decision in *McCleary*. Raising the level of equity in Latino student access to college-going curricula (such as AP and Honors), quality teachers with high expectations, school resources, EL services, and academic supports, would serve as investment with incalculable returns.

I declare under penalty of perjury that the foregoing is true and correct.

_____

Frances Contreras, Ph.D. Date

Conclusion

Latino students in rural Eastern Washington continue to face issues of exclusion from college-going curriculum and programs (e.g., Running Start), and low expectations from their teachers. The findings from the 2008 data collection and 2010 secondary data from the HSPE convey a story of minimal investment in Latino students. Given the sizable and growing composition of Latino students in the school districts in Eastern Washington, it is critical for the state to examine the state of equity in basic education services for all students, as outlined in Judge Erlick's decision in *McCleary*. Raising the level of equity in Latino student access to college-going curricula (such as AP and Honors), quality teachers with high expectations, school resources, EL services, and academic supports, would serve as investment with incalculable returns.

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Frances Contreras

Frances Contreras, Ph.D.

June 5, 2011

Date

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APPENDIX A: Criteria for District Selection for Data Collection

Geographical Distribution: Rural Small = <4,000, Rural Large= >4,000, Urban Ring= <20,000, Urban Large= >20,000

Percent FRPL: % Free or Reduced-Price Meals in school districts reported to OSPI in May 2007; Low= <30%, Medium= 30%-50%, High= >50% (Statewide Average 36.8%)

Percent Latino/a Composition: Latino student population in the school district reported to OSPI in October 2006; Low= <15%, Medium= 15%-30%, High= >30%. (Statewide Average: 14%).

Percent ELL: traditional bilingual students in school districts reported to OSPI in May 2007; Low= <10%, Medium= 10%-25%, High= >25%. (Statewide Average: 7.5%)

Graduation Rates: percent of graduation rates in school districts determined by Education Weekly for 2004-05; Low= <50%, Medium= 50%-60%, High= >60% (Statewide Average 56.9%)

Percent Latino/a students meeting 8th grade Math WASL standards: percentages reflect students who scored in the Level 3 (400-417) and Level 4 (418 and above) proficiency on the WASL for the 2006-07 school year; Low= <25%, Medium= 25%-30%, High= >30%. (Statewide Average: 27.2% in 2006-07 school year)

Percent Latino/a students meeting 8th grade Reading WASL standards: percentages reflect students who scored in the Level 3 (400-431) and Level 4 (432 and above) proficiency on the WASL for the 2006-07 school year; Low= <45%, Medium = 45%-50%, and High= >50%. (Statewide Average= 50% in 2006-07 school year)

[1] Gandara and Contreras, 2009; Chavez, 2004.

EXHIBIT 5

WHITMAN COLLEGE

June 6, 2011

Sarah A. Dunne
Legal Director
ACLU of Washington Foundation
901 Fifth Ave, Suite 630
Seattle, WA 98164

Dear Ms. Dunne:

1. This letter outlines major findings from five years of research (2005-2009) on social, economic, and political inequalities currently facing Latinos in Washington State, and affecting all whose conditions of life are influenced by the wellbeing of Latino residents of the state of Washington. The research has been done by undergraduates at Whitman College under my direction in an ongoing community-based research (CBR) program that I founded in 2005 titled "The State of the State for Washington Latinos." This CBR program brings students into collaboration with community organizations to probe the reasons behind racial-ethnic inequalities and to propose solutions. We also conduct systematic public outreach to bring our research findings and recommendations to policy makers, organization leaders, and the public at large. Our goals are:

   a. To promote a more inclusive and active culture of democracy in our region.
   b. To enhance the effectiveness of our partners' programs.
   c. To catalyze informed public policy decisions that ameliorate racial-ethnic inequalities.
   d. To develop a new generation of intellectually astute and public-spirited young leaders.

Each fall semester in which the project runs, student researchers gather and analyze data to probe the reasons behind racial-ethnic inequalities, evaluate programs intended to diminish them, and propose new solutions. Students situate their original empirical analyses in critical relation to prior studies. Each student works in collaboration with a specific partner from a community organization, and under the intensive supervision of the professor to ensure the quality of the research design and the reliability of the results. In the spring, students conduct a semester-long program of public education to inform residents and leaders throughout the state about their research findings and recommendations.

2. Whitman College's project on "The State of the State for Washington Latinos" has received national recognition and validation from institutions at the highest levels of higher

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education. The project received major funding from 2008-2010 from Princeton University's Community-Based Learning Initiative (CBLI). We succeeded in a nationwide competition in being named as a recipient of an "Innovation Sub-Grant," joining roughly forty other colleges and universities across the country in a network to develop new approaches to CBR with the aid of a major federal Learn & Serve grant that Princeton administered. In 2008, I delivered the keynote lecture at the annual meeting of the Council on Undergraduate Research, which invited me to discuss the "State of the State" project based on our record of innovation and academic rigor. Accounts of our program have also been, or will be, featured in the peer-reviewed *Journal of Higher Education Outreach and Engagement* and in documents surveying leading CBR programs nationwide produced by Princeton's Community-Based Learning Initiative.

3. I hold the Judge & Mrs. Timothy A. Paul (endowed) Chair of Political Science in the Department of Politics at Whitman College. I earned tenure and my current rank of Associate Professor at Whitman in 2003, and my promotion to the rank of Professor was approved earlier this year and will become effective in August 2011. In 2010 I published a major book with a leading, peer-reviewed academic press on Latino meatpacking workers in eastern Washington State. I also have published numerous peer-reviewed articles on Latino immigrants in our region. My CV is attached to this document.

4. Since its inception, "The State of the State for Washington Latinos" has endeavored to analyze a broad range of policy issues in order to provide a widely inclusive picture of the social, economic, and political inequalities facing Latinos in the state of Washington. We have analyzed the barriers to Latino voting rights and political participation as well as the multiple social problems where stronger Latino political representation and better public policy could help make a difference in developing solutions. The paragraphs below summarize major research findings regarding each of the main areas we adopted for study from 2005 through 2009. (The project did not run in 2010-11 but will resume in 2011-12.) The original reports from which these findings have been drawn are available via our website at www.walatinos.org.

5. Voting Rights. Latinos are dramatically under-represented in local elected offices in the ten counties of Washington State with the highest percentage Latino populations. A thorough investigation of political representation and elections laws in these counties revealed that as of December 2009, out of a total of 1,891 local offices only 78 were held by Latinos – a level of 4.1% despite Latino populations ranging from 14.8% to 55.1% in the counties examined. No political offices were exceptions to this pattern of representation. Nearly all local elections in the state are conducted under at-large voting systems, which tend to systematically reduce the influence of the Latino vote. In addition, state law restricts any changes to the method of election for most local offices. Also, Latinos in the ten counties examined disproportionately possess the socio-demographic characteristics that contribute to low levels of political participation. Case studies of municipalities in the Yakima Valley with very large Latino populations but very low levels of Latino political representation have demonstrated that the interaction of at-large electoral districts and racially polarized patterns of voting behavior has helped to produce severe deficits in Latino political representation. In Sunnyside, Washington, our 2006 research showed that

racial bloc voting existed in this town where city council members were all elected through a voting system based on at-large districts, Latinos comprised 75% of the town's population, and only one city council member was a Latino. Likewise, in Toppenish, Washington, our 2008 research showed that racially polarized voting existed in elections for the school board, on which only one of five members was a Latino in a town with a Latino population of over 75% and at-large elections for school board (and where Latinos had been elected only 4 times out of 17 school board seat elections from 1999-2007). According to our 2008 research, Wapato, Washington, where Latinos again make up 75% of the municipal population, also has an electoral system for school board in which all five members are elected through at-large elections. As of April 2008, only one of five members was Latino, Latinos had been elected only twice out of 14 school board seat elections from 1999-2007, and a distinctive pattern of racially polarized voting existed in school board elections. Statewide, finally, Washington State's vote-by-mail system may discourage Latinos from voting because language assistance at polling places no longer exists, although more systematic research on the effects of mail-in ballots on Latino political participation is needed. Overall, Latino political representation throughout the state of Washington, including in the areas where the Latino population is concentrated, is at dramatically low levels, Latino electoral participation is at very low rates, and patterns of voting behavior interact with electoral rules to prevent Latino representation and participation from increasing.

6. Political Participation and Civic Engagement. Interview-based research and content analysis of Spanish-language newspapers suggest that Washington's Latinos face numerous social barriers to effective participation in civic life, including but not limited to voting. The major Spanish-language newspapers in central and eastern Washington, where the Latino population is concentrated, tend to give scant coverage to local news and rely heavily on content provided by newswire sources. Latino youth show a distinctive and strong interest in shouldering civic responsibilities and learning about public affairs, as survey research in Walla Walla demonstrated in 2006. Yet neither high school curricula nor leading civic and political organizations effectively reach Latino youth (e.g., in Pasco, where Latinos now constitute a majority of the local population), although promising examples of school-based programs to spark civic engagement among youth have existed (e.g., a successful but now-defunct GEAR-UP program and follow-up efforts in Quincy). Both community organizing and local electoral campaigns for Latino candidates boost prospects for Latino civic engagement through family-oriented strategies, civic educational activities, and person-to-person communication. These successes are particularly notable because they have occurred in a climate of general distrust of local authorities, especially police, among Latinos as well as uneasiness and sometimes antagonism among non-Latino local leaders toward the idea of greater Latino community power. Latino candidacies, however, are rare for the reasons explained in the preceding paragraph. At the level of neighborhood-based organizing, such as Barrios Unidos in Toppenish and Commitment to Community in Walla Walla, there are clear – albeit scattered and sporadic – signs of the Latino potential for robust civic engagement especially in ways that involve youth. However, a more consistent, widespread, and cumulative process of Latino empowerment that links local civic engagement to a broadening sphere of public communication, and to sustained

participation in policy-making and electoral processes, has yet to materialize in Washington State.

7. Education: General Indicators. A constitutional mandate exists in Washington State to provide for the education of the young as the foremost public responsibility. The Latino population in K-12 schools grew by well over 350 percent between 1986 and 2009, and Latino students are expected to experience a 150 percent growth in population by 2030. Yet pronounced, historical rooted disparities persist between the educational achievements and opportunities of Latino children and youth and their non-Latino peers. While only 7.7% of whites in Washington have less than a high school diploma, 43.8% of Latinos have never graduated from high school. In 2008, the dropout rate for Latino high school students was nearly twice that of whites and nearly 50% higher than the rate for African Americans. Of the barely half of all Latino students who received high school diplomas in 2005, fewer than 25 percent graduated college-ready.

8. Education: Higher Education. Deficits in financial, cultural, and social capital inhibit Latino parents from understanding mainstream pathways to higher education and a brighter economic future for their children, even as immigrant values and experiences have fostered a distinctly positive orientation toward educational aspiration among Latino families. An assortment of public programs (e.g., GEAR-UP, Achievement Via Individual Determination (AVID), and TRiO) mitigates the impact of these problems, to a degree, both by augmenting access to practical information about higher education and cultivating higher expectations for personal achievement in this domain among Latino youth. However, major structural factors severely limit the overall extent to which such programs can reasonably be expected to erase the achievement gap in Latino higher education enrollment. These factors include: the massive and continually escalating costs of higher education; the secular shift in financial aid from grants to loans in recent decades; the failure of Congress to provide a path to legalization for undocumented youth even when they perform well in school; the mounting efforts by federal authorities (often in cooperation with local law enforcement) to arrest, detain, and deport undocumented persons, which fuel fear and disengagement from educational institutions in Latino communities; and a pervasive atmosphere of racism that Latino students experience in their interactions with non-Latino peers and school personnel alike.

9. Education: Younger Children. Research on "The State of the State for Washington Latinos" also indicates that racial-ethnic inequalities characterize the earlier, formative years of children's education. Conditions in Walla Walla, which is home to a growing Latino community that is now about 20% of the local population, are instructive in this regard. Following nationwide trends toward the re-segregation of public education, the 2009 redistricting of the six Walla Walla public elementary schools increased the racial-ethnic segregation of Latino children in this school district. Abundant research has established that school integration promotes higher academic aspirations and achievement among all students, yet recently implemented policies in Walla Walla mean that local children will be denied these benefits. The Latino percentage of the overall population is relatively higher for lower age groups than for older age groups, and steadily increases as age decreases: thus, by 2004, Latinos accounted for about 10% of the total state population, 13% of the

state's children, and 17% of the children between the ages of infancy and four years. Even before the 2010 census, more than half the births in Yakima, Franklin, Adams, and Grant counties were Latino children. Early childhood education has a firmly established, positive relation to higher achievement in later school years, high school completion, college enrollment, and employment success. Models exist for forms of early childhood education that are particularly well suited to enhancing Latino children's prospects for enjoying all these benefits, especially programs that facilitate parent involvement, affirm families' home language and culture, and provide health and nutrition services. Walla Walla has witnessed promising developments along these lines in both its Migrant Head Start program and a community college-based preschool teacher training initiative (Building Bridges). Yet much more needs to be done to bring Latino young children into preschool programs. The U.S. Department of Education reported that only 43% of Latino children ages 3-5 were enrolled in early childhood education and care programs, compared to 59% of white children and 66% of African American children. Meanwhile, the Gates Foundation has reported that in Washington State, risk factors associated with youth delinquency and dimmed educational prospects are more prevalent among Latino children ages 0-5 (45%) than children of any other race/ethnicity apart from Native Americans, and are present at a rate nearly twice that for the 0-5 age child population as a whole (23%). In short, although it is especially imperative that Latino children receive early childhood education and even though best practices for conducting such education have been identified, Latinos are still not receiving the benefits of early childhood education at satisfactory rates.

10. Income, Housing, and Taxation. Income is highly correlated with voting participation, civic engagement, and educational attainment alike. Thus, the relatively lower income levels of Washington's Latino families and individuals comprise an additional barrier to progress in all these areas as well as being a matter of concern in its own right. According to U.S. Census Bureau figures from 2006, the average Washington Hispanic family makes $32,183 in annual income, compared to $45,776 for the total population of Washington State and $55,856 for whites. Whereas only 8.6% of white individuals live below the poverty line, 24.2% of Hispanic individuals are officially designated as living in poverty. Latinos also possess fewer major financial assets in comparison to non-Latinos: over 58% of Latinos in Washington State rent their homes as compared to only 32% of whites. In Walla Walla, Latinos own their own homes at far lower rates than do non-Latinos, a reflection not only of income disparities but also of an under-supply of affordable housing for low-income families as well as the need for more adequate home-buying information practices by lending firms, real estate companies, and local public authorities. (Our survey research in 2009 also found that Latino tenants tend to solve problems with their housing conditions by moving rather than by challenging landlords to provide acceptable housing conditions; this enhances the picture of the overall transience of the Latino population when it comes to housing, with the attendant consequences for Latino households' financial instability.) At the same time, Washington State has perhaps the most regressive tax structure in the nation given the absence of an income tax and the heavier relative reliance on sales taxes and the business and organization tax for government revenues. This further darkens the financial outlook for Washington Latinos. Furthermore, the one major recent policy initiative to brighten working families' prospects through the tax system, the federal Earned Income Tax Credit (EITC), has not sufficiently reached the

Latino community. Our research from 2008 shows that Latinos are both disproportionately unlikely to know about the EITC and disproportionately likely to be disqualified from eligibility to receive it. In addition, although the state legislature sought to reinforce the impact of the EITC by passing the Working Families Tax Rebate (WFTR) in 2008, the WFTR still has not received the funding needed for implementation.

11. Employment Issues. The low availability of low-skill jobs relative to need, as well as the low prospects of upward mobility for those employed in such jobs, further contribute to the income and poverty disparities between the Latino and non-Latino populations in Washington State. Moreover, there is a mismatch between the employment needs of Latino communities and public efforts to take advantage of growth opportunities in the emergent "green" economy. Community college programs focusing on "green jobs" are characterized by low rates of Latino enrollment and tend not to conduct Latino outreach, while Latino community college students tend to be concentrated in employment skills acquisition programs that are not included in the green economy. The health industry is another domain where public interests and Latino employment needs could be matched much more effectively, for the benefit of all, but where this has not occurred. Washington State, like many other states, has experienced a nursing shortage in recent times; health services organizations have a growing need for bilingual and bicultural employees as the Latino population expands; yet as of 2005, Latinos remained concentrated in the lower rungs of the occupational ladder in the health industry. In general, Latinos in Washington State as elsewhere make up large proportions of the workforces in the most dangerous jobs, in terms of occupational safety and health (OSH) risks: meatpacking, construction, farm labor, and lower-tier hospital jobs. Latino workers' disproportionately high exposure to OSH hazards creates additional employment difficulties, since individuals who become ill or injured as a result of their working conditions have more difficulty sustaining employment. (Regarding such problems in meatpacking and construction: see my book *Breaks in the Chain: What Immigrant Workers Can Teach America about Democracy* (University of Minnesota Press, 2010) as well as my more recent papers about day laborers.)

12. Farm Worker Issues. According to one of our "State of the State" community partner organizations, the Washington State Farmworker Housing Trust, the average income for a farm worker family is roughly $17,500 a year, which is only 35% of the state's median income. Thus, Washington's farm workers have grave difficulties securing adequate housing for themselves and their families. This problem exists despite the fact that agriculture is one of the most crucial industries in this state, generating a larger economic multiplier than both the aircraft and software/ISP industries, yielding $6.4 million in products annually, producing nearly two-thirds of the nation's apples, and employing a quarter of a million people. The Trust's pathbreaking statewide survey found that 44% of Washington's farm workers pay more than the federal standard 30% of income for housing needs, 36% have problems with their current housing conditions, and 38% have faced difficulty in finding housing. Further analysis of the Trust's survey data by the "State of the State" program found that these workers and their families not only do not qualify for public income assistance ("welfare") under the Temporary Aid to Needy Families (TANF) program, but also tend significantly to under-utilize the Food Stamp and WIC nutrition programs for which they likely would be eligible. Poor housing conditions negatively affect

the educational prospects for farm workers' children both directly (by preventing children from having a stable, adequate place to do school work and inhibiting family functioning) and indirectly (by increasing the likelihood of various health problems, such as respiratory disease and environmental toxin poisoning, and thereby having a deleterious effect on children's school attendance and ability to learn). Despite the multiple benefits to entire communities – Latino and non-Latino alike – that stem from the development of better quality housing for farm workers, farm worker housing developers typically confront stiff local opposition when they pursue such projects. Uninformed local residents often respond with "not in my backyard" sentiment because they assume incorrectly that additional housing for farm workers will increase social problems such as crime and decrease area home values.

13. Health Care. Relatively more Latinos lack health insurance coverage than non-Latino Washingtonians, and this factor, combined with language difficulties, means that access to health care and health service utilization rates are lower for Latinos than for other ethnic-racial groups. These problems, in turn, correlate with disproportionately higher incidences of otherwise preventable health disorders for Latinos. Among these disorders the following are especially noteworthy: diabetes, HIV/AIDS, cervical cancer, asthma, and tuberculosis. Local health clinics such as the Quincy Community Health Center provide vital resources for uninsured Latinos and others who face the many barriers to health services access. In particular, efforts to engage non-specialist community health workers (*"promotoras/es"*) by the Quincy center and Blue Mountain Heart to Heart, the leading eastern Washington HIV/AIDS prevention, education, and services organization, have proven effective at increasing knowledge in the Latino community about the prevention of HIV infection and other sexually transmitted diseases. Nevertheless, the need exists to expand and multiply such programs and to tackle the many barriers to effective health care for Latinos in Washington State. Among those barriers are also the problems with employment, income, and poverty discussed above along with substandard farm worker housing and relatively lower levels of educational attainment.

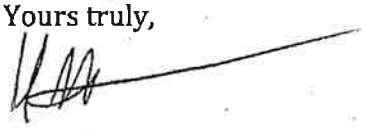
14. At-Risk Youth. Research on "The State of the State for Washington Latinos" has suggested the benefits of both school-based mentoring and "alternatives to detention" programs for preventing and handling juvenile delinquency among Latino youth. Latino youth are overrepresented in the juvenile system for a number of reasons. High rates of poverty, family disorganization, under-treated mental health problems, school drop-out, and gang involvement put Latino youth at heightened risk for delinquent behavior. Yet Latino youth become further disadvantaged once they enter the system. Extralegal factors such as families' low socioeconomic means, as well as cultural illiteracy among some juvenile justice personnel and the lack of certified court translators, further generate a differential administration of justice for Latino youth. Hence, innovative policies are needed to ensure that Washington State does not sacrifice fairness for the sake of protecting community safety, and that at-risk youth receive opportunities they are presently denied to develop positive trajectories toward educational completion and full social membership.

15. Violence Against Women. Culturally sensitive school-based programs aimed at education rather than punitive, culturally indifferent approaches also appear to hold the greatest promise for preventing intimate partner violence, including among teens. Addressing such violence effectively in the Latino community also requires action to grapple with the special vulnerabilities of Latinas whose abusive partners often have advantages over them in English language abilities and legal status, which supplement other mechanisms of power and which can enable a man to use a couple's children as a means of controlling the woman. These women seek intervention and emergency shelter services at lower rates than non-Hispanic whites. Meanwhile, agencies providing such services to abuse victims remain under-funded and, along with law enforcement, judiciary, and school authorities, lack the ability to conduct sufficiently extensive bilingual outreach to at-risk Latinas.

16. Conclusion. In summary, pressing matters of policy development and public concern exist with regard to ensuring the full inclusion of Latinos in society in the state of Washington. There is an urgent need for leadership at the state and community levels that is more cognizant of, and more responsive to, these multi-faceted and inter-linked issues ranging from voting rights to civic engagement, education, health care, youth delinquency prevention, housing, employment, tax policy, farm labor, and violence against women. Were these challenges in Latino communities to be addressed effectively, it is likely that all Washingtonians would benefit, given the interconnections among our conditions of life and wellbeing.

I declare under penalty of perjury that the foregoing is true and correct.

Yours truly,



Paul Apostolidis
Judge & Mrs. Timothy A. Paul Chair of Political Science
Whitman College