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GRASSROOTS ORGANIZING, SOCIAL MOVEMENTS, AND THE
RIGHT TO HIGH-QUALITY EDUCATION

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ARTICLE

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- In Texas, the Industrial Areas Foundation (IAF)—with roots in Saul Alinsky’s 1930s organizing in Chicago’s poor neighborhoods—led local congregations in organizing low-income parents to fight for better schools. Through mobilizing and direct action, the IAF forged reform “alliances” between activist parents, clergy, and educators. They also campaigned for and won state funding for these “alliance” schools.¹
- In New York and Philadelphia, ACORN (the Association of Community Organizations for Reform Now) led a coalition of activists that defeated officials’ plans to turn over so-called “failing” schools in black, Latino, and immigrant neighborhoods to the for-profit education management organization, Edison Schools.²
- In Los Angeles, a coalition of thirty grassroots and advocacy groups (some of which had formed originally to fight against the state’s ballot initiative banning affirmative action) were angry because only a small fraction of the city’s Latino and African American young people who graduate from high school were qualified for admission to the state’s four-year universities. They successfully campaigned for a school district policy requiring that all students be taught the college preparatory curriculum.³
- In Boston, Chicago, Denver, Miami, Oakland, Sacramento, Washington, D.C., and elsewhere, community members without previous positions of economic or political power are organizing outside the education system to build and use power to “win” better schools for the nation’s least powerful communities.⁴

Such grassroots activism reflects the widely held and deeply felt conviction that high-quality public education is essential to a well-functioning democracy and to young people’s life chances. It also reflects the fact that Americans across the political spectrum, particularly those in the most vulnerable communities, see high-quality education as a right worth fighting for.

In fact, education is *not* a fundamental right under the United States Constitution. Despite near-universal public and political sentiment favoring the concept of the right to education, efforts to establish it legally—as a constitutionally protected right—have proceeded slowly and with only limited

1. DENNIS SHIRLEY, VALLEY INTERFAITH AND SCHOOL REFORM: ORGANIZING FOR POWER IN SOUTH TEXAS (2002).

2. Ctr. for Cmty. Change, *Broad Coalition in Philadelphia Fights State Takeover*, EDUC. ORGANIZING, Spring 2002, at 1 (on file with authors).

3. JEANNIE OAKES & JOHN S. ROGERS, LEARNING POWER: ORGANIZING FOR EDUCATION AND JUSTICE 131-53 (2006).

4. NAT’L CTR. FOR SCHS. AND CMTYS., FORDHAM UNIV., FROM SCHOOLHOUSE TO STATEHOUSE: COMMUNITY ORGANIZING FOR EDUCATION AND COMMUNITIES (2002), available at <http://www.ncsatfordham.org/binarydata/files/schoolhousetostatehouse.pdf>.

success. Moreover, it is not at all clear that Americans are inclined to reconcile this contradiction. Can the national disposition to frame education as a right be converted to legal protections that trigger government action when that right is violated? That question and the role of grassroots activism in moving from rhetoric to law are the subject of this essay.

We begin with a brief review of historical context of the "right" to education's current contradictory standing. We then pose four questions regarding the likelihood that federal lawmakers or the courts will reconcile this contradiction by establishing firm legal protections for the right to education: Does establishing education as a fundamental right require activism outside established legal and policy mechanisms? What could such "outsider" activism add to the conventional strategies of lawyers, policy elites and professional educators? What role might current grassroots organizing, such as that described above, play? Under what conditions might this grassroots activism lead to a broad social movement that establishes, protects, and sustains a fundamental right to high-quality public education to all young people, including those in communities where it is currently scarce?

For answers, we turn to social science scholarship on education reform, community organizing, and social movements, and to legal scholarship on the impact of social movements on law and policy. We also bring to bear our own experience over the past six years working with organizations and studying education organizing in California. We conclude that establishing education as a fundamental right probably requires activism outside conventional policymaking mechanisms, and that such activism already exists in incipient form. Grassroots groups have laid the groundwork for significant changes in educational policy by building power among those most affected by inadequate and unequal education and by providing new sites of public deliberation about the role of public education in American democracy.

We also conclude, however, that on their own, organized and activist low-income communities are unlikely to bring about the broad-based cultural and political shifts necessary for establishing the right to a high-quality education for the nation's most vulnerable students. Likewise, legal victories are likely to be implemented with little fidelity or not implemented at all unless they are broadly supported by public norms. Together, however, law and organizing have the potential to simultaneously appeal to and create a public whose support is predicated on the unshakable belief that all children deserve access to high-quality education. It is this social shift that will be necessary to fuel a movement that establishes, protects, and sustains high-quality public schooling as a right for all young people. We end the paper with the implications of our analysis for lawyers, policy advocates, educators, and organizers.

I. THE CONTRADICTION STATUS OF THE "RIGHT" TO EDUCATION

At our nation's founding, Thomas Jefferson argued that democracy required educated citizens who could employ reason and deliberate publicly about the competing ideas for guiding the nation.⁵ To serve this end, Jefferson claimed that government should provide every non-slave child with three years of schooling to ready them for citizenship.⁶ Jefferson advocated basic literacy—reading, writing, and mathematics—and beyond that, students might also learn the rudiments of Greek, Roman, European, and American history.⁷

In the mid-nineteenth century Horace Mann argued that all Americans should be educated in "common" schools that would complement what families taught their children at home.⁸ These would be *equal* schools—not charity schools for the poor, but free public schools for the sons and daughters of farmers, businessmen, professionals, and the rest of society.⁹ Mann intended common schools to teach the knowledge and habits, as well as the basic literacy, that citizens needed to function in a democracy.¹⁰ He envisioned the common school as the "great equalizer" and a creator of wealth, as a force for eliminating poverty and crime and shaping the destiny of a wise, productive country.¹¹ Like other modern thinkers of the day, Mann believed that social improvement would follow from advances in knowledge and that schooling would extend individual rights and liberties to all.

Jefferson and Mann set the terms on which the U.S. would think about schooling and about schooling equality. Schooling served society, and equal schools served society best. Although both viewed education as benefiting the individual, both framed schools primarily as a social good, rather than as a fundamental right.

A. Constitutionally Protected Rights

Writing the U.S. Bill of Rights, American revolutionaries relied on a long European rights tradition extending back to the Magna Carta and the English Bill of Rights.¹² These rights were framed as enforceable privileges of

5. THOMAS JEFFERSON, NOTES ON THE STATE OF VIRGINIA, 137-55 (Frank Shuffelton, ed., Penguin Books 1999) (1781).

6. *Id.*

7. *Id.*

8. HORACE MANN, *Twelfth Annual Report of the Massachusetts Board of Education* (1848), in THE REPUBLIC AND THE SCHOOL: HORACE MANN ON THE EDUCATION OF FREE MEN 79-112 (Lawrence A. Cremin ed., 1957).

9. *Id.* at 84-89.

10. *Id.* at 89-101.

11. *Id.* at 87.

12. A. E. Dick Howard, *Magna Carta*, in ENCYCLOPEDIA OF THE AMERICAN CONSTITUTION 1195, 1195-97 (Leonard W. Levy et al. eds., 1986) [Hereinafter

citizenship, which if interfered with by another, give rise to an action for injury.¹³ Following the Civil War, these rights were expanded to end slavery and to extend the privileges of citizenship to all Americans. The Fourteenth Amendment promised that no state “shall make or enforce any law which shall abridge the privileges or immunities of the citizens of the United States . . . [or] deprive any person of life, liberty, or property without due process of law . . . [or] deny to any person within its jurisdiction the equal protection of the laws.”¹⁴ This “equal protection” clause established that the government should take positive action to protect citizens from the actions of other citizens and government agencies that impinged on their rights.

In the two decades following the passage of the Fourteenth Amendment, Congress, viewing education as an entitlement necessary to make national citizenship meaningful and effective, sought to enforce the national citizenship guarantee. Legal scholar Goodwin Liu cites Congressional discussion to this effect surrounding several pieces of Reconstruction Era legislation.¹⁵ For example, Congressional discussion around the creation of the federal Department of Education noted the federal responsibility “to enforce education, without regard to race or color, upon the population of all such States as shall fall below a standard to be established by Congress”¹⁶ and to ensure that “every child . . . receive[s] a sufficient education to qualify him to discharge all the duties that may devolve upon him as an American citizen.”¹⁷ Similar strong Congressional statements recognizing education as central to securing full and equal national citizenship accompanied other legislative efforts between 1870 and 1890 to establish federal leadership and funding for public education.¹⁸

B. Constitutional Rights Following World War II

In the decades following the enactment of the Fourteenth Amendment, the courts narrowed the concept of civil rights—a trend that continued until 1947, when President Harry Truman, frustrated that Congress failed to respond to his repeated calls for civil rights legislation, established the President’s Committee on Civil Rights.¹⁹ The Committee’s recommendations included anti-

ENCYCLOPEDIA]; Leonard W. Levy, *Bill of Rights (English)*, in ENCYCLOPEDIA, *supra*, 113, at 115.

13. Howard, *supra* note 12; Levy, *supra* note 12.

14. U.S. CONST. amend. XIV, § 1.

15. Goodwin Liu, *Education, Equality, and National Citizenship*, 116 YALE L.J. 330, 367-75 (2006).

16. *Id.* at 373 (quoting CONG. GLOBE, 39th Cong., 1st Sess. 60 (1865) (resolution introduced by Rep. Donnelly)).

17. *Id.* at 373-74, (quoting CONG. GLOBE, 39th Cong., 1st Sess. 3045 (1866) (statement of Rep. Moulton)).

18. *Id.* at 375-395.

19. Exec. Order No. 9,808, 3 C.F.R. 590 (Dec. 7, 1946); see also STEVEN A. SHULL, AMERICAN CIVIL RIGHTS POLICY FROM TRUMAN TO CLINTON: THE ROLE OF PRESIDENTIAL

segregation laws, voting rights legislation, and creation of a civil rights unit within the Department of Justice.²⁰ The report became a blueprint for Civil Rights legislation of the 1950s and 1960s, and encouraged the pivotal reconsideration of *de jure* segregation.²¹ However, it did not specify education as a right deserving "equal protection" by federal or state governments.²²

Moreover, the 1954 *Brown v. Board of Education* decision, capping a decades-long effort to establish that racially segregated schools were not equal,²³ fell just short of establishing education as a fundamental civil right. The Court ruled:

Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.²⁴

Rather than asserting that all Americans have a right to education, then, the court echoed the Jefferson/Mann convictions that education is fundamental to democratic society and the life chances of American young people. The court ruled that education must be equal only "*where the state has undertaken to provide it.*"²⁵ It did not, however, compel states to provide education. In fact, in

LEADERSHIP 122 (1999). Truman elaborated on the creation of the Committee in his 1947 State of the Union address:

We have recently witnessed in this country numerous attacks upon the constitutional rights of individual citizens as a result of racial and religious bigotry. . . . While the Constitution withholds from the Federal Government the major task of preserving peace in the several States, I am not convinced that the present legislation reached the limit of federal power to protect the civil rights of its citizens. . . . I have, therefore, by Executive Order, established the President's Committee on Civil Rights to study and report on the whole problem of federally-secured civil rights, with a view to making recommendations to the Congress.

Harry S. Truman, State of the Union Address (Jan. 6, 1947), available at <http://www.usa-presidents.info/union/truman-2.html>.

20. See PRESIDENT'S COMM. ON CIVIL RIGHTS, TO SECURE THESE RIGHTS: THE REPORT OF PRESIDENT HARRY S. TRUMAN'S COMMITTEE ON CIVIL RIGHTS (Steven F. Lawson ed., Bedford/St. Martin's 2004) (1947).

21. See SHULL, *supra* note 19.

22. See PRESIDENT'S COMM. ON CIVIL RIGHTS, *supra* note 20.

23. See RICHARD KLUGER, SIMPLE JUSTICE: THE HISTORY OF BROWN V. BOARD OF EDUCATION AND BLACK AMERICA'S STRUGGLE FOR EQUALITY (1976).

24. *Brown v. Bd. of Educ.*, 347 U.S. 483, 493 (1954).

25. *Id.* (emphasis added).

the wake of *Brown*, some states chose to close their public schools rather than integrate them, and Virginia's Prince Edward County shut down its public schools for five years.²⁶

Title VI of the Civil Rights Act of 1964 and subsequent legislation also prohibited discrimination in public schools and colleges under its provision forbidding "exclusion from participation in, denial of benefits of, and discrimination under federally assisted programs on ground of race, color or national origin."²⁷ The legislation gave federal agencies the authority to deny federal funding to state and local government entities, including school districts that discriminate on the basis of race, color, or national origin.²⁸

Thus, the Civil Rights Act of 1964 treated education as an entitlement, the abridgment of which required government response. It also established the basis on which the Office of Civil Rights could monitor and intervene to enforce the right to an education. Although it did not carry with it constitutional protection, the Act framed education as a fundamental right that could not be abridged, and since 1968 the Office of Civil Rights in the U.S. Department of Education has administered a survey to uncover disparities in access to learning opportunities and form the basis for intervention in cases where violations of students' civil rights were likely.²⁹

C. Setback and Shifts: *San Antonio v. Rodriguez*

In 1973, the Supreme Court reversed this fairly steady legislative march toward establishing education as a fundamental civil right. Seeking to overturn the unequal Texas school finance system on the grounds that public education is a civil right under the Equal Protection Clause of the Fourteenth Amendment, the plaintiffs in *Rodriguez* sought to equalize funding and thereby increase the resources in schools attended by poor and minority students.³⁰

The Court declined to rule that Texas's school finance system violated the Equal Protection clause of the U.S. Constitution, even though schools in poor, predominantly minority districts had drastically less funding than schools in affluent white communities.³¹ The justices ruled, five to four, that education was not a "fundamental interest" under the federal Constitution.³² In dissent, Justice Thurgood Marshall argued that the "close nexus between education and

26. See PETER IRONS, *JIM CROW'S CHILDREN: THE BROKEN PROMISE OF THE BROWN DECISION 190-94* (2004).

27. 42 U.S.C. § 2000d (2000).

28. 42 U.S.C. § 2000d-1.

29. NAT'L RESEARCH COUNCIL & COMM. ON IMPROVING MEASURES OF ACCESS TO EQUAL EDUC. OPPORTUNITY, *MEASURING ACCESS TO LEARNING OPPORTUNITIES 19-23* (Willis D. Hawley & Timothy Ready eds., 2003).

30. *San Antonio Indep. Sch. Dist. v. Rodriguez*, 411 U.S. 1 (1973).

31. *Id.* at 11-13.

32. *Id.* at 29-39.

our established constitutional values with respect to freedom of speech and participation in the political process” compelled the Court to recognize that education and participation in the political process constitute a fundamental constitutional interest.³³ This, of course, was not a new idea, but rather echoed Thomas Jefferson’s rationale for public education almost 200 years earlier.³⁴ But the majority in *Rodriguez* held that the Court did not “possess either the ability or the authority to guarantee to the citizenry the most effective speech or the most informed electoral choice.”³⁵ This ruling suggested that the Constitution only guarantees a basic education.³⁶ According to *Rodriguez*, the Constitution might protect students from the “absolute denial of educational opportunities” but it does not ensure access to a high-quality education.³⁷

The *Rodriguez* case moved efforts to secure funding equity out of the federal courts and into state-by-state litigation over the language in state constitutions.³⁸ Although state courts had a poor record of supporting civil rights claims, fiscal equity litigation has been quite successful in the state courts in the years since *Rodriguez*.³⁹ Finance systems have been challenged in forty-four states and plaintiffs have won victories in more than half of them.⁴⁰ Several additional cases are underway.⁴¹ In some states, the cases succeeded because the states themselves had already established education as a fundamental right subject to equal protection guarantees under their state constitutions.⁴² In more cases (and in the most recent cases), however,

33. *Id.* at 115 n.74 (Marshall, J., dissenting).

34. See, e.g., JENNINGS L. WAGONER, *JEFFERSON AND EDUCATION* 31-43 (2003).

35. 441 U.S. at 36.

36. The Court elaborated on this argument in *Plyler v. Doe*, 457 U.S. 202 (1982), in which it struck down a Texas law that barred undocumented children from attending public schools. The five to four ruling turned on the Court’s contention that states could not deprive students of a basic education. *Id.* at 222 (“The inability to read and write will handicap the individual deprived of a basic education The inestimable toll of that deprivation . . . make[s] it most difficult to reconcile the . . . denial of basic education with the framework of equality embodied in the Equal Protection Clause.”). At the same time, the Court affirmed its argument in *Rodriguez* that the Constitution did not guarantee a high quality education to everyone. *Id.* at 221, 223. The majority in *Plyler* upheld the idea that “variation” might occur in “the manner in which education is provided.” *Id.* at 223.

37. 441 U.S. at 37.

38. Michael A. Rebell, *Education Adequacy, Democracy, and the Courts, in ACHIEVING HIGH EDUCATIONAL STANDARDS FOR ALL* 218, 218 (Timothy Ready et al. eds., 2002)

39. *Id.* at 226-27.

40. National Access Network, *Education Finance Litigation, School Funding Policy and Advocacy*, http://www.schoolfunding.info/states/state_by_state.php3 (last visited May 22, 2008).

41. National Access Network, *Litigations Challenging Constitutionality of K-12 Funding in the Fifty States*, <http://www.schoolfunding.info/litigation/In-Process-Litigations.pdf> (last visited May 22, 2008).

42. For example, in California, compare *Serrano v. Priest (Serrano I)*, 5 Cal. 3d 584 (1971) with *Serrano v. Priest (Serrano II)*, 18 Cal. 3d 728 (1976).

education was judged to be a right under state constitutions's provision of some level of adequate education.⁴³ Not all of the states in which plaintiffs have won victories are states where the courts have ruled education to be a fundamental right. In these latter cases, standards-based reforms have helped the state courts evaluate what an adequate education requires and to judge more easily whether the current system provides it to all students.⁴⁴

D. Popular Framing of Education as a Civil Right

Increasingly, U.S. education leaders as well as federal officials use the language of civil rights to emphasize the importance of high-quality and equitable education in the United States. Apparently disregarding or rethinking the decision of the Supreme Court in *Rodriguez*, political liberals, progressives and conservatives all seem to find the rights language to be a good fit with their policy goals.

Democrats and those on the political left invoke "civil rights" as a frame for guaranteeing all students high-quality education. In his 2000 State of American Education Address, U.S. Secretary of Education under President Clinton, Democrat Richard Riley declared that "[a] quality education for every child is a 'new civil right' for the 21st century."⁴⁵ Shortly thereafter, National Education Association president Bob Chase argued, "Let us insist on—and work to create—public schools that give every child the fundamental civil right of a quality public education."⁴⁶ In 2002, Congressman Chaka Fattah introduced a Student Bill of Rights requiring that each state receiving federal funding for elementary or secondary education provides "adequate and equitable educational opportunities for students in State public school systems, and for other purposes,"⁴⁷ while Senator Chris Dodd introduced a companion measure in the Senate.⁴⁸ In a similar vein, Congressman Jesse L. Jackson, Jr. proposed a Congressional resolution in 2005 calling for an amendment to the U.S. Constitution declaring, "All citizens of the United States shall enjoy the

43. Rebell, *supra* note 38, at 228. The adequacy approach has been successful, Rebell argues, because it focuses the courts on concrete resources that providing the opportunity for an adequate education to all requires, rather than dealing with the more complicated equal funding issues and property tax reforms. *Id.* at 218-19.

44. *Id.* at 229-31.

45. Richard W. Riley, U.S. Sec'y of Educ., Seventh Annual State of American Education Address: Setting New Expectations (Feb. 22, 2000), available at <http://www.ed.gov/Speeches/02-2000/000222.html>.

46. Bob Chase, President, Nat'l Educ. Ass'n, NSCI/NEA Priority Schools Conference: Answering the Alarm, Jump-starting Change (Oct. 28, 2001), available at <http://www.nea.org/speeches/sp011028.html>.

47. H.R. 5346, 107th Cong. (2002).

48. S. 2912, 107th Cong. (2002).

right to a public education of equal high quality” and giving Congress the power to implement the article with “appropriate legislation.”⁴⁹

Perhaps surprising to some, many Republicans have also adopted the “rights” language. Former Republican Education Secretary Rod Paige argued repeatedly that education is a civil right, and made clear that President Bush shares his view. In March 2003, Paige told the League of Cities the following:

This time last year, our nation embarked on an historic journey—a journey that embraced the president’s hopeful vision that says: Education is a civil right. Just as much a civil right as the right to vote or to be treated equally. And it’s the duty of our nation to teach *every child* well, not just *some* of them.⁵⁰

Nearly identical language has been repeated by Paige’s successor, Margaret Spellings.⁵¹

The civil rights rhetoric is also employed by politically conservative academics. For example, Stephan and Abigail Thernstrom wrote in their book, *No Excuses*, “the central civil rights issue of our time: our failure to provide first-class education for black and Hispanic students, in both cities and suburbs.”⁵²

This review illuminates the contradictory status of the “right” to education in the United States. Despite widespread public sentiment and legal gains in some states, the right to education remains rhetorically strong, but legally weak. Neither Fattah and Dodd’s bill nor Jackson’s resolution has resulted in Congressional action. In the remainder of this paper we turn to an examination of the prospects for resolving this contradiction between our rhetoric and federal law, and the role that grassroots organizing and social movement activism might play in this effort.

II. DOES SECURING A RIGHT TO EDUCATION REQUIRE “OUTSIDER” ACTIVISM?

The first challenge to establishing high-quality education as a fundamental right is to demonstrate convincingly that grievous wrongs are perpetrated in the absence of such a right. This knowledge, obvious to many who study or experience school inadequacy and inequality, is not widespread. Although data on students’ unequal opportunities to learn, schools’ inadequate resources for

49. H.R.J. Res. 29, 109th Cong. (2005).

50. Press Release, Dep’t of Educ., Remarks by Education Secretary Paige to National League of Cities Congressional Conference (Mar. 10, 2003), <http://www.ed.gov/news/pressreleases/2003/03/03102003a.html>.

51. Press Release, The White House, Mrs. Bush and Secretary of Education Margaret Spellings Announce the Newark Public Schools’ Striving Readers’ Grant (Mar. 16, 2006), <http://www.whitehouse.gov/news/releases/2006/03/20060316-5.html>.

52. ABIGAIL THERNSTROM & STEPHAN THERNSTROM, *NO EXCUSES: CLOSING THE RACIAL GAP IN LEARNING 1* (2003). Abigail Thernstrom is a Senior Fellow at the right-wing Manhattan Institute and President George W. Bush’s appointee to the U.S. Commission on Civil Rights.

teaching, and other schooling equity and quality indicators can be marshaled effectively, making data on schooling conditions *available* does not mean that they will be widely known. Further, prevailing norms and ideologies severely constrain how people *make sense* of these data.

Year after year, education polls find a majority of parents to be satisfied with the schools in their community, even those in the most educationally disadvantaged communities. In 2005, for example, sixty-nine percent of parents gave the school their own child attends an A or B grade.⁵³ Latinos, whose children often attend low-performing, under-resourced schools, are among those most supportive.⁵⁴ Thus, those who stand most to gain from establishing the right to high-quality education are insufficiently aware or insufficiently outraged about the denial of high-quality education they currently experience. Whites seem equally unaware of racial disparities. In a 2004 Gallup Poll, a majority of whites (sixty-three percent) said that they believe that educational opportunities are equal for black and white students.⁵⁵

At the same time, many middle class people often see or define their children's education quality relative to the other (often limited) instantiations of quality with which they are familiar. Parents may be adamant about their child being assigned to the "best" teacher or "best" school without regard to that teacher's qualifications or the school's actual quality. Parents may feel secure in sending their child to the community's "award-winning" school even if that school is, compared to schools in other states, woefully understaffed, lacking resources, and low-performing.⁵⁶ As long as this is the case, the middle class that is so necessary for providing the critical numbers and authority for broad social and schooling change is both unavailable to bolster a social movement and consigned to acting against its own interests in its pursuit of maintaining relative advantage.

53. LOWELL C. ROSE & ALEC M. GALLUP, 37TH ANNUAL PHI DELTA KAPPA/GALLUP POLL OF THE PUBLIC'S ATTITUDES TOWARDS PUBLIC SCHOOLS (2005), <http://www.pdkintl.org/kappan/k0509pol.htm#4>.

54. PEW HISPANIC CTR., NAT'L SURVEY OF LATINOS: EDUC. 4 (2004), <http://pewhispanic.org/files/reports/25.2.pdf>.

55. Jack Ludwig, *Race and Education: The 50th Anniversary of Brown v. Board of Education*, GALLUP NEWS SERV., Apr. 27, 2004, <http://www.gallup.com/poll/11521/Race-Education-50th-Anniversary-Brown-Board-Education.aspx>.

56. California state data, for example, show that nearly all California schools have serious infrastructure problems (too few teachers and counselors, for example) compared to the national average. These problems reflect the state's low level of education spending. See generally JOHN ROGERS ET AL., UCLA INST. FOR DEMOCRACY, EDUC., & ACCESS, EDUCATIONAL OPPORTUNITY REPORT 2006: ROADBLOCKS TO COLLEGE (2006), <http://idea.gseis.ucla.edu/publications/cor06/fullreport/pdf/EOR-2006.pdf>.

A. Powerful Cultural Logics Sustain the Status Quo

In our view, at least three powerful cultural “logics” shape how people make sense of the schooling that society provides to various groups of students: the logic of *scarcity*, the logic of *merit*, and the logic of *deficits*. The first assumes that our society can afford only limited investments in public life and public education. Hence, the supply of “quality” schooling cannot keep pace with increased demands for more and better education that is needed for good jobs and middle class lives. The second assumes that young people compete for scarce schooling advantages with their talents and effort in a context of equal opportunity, and are rewarded with educational opportunities commensurate with the degree to which they deserve them. The third presumes that low-income children, children of color, and their families are limited by cultural, situational, and individual deficits that schools cannot alter. That these children get fewer educational and social advantages is a result of these deficits and not of structures within the educational system. Together, these three narratives make it difficult for Americans to see that inequality is the result of flawed policies and structures rather than attributes that adhere to individual children and their families. In other words, limited opportunities, educational “winners” and “losers,” and unalterable deficits all *make sense* and seem *normal* to people across political and socioeconomic spectra. Consequently, Americans have established a very low “floor” of basic education. Americans see the promise of equal educational opportunity (including the opportunity to rise above the “floor”) in much the same way that they view the guarantee that all Americans are allowed to compete for wealth or good jobs. It is no more sensible to most Americans that all students, at least in the short term, will actually obtain (or deserve) a high-quality education, than that they will all obtain a middle class lifestyle.

Most reforms—including those ordered by courts—fail to anticipate Americans’ deep attachments to the logics of scarcity, merit, and deficits. Instead, many reformers assume that providing a lesser education to some children—poor children of color, in particular—is at odds with basic American values.⁵⁷ This misreading of the culture is understandable. Americans do agree on certain highly abstracted and universally sound principles (for example, “leave no child behind”), but these broad principles can mask the need to examine underlying values. As a result, inadequacies in American education are attributed to various policy, pedagogical, or “cultural” anomalies that lend themselves to technical fixes; for example, more knowledge about best practices, more appropriate incentives and sanctions, and so forth. Yet, the logics of scarcity, merit, and deficits are *normative*, not *technical* impediments to high-quality and equitable education.

57. See, e.g., JENNIFER L. HOCHSCHILD, *THE NEW AMERICAN DILEMMA: LIBERAL DEMOCRACY AND SCHOOL DESEGREGATION* (1984).

We see this technical emphasis (and ignoring of the normative logics and beliefs) in reforms that originate from “experts” within the education system (e.g., comprehensive school reform packages), from policymakers (e.g., rules and practices prescribed under NCLB), and from judges (e.g., requiring student assignment plans or funding formulas).⁵⁸ The struggles over the past three decades reveal a failure of faithful implementation and enforcement of such policies, even when they result from court orders. Schools remain racially segregated and plagued by racial inequalities—in funding, in access to decent school facilities, qualified teachers, culturally and linguistically responsive curriculum, college preparatory programs, and more. In the abstract, *improving* education is a desirable pursuit, but improvement efforts are mightily resisted if they threaten the logics of schooling—which is to say, if they alter the current hierarchy of school achievement that parallels parents’ wealth and power.

In sum, the failure of conventional reforms has not come from the technical challenges, but from the cultural and political resistance such efforts face.⁵⁹ All change requires power,⁶⁰ and the amount of power required is proportional to the degree of resistance the change engenders. Providing high-quality education to all children by virtue of their having a right to such an education is a big change that requires big power.

B. Securing a Right to High-Quality Education Requires Disrupting Prevailing Logics

Broadening the distribution of educational opportunity requires reformers to anticipate resistance that accompanies rearrangements of the power that benefits entrenched interests. For example, in Texas and Vermont, to name just two examples, state education reforms that redistribute resources (such as fiscal equalization reforms) are typically rejected as unfair “Robin Hood” policies that take from the rich in order to provide for the poor.⁶¹ Even though equalization proposals rarely reduce the material or non-material opportunities of more advantaged students, there is no hiding the reform goal of *relative* redistribution of schooling resources and status. So long as the logics of scarcity, merit, and deficits prevail, it seems inevitable that many will experience equity reform as a *loss* if low-income students and students of color

58. See Jeannie Oakes et al., *Norms and Politics of Equity-Minded Change: Researching the “Zone of Mediation,”* in INTERNATIONAL HANDBOOK OF EDUCATIONAL CHANGE 952, 952-75 (Andy Hargreaves ed., 1998).

59. See OAKES & ROGERS, *supra* note 3, at 26-33; SEYMOUR B. SARASON, THE PREDICTABLE FAILURE OF EDUCATIONAL REFORM: CAN WE CHANGE COURSE BEFORE IT’S TOO LATE?, 117-33 (1990); Michael A. Rebell & Robert L. Hughes, *Schools, Communities, and the Courts: A Dialogic Approach to Education Reform*, 14 YALE L. & POL’Y REV. 99 (1996).

60. See generally STEVEN LUKES, POWER: A RADICAL VIEW (1974).

61. See, e.g., David J. Hoff, “Robin Hood” on Ropes in Texas School Aid Tilt, EDUC. WEEK, May 24, 2004, at 1.

gain the opportunities and life outcomes that are currently held by white higher-income students.

Equal access to opportunity, especially in the context of scarcity, threatens the tenuous status of the privileged.⁶² What may at first appear as a contradiction (tenuous status of the privileged) is a deepening reality or threat felt by many middle class and wealthier families. And, since those currently advantaged nearly always have disproportionate political influence over the conduct of schools—including school change efforts—the specifics, if not the abstraction, of equity-focused change are resisted by those with the power to halt them. To be sure, technical changes in the rules, structures, and practices of schooling will be necessary. But the heart of the struggle will be to expose, challenge, and disrupt prevailing norms and politics of education, and, inevitably, of the larger society from which they emanate.

For example, the conditions revealed in cases such as *Williams v. State of California* attest to the fact that under-qualified teachers and inadequate space cannot be blamed on the overall limited resources in a state with one of the highest per capita income rates in the nation.⁶³ Rather, political decisions not to invest the state's resources in education have driven these conditions. For example, California and other states have made a political decision *not* to expand the seats in higher education in response to the increased demand for and worth of a college education. California's higher education system can no longer accommodate all students from middle class families with an interest in higher education, let alone all students from poor and working class families.⁶⁴ By allowing college access to become a game of musical chairs, California's policy choices have raised the stakes for gaining the highest-quality learning opportunities. Because middle class constituents will be affected by challenges to the status quo, they will play a large role in sustaining or changing prevailing norms.

We believe that reformers, grassroots and elites alike, must pay greater attention to shifting the norms of scarcity, merit, and deficit in order to permit an alliance between poor parents and middle class parents. This alliance can take the shape of an affirmative campaign that asserts counter narratives to the prevailing logics: rather than being scarce, educational opportunities can be plentiful; rather than needing to *merit* or *deserve* opportunities, all students are

62. In California, for example, middle class public schools, far from enclaves of educational privilege in a low-spending state, do enjoy clear advantages in terms of qualified teachers and counselors and rigorous curriculum offerings. See ROGERS ET AL., *supra* note 56, at 8-13.

63. See Jeannie Oakes, *Introduction To: Education Inadequacy, Inequality, and Failed State Policy: A Synthesis of Expert Reports Prepared for Williams v. State of California*, 43 SANTA CLARA L. REV. 1299 (2003).

64. For example, in 2004, the University of California tightened its admission standards, since more students were meeting the standards for admission than could be accommodated in the university. See Michelle Maitre, *University Revises Its GPA Plan*, OAKLAND TRIB., Sep. 22, 2004.

entitled to a high-quality education; and rather than deficits, students' "background characteristics" of race, family income, parents' educational attainment, disability, and so forth represent information that educators must take into account when determining resource needs. In our analysis, it is also likely that such a profound change will demand recognition that the quality of education is inextricably tied to the overall quality of life for children and their families—that educating children well requires that they have decent health care and housing, income security, public safety, and environmental protections. That, in turn, would require alliances between educational reformers and other advocates for children's welfare and social democracy. Such broad alliances and cultural shifts are rarely the goal of policymakers, including the courts, or the result of conventional politics and professional reform efforts. Accomplishing them is a far more complex cultural and political undertaking than "experts" such as educators and lawyers assume or have the tools to accomplish. This is where social movements come in.

III. WHAT COULD "OUTSIDER" ACTIVISM ADD?

Social movements focused on expanding opportunities and public participation—such as the civil rights, feminist, and labor movements—help us envision the possibility of a movement for "education equity and quality" to ensure education as a guaranteed and protected fundamental right.⁶⁵ Following this tradition, a social movement for high-quality education would challenge the view that quality education is something which must be earned by establishing that (a) participants in social movement are deserving—that they are public agents with the same set of entitlements from the system as everyone else, (b) the human dignity of these participants is wedded to their receiving a high-quality education, and (c) the social interests of the broader community demand that high-quality education not be left up to chance or, worse, be subject to broader and historically created social inequities. Unlike conventional technical improvements of education reform, social movement activism addresses the resistance to equity reforms that arises when status is jeopardized—i.e., explicitly challenging prevailing cultural norms and the distribution of resources and opportunities that advantage elites.

A. Alter Cultural Logics

Social movements engender broad public support among individuals who act, at least partly, according to social convictions distinct from narrow

65. Of course, not all social movements are progressive, and non-progressive movements use many of the same strategies as progressive ones. Our references here, however, are two examples of the literature on progressive movements. For a comprehensive review of the literature on social movements, see DONATELLA DELLA PORTA & MARIO DIANI, *SOCIAL MOVEMENTS: AN INTRODUCTION* (1999).

economic or political self-interests. Movements embody collective demands on the established order through public protest and other actions in order to gain support for changes in laws, social policies, and institutions.⁶⁶ Additionally, social movements add value to changes in law and policies by placing them in the context of new norms and political arrangements directed to benefit non-elites. Thus, movements and successful implementation of new laws are iterative: first, a changed cultural climate provides a receptive social environment for new law to come about; second, the tangible "gain" represented by a law generates new energy to monitor the law's implementation and to press for continuing social change.

We have ample evidence that social movements have altered cultural logics, which in turn have brought new policies, social practices, and laws.⁶⁷ Over the past few decades, social movement activism has changed the vast majority of Americans' view about racial segregation and discrimination; women's social, political, and economic positions; the environment; and more.⁶⁸ As people construct new cultural meanings, new actions make sense, and new political arrangements become congruent with the movement's ideological framework. New rules, structures, and practices follow, almost "naturally," as the rules, structures and practices of the past no longer make sense. On the other hand, the concept of ongoing "struggle" runs deep throughout movements, as can be seen by the unfinished cultural work of the movements just mentioned.

Movement activism can expose through public discourse the cultural and political shifts required to establish a right to education. This discourse will need to examine and unpack the prevailing logics we have put forth in order to reveal how the logics serve or do not serve different groups. For example, elite parents may be the only group to reap unambiguous benefits from the current distributions of school opportunity and services. Conversely, the middle class is not well served by policies emerging from the logic of scarcity. Opposition to the universal provision of high-quality schooling, based on ideology or fears of the "racial other," may not, in fact, be in the material interest of middle class parents. Thus, an argument in favor of securing high-quality education as a right may be persuasive to middle class constituencies. This opening means that building a movement for high-quality education need not deceive middle class

66. See JOEL F. HANDLER, *SOCIAL MOVEMENTS AND THE LEGAL SYSTEM: A THEORY OF LAW REFORM AND SOCIAL CHANGE* (1978); William N. Eskridge, Jr., *Some Effects of Identity-Based Social Movements on Constitutional Law in the Twentieth Century*, 100 MICH. L. REV. 2062 (2001).

67. See HANDLER, *supra* note 66; Jennifer Earl, *The Cultural Consequences of Social Movements*, in *THE BLACKWELL COMPANION TO SOCIAL MOVEMENTS* 508, 508-30 (David A. Snow et al. eds., 2004); Eskridge, *supra* note 66; Edward L. Rubin, *Passing Through the Door: Social Movement Literature and Legal Scholarship*, 150 U. PA. L. REV. 1 (2001).

68. See HANDLER, *supra* note 66; Earl, *supra* note 67; Eskridge, *supra* note 66; Rubin, *supra* note 67.

communities nor require them to adopt a "moral" position at odds with their own interests.

B. Build a Broad Base of Support

Notably, social movement participants include far more than those who stand to benefit directly (or narrowly) from demanding and winning policy or institutional change. Some whites act to achieve civil rights protections for blacks; some men advocate equal pay for women; some middle class people engage in welfare rights campaigns, and more. Appeals to the *general* welfare can garner adherents who do not necessarily benefit or are even personally disadvantaged; for example, smokers who support no-smoking facilities or wealthy persons who support higher taxes. Social movements foster connections among individuals and groups whose material positions are quite different from one another. Social movement scholars argue that these connections and collective political action result from ideological shifts, the construction of new identities, and the development of new commitments.⁶⁹ In turn, the relationships and joint action foster deeper ideological commitment and the construction of collective identities.⁷⁰

Any campaign to establish a right to education would benefit enormously from these social movement dynamics. In addition to engaging middle class parents, they could foster other alliances, including alliances with organized teachers and others who work in schools. Currently, teacher unions are uncertain allies on matters of school equity, particularly as regards forced reassignment of teachers to achieve greater equity in access to qualified teachers.⁷¹ A shift in cultural norms, however, could not only bring significant changes to teachers' perceptions of the desirability of teaching in low-income communities of color, it could also lead teachers' unions to marshal the commitment necessary to improve the working conditions for teachers in those communities' schools.

C. Shape the Law

Legal scholarship on the role of social movements in constructing constitutional concepts also suggests that social movement activism is likely to be necessary to secure high-quality education as a fundamental right. Over the past three decades, legal scholars have traced the impact that social movements

69. See David A. Snow et al., *Mapping the Terrain*, in *THE BLACKWELL COMPANION TO SOCIAL MOVEMENTS* 3, 3-16 (David A. Snow et al. eds., 2004); Eskridge, *supra* note 66; Rubin, *supra* note 67.

70. Snow et al., *supra* note 69; Eskridge, *supra* note 66; Rubin, *supra* note 67.

71. See Lora Cohen-Vogel & La'Tara Osborne-Lampkin, *Allocating Quality: Collective Bargaining Agreements and Administrative Discretion Over Teacher Assignment*, 43 *EDUC. ADMIN. Q.* 433 (2007), available at <http://eaq.sagepub.com/cgi/reprint/43/4/433>.

have had on changes in the interpretation of constitutional provisions, including rights. Handler's 1978 book, for example, shows the connection between social movement activism and changes in laws related to the environment, consumer protection, civil rights, and social welfare.⁷² Others have traced the origins of changes in federal and state constitutional doctrine to social movements.⁷³ Even when changes are enacted through the formal processes of legislation, litigation, or referendum, far less legal change would have been accomplished without the impact of social movement activism.⁷⁴ Especially in California, provisions of the state constitution are born in the mass electoral process of the initiative and referendum.⁷⁵

Rubin suggests that the Constitution itself can be viewed as "a part of a larger social process, the product of a mobilized citizenry whose members were either attempting to achieve particular goals or to define their own identity."⁷⁶ His historical tracking of this dynamic includes, among other prominent examples, the abolitionist movement's influence on the adoption of statutes eliminating slavery in the North and, eventually, on the post-Civil War Amendments.⁷⁷ He also notes the similar—if "darker"—dynamic in the Klan and Redeemer movements' impact on laws and decisions rolling back these legal advancements.⁷⁸ These are just two of the many examples he uses to advance the analysis that social movements have "altered people's conception about the proper role of government, and about the content of due process and equal protection."⁷⁹ His most relevant conclusion for the argument here, however, is that the concept of rights is a socially constructed and socially contingent concept amenable to social movements' efforts to expand it.⁸⁰ In

72. See HANDLER, *supra* note 66.

73. See, e.g., Eskridge, *supra* note 66.

74. See Eskridge, *supra* note 66; Larry D. Kramer, *Popular Constitutionalism, Circa 2004*, 92 CAL. L. REV. 959 (2004); Rubin, *supra* note 67; Reva B. Siegel, *Constitutional Culture, Social Movement Conflict, and Constitutional Changes: The Case of the De Facto ERA*, 94 CAL. L. REV. 1323 (2006).

75. See generally J. FRED SILVA, PUB. POLICY INST. OF CAL., *THE CALIFORNIA INITIATIVE PROCESS: BACKGROUND AND PERSPECTIVE* (2000), available at http://www.ppic.org/content/pubs/op/OP_1100FSOP.pdf.

76. Rubin, *supra* note 67, at 65.

77. *Id.* at 66.

78. *Id.* at 66-67.

79. *Id.* at 69.

80. Rubin summarizes this argument as follows:

Even if the primordial idea of human rights did not originate from a social movement . . . it would not necessarily argue against the centrality of social movements in the subsequent development of particular rights. Just as the concept of human rights is not a transcendent truth, but a socially constructed and socially contingent concept, the relationship between this idea and its elaborations is constructed and contingent.

Id. at 80. See also Siegel, *supra* note 74, for a similar set of arguments. Siegel extends the argument to show how new meanings and interpretations of constitutional rights result from social movement conflict, even when the backlash foils an attempt to establish new rights.

education, we have seen that it certainly mattered to the Supreme Court of Kentucky, for example, that a considerable array of the social and political forces in Kentucky supported the position of the plaintiffs in *Rose v. Council for Better Education* that the state's system of school financing was in violation of the Kentucky Constitution.⁸¹

Similarly, Reva Siegel and Larry Kramer both argue that this influence of social movement conflict is not only tolerated by the Constitution but is an integral part of its democratic authority.⁸² Kramer uses the principle of "popular constitutionalism" and Siegel hearkens to a "constitutional culture" to argue that popular participation in constitutional change is not only legitimate, but also desirable.⁸³ Both emphasize the centrality of shifts in cultural norms and power arrangements to this process.⁸⁴

Both social science and legal scholarship on the impact of social movements, then, suggest that social movement activism is likely to be necessary to secure high-quality education as a fundamental right. Unlike conventional education reforms, movement activism could move the culture away from the limiting norms of scarcity, merit, and deficit, and alter the unequal power arrangements that sustain the inadequate and inequitable provision of high-quality education. Although the exact nature of these shifts cannot be predicted, they are likely to include the following:

1. Making salient the importance of high-quality educational conditions to human dignity and the civic/economic health of the broader community
2. Inserting positive narratives about knowledgeable, efficacious community members into public consciousness to replace negative images of low-income communities of color.
3. Constructing a shared awareness among working class and middle class Californians that as a group they are (a) aggrieved by current educational services, (b) unable to realize high-quality education for some at the expense of others, and (c) entitled to a high-quality education for their children
4. Creating power for participants in social movement activism (in the form of social capital, public recognition, and knowledge and skills

Id. at 1363-65. Even with the defeat of the ERA, Siegel argues, the interaction of the movement for and the movement against it produced new understandings of constitutional protections not unlike what ERA advocates sought. *Id.* at 1365-1415. For a somewhat different take, see Tamiko Brown-Nagin, *Elites, Social Movements, and the Law: The Case of Affirmative Action*, 105 COLUM. L. REV. 1436 (2005).

81. See *Rose v. Council for Better Educ.*, 790 S.W.2d 186, 196-199, 210-211 (Ky. 1989); Michael Paris, *Legal Mobilization and the Politics of Reform: Lessons from School Finance Litigation in Kentucky, 1984-1995*, 26 LAW & SOC. INQUIRY 631 (2001).

82. See Kramer, *supra* note 74; Siegel, *supra* note 74.

83. Kramer, *supra* note 74; Siegel, *supra* note 74.

84. Kramer, *supra* note 74; Siegel, *supra* note 74.

about the educational system and civic life) that enables participants to sustain the press for equity even after ideals are adopted into law

IV. WHAT ROLE COULD GRASSROOTS ORGANIZING PLAY?

In recent years, a number of grassroots and activist organizations have mobilized students, parents, and community members in powerful actions aimed at exposing and disrupting schooling inequalities. These organizations include neighborhood groups and national networks; religious congregations and secular organizations; groups that focus on educational justice, and organizations that address a range of social justice issues.⁸⁵ The very diversity of these groups and alliances—their histories, core missions, size, and so forth—characterizes a central dynamic of movement (or *pre-movement*) organizing. As in a Venn diagram, their individual commitments to greater power for low-income communities of color overlap to define a joint agenda for providing high-quality schooling for all students.

Through the mass participation of their members, these groups demand attention and accountability from public policymakers and public education officials. Importantly, these actions create new civic capacity and social capital for the groups. By presenting an inclusive and efficacious public, the actions also prompt questions about the logic of scarcity, merit, and deficits. Although such grassroots groups, in themselves, do not constitute a social movement, they can be characterized appropriately as “social movement organizations.”⁸⁶

The scholarly literature on grassroots organizing coheres with findings from the social movement literature. Beckwith and Lopez define community organizing as follows:

Community organizing is the process of building power through involving a constituency in identifying problems they share and the solutions to those problems that they desire; identifying the people and structures that can make those solutions possible; enlisting those targets in the effort through negotiation and using confrontation and pressure when needed; and building an institution that is democratically controlled by that constituency that can develop the capacity to take on further problems and that embodies the will and the power of that constituency.⁸⁷

85. See Michelle Renee, *Using Research to Make a Difference: How Community Organizations Use Research as a Tool for Advancing Equity-Focused Education Policy* (Aug. 9, 2006) (unpublished Ph.D. dissertation, University of California, Los Angeles) (on file with authors).

86. See Elizabeth S. Clemens & Debra C. Minkoff, *Beyond the Iron Law: Rethinking the Place of Organizations in Social Movement Research*, in *THE BLACKWELL COMPANION TO SOCIAL MOVEMENTS* 155 (David A. Snow et al. eds., 2004).

87. Dave Beckwith & Cristina Lopez, *Community Organizing: People Power from the Grassroots* ¶ 5 (1997), <http://comm-org.wisc.edu/papers97/beckwith.htm>.

Similarly, Marshall Ganz, former civil rights and farm worker organizer and now lecturer at Harvard's Kennedy School of Government, argues that organizing activities seek to create networks that can sustain a new activist community, to frame a story about the network's identity and purpose, and to develop a program of action that mobilizes and expends resources to advance the community's interests.⁸⁸ Ganz argues that these three domains of activity (building relationships, developing common understandings, and taking action), when combined into campaigns, enable ordinary people to develop the knowledge, capacity, and power that social change requires.⁸⁹

We see all of these dynamics at work in the California grassroots organizations we discuss below, and in particular, the work of the Education Justice Collaborative (EJC), a loose coalition of approximately thirty organizations from around California with which we are most directly involved.⁹⁰ The EJC groups range from state-wide youth groups like Californians for Justice, to civil rights organizations like the Mexican American Legal Defense and Educational Fund, to faith-based networks such as California PICO.⁹¹

A. Building Relationships

Grassroots activist organizations like those in the EJC understand and expect that their efforts to address unjust social policies will generate conflict with those who have disproportionate influence over the conduct of social policy and the flow of information. They expect that elites will selectively gather data to frame arguments that add to their advantage. Therefore, although social activists are eager for knowledge that reflects the actual distribution of resources and suggests plain solutions to inequality, they also understand that it is naive to believe that once knowledge is made known, it will easily win support. They know that people in underserved communities typically lack "conventional" resources for developing or buying power—access to leadership positions, research, media, and networking expertise. Accordingly, they counter these putative *disadvantages* by developing collective leadership, constantly involving new people in leadership roles, convening community meetings that involve as many people as possible in decision-making, and creating a collective vision. They build their collective power through their relationships with one another and through strategic alliances with those whose expertise, resources, and access to power can provide them with political clout.

88. Marshall Ganz, *What is organizing?*, 33 SOC. POL'Y 16, 16-17 (2002), available at http://www.hks.harvard.edu/organizing/tools/Files/What_is_Organizing.pdf.

89. *Id.*

90. See OAKES AND ROGERS, *supra* note 3, at 131-156.

91. *Id.*

In California, the *Williams* case served as a symbolic, substantive, and strategic impetus for grassroots, civic, and advocacy groups to join together in an Education Justice Collaborative.⁹² *Williams*' focus on both decent schooling and democratic accountability caught the attention of education justice organizations as well as groups that had been active in California around "non-educational" issues such as living wage, affordable housing policies, immigrant rights, and affirmative action.⁹³ The deplorable conditions of many California schools made public in the complaint and then illuminated in research conducted by the *Williams* expert team demonstrated to grassroots groups that their local battles were part of systemic problems that required statewide alliances.⁹⁴ *Williams* was like a keystone that allowed local groups and broader networks to understand seemingly disconnected "actions" as part of a more powerful and coherent strategy for affecting school change. As Liz Guillen, an attorney and legislative advocate with the EJC member group Public Advocates, explained, "[e]ach of us has different strengths and roles to play."⁹⁵

B. Understanding and Knowledge Construction

Organizing nearly always engages participants in inquiring into how their immediate problems fit into the larger social, economic, historical, and political context; identifying likely solutions to those problems; and constructing an agenda for change. According to Ganz, understanding comes from fusing local knowledge with facts and broader social theories that help communities see their particular circumstances in a larger social and political context.⁹⁶ Connecting to broader social theories builds their understanding of problems and potential solutions. It also enables members of grassroots groups to generate wholly new ways of thinking and plans of action—what sociologist Francesca Polletta calls the "innovatory" and "developmental" elements of democratic participation.⁹⁷ Polletta argues that members of grassroots groups constantly develop new strategies and skills in the course of political action as they share leadership, exchange ideas, and negotiate consensus.⁹⁸

92. *Id.*

93. *Id.* at 134.

94. See Oakes, *supra* note 63.

95. OAKES AND ROGERS, *supra* note 3, at 148.

96. See Ganz, *supra* note 88.

97. FRANCESCA POLLETTA, FREEDOM IS AN ENDLESS MEETING: DEMOCRACY IN AMERICAN SCHOOL MOVEMENTS 2 (2002).

98. *Id.* at 1-25. The idea that powerful knowledge and solutions to problems reside in communities themselves was also at the core of the training offered to community leaders in Appalachia by the Highlander Folk School (now the Highlander Center) in Tennessee beginning in 1932. See Highlander Research and Education—History 1930-1950: Beginnings & The Labor Years, <http://www.highlandercenter.org/a-history.asp>. The Highlander Center argues that "the answers to the problems facing society lie in the experiences of ordinary people. Those experiences, so often belittled and denigrated in our

Groups in the EJC invest considerable energy making sense of the conditions in California's schools and the possibilities for promoting educational justice—often accomplished through monthly conference telephone calls.⁹⁹ They meet face-to-face at “educational exchanges” around particular issues such as teacher quality.¹⁰⁰ For example, after considerable inquiry and testing the research literature against their own experiences, EJC members framed the conditions in the *Williams* schools as denying students “opportunities to learn.”¹⁰¹ As we have previously described it, “[o]ppportunity to learn’ calls attention to concrete, policy-alterable conditions, and offers a clear alternative to prevailing logics for understanding schooling.”¹⁰² Such a framing offered the EJC groups a “common sense” appeal while “tapp[ing] into the public’s value for basic fairness, thereby advancing their agenda of remedying the *Williams* issues.”¹⁰³

C. Use Collective Action to Press for Change

Organizing groups not only create “disruptive knowledge,” but act on it to shift the existing power balance, to persuade through force of argument, and to enhance their opportunities for civic participation.¹⁰⁴ Faced with unjust social conditions, they ask: What are we going to do about it together?¹⁰⁵ Grassroots groups use a repertoire of social movement actions—actions that persuade with the weight of their numbers, their capacity for material damage, and the garnering of sympathy and support by bearing witness.¹⁰⁶ Actions based on the power of numbers include marches, rallies, petitions, letter writing, and mobilizing voters.¹⁰⁷ Like democratic political processes, such actions attempt to persuade elites that there is large public support for or against a particular policy.¹⁰⁸ Actions reflecting a theory of “material damage” include boycotts, strikes, blocking traffic, disrupting business, and at the extreme end, damage to property.¹⁰⁹ The theory here is that actions will be powerful and persuasive if they cause some noticeable impact on the economy or disrupt normal

society, are the keys to grassroots power.” Highlander Research and Education—About Us, <http://www.highlandercenter.org/about.asp>.

99. OAKES AND ROGERS, *supra* note 3, at 144.

100. *Id.* at 142-44.

101. *Id.* at 146-47.

102. *Id.* at 146.

103. *Id.* See generally CALIFORNIANS FOR JUSTICE, ABC'S OF EDUCATIONAL JUSTICE (2004), http://www.caljustice.org/cfj_live/images/stories/2004_ABCsofJustice.pdf.

104. OAKES & ROGERS, *supra* note 3, at 109.

105. *Id.*

106. See PORTA & DIANI, *supra* note 65, at 173-81.

107. *Id.* at 174-75.

108. *Id.* at 175.

109. *Id.* at 176-77.

processes.¹¹⁰ Actions based on “bearing witness” include forms of civil disobedience such as hunger strikes, burning draft cards, refusal to pay taxes, and chaining oneself to a tree.¹¹¹ These strategies seek “to demonstrate a strong commitment to an objective deemed vital for humanity’s future” by engaging in behaviors that involve personal risk or cost.¹¹² Together, these actions insert, figuratively and literally, the bodies of their members into the public sphere—using this presence to assert pressure for change.

For example, in 2003 Californians for Justice (CFJ) led a coalition of groups in a campaign to reverse the decision that students who failed California’s High School Exit Exam would be denied a high school diploma (the so-called “Diploma Penalty”).¹¹³ Using the slogan, “First Things First,” the CFJ “argued the unfairness of making students pay such a high price for their schools’ failure to provide adequate opportunities to learn.”¹¹⁴ Abdi Soltani, then the Executive Director of Californians for Justice, described the campaign as a “synthesis of inquiry, disruptive knowledge, and action” that, in this case, employed the persuasive influence of numbers.¹¹⁵ Soltani put it as follows:

We framed the campaign on the theme of opportunity to learn, putting a spotlight on unequal resources in schools, resulting in an unfair punishment of students. We combined research on what was happening in the schools with a spirited campaign of youth and parents demanding an equal opportunity to learn.¹¹⁶

In May of that year, CFJ organized the California Bus Tour for Quality Education.¹¹⁷ Parents and students traveled the state in school buses, raising the voices of students and parents in communities of color and low-income communities.¹¹⁸ At a dozen stops between San Diego and the state capitol, they attracted media coverage.¹¹⁹ By the time the bus arrived in Sacramento, they had the attention of the State Board of Education as hundreds of students converged on the Board’s meeting in Sacramento.¹²⁰ Executive Director Soltani recalled:

State board members referred to newspaper headlines about school inequalities as they met and deliberated the exit exam. Ultimately, when they met to vote on whether to delay the exam, youth and parents from around the state packed their meeting and delivered testimony

110. *Id.*

111. *Id.* at 178-180.

112. *Id.* at 178.

113. OAKES & ROGERS, *supra* note 3, at 150-51.

114. *Id.* at 150.

115. *Id.*

116. *Id.*

117. *Id.*

118. *Id.*

119. *Id.*

120. *Id.*

that the board president called the most powerful he had heard in his years on the board. . . . One great highlight of the action was that when we arrived en masse to enter the state board's hearing room, an hour before the hearing was set to start, the guard tried to deny us seats. Anticipating this, we had brought an attorney with us, who cited the code that allowed us to all sit, first come, first serve. An hour later, as the meeting was set to start, several dozen professional lobbyists in suits had to stand outside, much to their chagrin, because the seats were filled with youth and parents.¹²¹

The Californians for Justice and their allies won a two-year delay,¹²² speaking to the power that grassroots groups can generate by building relationships, forging new understandings, and taking strategic actions. Yet the power to postpone an ill-conceived graduation policy pales in comparison with the power required to leverage the commitment and resources necessary to ensure all students a high-quality education. Although the EJC groups have demonstrated their efficacy, they will need to build more power to accomplish their goal of being more than a starting point for a substantial campaign.

V. WHAT CONDITIONS COULD FUEL A SOCIAL MOVEMENT FOR THE RIGHT TO EDUCATION?

Grassroots organizing and mobilization, such as that described above, must also capture support across social classes and the interest of the legal community to become a social movement. Only then can a campaign among like-minded allies become a broad-based movement. Grassroots *campaigns* are measured in "wins," in robust memberships, and in the groups' capacity to leverage tangible improvements in their members' lives. On the other hand, a movement adds sustained, coherent, and timely progress toward altering the cultural logics that rationalize the status quo. A social movement, we have argued, can alter the collective sense-making in ways that will lead to litigation and prod policy that results in the right to and the reality of high-quality schooling for all.

Under what conditions can the current networks of grassroots organizations, coalitions, and interest groups—and those that might join them—actually *become* a social movement? For insights, we again turn to the social science scholarship on social movements. Scholars in the field define social movements as "collectivities acting with some degree of organization and continuity outside of institutional and organizational channels for the purpose of challenging or defending extant authority . . ." ¹²³ They identify at

121. *Id.* at 150-151.

122. *Id.* at 151.

123. See Snow et al., *supra* note 69, at 11.

least three requisites to a social movement: collectivity, organization, and continuity.¹²⁴

Acting together to sustain a coherent challenge to existing authority requires (a) processes through which sufficient numbers of people come to see their grievances and their possible remediation in shared and compelling terms (commonly referred to as “framing”), (b) allies and resources sufficient to move from shared understanding to concerted action, and (c) organizational and leadership to sustain concerted action over time and in the face of significant resistance. In this section we examine these three conditions generally, and as they may exist at the present time in California.

A. Framing

As we discussed earlier, social movements challenge society’s collective sense-making in ways that conventional reform strategies do not. This comes about through a struggle over beliefs and ideas as well as over concrete conditions—i.e., disrupting the cultural logics of scarcity, merit, and deficit with countervailing logics. Instead of these logics, Americans could presume that the nation’s great wealth can make opportunities abundant, not scarce. They could adopt as common sense that high-quality and equitable education is a right for all students, not something that students should have to compete for. They could take as given that social priorities and not social wealth determine whether society can afford to educate all children well and provide them with decent housing, healthcare, and economic stability. They could believe that schools are absolutely capable of providing high-quality education to low-income children and children of color if there is enough public will to provide the necessary opportunities to schools in all communities.

In the language of many social movement scholars, such alternative logics must take the form of “mobilizing ideas” that not only change thinking, but also compel action by a variety of audiences and participants—from grassroots “actors” to middle class and elite observers and reactors.¹²⁵ The phenomenon whereby these “mobilizing ideas” take shape is commonly known as “framing.”¹²⁶ Framing is not simply finding the right “turn of phrase” to motivate individuals; rather it poses a new conception of an existing social problem that moves it from being seen as regrettable and inevitable to being considered an injustice that can and should be remedied.¹²⁷ Scholars of framing see this process as being a deliberate effort of social movement actors to assign

124. *Id.* at 6.

125. See David A. Snow, *Framing Processes, Ideology, and Discursive Fields*, in *THE BLACKWELL COMPANION TO SOCIAL MOVEMENTS* 380 (David A. Snow et al. eds., 2004).

126. *Id.*

127. *Id.* at 384-85.

meanings to events and conditions that will mobilize supporters and allies. Such meanings are generally referred to as "collective action frames."¹²⁸

David Snow and his colleagues argued in 1986, for example, that "frame alignment processes" were crucial to social movement organizations.¹²⁹ Fourteen years later, two of these same authors wrote of the "almost meteoric increase" in research on "the framing/movement link."¹³⁰ In this literature, the essential collective action frame reflects "[a] shared understanding of some problematic condition or situation [movement adherents] define as in need of change, make attributions regarding who or what is to blame, articulate an alternative set of arrangements, and urge others to act in concert to affect [sic] change."¹³¹

Snow and others also argue that frames are linked with the development and maintenance of collective identity—the strong sense of being a member of a group—particularly as social movement coalitions become heterogeneous.¹³² In turn, collective identity is thought to be a primary motivation for individuals in movements—such as feminism, environmentalism, and civil rights—from which they don't expect benefit to one's own class or material interests.¹³³

However, not all frames are alike. Theorists differentiate (a) diagnostic framing, which defines important causes of the problem, (b) prognostic framing, the articulation of possible solutions or a plan of attack, and (c) motivational framing, which helps construct the vocabularies of motive and a rationale for action.¹³⁴

In the case of educational justice, there are contending and to some extent incompatible frames, some more likely than others to define problems and solutions in ways that develop a sense of injustice and a collective identity among the wide array of activists required to generate broad-based public support. None of the frames is wholly satisfactory, and much framing work remains. Two of the prevailing frames, *inequality* (lack of fundamental fairness or justice) and *quality* (lack of adequacy or excellence) have both strengths and deficits.¹³⁵ An *inequality* frame, shaped in the more general struggles for civil rights and social equality, diagnoses the problem as one of unequal access to

128. *Id.*

129. David A. Snow et al., *Frame Alignment Processes, Micromobilization, and Movement Participation*, 51 AM. SOC. REV. 464 (1986).

130. Robert D. Benford & David A. Snow, *Framing Processes and Social Movements: An Overview and Assessment*, 26 ANN. REV. SOC. 611, 612 (2000).

131. *Id.* at 615.

132. See Scott A. Hunt & Robert D. Benford, *Collective Identity, Solidarity, and Commitment*, in THE BLACKWELL COMPANION TO SOCIAL MOVEMENTS 433 (David A. Snow et al. eds., 2004); Benford & Snow, *supra* note 130, at 631-32.

133. See Hunt & Benford, *supra* note 132.

134. See Benford & Snow, *supra* note 130, at 615.

135. For a comparison of these two frames, see William S. Koski & Rob Reich, *When "Adequate" Isn't: The Retreat from Equality in Educational Law and Policy and Why it Matters*, 56 EMORY L.J. 545, 589-92 (2006).

educational opportunity, and calls for redistribution and leveling, accepted in *Serrano* but rejected in *Rodriguez*.¹³⁶ The *inequality* frame draws motivational force from the still powerful images and themes of the civil rights movement. At the same time, the *inequality* frame is self-limiting in its reach. Appealing to those who have the least, along with their allies driven by justice concerns, it has the potential to frame prospective allies as competitors. To the degree that it fails to challenge the logic of scarcity, it seems to call for redistribution within a "zero-sum" arena of high-quality education.

The *quality* diagnostic frame reflected in adequacy litigation and other efforts at increasing school funding around the country lacks some of these problems. Notably it does not bring forth the explicit specter of averaging or leveling resources to the detriment of those who are relatively advantaged. The *quality* frame in education has the benefit, perhaps, of being more inclusive of middle-class communities, because it seeks to increase material resources for all, even as it redistributes the more abstract quality of relative "advantage." Consider that in California, ninety-four percent of students go to schools in districts that spend less per pupil than the national average, and that this under-spending has brought unfavorable student/teacher and student/counselor ratios to both middle-class and low-income schools.¹³⁷ Consider also that California schools' comparatively low academic achievement is not simply a function of its large proportion of low-income students and students of color. State comparisons of scores on the National Assessment of Educational Progress reveal that California's white and non-poor students lag behind their peers in most other states.¹³⁸

Given this overall inadequacy in California education, a *quality* frame could help shape a social movement in which both middle class white parents and poor parents of color can align demands. And yet, given the competition for scarce opportunities—admission to elite colleges, for example—it is awfully difficult to disengage the attraction of relative advantage from absolute levels of material resources. Indeed, some of our own research reveals that advantages are more salient than high (or low) levels of material resources.¹³⁹

Further, the prognostic power of the *quality* frame is as weak as that of the *inequality* frame. Neither suggests a solution or plan of attack that does not easily offend those who are relatively better served by schools. Thus, the equality and quality frames share two characteristics: both (in the abstract) are rhetorically inviolable; and neither is credible in the face of scarcity. The typical "solution" for many who hold on to the logics of scarcity, merit, and

136. *Serrano v. Priest*, 5 Cal. 3d 584 (1971); *San Antonio Indep. Sch. Dist. v. Rodriguez*, 411 U.S. 1 (1973).

137. See ROGERS ET AL., *supra* note 56, at 3, 5.

138. DAVID W. GRISSMER ET AL., IMPROVING STUDENT ACHIEVEMENT: WHAT STATE NAEP TEST SCORES TELL US 11-21, 115-39 (2000).

139. See generally JEANNIE OAKES, KEEPING TRACK: HOW SCHOOLS STRUCTURE INEQUALITY (2d ed. 2005).

deficit is to construct narratives that explain scarcity in a way that does not impugn the motives of the powerful. Thus we have explanations for *inequality* and lack of quality that blame bureaucratic efficiency (mostly middle managers), union greed (teachers), delinquent behavior (students who do not take care of facilities) and so forth. Finally, both the *quality* and *inequality* frames are limiting in their exclusive focus on education. Both invite competition between education and other critical needs, including the other needs of the very same children and families.

We detect in current collaborations the potential for emergence of a broader *social justice* frame that would see education as dependent upon, rather than competitive with, resources essential to the health and well being of communities and families, and integrally connected to health care, housing, income security, public safety, environmental protection, and so on. For example, we have recently begun working with the "Justice for Janitors" union in California (Service Employees International Union Local 1877) in a program aimed at building the capacity of the union's thousands of parent members to improve the educational circumstances of their children, and of the other children in the same schools. Other groups (e.g., the NAACP) have linked the failings of schools serving poor children of color to failings in our criminal justice system and the great overrepresentation of the students from these schools in the prison population.¹⁴⁰

A *social justice* frame could recognize the vast disparities across racial and class lines in these areas as well, but look beyond conventional comparisons to focus on the relative circumstances of "truly advantaged" elites, including but not limited to the educational opportunities available to their children. Such a frame could encourage a collective identity among all of those on the "wrong side" of the ever increasing gap between the very wealthy and the rest of society. Middle class people, for example, could recognize that improving education and the quality of life for their own children is bound up with creating sufficient education and life chances for all. Moreover, people across race and class lines can act on their conviction that "winning" more equitable schools and life chances for low-income students is a moral and ideological good, rather than one from which they only stand to benefit materially. At this moment, however, no clear, coherent social justice frame has taken shape.

B. Resources

Just as one group of social movement theorists has emphasized the criticality of *framing*, others have emphasized the importance of *resources* and

140. See NAACP LEGAL DEFENSE AND EDUCATION FUND, INC., DISMANTLING THE SCHOOL TO PRISON PIPELINE (2007), http://www.naacpldf.org/content/pdf/pipeline/dismantling_the_school_to_prison_pipeline.pdf.

resource mobilization, although they do not always agree on how to best categorize or specify what is included within the term.¹⁴¹ Cress and Snow identified moral, material, informational and human resources as important to social movement formation.¹⁴² Edwards and McCarthy, drawing on Bourdieu's elaboration of three forms of capital (economic, cultural, and social), have developed a somewhat different typology: moral, cultural, socio-organizational, human, and material resources.¹⁴³ Still other theorists separate the issues of resources from those of leadership and organization, as we explain below.

Independent of the debates within social movement scholarship, it is not difficult to recognize that a social movement for educational justice requires more than mobilizing ideas, creative framings, and collective identity. Social movements draw power from the notion that they are on the right side of justice and morality. In some cases, such framings, as *moral resources*, may predominate, as in the "right-to-life" and anti-death penalty movements, but moral concerns energize every social movement. Particularly in its *inequality* framing, educational justice work taps into the concerns that have animated movements from the French Revolution to the American abolitionists and civil rights movement to the ongoing struggle for gay rights. And, in the case of educational justice work, it is notable that some of most successful local movements have drawn on the moral force of organized religion as well as the organizational infrastructure of local churches.

In other movements, *material* and *human resources* are critical. For example, it is difficult to conceive how the "property rights" movement would have flourished without the material resources contributed by wealthy interests, even as its advocates point to its moral foundations.¹⁴⁴ In the case of educational justice, the material resources available are limited, but growing. In California, for example, the Hewlett Foundation and Gates Foundation have made significant grants to grassroots groups and organizations engaged in collective work at the state level, including the Education Justice Collaborative discussed in the previous section.¹⁴⁵ These material resources pale in

141. See, e.g., JOHN D. MCCARTHY & MAYER N. ZALD, *Resource Mobilization and Social Movements: A Partial Theory*, in SOCIAL MOVEMENTS IN AN ORGANIZATIONAL SOCIETY: COLLECTED ESSAYS 15, 15-42 (1987).

142. Daniel M. Cress & David A. Snow, *Mobilization at the Margins: Resources, Benefactors, and the Viability of Homeless Social Movement Organizations*, 61 AM. SOC. REV. 1089, 1095 (1996).

143. Bob Edwards & John D. McCarthy, *Resources and Social Movement Mobilization*, in THE BLACKWELL COMPANION TO SOCIAL MOVEMENTS 116, 125-28 (David A. Snow et al. eds., 2004).

144. See, e.g., STEVEN J. EAGLE, CATO INSTITUTE, THE BIRTH OF THE PROPERTY RIGHTS MOVEMENT (2001), <http://www.cato.org/pubs/pas/pa404.pdf>.

145. See William and Flora Hewlett Foundation, Grants, <http://www.hewlett.org/Grants/> (last visited May 22, 2008); Bill & Melinda Gates Foundation, Grants, <http://www.gatesfoundation.org/Grants/default.htm> (last visited May 22, 2008).

comparison to those available to business organizations with an interest in education or the California Teachers Association.

The millions of parents and older students most directly affected by inadequate and unequal education constitute a huge potential human resource for a social movement, but tapping this potential also requires material resources, organization, and leadership. Based on our work in California, we estimate that there are not many more than one hundred full time organizers working with parents or students in a public school system with more than six million students in the K-12 public education system.

The availability of these other movement resources is related to framing. An *inequality* frame may tap greater moral resources but cut off cultural and material resources middle class parents might bring. How that frame develops may determine how the resources of teachers' unions are deployed. A *quality* frame limited to education may tap resources from a wider constituency, including teachers unions and some forward-looking business interests, but it will not as readily connect to the resources of potential allies in low-wage labor unions, racial justice groups, and so on. This is particularly likely if a quality frame fails to change the prevailing logics of merit and deficit that rationalize differential "quality" for different groups of students. Plainly, the interaction between framing and resources is complex, dynamic, and situational.

C. Leadership and Organization

Social movement theorists emphasizing resource mobilization recognize that "the simple availability of resources is not sufficient," and that "coordination and strategic effort is [sic] required in order to convert available pools of individually held resources into collective resources and to utilize those resources in collective action."¹⁴⁶ For some theorists, the gap is filled by leaders, who "inspire commitment, mobilize resources, create and recognize opportunities, devise strategies, frame demands, and influence outcomes."¹⁴⁷ Certainly, our conventional histories of the civil rights movement or the farm workers movement in California are unimaginable without Martin Luther King, Jr. or Cesar Chavez. Other scholars recognize that leadership can inspire commitment and action, but that organization is required to make that action coherent and effective over time.¹⁴⁸

We have met in our work some extraordinary leaders, both in local communities and on the statewide stage. And there is no shortage of organizations nominally focused on education. We have done significant work

146. See Edwards & McCarthy, *supra* note 143, at 116.

147. Aldon D. Morris & Suzanne Staggenborg, *Leadership in Social Movements*, in *THE BLACKWELL COMPANION TO SOCIAL MOVEMENTS* 171, 171 (David A. Snow et al. eds., 2004).

148. See Clemens & Minkoff, *supra* note 86. See generally FRANCESCA POLLETTA, *FREEDOM IS AN ENDLESS MEETING: DEMOCRACY IN AMERICAN SCHOOL MOVEMENTS* (2002).

with about two dozen California organizations, ranging from Parent-U-Turn, a parent advocacy group in South Gate and Lynwood, California, to much larger organizations like California ACORN and PICO California.¹⁴⁹ There are at least two statewide networks of independent organizations, although neither could be truly said to be an "organization" in the conventional sense. In addition to the Education Justice Collaborative,¹⁵⁰ a Campaign for Quality Education, led by the Californians for Justice group discussed above, has mobilized locally-based grassroots organizations and allies in advocacy groups.¹⁵¹ We detect in these efforts the beginnings of a social movement for educational justice, and perhaps more broadly, for social justice.

CONCLUSIONS AND IMPLICATIONS

We began our exploration of the potential contribution of grassroots organizing to securing a fundamental right to high-quality education with four questions: Does establishing education as a fundamental right require activism outside conventional policymaking processes? What might such activism add to the strategies of lawyers, policy elites, and professional educators? What role might current grassroots organizing for education equity play? Under what conditions might grassroots activity lead to a social movement powerful enough to secure a meaningful right to high-quality schooling for all children? We have argued, based on our reading of social science and legal scholarship and our own experience, that such organizing is probably essential for equitable education in California.

Grassroots organizing may be a prerequisite to the framing, resource mobilization, and organizational and leadership capacity required by a social movement for the right to high-quality education. The construction of knowledge and understandings that grassroots groups engage in can generate mobilizing ideas, framing educational justice to motivate widespread participation and broad public support. Successful coalitions among grassroots groups, mainstream groups, and elected officials could mobilize many more activists along with the "mass" public support and the material and organizational resources needed to advance a broader movement. The considerable capacity of these groups to create and execute imaginative forms

149. For a summary of PICO's work on education, see the "Good Schools" page on the PICO California website, <http://www.picocalifornia.org/goodschools.html>. For a summary of ACORN's education work, see the "Better Schools" section of ACORN's website <http://acorn.org/index.php?id=2660>. Both organizations are multi-issue grassroots organizations, but educational justice is playing an increasingly prominent role in the work of both groups.

150. See OAKES & ROGERS, *supra* note 3, at 131-53.

151. See Californians for Justice, The Campaign for Quality Education, http://www.caljustice.org/cfj_live/index.php?option=com_content&task=view&id=43&Itemid=56.

of collective action provides compelling models for the interaction of inspiring leadership and an organized base.

We recommend that lawyers and other advocates, education reformers, and philanthropies who seek a right to high-quality education support grassroots organizing and, to the degree possible, the evolution of grassroots organizing into a broader social movement. Such support can take the form of strategic relationships, resources, and legitimacy.

One model for this is our work at UCLA's Institute for Democracy, Education, & Access and, in particular, with the Education Justice Collaborative. The joint participation of grassroots groups, policy advocates, lawyers, and researchers brings research support, translation, and dissemination about ongoing developments in education reform. The relationships also provide capacity-building through focused working groups that design, lead, and implement various public education and media strategies; and coordinated "exchanges" that bring together academics, policymakers and grassroots organizers to better understand key educational issues and each others' perspectives. Regional convenings and strategy sessions foster organization and continuity among the various groups' actions. Finally, affiliation with such a collective enterprise opens doors to funding sources that might not otherwise support small groups working in isolation. All of these activities could be supported and scaffolded by policymakers and lawyers.

However, although there are multiple ways for policymakers, lawyers, and researchers to engage, these "allies" must adopt new relational roles—most significant is that their comfortable elite status cannot productively place them in charge of the organizing or framing around a movement for a right to high-quality education. Rather, they must see themselves as tools to be leveraged to effectuate the goals of more organic social movements. All of us are potential resources—human, material, and moral—for those young people, parents and community members who would form the heart of such a social movement because they are the ones most negatively affected by the inadequacies and inequality in today's schools.

As important, determining how best to engage is likely to be iterative, developmental, opportunistic, and in the end, an empirical process. In other words, lawyers and policymakers, like organizers and grassroots themselves, will always have to act within the limits of their own resources and capacity and within an ever-changing landscape. For example, a *Williams* suit would be very different if brought today—simply because the organizing landscape has changed.

In the end, law and the rhetoric of rights will no doubt play a significant role in the process. But rights without power to compel their realization are an illusion. Law and the recognition of education as a fundamental right, together with the social mobilization and political power sufficient to make those rights real, however, could materially transform public education. And possibly much more.

