

PROPRIETARY THREAT AND THE PARTICIPATION PARADOX IN GIFTED
AND TALENTED EDUCATION: A MULTI-LEVEL MIXED METHODS THEORY
OF RESOURCE DISTRIBUTION

by

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For the souls whose passage
Lit each new step of this journey
Josephine Smiley Roberts
Debbie Roberts
JoAnna Adams Smiley
Ishmael Johnson
Elvira Loftis Johnson
Sanford Smiley
Vendredi Loftis
Vernesssa Roberts Taylor
Thanks for walking with me
Bütn-bütn!

-- S.EM.YB

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ABSTRACT

PROPRIETARY THREAT AND THE PARTICIPATION PARADOX IN GIFTED AND TALENTED EDUCATION: A MULTIPLE-LEVEL MIXED METHODS THEORY OF RESOURCE DISTRIBUTION

by

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Co-Chairs: Ann C. Lin and Arthur Lupia

What explains the persistent disparate enrollment of black students in gifted and talented education programs? The bulk of the literature attributes these enrollment patterns to teacher bias against black students, a lack of knowledge about how giftedness manifests itself in black youth, and the apathy of black parents in the identification process. I argue that disparate enrollment persists because of a participation paradox in education. Politicians and policymakers encourage black parents to become involved in the identification process. However, educators are resistant when members of the black community advocate for access to GATE in the same ways that white parents do so because these forms of participation threaten educators' status as identification experts. More specifically, I argue that the distribution of GATE enrollments is a function of how state and federal governments structure the relationship between education advocates (parents and community members) and educators (teachers and administrators). I find

that educational outcomes are less a function of teacher bias and parent motivation than they are a function of strategic professional responses to political pressure.

I develop the theory of proprietary threat which addresses the question of how democratic responsiveness is achieved in the areas of government where bureaucratic agents are poised to provide the most immediate response to the public. The theory of proprietary threat elaborates on the policy implementer's decision-making process when facing competing claims for public goods within environments with various power-sharing arrangements between national, state, and local governments. The theory posits that policy implementers who want to maintain their status as the primary experts in their fields will be preemptive in policy implementation when members of the public are likely to engage in activities that copy and compete with their services. I employ a multiple-level mixed methods research strategy. The analysis includes an in-depth case study of state legislations and statistical analyses of the Project on Human Development in Chicago Neighborhoods Survey.

Chapter 1

Black Gifted Students and the Participation Paradox

Black students in gifted and talented education programs

Gifted and talented education (or GATE) programs are advanced learning opportunities offered in public schools throughout the nation. They provide opportunities for students to acquire sophisticated skills and learning techniques earlier and at a quicker pace than students would acquire them in the regular classroom. A student's participation in GATE generally begins in the second grade so that the benefits of enrollment accumulate early in the academic career. This creates a substantial divide between participants and non-participants in consistent exposure to critical thinking processes and analytical techniques, thereby contributing to differential rates of learning and gaps in their performances on standardized tests.

Race historically has been one of the fault lines along which participation in GATE is structured. Many school districts adopted GATE as a racial-balancing tool after the passage of *Brown vs. Board of Education* – some to facilitate compliance with the ruling by attracting upper and middle-class white students to school districts with substantial minority populations and others to subvert integration by creating all-white classrooms within 'desegregated' schools (Patterson, 2001). Despite federal calls for less racial disparity in enrollment beginning in the early 1970's (Marland, 1971), this form of intra-school segregation persists.

In 2000, African American students accounted for about seventeen-percent of public school students, but were only eight-percent of the GATE population; Latinos, who were about sixteen-percent of public school students, were about ten-percent of the GATE population; and non-Hispanic white students, who were about 62-percent of public school students made up about 74-percent of the GATE population. Disparity in enrollment rates persists for racial groups even when controlling for socio-economic status such that upper- and middle-class African American students are less likely to be enrolled in GATE programs than are poor white students (Lockwood, 2007; Donovan and Cross, 2002).

The drastic and persistent under-enrollment of black students in GATE has been attributed to teacher bias against black students, a lack of knowledge about how giftedness manifests itself in black youth, and the apathy of black parents in the identification process. In response, researchers and policymakers have looked for more efficient and accurate ways to measure and identify giftedness, worked to develop and disseminate policies that would clarify the identification process, and created programs and policies to involve more parents in the gifted identification process. To varying degrees and in different places these interventions have modified enrollment patterns; yet, the enrollment disparity remains and is still quite large. If these interventions have not worked, then are the disparities simply a reflection of student ability or is there some other explanation?

A political institutions explanation of persistent GATE disparity

Imagine a state in which twenty-eight percent of the population is minority and just under twenty percent of the population is African American. The state is located in the Southern part of the United States. It houses a branch of the National Research Center on the Gifted and Talented– the research organization funded by the United States Department of Education and charged with identifying the causes of and remedies for the under-enrollment of African American students in gifted and talented education. The legislation regulating gifted and talented education in the state is attentive to the underrepresentation of African American students in the program. It takes responsibility for addressing the underrepresentation problem by requiring that school district plans for gifted education include,

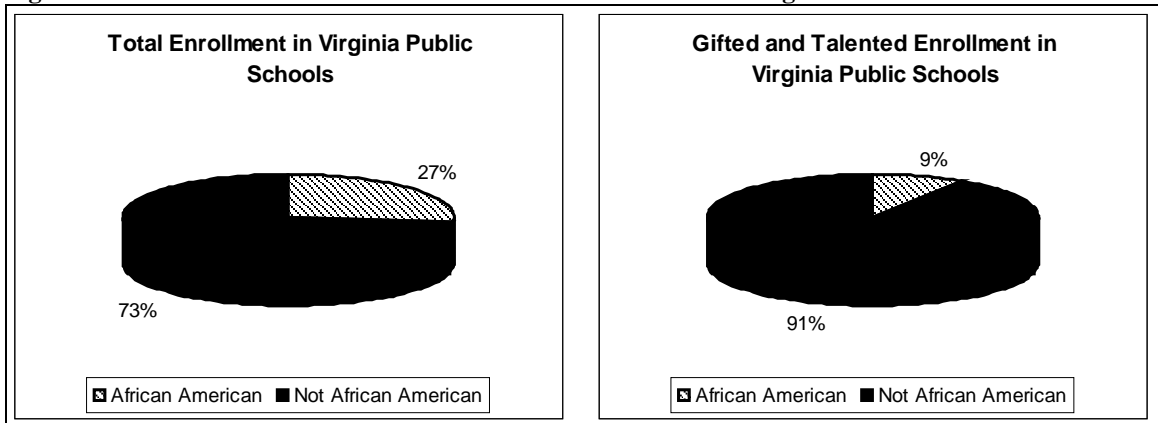
“assurances that (i) testing and evaluative materials selected and administered are sensitive to cultural, racial, and linguistic differences [and] (ii) identification procedures are constructed so that they identify high potential/ability in all underserved culturally diverse, low socio-economic, and disabled populations... (8 VAC 20-40-60)”

In this state, the legislation sets up a system for monitoring how students are identified for program participation and which students are identified for program participation. It clearly details the hierarchy for the monitoring relationship between parents, school districts and the state. The legislation does not allow educators to decide if they are successful; instead, state officials determine the success of program implementation. Finally, it includes provisions for parent participation in the identification process.

This state is Virginia. Despite the fact that many of the regulatory characteristics of gifted and talented education in Virginia’s legislation are generally associated with

more equitable enrollments of African American students in gifted education programs, African American students are highly underrepresented in the state. In the year 2000, almost twenty-seven percent of Virginia's 1.1 million public school students were African American. Just under ten percent of the public school students in Virginia were enrolled in gifted and talented education programs (110,357) and only nine percent of those students were African American. Thus, in the year 2000, African American students were under-enrolled in gifted and talented education programs by sixty-six percent in Virginia.

Figure 1.1 Enrollment Patterns of African American Students in Virginia

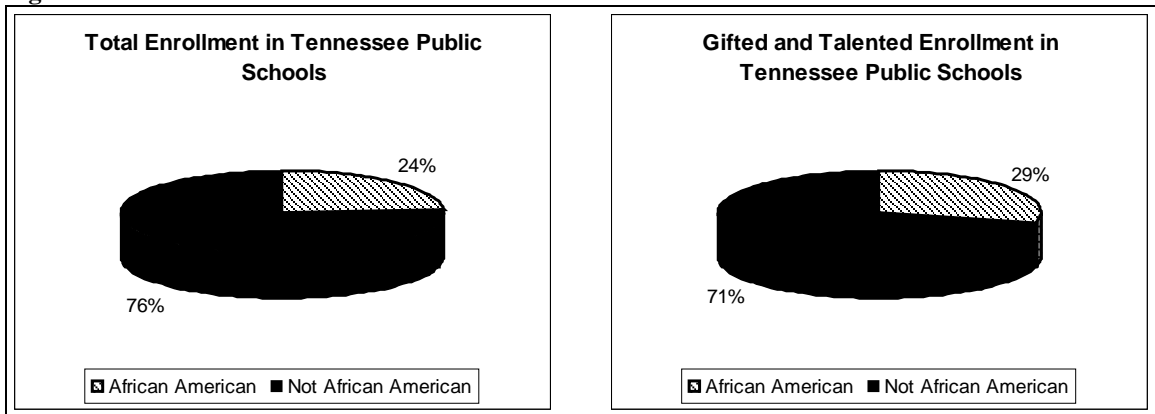


Now imagine a second Southern state. This state is twenty percent minority and sixteen percent African American. It does not house a branch of the National Research Center on the Gifted and Talented, yet the legislation is quite similar to that of the first state: The legislation in this state also assigns responsibility for addressing the underrepresentation problem to state rather than local officials. It sets up a system for monitoring how students are identified for program participation and which students are identified for program participation. It clearly details the hierarchy for the monitoring

relationship and like the first one, it does not allow for peripheral accountability. Finally, it includes provisions for parent participation in the identification process.

This second state is Tennessee. The prospects for gifted and talented enrollment are higher for African American students in Tennessee than they are in Virginia. In 2000, thirty-three percent of Tennessee's nine-hundred thousand public school students were enrolled in gifted and talented education programs. About twenty-four percent of the school population was African American and almost twenty-nine percent of the gifted and talented program enrollees were African American. African American students were over-represented in Tennessee's gifted and talented education programs by eighteen-percent.

Figure 1.2 Enrollment Patterns of African American Students in Tennessee



What accounts for the differences in the enrollment gaps for African American students in Virginia and Tennessee? The critical variation in regulation for these two states is the ways in which they incorporate parents into the identification process.¹ The Virginia legislation allows parents to refer their children for gifted identification, but it

¹ I compare these legislations in more detail and with respect to other state legislations in Chapter 3 of this dissertation.

does not discuss a plan to educate parents about the identification process nor does it articulate the processes through which they may refer their children for identification. Thus, parents must have external knowledge about GATE and gifted identification to participate in the identification process.

The Tennessee legislation, on the other hand, includes provisions that allow African American parents and community members to be very active participants in the gifted identification process. It requires school districts to disseminate information on giftedness, the identification process for program participation, and the ways that parents and community members can become involved broadly. The ways in which parents are to be notified about gifted and talented education are highly specified in this legislation. Moreover, the implementation and effectiveness of the notification procedures are monitored. With such detailed notification plans, the Tennessee legislation attempts to broaden the scope of the public that can effectively participate in the identification process.

The Tennessee legislation broadens the participatory scope of gifted identification in two ways. First, it explicitly invites African American parents and communities into the gifted identification process. Secondly, it legitimizes the participation of these advocates in the identification process and accepts responsibility for their participation. In doing so, it signals to district educators that both educators and political leaders themselves will be held accountable for the incorporation of these actors into the education process, creating an explicitly political mechanism for the regulation of gifted program enrollment. In sum, regulations like those found in the Tennessee legislation

moderate the imbalances in opportunities to participate in education and the effectiveness of participation on the distribution of educational goods. They use political mechanisms to alter educators' responses to members of privileged and non-privileged classes.

A participation paradox: Group-based differential responses to parent participation

The association of enrollment rates and the structure of the participatory clauses in the Tennessee and Virginia legislations highlights a paradox in education advocacy: the widespread acceptance of game-changing participation on behalf of white students coupled with the conditional acceptance of the same activities on behalf of black students. In this dissertation, I work to explain the persistence of this phenomenon which I refer to as the 'participation paradox' in education. Politicians and policymakers encourage black parents to become involved in education. However, educators are resistant when members of the black community advocate for educational goods in the same ways that white parents do so because these forms of participation threaten educators' status as experts.

I attribute this paradox to the ways in which participation in public life is circumscribed and interpreted through race. I argue that because of the historical meanings of race and their implications for contemporary life, certain forms of participation in public life by African Americans can be discounted by public officials. The ability to discount black public participation factors into educators' calculations of who can legitimately sanction their actions which results in asymmetrical responsiveness to the public and exacerbates racial disparities in the distribution of public goods and

policy outcomes. I argue that this imbalance can be modified through the state and federal governance structure.

Parent advocacy and educator accountability are posited as two ends of the spectrum for reversing achievement gap trends. On one end of the spectrum, educators are held responsible for educational outcomes. At the far end of the spectrum is the extreme version of parent advocacy, parental choice. In theory, the possibility of activating parental choice arrangements serves as the stick to ensure educator compliance with accountability regulations. However, the focused attention on parent participation in education and the related policy recommendations make several assumptions about the relationship between school districts and parents that alter the effectiveness of the accountability-choice paradigm for African American students.

The first of these assumptions is that school districts interact the same way with all parents. More poignantly, they assume that educators interact the same way with black parents and white parents. A rather large historical record attests to the contrary and a central task in this dissertation is to understand the implications of these asymmetric relationships on the enrollment disparity and on the design of education policy. The second of these assumptions is that the returns to parental effort are constant. This assumption ignores the fact that education is a limited and valuable good. Even if school districts interacted with black and white parents the same way, the same parent actions for equally intelligent students may not result in the same outcomes. Centering the study on gifted and talented education programs which are elite and selective prevents us from losing sight of the competitive nature of education.

The final assumption that I interrogate is that all interactions between parents and educators are productive; that they have a positive impact on the relationship between parents and educators as well as educational outcomes. This assumption is not justifiable. While the fallacy is easily identified when considering the historical relationship between black parents and educators, it is generally applicable to the relationship between all parents and educators.

Parents engage in two types of participation in education -- involvement and intervention. Involvement activities tend to support the educational administration in its current form. They help to reinforce the activities taking place in the classroom and to increase educators' capacities to continue these activities. The underlying premise of parent intervention, on the other hand, is to change the course of action of the administration, frequently by engaging in activities that replicate and compete with those of the educator. Educators are receptive to involvement activities but resent and work to avoid intervention activities. Differential response by race to the two types of parental participation exacerbates the gaps in academic achievement.

A theoretical foundation for parent participation in education

I develop the theory of proprietary threat to explain how race-based responses to participation in the education process alter policy outcomes and how this relationship can be structured by political institutions. The theory of proprietary threat posits (1) that policy implementers who want to maintain their status as the primary experts in their fields will be preemptive in policy implementation when clients or members of the public are likely to engage in activities that copy and compete with their services and (2) that

their calculation of when such a threat is present can be altered through the distribution of incentives and sanctions by political overseers. This means that educators who want to be considered the primary experts in gifted and talented identification will distribute enrollments preemptively to students for whom parents or community members will lobby successfully for gifted identification and that educators' calculations of when this is likely to happen change based on who the state and federal governments incorporate into the gifted identification process.

The theory of proprietary threat has three main components: proprietary threat, proprietary threat response, and the credible threat mechanism. Proprietary threat refers to policy implementers' general aversion to encroachment on a policy implementation space. Policy implementers want to maximize control over their realm of policy and are resistant to the efforts of others to reduce their control. Proprietary threat response refers to the efforts in which policy implementers engage to prevent a reduction in their power by the encroachment of others on the implementation space.

The credible threat mechanism refers to policy implementers' methods of selecting strategies to respond to encroachment efforts. Policy implementers have three possible responses to proprietary threat: They can choose to ignore their aversion and become collaborators with those who infringe on the implementation space; they can resist the collaborators once they have entered the implementation space; or they can neutralize the threat by engaging in activities that will stymie the encroachment of collaborators. Policy implementers choose their strategies based on the ability of the

person presenting a threat to lobby successfully for their preferred policy outcomes by reducing the policy implementer's control over the implementation space.

Five claims follow from the theory of proprietary threat. The first claim is that policy implementers prefer to act preemptively when facing credible threats. Threat credibility is determined by the external actor's ability and willingness to engage in activities that will reduce the implementers' control of the implementation space. When the actors' activities will reduce implementers' control over the implementation space, threat is credible; when the actors' activities will not reduce implementers' control over the implementation space, threat is not credible. The second claim of the theory of proprietary threat is that policy implementers use the individual characteristics of external actors as indicators of threat credibility.

The third claim is that the rules governing a policy space (as determined by higher levels of government) alter implementers' calculation of whether or not an individual poses a credible threat. In setting the standards for responsiveness to external actors, the governance structure creates the boundaries of citizenship. The manner in which a governance structure defines the boundaries of citizenship depends on public conceptions about how the policy should be implemented and how responsive governance structures are to the public. This is the fourth claim of the theory of proprietary threat. The fifth claim of the theory of proprietary threat is that the extent to which any one part of the governance structure is responsive to the public is determined by its ability to reinforce its position and the pressure it receives from other parts of the governance structure. The analysis in this dissertation focuses on the first three claims of the theory.

Findings and implications

The rates at which African American students are underrepresented in gifted and talented education programs vary with the structures in place that (1) regulate the participation of African Americans in the identification process and (2) regulate the relationship between African Americans and district educators. African American enrollment rates are highest in states where the legislation delineates accountability relationships between parents, school districts and the state. However, while these two-level accountability systems work to mitigate enrollment disparity, they are not strong enough to ensure proportional enrollment for African American students. In order to balance outcomes, the governance structure must also explicitly incorporate the historically disempowered African American community into the policy process. The enrollment gaps in gifted and talented education programs are closed when African Americans as a group are empowered politically in the education process and when that power is subsidized at the local level with political and procedural support from higher levels of government.

When African Americans are incorporated into the education process and their participation is subsidized by higher levels of government, the participation of African American parents in the education process counts just as strongly as it does for parents of other races. Moreover, parent advocacy, community advocacy, and credible threats from parents and the African American community are stronger correlates of enrollment in GATE than are students' individual IQ test scores. Therefore it is imperative that institutions allow parents and communities to participate in the gifted identification

process. More importantly, parents need to be informed of their ability to participate in the process and the superstructure in place needs to facilitate the effectiveness of their participation.

Comprehensively, I find that the political incorporation of the African American community into the identification process is a necessary mechanism for eliminating the enrollment gap in gifted and talented education. Doing so may have effects on the level of advocacy on behalf of students but it is critical because it has implications for the ways that educators will navigate the participatory environment. Advocacy on behalf of African American students means little if educators face no consequences for ignoring it or if the consequences of ignoring the advocacy are much smaller than the consequences of ignoring competing claims. The political incorporation of the African American community into the education process institutionalizes the importance of the African American community relative to communities voicing competing claims for educational goods, making members of the African American community effective education advocates.

Previews of the upcoming chapters

In the upcoming chapters I develop and test the theory of proprietary threat using the participation paradox for gifted and talented education as a lens. In chapter two, *The Theory of Proprietary Threat*, I present in detail the theory of proprietary threat. I discuss the conditions that induce proprietary threat response and its implications for racial communities. I explain what this means for black communities seeking desegregation or improved outcomes for black students.

Chapter three, *Setting the Agenda: A Legislative Foundation for Proprietary Threat*, lays the groundwork for the argument that states exercise control over outcomes by institutionalizing the relationship between policy implementers (educators) and service recipients (education advocates). I argue that enrollment in gifted and talented education programs varies with state-level guidelines about access to gifted education and who can make claims on this access. The analysis in this chapter outlines four types of relationships that states legislate between educators and education advocates and demonstrates that the enrollment gap between black and white students is lowest in states that specifically legislate interactions between educators and the black community. With this analysis I argue that the state sets the agenda between educators and education advocates and that when states do so with attention to imbalances in power, resources, and prestige across racial communities, states can moderate the levels of racial disparity in educational outcomes.

After establishing the relationship between legislative control and enrollment disparity in chapter three, I test the implications of the theory of proprietary threat for individual outcomes in chapter four, *Too Protective to Coproduce: Proprietary Threat Response in a Participatory Policy Environment*. I use hierarchical linear modeling to identify the correlates of enrollment in gifted and talented education programs within a city where legislative and policy constraints have created an environment amenable to proprietary threat. Estimating the effects of education advocacy and advocate threat credibility on enrollment, I argue that proprietary threat response rather than coproductive relationships guides enrollment in the program. Chapter five concludes the dissertation.

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Chapter 2

The Theory of Proprietary Threat

If political institutions are the rules governing political actions (Sin, 2007; Cox and McCubbins, 2005; Krehbiel, 1998; Krehbiel, 1991; Shepsle and Weingast, 1987), then what are their effects on policy outcomes? Among the answers offered by McCubbins *et al* (1989, 1987), two are of particular importance for thinking about the role of parent participation in reducing the disparity in gifted and talented education programs. The first is that they shape the actions of agents who implement policy. The second is that they create, empower, and legitimize advocacy communities.² Indeed, McCubbins *et al*, focusing on the ability of politicians to control bureaucratic agencies with administrative procedures, write about the alteration of advocacy communities as a mechanism to control the actions of policy implementers (*see* also McCubbins and Schwartz, 1984). In doing so, they highlight the altered accessibility of the political landscape to policy advocates but do not specify the process by which policy advocates determine how they will respond to the invitation.

² I use the term ‘advocacy community’ to refer to actors external to a government agency who engage that agency for policy outcomes. An advocacy community may be comprised of one or more actors. Members of an advocacy community may be public officials but their designation as community advocates applies only when they are working outside of their official capacities. Thus teachers are members of an educational advocacy community when they are engaging the school district for educational outcomes as citizens (i.e., in a protest, in letter to the district, or in a newspaper editorial) but not when they are advocating for these same goals in their official capacities as teachers (i.e., at a staff meeting or school in-service function). Their status as teachers may affect how the school district perceives their requests but their advocacy is nevertheless understood as an external engagement of the district rather than an internal engagement.

On the other hand, the opportunity structure framework in the political participation literature does address how opportunity structures change the participatory strategies of advocacy communities (Platt and Harris, 2006; Klinkner and Smith, 2002; Mettler, 1998). Yet, this line of research is removed from the institutional control literature and therefore does not specify the influence of political control on the participatory behaviors of the advocacy community. Moreover, it does not offer systematic evidence on the resulting policy outcomes. I address the disconnect between the two literatures with a theoretical framework which links these two pieces of the policy outcomes puzzle -- governance and mass participation, creating the path for a systematic analysis of the influence of political control on participatory behavior and policy outcomes.

I ask how the strategies of the federal and state governments for governing gifted and talented education programs affect how school districts and parents engage each other in the processes of identifying giftedness and distributing program enrollments. In particular, I focus on how the distribution of incentives and sanctions across governance domains affects educators' decisions about whether to engage advocates in the identification process, which advocates to engage in the identification process, and how advocates strategize their actions within this political framework. In Part I of this chapter, I review the relevant literatures. I begin with an overview of the literature on context and political participation. Then I review the literature on political control of the bureaucracy and the responsiveness of the bureaucracy to the public. In Part II, I offer the theory of proprietary threat as an extension of these literatures and introduce its

application to understanding enrollment patterns in gifted and talented education programs.

Part I.

Context: pushing participation forward, but leaving institutions behind

The study of political participation has evolved from focusing purely on individuals' motivation for participating in politics to understanding the impact of the contexts in which these individuals mobilize to engage in political activities. Early studies of political mobilization – particularly voting behavior – examined the decision to participate in politics as a function of individual resources. The individual calculus to vote was theorized to be based on the availability of free time, political knowledge and understanding, the sense of efficacy, education, and income (Rosenstone and Hansen, 1993; Verba, Schlozman and Brady, 1995; Verba and Nie, 1972).

Individuals who know more about politics—politicians, laws, rules or procedures – are more likely to participate in politics than are individuals with less knowledge. This trend holds for levels of education and income as well. But these trends do not hold for African Americans who when controlling for income, education, and efficacy are more likely to participate in politics than white Americans. Walton's (1995) work on the 'anomalous' political behavior of African Americans demonstrated that the greatest predictor of African Americans' political participation was the absence of a legal or institutional barrier to political participation. When African Americans are afforded the opportunity to participate in politics, they participate.

A second line of participation research incorporated external factors into the study of participation. Researchers began to measure the impact of mobilization efforts, social networks, and neighborhood composition – to name a few factors – on voting, political volunteerism, and letter-writing (e.g., Marschall, 2004; Burns, Scholzman and Verba, 2001; Oliver, 1999; Cohen and Dawson, 1993; Rosenstone and Hansen, 1993; Henig, 1988; Huckfeldt, 1979). Platt and Harris (2006) refer to these factors summarily as the contexts within which individuals make their participation decisions. They argue that the confluence of economic and political opportunities – threat, conflict, access/allies, and networks --present in the political system determines when and how individuals participate in politics.

The focus of the context literature on structures and factors that fit into the broad categories of mobilization, elections, and empowerment leaves unspecified the ways in which political institutions, particularly legal and rule structures, affect participation. In doing so, they omit a key explanation for participatory behavior, treating institutional power and behavior as distinct and separate entities. Yet, these concepts are interdependent, with the legal structure having a direct and immediate influence on participatory behavior and participation having a strong, though perhaps somewhat removed and lagged, causal effect on the structure of government (Walton, 1995).

Institutions: focusing on opportunities without assessing response

The context literature pushes the study of participation forward at the expense of developing understanding of the institutional influences. The institutions literature

engages in a comparable practice by developing elaborate theories of opportunity for participation but not systematically assessing how the public responds.

Political institutions delineate who has agency within a political realm and how that agency can be exercised. These structures dictate which members of the public can legitimately make claims on social goods and the ways that they can make these claims. They also outline how government agencies and policy implementers can respond to the actions of advocacy communities. Few studies demonstrating a relationship between the shape of political institutions and policy outcomes detail how the public's response to the opportunity structure and the exchange between implementers and the participating public impacts outcomes, creating a black box in the chain of knowledge about the impact of political control on policy outcomes. The literature as it has so emerged, makes policy implementers 'outcome magicians' of sorts (that is, if the public does not respond to the newly constructed participatory opportunities, for example) or passive yes-men for the participating public's agenda (as in, policy outcomes change simply by virtue of changes in the advocacy community). A review of the literature on the impact of institutions on policy outcomes and bureaucratic behavior will clarify the elements necessary to illuminate the black box.

In their discussion of the ability for administrative procedures to serve as political controls of the administrative bureaucracy, McCubbins *et al (ibid)* draw out implications for the political behavior of citizen groups. Administrative procedures embodied in laws, legislative mandates, and public policies delineate the body of rights and responsibilities that citizens and governments have toward each other. They designate who has a claim

to goods and services, the basis on which they can make these claims, the timeframes within which these claims can be made, and the reasonable outcomes. These structures also dictate who these claims can be made against—individuals, businesses, governments – and the circumstances that determine the appropriate entity for the claim. Moreover, these institutions dictate who is responsible for monitoring the settlement of these claims, determining appropriate behavior for these monitors, and outlining the mechanisms they can use in this task.

The McCubbins *et al* (ibid) synthesis of the political control of bureaucratic behavior focuses on the relationship between federal level politicians and executive agencies using the principal-agent framework for analysis. The principal-agent paradigm is a useful tool for understanding the relationship between these parties for several reasons. First, executive agencies exist as creations of the federal executive, legislative and judicial branches. Their composition, lifespan, and tasks are determined by the politicians who occupy federal office at any given time. The politicians are dependent upon the agencies to complete specified tasks for which the politicians likely lack expertise. And the agencies, whether securing their existence (Carpenter, 2001; Lupia and McCubbins, 1994; Wilson, 1983) or continuing mandates from previous political regimes (McCubbins *et al*, 1987) may have reason to implement the political agendas with less vigor than desired. Thus, the problem of aligning the actions of the bureaucracy with the preferences of the political forces emerges.

Yet the applicability of the McCubbins *et al* findings to the relationship between parents and school districts in the specific and the relationships between advocacy

communities and local level agencies in general is not straightforward because the relationship between the local agency and the federal government is quite different from the relationship between the federal executive agencies and the federal government. The primary difference is that these types of local agencies are not creatures of the federal government. They are creatures of state governments and, if the standard principal-agent model were to be applied, the agents of these governments. Yet they are bound by the legal mandates of the federal government and frequently enter into regulatory relationships with the federal government voluntarily in exchange for financial support. Thus, while the relationship between executive agencies and federal politicians is essentially necessary, the relationship between federal politicians and local agencies like school districts is fundamentally voluntary, though the tendency of these types of local agencies to enter into the relationships demonstrate the strength of the coercive power of the federal pocketbook.

The relationship of local level agencies to the judiciary branch of the federal government is a bit more complex as the federal judiciary can choose to enter into the local-level fray to ensure that local regulation of school districts does not interfere with the rights and privileges guaranteed at the federal level. Thus, the federal judiciary maintains a constant presence in local governance through which it adjudicates the balance of power between individuals and between individuals and governments. Of course, the federal judiciary may opt to not take action but its ability to do so – whether its rulings are followed or not – sets its relationship to local agencies like school districts apart from that of the executive and legislative branches.

Additionally, the relationships differ because many local agencies interact more directly with clients or advocacy group members than do executive agencies. Brehm and Gates (1997) find that social workers – quintessential bureaucrats who work directly with clients (i.e., Lipsky’s ‘street-level bureaucrats’ (1980)) -- rank their clients as the group of actors who have the most influence over how they spend their time at work. Of customers, supervisors, coworkers, and the director, only customers influence whether or not the social workers take work home to complete. A second study reiterates the relative importance of client behaviors and orientations on bureaucrats’ conceptions of their jobs. Brehm and Gates find that bureaucrats are aware of the changes in the mobilization level of the public but unaware of changes in the activity levels of legislators. This finding leads Brehm and Gates to conclude that citizens may receive more efficient responses from bureaucrats if they approach them directly rather than voicing their concerns through the mediation of elected officials. This difference suggests that understanding how members of the local level agency respond on a case-by-case basis to political control and citizen/client participation is fundamental to understanding policy outcomes.

The relationship between clients and bureaucrats highlights restrictions on the concept of expertise modeled within the basic principal-agent framework. In the classic model, the agents – executive agencies – operate as the experts in the relationship. It is their expertise in a policy area that fuels the dilemma of asymmetric information and necessitates the use of incentives and sanctions to induce compliance. However, a focus on the activities of advocacy communities reminds us that expertise is honed and exercised by politicians as well as bureaucrats.

In particular, politicians must operate with a certain level of political expertise to facilitate their abilities to be responsive to the public. This political expertise has implications for how politicians interact with bureaucrats and bureaucratic agencies. Frequently, scholars conflate the agendas of politicians and the public in studies of political control of the bureaucracy, using politicians' agendas to proxy for those of the public. In doing so, they leave untold the story of the politician who strategically constructs and enforces regulations of bureaucratic behavior in pursuit of two agendas – his own and that of the advocacy community. This politician's outcome preferences fluctuate with the capacity and capability of the bureaucrat and the policy implementing agency.

Moreover, a focus on the relationship between clients and bureaucrats reveals that bureaucrats must exhibit political savvy as well as policy expertise (Meier and O'Toole, 2006; Brehm and Gates, 1997; Wamsley, 1990). In his "agency perspective" of public administration, Wamsley writes that the ideal bureaucrat serves as an agent for the citizens by whom he is employed. Wamsley conceptualizes this bureaucrat as a Burkean guardian and advancer of the public good. As such, he acts as a "citizen agent standing in place of other citizens (principals), exerting power *for them and in their stead* to achieve an end, a collective purpose; but always consciously *responsible to them and acting by their authority* (page 117, emphasis in the original)." Wamsley's bureaucrat is an active participant in governance -- not simply a referee between citizens and the agency— who advocates the mission of the agency while responding to citizens' needs and demands.

Exercising political savvy, the bureaucrat is theorized to engage in preemptive activity. Meier and O'Toole (2006) write:

These [bureaucrats' own preferences which have the greatest effect on performance] can operate beyond the decisions and actions that can reasonably be monitored by political overseers and may even enable bureaucrats to "respond" in an anticipatory sense to broad public preferences without explicit intervention or signaling from politicians.

The anchor for preemptive policy implementation is the set of the bureaucrat's own preferences which are out of the reach of politicians. The link between preferences and the avoidance of political control makes sense if these preferences lack content that can be regulated by political overseers. But if the converse is true – that is if politicians can monitor and regulate bureaucrats' personal preferences, then political control may be implicated in the anticipatory response.

The bureaucrat's personal preferences: out of the realm of political control?

Meier and O'Toole define political control of the bureaucracy as the ability of politicians to convince bureaucrats to engage in activities they would not have engaged in otherwise. To measure the presence of political control then, they incorporate measures of bureaucrats' preferences into their analyses. Meier and O'Toole turn to the theory of representative bureaucracy to guide their measurement of bureaucrats' values, using educators' and politicians' ethnic background as a proxy for their values. In the analysis they present in chapter four, they write:

No single kind of measure picks up the full preference or effort of political actors to try to achieve an outcome like improved Latino educational performance, but ethnicity itself ... While these measures [more traditional ones like interest group scores, partisan percentages or budgetary shifts] are not necessarily flawed ways of tapping political preferences, they are also neither theoretically

nor empirically superior to ethnicity as a proxy for values. This point holds in particular when the outcomes being examined directly affect clients of the same ethnicity, as they do in this study (p. 76).

By using ethnicity as a proxy for preferences, Meier and O'Toole presume that school board members and educators prioritize their ethnic agendas over their professional goals. They base their decision to do so on the empirical literature on representative bureaucracy (e.g., Hinderer, 1993; Meier and Stewart, 1991; Meier, Stewart, and England; 1989).

Yet even these studies do not assess the causal mechanisms for the correlations they find between racial representation and policy outcomes. For example, Meier *et al* (1989) find that educational outcomes for black students are positively correlated with the number of black representatives on the school board and the number of black educators in the school district. They conclude that the shared values of black bureaucrats, black politicians, and the black community are responsible for the empirical patterns. However, black educators could be better facilitators of achievement for black students because they subscribe to a certain educational philosophy (i.e., professional norm) that when followed by educators of other races produces the same results. Or it could be the case that black educators engage in special efforts to produce achievement for black students because of their shared backgrounds. In either case, these studies do not test for the causal explanation.

In contrast, Coleman *et al* (1998) offers some causal insight, finding that the transition from passive to active representation by minority administrators (that is, minority administrators enacting policy outcomes that favor the interests of their minority

group) is increased by the extent to which the bureaucrat adopts a minority representative role. The adoption of the minority representative role is positively correlated with (a) being a minority, (b) having the perception that increasing minority access to public goods is a job expectation, and (c) having the perception that it is one's job both to increase minority access to public goods and implement programs according to department policy. Notably, the magnitude of the impact of race on adopting the minority representative role is equal to and only slightly larger than the two measures of job expectations – standardized coefficients were 0.32, 0.24, and 0.32, respectively – meaning that the bureaucrats' sense of professionalism is at least an equally powerful contributor to job performance as is race.

Moreover, adopting the minority representative perspective is negatively correlated with the bureaucrat's level of education, his connection to the organization (number of years in the organization, extent of training, years in current position) and having a traditional orientation towards the function of the bureaucracy (i.e., perceiving one's role as the efficient implementation of the organization's programs and policies). The standardized coefficient for this variable was -0.31, suggesting again that professional norms are just as strong as racial identity in the bureaucrat's determination of how to implement programs.

In their analysis of the activities of police officers, Brehm and Gates (1993) examine the factors associated with whether bureaucratic agents choose to engage in working (pursuing the principal's agenda), shirking (intentionally offering a subpar performance), or sabotage (intentionally producing results that conflict with the

principal's agenda). They find that bureaucratic behavior is most strongly predicted by a bureaucrat's level of professionalism (as measured by an external evaluator familiar with the norms, practices, and organizational culture of the police department), then by positive feelings of solidarity with other workers, appreciation and enjoyment of their functional duties, and finally the incentives and sanctions offered by supervisors. Brehm and Gates note the importance of institutions like the police academy for reinforcing the notion of professionalism.

Pointedly, Meier and O'Toole's (*ibid*) analysis of shirking in chapter five highlights the importance of professionalism in the bureaucrat's decision to shirk. In this chapter, Meier and O'Toole define cheating as shirking and they argue that bureaucrats are likely to cheat when they (a) face severe problems; (b) have few resources to invest in compliance, (c) have low transaction costs to coordinate the cheating activity; and (d) are highly educated and have the capacity to effectively accomplish the cheat. In sum, bureaucrats cheat to protect their organizations from failure when they have the capacity to do so. This finding points us once again to the conclusion that the bureaucrats' sense of his profession drives his job performance. Yet, the finding is ironic because the educators are willing to abandon the goal of the profession – to educate students – in the effort to preserve the institution. Thus, at the heart of their professionalism, these educators are engaging in professional protectionism (Carpenter, 2001; Lupia and McCubbins, 1994; Wilson, 1983).

The empirical research points to three characteristics of the bureaucrat's preferences. (1) Professionalism is a significant if not overwhelming component of a

bureaucrat's preferences. (2) Bureaucrats may prioritize protection of the profession or bureau over accomplishing its core mission. (3) Professionalism is more important to the bureaucrat than the incentives and sanctions offered by a supervisor or a political overseer. Thus, under particular conditions, regulating the bureaucrat's need to engage in protectionist activities would be an effective source of political control.

Part II.

Proprietary threat: the political regulation of anticipatory response.

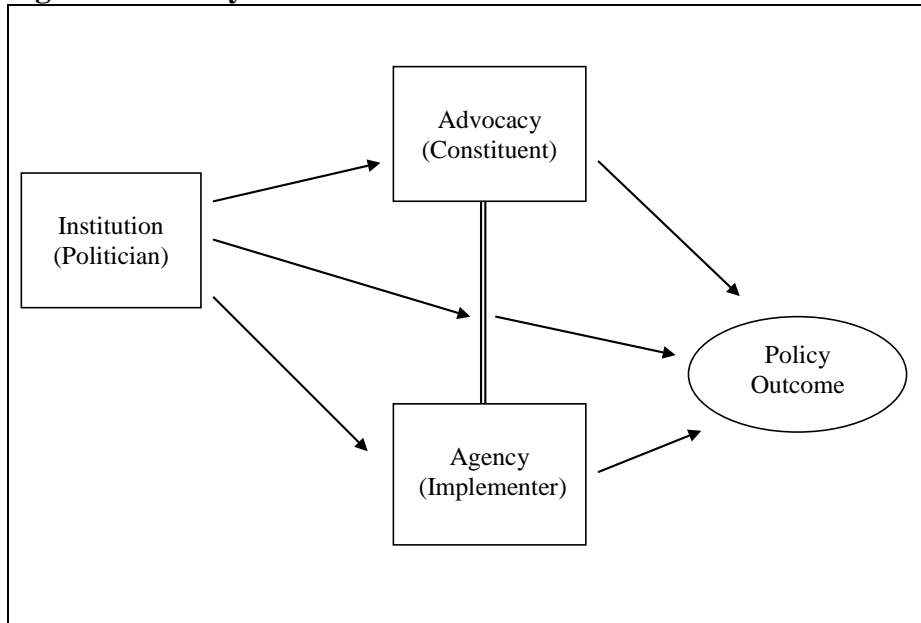
Meier and O'Toole's (*ibid*) anticipatory response occurs at the interface of the policy implementer and the public. They conceptualize it as preemptive action implementing the preferences of the broad public which goes unmediated by the political overseer. Anticipatory response implies bureaucrats' knowledge of the public's preferences, discretion to make decisions, and savvy to arbitrate between competing preferences.

Though contradictory to Meier and O'Toole's explication, this conceptualization of anticipatory response also implies the alignment of the public's preferences with the preferences of those who oversee the bureaucracy. If the policies were not in alignment with the preferences of overseers, enacting them would result in negative reactions from the overseer. Rather than presuming that the preferences of politicians and the public are always the same, the alignment between politicians and the public highlights a point of negotiation between bureaucrats and their political overseers. Thus, the anticipatory

response also occurs at the interface of the bureaucrat and the political overseer, making the policy implementer- public interaction subject to the control of the political overseer.³

Figure 2.1 summarizes a primary set of relationships between politicians, policy implementers and constituent-advocates in the production of policy outcomes. Politicians create or uphold the rules of political engagement. They alter policy outcomes through their decisions to respond to, ignore, or suppress public advocacy. Politicians alter policy outcomes through policy implementers by setting outcome targets, distributing incentives and sanctions, and structuring procedures. Finally, politicians influence policy outcomes by moderating the relationships between policy implementers and constituent advocates.

Figure 2.1 Policy Outcomes as a Result of Political Institutions



³ This understanding of the bureaucrat’s preemptive exchange with the public is closer to the “law of anticipated reactions” articulated by Carl Friedrich (1940), to which Meier and O’Toole direct the reader.

I articulate the theory of proprietary threat to clarify the relationship between bureaucrats, political overseers and the public in the areas of government where bureaucratic agents are poised to provide the most immediate response to the public. The theory of proprietary threat elaborates on the policy implementer's decision-making process when facing competing claims for public goods within environments with various power-sharing arrangements between national, state, and local governments. The theory posits (1) that policy implementers who want to maintain their status as the primary experts in their fields will be preemptive in policy implementation when clients or members of the public are likely to engage in activities that copy and compete with their services and (2) that their calculation of when such a threat is present can be altered through the distribution of incentives and sanctions by political overseers.

The theory of proprietary threat posits that policy implementers who want to maintain the professional integrity of their institutions will be preemptive in policy implementation when facing the potential scrutiny of external actors whose involvement implicitly sanctions their performance. The ultimate sanction facing a policy implementer is the termination of its contract or the reconstitution of its agency.⁴ Proprietary threat confers an intermediary sanction on the policy implementer: the loss of institutional prestige. It refers to the external actor's direct involvement in the implementer's realm of governance, its co-performance of the implementer's tasks. The agency remains in tact and the implementer's services are retained, but the implementer's field of influence has been co-opted and the professional integrity of the task has been

⁴ Reconstituting a public service agency consists of overhauling its staff or leadership or altering its purposes. This is the equivalent of dismantling a private sector firm.

compromised. Thus, the function of the sanction in the proprietary threat hypothesis is to induce protection of institutional prestige, i.e. professional protectionism .

Proprietary threat emerges in fields where many qualifications must be met in order to attain employment. Prerequisites like education, certification, field training, and licensing restrict access to the fields and draw a distinction between professionals and laypersons. Professionals work to maintain the integrity of their professions by controlling admission into the profession, the activities or methods of the professional, and the outputs. Laypersons co-performing professional tasks or dictating job performance threaten the purity of the profession and its outputs. When professionals must meet performance criteria that do not have a foundation in the profession, then the integrity of the profession is compromised. Resentment among professionals for laypersons engaging in these types of activities increases with the number of prerequisites required for professional status.

Proprietary threat can be induced by any of the external actors who can credibly threaten to terminate the implementer's contract or reconstitute the agency. Proprietary threat can originate from individual citizens who have the ability to opt out of public services or who can levy their connections with political leaders to induce responsiveness and it can originate from citizens who have been empowered by the governing institution to monitor policy implementers. In the latter case, proprietary threat functions as a part of the ex-post monitoring system in the principal-agent relationship between policy implementers and the governing bodies that regulate them. Ex-post monitoring refers to a principal's use of a third party to monitor the actions of an agent when the principal

lacks the resources to monitor the agent directly. The monitor has the ability to sanction the agent for suboptimal performance at a level that is subsidized by the governing principal, which may include the ability to fire the agent or reconstitute the agency (Aoki, 1994). Whether proprietary threat is invoked through personal resources or is government subsidized as a part of the ex-post monitoring system, the strength of the proprietary threat is determined by the third party's ability to fire the agent or reconstitute the agency and shapes how the policy implementer will respond.

'Proprietary threat response' is the preemptive and strategic implementation of policy to avoid intervention from constituents by biasing policy outcomes in their favor. Proprietary threat response refers to the tendency of policy implementers to align policy outcomes with the desires of the constituents whom they anticipate will become actively engaged in the determination of policy outcomes. While policy implementers appreciate the involvement of constituents in supporting the activities of their institutions, they are wary of constituents who desire to redirect the energies of the institutions (e.g., Rosentraub and Warren, 1987). Implementers appreciate helpers but they resent constituents who intervene to alter the established goals of the institution.

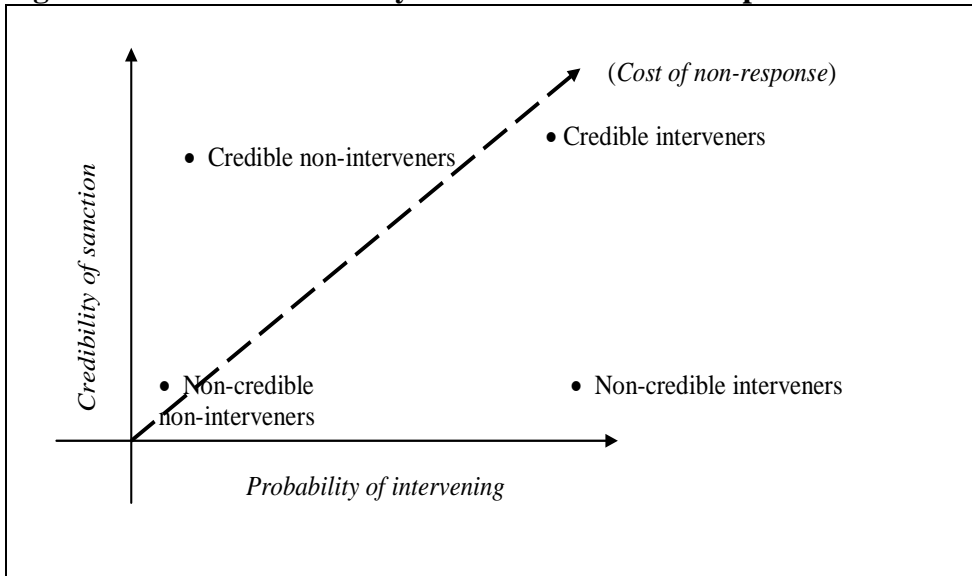
Interactions with intervening constituents are costly to policy implementers for two reasons. First, interventions require responsiveness, especially when they come from constituents who can sanction the institution for non-response. And importantly, interventions can reduce the proprietary integrity of the institution; that is, they decrease

the realm of decision-making that is in the sole discretion of the policy implementer.⁵ Thus policy implementers, wary of constituent encroachment on their exclusive duties, preemptively implement policies to appease potential intervening constituents. While these constituents are obviously influencing policy, implementers are able to claim the policy innovations as their own rather than appeasements to constituents. They are able to provide responsive service without attributing any of the innovation and planning to intervening constituents.

Proprietary threat response is triggered when the presumed costs of interacting with a service recipient are too high. The costs of interaction are calculated on two dimensions: (1) the likelihood that the recipient will engage in intervention activities and (2) the credibility of the recipient's threat to sanction the institution if the implementer does not respond satisfactorily to intervention. The sanction may come in several forms: the service recipient opting out of services, thereby reducing agency income; pressure from a political leader to whom the implementer must be responsive; pressure from an advocacy group that cannot be ignored because it is persistent or loud or because doing so would result in unfavorable actions, etc. Because there is no real penalty for non-response when recipients who cannot sanction the institution for non-response intervene, proprietary threat response results in policy outcomes that reflect the preferences of service recipients in this order: (1) credible interveners; (2) credible non-interveners; (3) non-credible interveners; and (4) non-credible non-interveners. Figure 2.2 provides a visual depiction of these relationships.

⁵ Bureaucrats try to maximize autonomy in the realms in which they have sole influence. *See* for example, Wilson (1983) and Carpenter (2001).

Figure 2.2 Threat Credibility and the Cost of Non-response



Proprietary threat response is induced by credible threats to sanction policy institutions through direct involvement in the affairs of the institution. The credibility of a threat relies on the actual potential of the intervening party to terminate the service contract between the service recipient and the service provider. When service providers believe that a credible threat is imminent, they preemptively act, distributing preferred services to the source of the threat. Implementers gauge the credibility of a threat by estimating the service recipient's ability to change service markets, the recipient's ability to reconstitute the agency, the ability to level political resources, and if the recipient has been empowered as a monitor by the governing principal, whether the recipient will act in this capacity.

Implementers use readily available cues like perceived socioeconomic status and race to determine a service recipient's ability to change service markets. Financial resources are generally needed to change service markets. In the realm of education

policy where public service markets are highly determined by geographic location, financial resources signal the ability to relocate into a different public service market (e.g., move into a different school district) or to exit the public school market for the private school market. Exit from the school district results in the loss of revenue – either from taxes or from federal funds distributed based on the enrollment of children from low-income families.

Race is also a highly effective gauge of the ability to change service markets, especially for African Americans. Blackness historically has been and continues to be a prohibitive factor in housing mobility (e.g., Massey and Denton, 1993; Yinger, 1986). Moreover, race – particularly being African American – signals the extent to which political leaders will be willing to use their political influence to restructure the agency to the benefit of African Americans’ preferences. Thus, without being empowered as monitors the credibility of threats from African Americans is ranked as rather small.⁶

When the governing principal empowers a class of citizens as monitors, it makes members of the class empowered political agents by assuming a level of political liability for the attainment of their preferences. As a result, the credibility of the members of that class increases tremendously. The impact of empowering a class of individuals can have the effect of incorporating a previously disenfranchised group into the policy-making realm. It signals that access in that policy-making realm now has a group-based dimension thereby legitimizing group-based claims to services and conveys that political mechanisms may be used in pursuit of the groups’ goals. Implementers gauge the

⁶ Individuals, groups, and classes are empowered as policy monitors when they are identified in legislation or written policies as persons whose voices must be heard in the creation and implementation of policies.

credibility of threat from members of empowered classes by estimating the strength of the governing principal's commitment to the class and the extent to which the members of the class are likely to serve as liaisons between the class, the service agency, and political leaders. One way that implementers assess this possibility is the level of political engagement of the members. In the realm of education policy, where race, housing, and service markets overlap, an effective cue for implementers is the level of political engagement in a neighborhood.

In sum, the policy implementer's professional protectionism provides a mechanism for political control. A governing principal that subsidizes the monitoring activities of a third party can provoke policy implementers to produce policy outcomes that align with their preferences. The likelihood of the preemptive action on behalf of the subsidized monitor depends on the size of the subsidy (i.e., the level of incentives and sanctions the principal will distribute for engagement with the third party and the extent to which the principal will follow up with the agent based on the monitor's claims). Thus, the governing principal may be able to provoke policy implementers to respond to subsidized monitors in the same manner that they respond to individuals who independently have the ability to opt out of public services.

The theory of proprietary threat diverges from other theories of bureaucratic behavior in several ways. The first and most critical innovation of the theory of proprietary threat is that it operates from the premise that bureaucrats interact preemptively with service recipients. Bureaucrats frequently are characterized as actors who are motivated to behave strategically and preemptively with agency overseers to

prevent sanction and to promote bureaucratic autonomy (Carpenter, 2001; Lupia and McCubbins, 1994; Wilson, 1983). Yet, with a few exceptions (e.g., Lipsky, 1980) bureaucrats' interactions with service recipients are characterized as straightforward responses to constituents' expressed preferences or needs (e.g., Jones-Correa, 2008; Meier and O'Toole, 2006; Meier, 1999; Brehm and Gates, 1997; Meier et al, 1993). Bureaucratic interactions with constituents may be filtered through the culture and norms of the agency (Jones-Correa, 2008; Meier and O'Toole, 2006; Lin, 2000) or through bureaucrats' value orientations (Meier, 1999; Coleman, Brudney, and Kellough, 1998; Meier et al, 1993; Meier and England, 1984), but they do not reflect the needs and self-oriented preferences of bureaucrats.

The premise of asymmetrically strategic bureaucrats (that is strategic with respect to principals, but not strategic with respect to clients) has two implications. First, bureaucrats have little incentive to be responsive to constituents with whom they do not share the same preference orientations. Secondly, the reach of political principals is restricted from the bureaucrat-constituent relationship. When this happens, the influence of political institutions on the relationship between bureaucrats and advocacy goes unspecified. The theory of proprietary threat characterizes bureaucrats as self-interested strategists who may rank their interests higher than those of their clients. This premise allows for the manipulation of these interests by political principals through institutional control.

The second innovation of the theory of proprietary threat is that the characteristics of service recipients are used to determine policy. Bureaucrats use intangible information

to base their decisions about the distribution of tangible goods; they use shortcuts to determine service provision. This is a unique use of shortcuts because it is not based on interactions with service recipients that may belie their preferences for service; rather, it is based on perceptions of the preferences of categories of people. The proprietary threat hypothesis turns demand side characteristics into supply characteristics. That is, it argues that social characteristics that are generally used to explain service recipient behavior are actually relevant because they explain bureaucratic behavior. The use of service recipient characteristics as a shortcut divorces the automatic link between individual social position and behavior while explaining their conjoint impact on policy outcomes.

The theory of proprietary threat is also innovative in that it theorizes a relationship between policy implementers and service recipients that parallels the relationship between elected officials and citizens in intensity, sensitivity, and receptiveness. The theory of proprietary threat distinguishes between the incentives of an electorally-grounded relationship and a professionally-grounded relationship and demonstrates the interdependence of these two types of relationships for the distribution of public goods. In elaborating on these parallel and codependent relationships, it theorizes an additional mechanism of democratic governance.

Finally, the theory of proprietary threat is unique in that bureaucratic action is taken to preserve prestige, not position. Policy implementers take this preemptive step to avoid encroachment on their ideological and professional territory. The penalty for not acting preemptively or for miscalculating the participatory nature of a service recipient is the loss of autonomy. These missteps do not result in the loss of employment.

In addition to its distinctive conception of bureaucratic behavior, the theory of proprietary threat presumes a distinctive conception of threat. Two of the most prevalent discussions of threat in the social science literature are racial threat and competition-based threat. In these conceptions of threat, individuals feel jeopardized by the idea or reality that resources will no longer be available to them because they will be attained by ‘the other’ (Sears, Sidanius, and Bobo, 2000; Kinder and Sanders, 1996; Blumer, 1958). Racial threat and competition-based threat differ from proprietary threat in that the former types of threat assume that members of the competing groups are categorical equivalents who are competing for the same resource whereas proprietary threat occurs in situations where different (though linked) resources are pursued by people with asymmetric status.

A central premise of the theory of proprietary threat is that the persons experiencing and generating threat are not categorical equivalents as one is a service provider and the other is a service recipient. The reward for prevailing in the conflict for the service provider is the preservation of proprietary integrity in the institution. The reward for prevailing in the conflict for the service recipient is access to the public resource. The asymmetry in status between service provider and service recipient, absent the intervention of governing overseers, generates a dynamic between these actors that is absent from race-based and competition-based theories of threat in two ways. First, the agent has been enlisted based on her expertise to provide a service that the service recipient cannot provide herself. Thus the policy implementer exerts informational power over the service recipient. Second, as the recipient of a public good in a

democracy, the service recipient has the power to terminate the services of the policy implementer. The recipient can transfer into the jurisdiction of different policy implementers. The consequences of these distinctions are critical to the manner in which policy implementers interact with the public as was discussed above.

The implications of the theory of proprietary threat are as follows. (1) Policy outcomes vary with the level of threat credibility attributed to constituents by policy implementers rather than objective criteria relevant to service provision.

That is, characteristics like perceived socioeconomic status, race, and political power guide resource distribution at the expense of need and qualification. (2) Policy outcomes vary with the kinds of relationships between policy implementers and service recipients that are written into legislation. (3) Policy outcomes vary with the extent to which the government subsidizes the political activities of the constituent-service recipient. The extent of subsidy is conveyed by the level to which the government incentivizes and sanctions the implementers' distributional outputs. When a group is fully politically incorporated, policy outcomes will not vary by membership in that group, but will vary by threat credibility. The extent to which group membership is not a factor in the distribution of policy goods is conditional on the level at which the government subsidizes the incorporation of the group. (4) Policy outcome distributions will be skewed toward group members who are likely to serve as liaisons between the group, policy implementers and political leaders and away from group members who are not likely to serve as liaisons. (5) Political overseers selectively construct and enforce

legislation based on their own capacity for political culpability and the capacity of implementers for implementation.

Studying the archetypical case: gifted and talented education

Why hasn't black community participation in the education process produced equity in educational opportunities and outcomes? Despite advocacy to improve and equalize black educational opportunities and outcomes spanning multiple centuries, black student access to high quality educational opportunities and achievement in educational programs lags behind that of white students (e.g., Lewis, 2008; Danna, 2003; Anderson, 1988; McCaul, 1987). As with many other measures of educational achievement, black students fall behind in enrollments in gifted and talented education programs as compared to their white classmates. Parent participation in education has become a widely touted policy mechanism for increasing the enrollment of black students in gifted and talented education programs as well as for improving general educational outcomes for black students (Donovan and Cross, 2002; Ford, 1996; Oakes, 1986).

While many policy recommendations advance the participatory strategy for increasing enrollment, few acknowledge that the various forms of parent participation style can strongly influence educator response to parents and educational outcomes.⁷ Indeed, most policy recommendations assume a coproductive relationship between parents, communities, and schools, while descriptions of the activities that are successful at maximizing student outcomes (particularly access to the most competitive education programs like gifted and talented education) are more antagonistic than coproductive

⁷ I use the terms educators and administrators interchangeably to refer to teachers, principals, and other administrators at the school-district level.

(Rothstein, 2004; Danns, 2003; Crozier, 2000; Limage, 2000; Henig *et al*, 1999; Cullingford, 1996; Ford, 1996; Vincent, 1996; Lareau, 1989; Williams, 1989; Lewis, 1985; Lightfoot, 1978). I argue that presuming a coproductive relationship between parents, communities, and schools prohibits the ability to create effective levers in education policy which promotes persistence of the educational gaps. In this dissertation, I apply the theory of proprietary threat to gifted and talented education to explain the antagonisms in the parents-communities-schools relationship and its impact on black student enrollment rates in gifted and talented education programs with an eye for enhancing understanding of the dynamics driving the broader educational achievement gap.

I explicate the theory of proprietary threat through the lens of gifted and talented education programs for several reasons. First, gifted education is one of the least standardized areas of public education (Donovan and Cross, 2002) which means that educators have the freedom to exercise a lot of discretion for identifying students and distributing enrollments. A broad spectrum of identification standards, curriculum, and funding exists within and across states. The movement to provide consistent programming within states is recent and is in most places is in the process of being implemented.⁸ The contested nature of gifted identification also makes it a fertile place to explore proprietary threat response. All U.S. states allow for the identification of students based on multiple criteria, one of which is teacher recommendation. The

⁸While a central goal of the National Research Center for the Education of Gifted Children and Youth is to assist in developing consistent rules and regulations for programs across the states, its progress towards this goal is reflected in the NCLB specification of *program enrollment* as a measure of adequate yearly progress. This contrasts strongly with most other annual yearly progress indicators which focus on student outcomes.

presumed subjectivity of teacher recommendation as well as other identification criteria like portfolio analysis, along with the various interpretations of intelligence tests, leaves much room for public discourse about who should be enrolled in the programs. At the same time, gifted program instructors and intelligence test administrators receive specialized training for their positions. The added level of professional training required for gifted instructors and intelligence testers heightens the proprietary nature of gifted identification and should intensify the perception of threat when the public intervenes (Beatty *et al*, 2006; Margolin, 1994; Sapon-Shevin, 1994).

Finally, the nature of advocacy in education makes education an optimal site for explicating the theory of proprietary threat. Education is generally considered a constituent-based policy arena rather than an advocacy-based one. This means that the efforts of one individual -- like a parent -- are generally sufficient to produce results and thus, theoretically, the minimum size necessary for an advocacy community to be effective is one. The small effective advocacy community size minimizes the complexity of modeling the relationship between the advocacy community and agency response. Moreover, education historically has been a policy arena for which advocacy is sustained even in the face of agency non-response.⁹ These characteristics of education help to isolate the direct and indirect effects of restructuring agency response on policy outcomes.

Racial disparity in GATE enrollment no doubt contributes to the broader 'achievement gap' between minority and non-minority children (Darity and Jolla, 2010;

⁹ That is, education is a policy arena with a consistently active issue public.

Hubbard and Mehan, 1999). First, gifted enrollment is legislated as a measurement that can be used to assess the average yearly progress of school districts toward minimizing the gaps in achievement between white and non-white and between higher and lower income students. More importantly, enrollment in gifted and talented education programs has a cumulative effect that widens the gulf between the academic skills of enrollees and non-enrollees. In addition to the academic gains from the earlier pacing of critical thinking skills in gifted classrooms (including learning *how* to be smart), participants benefit from increased confidence associated with being categorized as ‘gifted.’ This results in increased capacity to enroll in more difficult courses later in schooling (Darity and Jolla, 2010). While much attention has been dedicated to understanding the causes and consequences of disparity in basic achievement between minority and non-minority students (graduation rates, standardized test scores, etc.) relatively little attention has been dedicated to understanding the persistence of disparate outcomes for minority and non-minority students at the upper end of the academic spectrum (e.g., enrollment and performance in gifted and talented education programs and AP courses). Establishing the existence of proprietary threat response and its impact on GATE enrollment illuminates the role that proprietary threat response plays for inducing accountability in other areas of education.

The theory of proprietary threat is predicated on the idea that the ability of white and white middle-class parents to vote with their feet creates a credible threat to educators that encourages educators to preemptively implement policies to meet parents’

preferences (Lowery, 1998; Hirschman, 1970).¹⁰ To avoid the sanction of exit and the proprietary encroachment that comes with intervention activities, educators will satisfy the implicit requests of mobile parents: placing their children in upper level classes, assigning them to the best teachers, and making the best schools available to them.

At the same time, educators' assessment of threat credibility from African American parents primarily rests on the level of political empowerment of African Americans because of the relative immobility of African Americans and the well-known prevalence of relatively poor education offerings for African American students (which suppresses the idea that moving to a different district will actually result in better outcomes). The political empowerment of African Americans conveys African Americans' ability to levy connections with officials who can pressure educators into offering the opportunities and services that they prefer. When political structures incorporate African Americans into the education process, they institutionalize the idea that political officials can be held accountable for the attainment of African American education preferences -- to the extent that this is electorally feasible -- and the possibility that politicians will use their influence with educators to secure the preferences of the African American community.

In the absence of political structures that incorporate African Americans or in the presence of political structures that disempower African Americans, African Americans are assessed as non-credible interveners. When African Americans are assessed as non-

¹⁰ The theory of proprietary threat owes much to Hirschman's discussion of credible threat in *Exit, Voice, and Loyalty*. While providing a rich conceptual tool, Hirschman's discussion was not oriented toward empirical analysis, i.e. there were no mechanisms for prediction. The theory of proprietary threat lends itself to predictive scrutiny.

credible interveners, educators are more willing to risk sanction from African American parents than white parents. They therefore rank the preferences of African American parents lower than those of white parents, resulting in the distribution of educational goods like upper level placements and assignment to the best teachers and schools to white students instead of African American students.

As it relates to gifted education, proprietary threat response refers to heavily weighting an estimate of parent intervention to determine GATE placement. For students whose whiteness associates them with residential mobility, this proxy is presumed socio-economic status. In places where the accountability regimes politically incorporate a class of parents by deputizing them as policy monitors through the adoption of participatory clauses, the proxy in use is the strength of political organization associated with that student.

Given the history of African American exclusion from political life in general and resistance to African American involvement in public education, the use of proprietary threat to distribute academic resources explains how there could be such high levels of community activism for equal access to academic opportunities and such low rates of enrollment. It also speaks to the legislative strategy of incorporating parent and community participation in the identification process as a method of addressing disparity. In the chapters that unfold, I examine the strength of the theory of proprietary threat.

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Chapter 3

Setting the Agenda: A Legislative Foundation for Proprietary Threat

Studies of GATE enrollment patterns tend to examine enrollment in one of three ways: (1) at the child level, where it is considered a function students' personal and familial backgrounds; (2) at the local governance level where it is conceptualized as a function of local level policy design and implementation (with a particular focus on the representative nature of the bureaucracy); or (3) at the state level, where policy design and implementation are studied as resultant from the efforts of exceptional legislators, interest groups, and researchers. These studies have ignored the racial politics surrounding GATE placement even as the shape and trajectory of GATE programming in a particular district has greatly depended on popular attitudes about race and the extent to which policies that reflect these attitudes have been enacted.¹¹

State-level analyses that ignore the impact of racial politics on GATE enrollment fail to theorize the political functions of institutional designs (e.g., state and federal governance can create incentives and penalties for racially restrictive policies at the district-level). This chapter recasts the state-level analysis, specifying the political functions of institutional designs and how they augment or abate disparate enrollment patterns. Making its contribution by focusing on the monitoring mechanisms detailed in

¹¹ GATE historically has been used as one way to moderate the levels of racial segregation in schools. It has been used to facilitate compliance with *Brown* by attracting and retaining upper- and middle-class white students in school districts with substantial minority populations. It also has been used to create white classrooms within 'desegregated' schools, thereby subverting integration. See Patterson, James T. *Brown v. Board of Education: A Civil Rights Milestone and Its Troubled Legacy*. Oxford University Press, 2001.

state legislation, it asserts that state-level management of the bureaucracy is just as important for producing desired policy outcomes as are the programs adapted and the characteristics of program implementers. This advances the thesis that states, through their regulation of local school districts, structure the politiscapes¹² in which parents may mobilize for change in education policies and that in doing so, they expand or constrict the set of plausible policy outcomes.¹³ It thereby illuminates the importance of understanding intergovernmental systems of regulation in education policy and the importance of accounting for the *dynamics* of racial politics within these systems.

Incorporating legislative constraint into analyses of GATE disparity

An extensive literature searching for the source of disadvantaged student under-participation in gifted and talented education programs exists in the fields of political science, public administration, and education. While some of these studies control or search for state-level correlates of enrollment, none of them treats the state as an active participant in the production of policy outcomes. The major findings are that (a) minority students are enrolled in GATE at higher rates in school districts employing greater numbers of minority administrators, teachers, and staff than in school districts with fewer minority employees; (b) minority student enrollment is higher in places with certain state policy guidelines; and (c) parental requests are effective in ensuring the enrollment of

¹² The politiscape is the dynamic space comprised of political potentials; an endogenous space where public opinion is forged in light of the unfolding political context. Conceptually, it is the mapping of potential behavioral and attitudinal responses to policy adoption onto potential alternative policy institutions/designs. *For a fuller explanation, see Wright, Dominick*. "Endogenous Preference Formation Theory: Politiscapes, Perceptions & Converging Desires." Working paper, available by e-mail request: dewright@umich.edu.

¹³ The monitoring relationships that states create between themselves and school districts simultaneously structure how parents may participate in the gifted identification process and the way that giftedness is popularly defined. This, in turn, affects how members of the public respond to the school district's construction of the gifted population.

middle-class white students in upper level classes to which they initially are not selected for placement (Oakes, 1985; Welner and Oakes, 2000).

Studies grounded in the political science literature find that minority students are enrolled in GATE at higher levels when they are descriptively represented in the educational bureaucracy than when they are not so represented (Meier, Stewart, and England, 1989). African American students are enrolled in GATE programs at higher rates in school districts where greater numbers of African Americans are members of the teaching staff and members of the school board than in districts where fewer blacks are employed. This relationship holds for Latino students in school districts with increasing numbers of black employees and is even stronger for Latino students in school districts with increasing numbers of Latino employees (Meier, 2003; Polinard and Wrinkle, 1990). The assumed link between these enrollment rates and diversity in the bureaucracy is that minority teachers and administrators have interests congruent with those of minority parents and students and use their positions of power to enroll higher numbers of minority students. Yet studies in the field of education demonstrate that the interests of minority bureaucrats and minority parents frequently diverge, suggesting the existence of an alternative source of higher minority enrollment rates when the bureaucracy is diverse (Fairclough, 2004; Brown, 2005; Darity, 2007).¹⁴

Another correlate of higher enrollment rates for underserved students is program guidelines. A study of three states with progressive policies toward the identification of

¹⁴ These studies suggest that minority bureaucrats use the same types of actions to secure their jobs or positions of power as do non-minority bureaucrats. In the specific, they tend to reward only mainstream demonstrations of intelligence and to make placement decisions they believe to be acceptable to parents who are able to relocate to other school districts.

students from traditionally underserved populations distinguishes thirteen key factors that are influential for the adaptation and implementation of these policies (Gallagher and Coleman, 1994; Foster, Gallagher, and Coleman, 1994). In the policy development phase, strong professional and outside leadership, positive informal relationships among members of the leadership pool, healthy state economies, and the presence of flexible rules within a set of clearly stated guidelines are important. Several factors -- coordination between leaders of the state and local governments and citizen advocates, a bureaucratic structure that facilitates state-wide communication and resource sharing, the use of demonstration projects, availability of seed money, the nature of district plans, and court action on desegregation cases – exert overwhelming influence on the implementation of the policies. These studies of state policies understand them as resultant from the political process on one hand, and the backdrop for local administrative action on the other. Research has also explored the impact of specific identification procedures, student motivation, and funding practices on the enrollment rates of underserved students (Ford, 1996; O’Connor, 2001; Willis, 1997; Fordham and Ogbu, 1986; Kunjufu, 1988; Riehl, 2001; Oakes, 1982).

Each specification of the role of the state in prior research reflects the traditional conception of education policies: education is a creature of the local government. Yet, with the rise of a political environment in which the national government holds states responsible for educational outcomes, it becomes increasingly important to understand the dynamics of this intermediary position. The analysis in this chapter examines the ways in which states exercise power over localities to ensure that they are working to

produce the desired outcomes, focusing on how they oversee the services provided by localities and how they position themselves with regard to the resulting outputs.

Three conceptions of policy implementation are useful for highlighting the relationships detailed in gifted and talented education legislation: the principal-agent model, street-level bureaucracy, and isomorphism. Because each of these concepts specifies the dynamics of organizational relationships at different levels, they are synthesized to build an explicitly intergovernmental understanding of GATE participation rather than juxtaposed as competitive sources of explanation. This analysis works at the intersection of several literatures – governance and implementation, bureaucratic representation, and education policy -- which are related and implicitly acknowledge each other but are not synthesized to create an understanding of the policy environment. The methodology used, grounded theory, allows exploration of the possibilities that (1) the essence of federalism – delegation and monitoring – is a controlling factor in GATE governance and (2) the monitoring relationships of interest fall outside the boundaries predicated by the literatures.¹⁵

The principal-agent theory of implementation elucidates the dynamic between the boss and the worker or between higher and lower levels of an organization (Moe, 1984).

¹⁵ Using the three conceptions of implementation is not the most straightforward way to examine gifted and talented legislation. As you will see, the results of this analysis place GATE legislation in the center of the literatures on delegation and implementation. I leave this analysis as it is because doing reflects the research methodology employed. Use of the grounded theory methodology was critical for leaving open the possibility that GATE governance does not fit within the already established delegation frameworks. More importantly, the questions generated by the paradigms used to create the legislative framework generated for use in this analysis are critical to the further development of the overall theory developed in this dissertation. For example, the many lingering questions that emerge from using the principal-agent theory (e.g., are parents really principals,) set the ground for enveloping their implications into the larger theory (e.g., if parents are principals, why are some of them ignored by sub-agents and how is this rectified?).

The analysis in this chapter casts parents as principals and states as agents who are delegated the task of educating children at the appropriate levels.¹⁶ In essence parents can choose to hire the state or a private agency to provide an education for their children. A portion of the state-agent task is to identify qualified students for gifted and talented programs. Because the state has more specialized knowledge than the average parent in this arena, it essentially is able to define its task and determine the standards of performance. It is also able, through its legislative power, to adjust the amount of influence the parent has in the identification process even though the parent officially is the principal. Parents are able to sanction state governance by relocating to districts within a state or to different states, thereby reducing the funding distributed to the state or its districts for per pupil expenditures. The state delegates some of its tasks to agencies and organizations, becoming the principal to lower-level agents. These tasks are sometimes delegated to organizations ruled by bodies of professional ethics and sometimes delegated to organizations resembling street-level bureaucracies.

The isomorphism concept provides analytic leverage at the industry level (DiMaggio and Powell, 1991). It refers to the process through which organizations with the same professional goals and bound by the same norms adopt the same policies or organizational strategies. Isomorphism also occurs as organizations look for ways to

¹⁶ A vast amount of complexity exists in the relationships governing education. While parents can hire the state to educate their children, they are also required by the state to provide some type of education for their children. In addition, the state is accountable to the federal government for the education it provides to parents and its overall relationship with parents. Furthermore, the sub-agent relationship between the state and school districts is complicated by the very real and distinct relationships between parents and the school districts as well as the federal governments and school districts. The larger task of this dissertation is to gain leverage on how these relationships are intertwined and how they are co-regulatory. Specifying parents as principals and states as agents at this stage of the project allows me to delineate clearly the role of the state in education policy.

ensure their survival. If a specific type of performance has proven critical for the success of organizations, then similarly situated organizations that are trying to improve their viability adapt this type of performance. As more organizations adapt the performance, it becomes the standard by which all organizations are judged. Isomorphism occurs in GATE members of as state- and national-level gifted and talented associations interact with each other, serving as channels of idea and information exchange. One of the most distinct sources of isomorphic momentum is the Jacob K. Javits program, a federal initiative created to address disparity in GATE participation. Relationships built through programming like Javits and conferences may impact the protocols that legislators or school districts adopt, the training provided to educators and administrators, and how these officials understand their tasks.¹⁷

Teachers frequently play the most critical role in the GATE identification process. They are able to nominate students for consideration; have a large amount of influence in the qualitative evaluation of the student's performance; and are usually the primary connection between parents and the school. Teachers have first-hand knowledge about each student and the teaching process which makes the teachers critical informants on students' capabilities. Because of the role that teachers play in the implementation process, they are creating what it means to be a gifted and talented student. As the analysis will demonstrate, some state laws embrace this feature of education more than others.

¹⁷ While isomorphism usually refers to idea transfer and adaptation across a *profession*, it is understood in this paper as occurring across a job field. This distinction acknowledges that the training of gifted and talented educators is not standardized across states and academic institutions.

In many ways, teachers are street-level bureaucrats-- policy implementers whose direct work with constituents results in them making policy on the ground-- and school districts foster street-level bureaucracy (Lipsky, 1980). Street-level bureaucracies emerge in organizations that have several competing goals, implying that implementers are able to select the standards by which they would like to be evaluated. Street-level bureaucrats often decide to perform the tasks that allow them to shine and that limit the amount of blame they can be attributed. The relationship between the implementer (teachers) and the supervisor (principals, the school board, or the state) is conflictual and mutually dependent so that the methods by which a supervisor can sanction an implementer and the extent to which the supervisor can sanction the implementer are circumscribed. Characteristics of these arrangements include: (a) an accepted give and take between implementers and supervisors; (b) an understanding that the implementer is *making* policy; (c) a decreased ability for top-down sanctioning as compared to other models of implementation; (d) peripheral accountability; (e) acceptance of ambiguity as necessary, expected, and respected; and (f) an understanding that worker rationality and mental perspective are important. Analysis of a law regulating the identification of gifted and talented students must take into account consideration the influence that teachers have on the implementation process.

Together, these concepts suggest identifying nine components of a policy to ascertain its implementation potential. I examine how or whether a policy: (1) defines its objectives; (2) outlines a plan for the accomplishment of these objectives; (3) establishes a hierarchy or chain of command; (4) establishes a clear system of accountability; (5)

defines a clear monitoring process; (6) stipulates training guidelines and/or funds training programs for implementers; (7) gives authority to the person or people in most direct contact with service recipients; (8) includes performance indicators; and (9) induces buy-in for policy implementers.¹⁸

Methodology

This analysis tests the hypothesis that given the same objectives, outcomes will be more favorable with certain types of governance systems than with others. That is, given convergence on a particular isomorphic space, enrollment rates will vary based on the ways in which the actions of local school districts are regulated by the state. It first asks what kinds of governance systems are specified for states with a commitment to decreasing disparity in GATE enrollment and then uses this answer to specify the types of governance systems that produce high enrollment rates when decreasing disparity is the stated policy goal.

The methodology adapted in this paper is the constant comparative method of joint coding and analysis for the creation of grounded theory. Theoretical sampling is used to select cases such that comparison groups are chosen based on their ability to enhance the theoretical development of the emerging categories. The analysis begins with examination of the legislation in four states which have repeatedly been recipients of the Jacob K. Javits grant. Here, receipt of the Javits grant serves as a proxy for convergence onto a single isomorphic space because successful grant applicants have

¹⁸ These characteristics are consistent with Foster, Coleman, and Gallagher's (1994) specification of the model legislation that states can adapt to enhance the process of finding under-served gifted and talented students.

prioritized disparity in GATE as a problem and they have proposed an intervention aimed at increasing the GATE participation of students in underserved groups to obtain funding. Although the selected states are in the same isomorphic space, several aspects of their governance systems diverge, including the mandate to offer gifted and talented programs and the provision of state funding for these programs. The policies of these four states are reviewed and coded to reflect their similarities and differences.

From this analysis, three components emerge as prominent for addressing disparity -- the degree to which the law emphasizes the identification of under-represented students for participation in the programs; the extent to which the state is active in the monitoring process; and the characteristics of the monitoring entity or compliance agent. The relationship between these governance characteristics and enrollment rates is examined on additional cases which are selected to diversify the sample in terms of demographic composition, regional location, and isomorphic pressure -- proxied by the presence of a branch of the National Center for Research on Gifted and Talented Education and the receipt of Javits funding. Case selection results in the analysis of legislation from fourteen states: California, Connecticut, Georgia, Illinois, Iowa, Kansas, Maryland, Michigan, Mississippi, North Carolina, Pennsylvania, Tennessee, Texas, and Virginia.

Data

This analysis relates state-level GATE enrollment statistics to state policies on gifted education -- the guidelines written under the gifted and talented education heading in the state legal code, parts of the code that are referenced within the legislative text, and state plans or administrative codes on GATE programs. The enrollment rates used in this

study are from statistics compiled from the Office for Civil Rights (OCR) and the United States Bureau of the Census. The OCR data reports the enrollment rates of students in specific academic programs by protected social categories such as race and gender, as well as poverty status. The data used for this analysis are state-level enrollment rates reported in the year 2000 survey. They are combined with statistics on population and racial population by state published by the U.S. Census Bureau. These characteristics are detailed in *Table 1*.

[Insert Table 3.1 here.]

Participation in gifted and talented programs, the dependent variable, is measured proportionally. It equals the percent of gifted enrollment that is black students divided by the percent of the enrollment population that is black students,

$$\frac{\text{black gifted enrollment}}{\text{gifted enrollment}} \div \frac{\text{black student enrollment}}{\text{school enrollment}}$$

When the value of this ratio equals 1, black students participate in gifted programs at a rate proportionate to their rate of enrollment in school. When this ratio is less than 1, black students are underrepresented in gifted and talented programs. When the ratio is greater than 1, black students are enrolled in gifted programs at a rate higher than that at which they are enrolled in school. They are, therefore, overrepresented in gifted and talented programs. This measurement reflects the idea that learning abilities are randomly distributed throughout the population and throughout subpopulations. Black students are actually overrepresented in one state by 18-percent and the level of underrepresentation in the remainder of the sample ranges from 30-percent to 70-percent.

Analysis

WHAT KINDS OF GOVERNANCE SYSTEMS ARE SPECIFIED FOR STATES WITH A COMMITMENT TO DECREASING DISPARITY IN GATE ENROLLMENT? A two-tiered accountability system for the governance of gifted and talented education exists across states. On one tier is the relationship between states and school districts; on the second is the relationship between school districts and parents. While both levels of accountability are inherently relevant for each state, only one tier of accountability relationships is delineated in the legislations of some states while both tiers are outlined in the legislation of others. In state legislations that do not acknowledge the responsibility to address enrollment rates in gifted and talented programs, discussion of only one tier of accountability is provided and the state is characterized as a *policy broker* or *service provider*. In the state whose legislation acknowledges this responsibility, both tiers of accountability are outlined and the state is characterized as a *policy administrator*. These relationships are discussed in detail below and are summarized in Table 2.

[Insert Table 3.2 here.]

For example, the Pennsylvania legislation delineates the relationship between the school district and parents. The legislation has deflected a lot of state power back to the parent, thereby designating the state as a *policy broker* between parents and educational agencies that can be characterized as isomorphic environments. Parents have the responsibility to help identify the student, to hold schools accountable for the placement of their children, to help develop curriculum for gifted students, and to help evaluate the students' progress. There is only one stage of the identification process in which parents

are not allowed to participate (the meeting of the gifted individualized educational plan team which confirms or rejects the identification decision made by the original identification team); yet the parent can petition the decision made in this meeting. The state legislation delegates most of the state's tasks to professionals bound by career norms. A school psychologist must be a member of the gifted multidisciplinary team; only teachers and administrators can serve on the gifted individualized educational plan team that makes the final decision on the student's qualification; and the parent's penultimate appeal is to the courts.

What most demonstrate the role definition of the state in Pennsylvania are not the provisions its legislation contains for parental involvement nor the degree to which it delegates responsibilities to sub-agents, but rather the extent to which the actions of the sub-agents are not regulated by the state. It is ideal that legislation creates space for parental involvement and that legislation allows those most qualified to complete tasks to take on these responsibilities. This legislation, however, does not specify the extent to which professionals should be trained. The qualifications for gifted and talented teachers are not specified in the legislation neither is a citation provided for legislation that does provide guidelines for these professionals. They are held accountable by those standards established within their professions. Even the offer of information and suggestions from the Department of Education lacks authoritative stature in the legislation. The legislation also fails to specify the mandatory qualifications for the administrators and school psychologists who are integral to the identification process. Finally, the appeals process is conducted in the court system, which is regulated by the legal profession and not the

Department of Education, which demonstrates the limited monitoring role legislated for the state.

The Iowa legislation, however, specifies the relationship between the state and the school district. Iowa's legislation delegates much of the responsibility for identifying gifted and talented students to sub-agents whose relationship with the Department of Education resembles those described in the theory of street-level bureaucracy. Gifted and talented identification is not a right in Iowa as it is in Pennsylvania; it is a service distributed to those who can best use it. The service component of this law is what makes it more explicable by the street-level bureaucrat theory. Having the ability to determine who best benefits without strong parameters set by the legislature allows educators to use their personal or professional judgment to select students. While professional standards suggest that a teacher should work hard to improve the education level of her students, she also has a professional incentive to be successful at her job. There is an incentive to select for GATE the student for whom she can receive the most acclaim while avoiding blame for misidentification.

Another aspect of the Iowa law that makes the street-level bureaucrat theory applicable is the accepted tension between the state and its sub-agents. Consider that school districts must submit program proposals to the Iowa State Department of Education (the Department) for its approval. The legislation offers few insights as to what the Department will approve. It does, however, prescribe specific elements that should be included in the plan. An example of this phenomenon is the request that the plan "specify provisions for the ongoing identification, assessment, evaluation, and

placement of pupils in appropriate programs.” Very subtly, the Department requires that identification is ongoing. The specific method of identification is open for discussion, but the state mandates that one-time screening or periodic screening is not acceptable. Unlike the agent in the principal-agent theory, the street-level bureaucrat is expected to make decisions that may be controversial from those made by the supervisor. While the principal would try to induce a response from the agent that aligns with her own, the supervisor constrains the possible decisions the street-level bureaucrat makes and accepts her choices. The fluid nature of the relationships leaves opaque the state’s position on how to best combat the underrepresentation of minority, poor, limited English proficiency, and disabled students in gifted and talented programs.

The definition of giftedness adopted in the Illinois legislation, which also focuses on the relationship between the State and school districts, suggests that it too considers gifted and talented education programs a service provision. Gifted and talented students are defined as having aptitudes or talents that can “benefit from special cultivation” and the legislation suggests that the state is in a service position. With this perspective on GATE, Illinois has designed a street-level bureaucracy to administer this program: guidelines on service provision are very few and districts are allowed much freedom in creating and reporting on the programs they design.

In contrast to the Iowa legislation, and diverging from street-level bureaucracy predictions, the Illinois legislation delegates the responsibility to outline qualifications of teachers and administrators to its Advisory Council. The Council regulates the qualifications of educators and administrators through financial reimbursement. Districts

must submit to the Council the qualifications of those who have assessed students, made placement recommendations, and consulted with the districts on their programs. While funding provides ample incentive for developing an acceptable identification plan, the lack of guidelines for these plans reveals that a high level of discretion has been delegated to teachers and administrators. That there are high expectations and few regulations suggests also that the Council is dependent upon isomorphic tendencies to constrain the selection and actions of the school districts. Although responsibility for gifted and talented education is concentrated in the Advisory Council, the Council is highly accountable to the state. Not only are Council members appointed by the state Board of Education, the secretary of the Council is a member of the Board of Education as well, suggesting that the state may closely monitor the council's actions.

The gifted and talented legislation in Texas, which characterizes the state as a policy administrator, delineates accountability between the state and school districts and between school districts and parents. The legislation delegates much of the state's responsibility to sub-agents and makes them highly accountable to the state. It also sets up a three-tier rating system (acceptable, recommended, and exemplary) which assists parents in monitoring the school districts. At the acceptable level, the legislation has very strong principal-agent relationships. Districts create their own identification protocols which suggests that accountability is established through isomorphism or is guided by the street-level bureaucracy principles. However, the state combines this freedom with very specific guidelines on the training teachers and administrators receive and the interval at

which they receive it. In providing these details, the legislation reinforces the state's authority over its sub-agents.

At the recognized level, the state allows for more isomorphic influence: local school district boards of trustees are educated on the standards and protocols created by the state, thereby reducing the unchecked influence of local culture, norms, and politics in the identification process. At the same time, the state maintains the level at which it holds educators accountable. At the exemplary level, the state once again increases the level of isomorphic influence by stipulating that administrators and counselors receive professional development annually.

As the isomorphic levels increase, the state also increases the extent to which parental involvement is legislated. Advocacy roles for parents are progressively strengthened in the legislation; however, the Texas statute does not explicitly acknowledge the principal-agent relationship between the parents and the state. The state *does* empower the parent to sanction the performance of any specific district. The three-tiered classification system signals to parents the service that they are receiving in a particular district as well as the places within the state where they can receive the services they desire. Parents are empowered to vote with their feet.

The Texas legislation takes responsibility for combating the underrepresentation problem. It also establishes a strong principal-agent relationship between the state and its agencies and fosters an accountability relationship between parents and the state. Pennsylvania, while attentive to the underrepresentation problem, does not accept responsibility for its reversal. It does, instead, coordinate the relationship between

parents and educators so that parents may monitor the identification process. Iowa's legislation is not attentive to the underrepresentation problem and defers much of its responsibility for identification to local school districts. This state does, however, maintain some regulatory power over its agencies by mandating the level at which sub-agents must be trained and by directly monitoring one of the agencies. The Illinois legislation completely ignores the underrepresentation problem and only mildly constrains the actions of its agencies.

Analysis of laws governing gifted and talented education in Illinois, Iowa, Texas, and Pennsylvania leads to this proposition:

There are three types of legislations governing gifted and talented programs: *policy administrators* who manage especially well-developed accountability relationships between the state, parents, and school districts; *policy brokers* who negotiate the relationship between parents and school districts; and *service agencies* whose responsibility consists of connecting parents to school districts. *Policy administrator* legislations are characteristic of states that acknowledge a responsibility for the proper identification of gifted and talented students. *Policy broker* and *service agency* legislations do not acknowledge this responsibility.

From this proposition emerge two hypotheses that are now tested on the full sample:

Hypothesis 1: Legislation in states with the same level of commitment to the identification of students in underrepresented groups outlines similar monitoring processes.

Hypothesis 2: Students from underrepresented groups are enrolled in gifted and talented education programs at higher rates in states with *policy administrator* legislations than in states with *policy broker* or *service provider* legislations.

The working proposition suggests that there should be a relationship between the structures of the law and the presence of under-participation in the state. If participation

in gifted and talented education programs for students in under-served groups is given high consideration in the law of a particular state, and if that state is holding localities accountable for the outcomes of gifted and talented programming, then African American student enrollment in these states should be higher than it is in states that do not give high consideration to the underserved gifted and talented population. In sum, students from disadvantaged groups should be enrolled in gifted and talented education programs at a higher rate in states that are legislated as policy administrators than in states that are legislated as policy brokers or service providers (HYPOTHESIS 2).

Classifying additional state laws and correlating them with Office for Civil Rights (OCR) data will allow examination of the hypothesized trends in order to elucidate the relationships between legislation governing gifted and talented education and African American student enrollment rates. These relationships are summarized in Table 3, and their major points of interest – mandates for service, task definition, and monitoring relationships -- discussed below.

[Insert Table 3.3 about here]

Evaluating HYPOTHESIS 1

Mandates for identification and service: Is GATE mandatory?

Only three of the fourteen state laws do not require that students with high potential be identified as gifted students. These are the laws in Michigan, Illinois, and California. Local school districts in each of these states have the option to provide gifted and talented education programs, and they may choose not to do so. The identification of gifted students is mandatory in the remaining states (Connecticut, Georgia, Iowa, Kansas,

Maryland, Mississippi, North Carolina, Pennsylvania, Tennessee, Texas, and Virginia). In each of these states, with the exception of Connecticut, districts must provide differentiated education services for students so identified.¹⁹ While service is not mandatory in California and Connecticut, the legislation in these states calls for a high level of attention to the enrollment of traditionally underrepresented students in gifted education programs when they are offered.

Task definition: Are underrepresented students a priority?

The state laws take up the task of identifying underrepresented students to different degrees. Some state legislation calls attention to the placement of traditionally underrepresented students; other legislation requires direct action on the placement of these students; yet some legislation does not at all take up the task. Five state laws fit into this final category. The laws of Iowa, Kansas, Michigan, and Mississippi do not consider the traditionally underrepresented population at all. The Illinois law, however, explicitly states that membership in traditionally-underrepresented groups will not be considered in the identification or service process.

Contrastingly, the laws of Pennsylvania, Georgia, North Carolina, and Maryland call attention to the representation of students from traditionally underrepresented groups. This task definition generally takes the form of a universal claim such as this one: “Gifted and talented students are to be found in youth from all cultural groups, across all economic strata, and in all areas of human endeavor (Maryland Annotated Code § 8-

¹⁹ There is one caveat for this statement. The legislation for the state of Iowa mandates that students be identified and requires that as many of these students as possible – within budgetary and teaching constraints – receive differentiated educational experiences if they can benefit from the programs.

202).” Attention to underrepresented groups is specifically stated in a way that brings awareness to the level of diversity in gifted education programs.

The laws of the remaining states (California, Connecticut, Tennessee, Texas, and Virginia) suggest a higher level of commitment to the participation of all qualified students in gifted education programs. They not only pay attention to the underrepresentation of these students in their programs, but also encourage or require proactive measures to consider their placement. Connecticut’s law, for example, states that if enrollment rates for racial and ethnic minority and disabled students in special education are disproportionate, then identification and placement policy, procedures, and practices will be reviewed (Connecticut General Statute Volume 3 Title 10 Chapter 164 §10-76gg). The Virginia law requires that local school district plans for gifted education include “Assurances that (i) testing and evaluative materials selected and administered are sensitive to cultural, racial, and linguistic differences, (ii) identification procedures are constructed so that they identify high potential/ability in all underserved culturally diverse, low socio-economic, and disabled populations ...(8 VAC 20-40-60)”

Given these levels of commitment to the identification of gifted students in underrepresented groups, similar monitoring processes should be found amongst the laws within these groups of states: (a) Connecticut, Virginia, California, Tennessee, and Texas, which all take responsibility for the identification of underserved students; and (b) Pennsylvania, Georgia, North Carolina, Maryland, Iowa, Kansas, Michigan, Mississippi, and Illinois, which do not stipulate this responsibility (HYPOTHESIS 1).

Monitoring relationships: Who is responsible to whom?

‘High accountability’ laws specify strong accountability relationships between the state legislature, local school districts, and parents. Generally, the local education agency is directly responsible to the state’s Department of Education. Frequently, the liaison between these two entities is an Advisory Committee on Gifted Education. The accountability relationship to parents is delineated by the extent to which districts are expected to allow parents to have an active role in the identification process and the roles parents are designated. In these legislations, local school districts are to report to parents the plans they have for gifted and talented education. Parents are to serve as policy monitors by participating in the identification process and by filing grievances when they do not agree with local district decisions.

The characteristics of strong accountability relationships are captured in six questions: Does the legislation set up a system for monitoring identification (yes)? Does the legislation detail incentives for following identification procedures (yes)? Does the legislation detail a hierarchy (yes)? If so, does the legislation detail the flow of information between levels of the hierarchy (yes)? Does the legislation allow for peripheral accountability (no)? Does the legislation include provisions for parent participation (yes)? Each of these elements is captured in the laws of Virginia, Connecticut, California, Pennsylvania, Texas, and Tennessee.

Contrastingly, the regulation of gifted education is delegated to extra-legislative agencies like the courts or teachers’ organizations in some states. In these ‘professionally regulated’ states, the exact nature of giftedness is determined by people whose qualifications are not regulated by the state in the gifted legislation. Giftedness criteria

are selected and applied by individuals with unspecified qualifications, with the exception of their membership in a particular profession, leading to the conclusion that the norms of their profession are used to determine who is gifted.

The characteristics of professionally-regulated gifted identification processes are captured by these questions: Does the legislation describe the intended make-up of participants (no)? Does the legislation contain provisions for teacher training (no)? Does the legislation require a minimum level of training or qualifications needed by those individuals responsible for administering examinations (no)? The answer is no for each of these questions in two states – Pennsylvania and Michigan. Other state legislations fail to describe the make-up of participants and omit regulation for only teachers or test administrators. State legislations that omit teacher qualifications are: Illinois, Maryland, and Mississippi.

Legislation that acknowledges, honors, and incorporates the specialized knowledge of implementers allows teachers a very high level of influence in the identification process, although it specifies the type of training teachers must have. These laws also allow for peripheral accountability in the process, meaning that the legislations allow implementers to decide if they are successful. While teachers always play a crucial role in the identification process, they are sometimes allowed to have the “final say” in the identification process. For example, the best benefit clause in the Iowa legislation gives final decision-making power to the teacher. The criteria on which teachers determine gifted status are not clear. Furthermore, this process of identification creates a loophole in the accountability chain. A school district can always claim that

district teachers have identified the students who would most benefit from the programs offered if its placement and identification records are challenged.

The characteristics of this type of legislation are captured by these questions: Does the legislation allow for peripheral accountability (yes)? Does the legislation contain provisions for teacher training (yes)? Does the legislation allow for ambiguity in identification (yes)? The legislations of Iowa, Kansas, and North Carolina meet each of these qualifications.

In general, HYPOTHESIS 1 is supported. In states where the legislation takes responsibility for the enrollment of underserved students, the legislation also details systems of high accountability between parents, the state, and school districts. Such highly developed systems of accountability are missing from the legislation for states that are less assertive about changing the participation rates of the underserved population in gifted education. The only exception to this rule is the legislation in Georgia, a deviation that will be explored in the upcoming sections.

Evaluating Hypothesis 2

When underrepresentation rates are considered, there is also support for HYPOTHESIS 2 – that rates of underrepresentation are lower in states with more accountability -- even though there is not a consistent pattern between enrollment rates and the full range of attentiveness to the underrepresentation problem. Not all states in which legislation is attentive to the underrepresentation problem have higher African American enrollment rates than do states with legislation that is indifferent to the underrepresentation of underserved students. However, states in which legislation takes

responsibility for addressing the underrepresentation problem *do* have lower rates of underrepresentation than do states that do not take responsibility for the problem. The exception to this rule is Virginia, a state in which legislation takes responsibility for the underrepresentation problem, and still African American students are underrepresented by 66-percent.

Exploring the deviating cases

This extreme deviation from the expectation and from the enrollment rates of the states with similar legislations suggests that whatever differences exist between the Virginia legislation and those of the other states taking responsibility for the underrepresentation of underserved students – Tennessee, Texas, California, and Connecticut -- is extremely detrimental to African American student enrollment. The legislation diverges from the pack on two points. The first of these is that it allows ambiguity in the identification process. There does appear to be some general relationship between the acceptance of ambiguity in the identification process and the rate at which African American students are enrolled in gifted and talented programs. With the exception of Georgia, each state with a higher rate of underrepresentation than 52-percent allows ambiguity in the identification process.²⁰ The second point on which the Virginia legislation differs from the other legislations that take responsibility for the enrollment rates of underserved students is that it outlines different roles for parents in the accountability relationships established within the legislation.

²⁰ Georgia presents somewhat of an interesting case as it has legislative components that are characteristic of the high accountability legislations, but also allows for peripheral accountability. Perhaps allowing peripheral accountability is responsible for the low level of African American student participation in gifted and talented education.

The legislation of most states in the sample includes provisions for *parent participation* in the identification process. These provisions vary most on the ways in which parents are *notified about the identification process*. Four approaches to parental notification about the identification process are taken in these legislations: non-existent, indifferent, parentally-empowering, or change-oriented. Legislation that takes the non-existent approach does not discuss a plan to educate parents about the identification process. This approach is taken in the Virginia legislation. Indifferent legislation mandates that each school district designs and implements a plan to educate parents about the identification process, but no measures are taken to insure that this knowledge is accessible to a broad community of parents. The relationship is indifferent in that it does not recognize or try to change the fact that parental participation is highly concentrated in socially empowered groups of the community. By using this formulation of the parental relationship, the legislation allows the district to determine the demographics of parental participation, making the status quo a viable and legal option. This approach to parent notification is found in Georgia.

Parentally empowering relationships also mandate that districts implement their own plans for parental notification. However these legislations specify the mechanisms through which parents may contest the identification decisions made by the district. The legislation in Pennsylvania is one of these types of legislations. While these legislations are not designed explicitly to motivate a new population of parents, they provide the tools for already mobilized parents to be effective in their interactions with the school districts. In states with this type of legislation, if parents of students in underrepresented groups

have some source of knowledge about the programs offered other than the school district, then they are better equipped to advocate for their children's participation than they would be in states where indifferent relationships are legislated.

Change-oriented legislation is written to recognize and change the fact that parental participation is highly concentrated in socially empowered groups of the community. In these legislations, the ways in which parents are notified about gifted and talented education is more specifically laid out than in those of the other states. With such detailed notification plans, this type of legislation attempts to broaden the scope of the public that can effectively participate in the identification process.

[Insert Table 3.4 here.]

Table four displays the relationship between the level of black student underrepresentation and the legislated relationships between parents and school districts for those states whose attention to underrepresentation and monitoring processes foster the expectation of low rates of underrepresentation. The more specific is legislation, especially in the area of parental notification and participation, the higher is the black gifted ratio. That is, the rate of black underrepresentation in gifted education decreases with decreasing room for discretionary interpretation about the roles parents can play in the gifted identification process. This relationship is illustrated especially well in the legislations of California, Pennsylvania, Texas, and Tennessee where the proportion of black gifted students is highest amongst the studied sample.

In California, where black students are underrepresented by 50-percent, the mechanism for parental participation is quite vague. The Superintendent of Public

Instruction encourages “the development of procedures that assure the ongoing participation of parents of gifted and talented pupils in the planning and evaluation of the program” by requiring that school districts specify such a plan in their applications for program funding. Pennsylvania, with a slightly lower rate of underrepresentation – 48-percent, has provisions for parental involvement in student identification that are more highly specified than those in California. As detailed in the previous section of this analysis, the provisions for parental involvement in the placement process are very strong. Parents are given the right to participate actively in the selection of the student for these services and to monitor this process. They do not, however, describe the ways in which the program should be advertised to the community at large, a critical first step for alerting parents to the possibility of gifted programs for their children. This also seems to be a critical condition for higher representation for black students in gifted education.

The provisions for parental involvement in the legislations of Texas and Tennessee, where blacks are underrepresented by only 30-percent and overrepresented by 18-percent (respectively), do offer guidance for this pre-identification portion of the gifted and talented identification process. At the acceptable level of the Texas State Plan for Gifted and Talented Education, district policies on gifted and talented education are disseminated to parents as is the array of gifted and talented learning opportunities available. At the recognized level, parents are able to suggest identification procedures before the local school board adopts an identification procedure for the district; annual meetings are held with the purpose of receiving parental input for program services; and

orientation and periodic updates about services provided are held for the parents of identified students. Parents in exemplary districts annually are able to influence identification procedures as individuals, as members of a parent association for gifted and talented, and as members of a parental advisory board.

The Tennessee gifted plan designates an extensive pre-identification initiative called *child find*.²¹ The child find program is an interagency community awareness campaign designed to educate the public at large about the characteristics of gifted students, benefits of receiving proper service, and gifted education options available in the district. The state-developed *child find* brochure is to be placed in public service buildings including government health clinics, community centers, and public libraries. The *child find* initiative also incorporates advertisement through various cultural means: radio and TV; newspapers, including community publications; grocery sack stuffers; stuffers for utility bills, bank statements and cable TV bills; posters; brochures; films and tapes; newsletters to school personnel and other agencies; letters to parents; enclosures in AFDC or other public payment envelopes; and bumper stickers. Moreover, the initiative has a built-in assessment: “[these activities] should result in referrals [for gifted education] and referrals should come from diverse sources, which include parents, outside agencies, and teachers (Division of Special Education, 2003 #13).” No other legislation in this sample includes such explicit instruction for the pre-identification

²¹ The source of the *child find* initiative is the 1998 Dispute Resolution between the U.S. Office for Civil Rights and the Tennessee State Department of Education. In this agreement, the Tennessee Department of Education agreed to implement procedures in the gifted and talented program that ensured that all students in the state had equal access to gifted education, pursuant to Title VI of the 1964 Civil Rights Act by May 1, 1999. Notably, black students were underrepresented in Tennessee’s gifted programs by 15-percent in 1998.

process. And in no other state are black students overrepresented in gifted and talented education programs as they are here, by 18-percent.

Discussion

In 1989, the gifted and talented policy community begins experiencing increasing federal pressure to address the under-participation of students from vulnerable populations in gifted and talented education programs. By the 1994 publication of the Final Report of the Gifted Education Policy Studies Program, researchers are able to pinpoint the policy processes associated with improved outcomes for under-served populations. They also are able to outline the types of legislation victoriously adapted with the cooperation of concerned legislators, educators, and citizens – producing a *recommended format* for GATE legislation, and they are able to publicize these findings widely within the GATE community. In addition, a number of legal battles over minority student enrollment in GATE in the specific as well as within school segregation in the general had added to the fertility of the policy environment.

In response, states have largely adapted the *recommended format* for gifted and talented legislation. Yet, they have not uniformly changed their gifted and talented policies. As demonstrated above, the *content* of state legislation varies greatly, with each state adapting its own expectations, resource distribution, and manner of communicating with localities about gifted and talented education. With pressure on states to address the underrepresentation problem coming from the national government, multiple levels of courts, federal agencies like the Office for Civil Rights, and research practitioners, a policy environment amenable to testing for outcome correlates across states has

developed. Because each of these pressure-sources holds states responsible for the enrollment rates produced within their boundaries, it becomes critical to understand how states manage the responsibility for this policy arena.

States adopt one of three positions within the policy environment: *service agent*, *policy broker*, or *policy administrator*. In the *service agent* position, the state acts much like an agency for temporary employment, connecting service providers with individuals who may find desirable what they offer. As with such an agency, the service that one receives depends on the person with whom one is connected, although there is a screening process amongst service providers so that most have had similar training or meet minimal criteria. As *policy broker*, the state negotiates the relationship between those providing service and those receiving it. The state's position is not one of exact neutrality in that it does recognize under-service as a policy problem; but the state does not take an assertive role in ameliorating the problem. The state creates the boundaries within which parents interact with teachers and administrators. It also furnishes a set of rules that governs each stage of interaction and details mechanisms for redress when these rules are breached or outcomes are unexpected. As *policy administrator*, the state constructs a complete plan for an area of policy, which includes goals, methods of fulfilling those goals, ways for monitoring progress towards the attainment of these goals, and ways for service recipients to hold them accountable for the outcomes.

Policy administrators may be better at producing policy outcomes than are *policy brokers* or *service agencies*. Or it may be the case that states are legislated as *policy administrators* when they will be successful in this position. Yet even within the more

productive policy administrator role, state legislations construct different ways of communicating with constituents, distinguished by the extent to which they incorporate constituents into the plans they adapt. For gifted and talented education, state legislation incorporates parents into the identification process at different degrees of intensity. In states where legislation less intensely incorporates parents into the identification process there is less success at proportionally enrolling historically underserved students in gifted programs than there is in states where legislation more intensely incorporates parents into the process.

This analysis has worked to make states active participants in the gifted and talented education environment. It takes seriously the flexibility with which states can act in response to national pressures for policy outcomes, with regard to their constituents, and in concert with their agencies. The analysis has uncovered three legislative tools guiding the outcomes in this policy arena: (1) legislative position toward the identification of underrepresented students; (2) types of oversight legislated; and (3) the legislated relationship between parents and school officials.

The analysis has shown that states whose legislation acknowledges having a responsibility for the proper identification of gifted and talented students are legislated as *policy administrators* who manage especially well-developed accountability relationships between themselves, parents, and school districts. States whose legislation does not acknowledge this responsibility are legislated as *policy brokers* who negotiate the relationship between parents and school districts or they are legislated as *service agencies* whose responsibility consists of connecting parents to school districts. This analysis in

this chapter has also demonstrated that the relationship between legislation and identification cannot be explained without taking into consideration the power of the state to set the agenda between political actors and political institutions. Thus, the analysis suggests that while policy position, monitoring processes, and agenda-setting power work together, the state's agenda-setting power may be most critical to the equitable participation of underrepresented students in gifted and talented education programs.

In a policy environment where outcomes and criteria are uncertain and contested, the manner in which the state regulates the relationship between political actors and political institutions guides the distribution of goods and services. While it is critical that state legislation take up the task of increasing the participation of underrepresented groups in gifted and talented education and that it monitors progress toward this goal, these actions alone are not enough to make the programs representative. The state must create political battlegrounds on which advocates for students in underrepresented groups can participate. It must use its agenda-setting power as a policy lever to reduce the achievement gap between white and black students.

APPENDIX

TABLE 3.1: ENROLLMENT TRENDS

Government	PUBLIC SCHOOL ENROLLMENT	GIFTED AND TALENTED PARTICIPANTS (% PUBLIC SCHOOL ENROLLMENT)	BLACK STUDENT ENROLLMENT (% PUBLIC SCHOOL ENROLLMENT)	BLACK GIFTED AND TALENTED PARTICIPANTS (% PUBLIC SCHOOL PARTICIPANTS)	BLACK GIFTED PROPORTION (% BLACK GIFTED/ % BLACK ENROLLMENT)
<i>NATIONAL</i>	46,306,355	15.8	16.99	8.23	0.48
CALIFORNIA	5,965,746	14.5	8.48	4.26	0.50
CONNECTICUT	532,146	30.5	13.28	6.37	0.48
GEORGIA	1,413,899	12.5	38.8	14.65	0.38
ILLINOIS	2,013,369	16.0	21.36	7.77	0.36
IOWA	484,514	12.3	3.97	1.83	0.46
KANSAS	457,254	30.6	8.75	2.59	0.30
MARYLAND	839,352	8.4	37.05	16.04	0.43
MICHIGAN	1,712,983	27.7	19.59	9.11	0.47
MISSISSIPPI	494,623	17.7	50.65	22.46	0.44
NORTH CAROLINA	1,253,125	10.0	30.6	10.33	0.34
PENNSYLVANIA	1,805,431	20.4	14.42	7.53	0.52
TENNESSEE	905,602	33.5	24.44	28.77	1.18
TEXAS	3,907,774	11.1	14.23	9.95	0.70
VIRGINIA	1,137,705	9.7	26.9	9.12	0.34

Year 2000

TABLE 3.2: CHARACTERISTICS OF LEGISLATION

	ILLINOIS	IOWA	PENNSYLVANIA	TEXAS
TASK	Identify all gifted students	Identify and serve as many gifted students as possible	Identify and serve all gifted students	Provide all students with challenging academic opportunities that enable them to reach their full potential
DEFINITION OF GIFTED	Beyond average mental acceleration; Aptitude or talent that can benefit from special cultivation	Demonstrated achievement or potential ability in intellectual, creative thinking, leadership, visual and performing arts, specific aptitude	130 IQ + criteria -- Or -- simply meeting the criteria	High level of accomplishment relative to age, experience, or environmental cohort; Intellect, creativity, leadership
PRINCIPAL-AGENT	State – district	State -- teacher	Parent – district	State – district Parent -- district
ISOMORPHIC REGULATION	Not present	Not present	Present	Not present
STREET-LEVEL BUREAUCRACY	Ambiguity in identification	Ambiguity in identification and peripheral accountability	Not present	Not present
EQUALITY PRINCIPLE: ATTENTIVE TO?	No	No	Yes	Yes
EQUALITY PRINCIPLE: RESPONSIBLE FOR?	No	No	No	Yes

Table 3.3: Characteristics of state legislation

	KS	VA	NC	IL	GA	MD	MS	IA	MI	CT	CA	PA	TX	TN
Does the legislation mandate Identification?	YES	YES	YES	NO	YES	YES	YES	YES	NO	YES	NO	YES	YES	YES
Does the legislation mandate service?	YES	YES	YES	NO	YES	YES	YES	YES	NO	NO	NO	YES	YES	YES
Has there been litigation on within school segregation in gifted education?	NO	NO	NO	YES	YES	YES	YES	NO	YES	NO	YES	NO	YES	NO
Does the legislation define gifted and talented?	NO	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
Does the legislation describe the intended make-up of participants?	NO	NO	NO	NO	NO	NO	NO	YES	NO	NO	YES	NO	YES	YES
Does the legislation set up a system for monitoring identification?	YES	YES	YES	YES	YES	NO	YES	YES	NO	YES	YES	YES	YES	YES
Does the legislation detail incentives for following identification procedures?	NO	YES	NO	YES	NO	YES	YES	YES	YES	NO	YES	NO	YES	YES
Does the legislation detail a hierarchy?	YES	YES	YES	YES	YES	NO	YES	YES	YES	YES	YES	YES	YES	YES
Does the legislation contain provisions for teacher training?	YES	YES	YES	NO	YES	YES	YES	YES	NO	YES	YES	NO	YES	YES
Does the legislation require a minimum level of tester training?	NO	YES	NO	YES	YES	NO	NO	NO	NO	YES	YES	NO	YES	YES
Does the legislation provide a mechanism for information sharing?	NO	YES	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES	YES	YES
Does the legislation allow ambiguity in identification?	YES	YES	YES	YES	NO	YES	YES	YES	YES	NO	NO	NO	NO	NO
Does the legislation allow for peripheral accountability?	YES	NO	YES	NO	YES	NO	NO	YES	NO	NO	NO	NO	NO	NO
Does the legislation allow for adaptability?	YES	YES	YES	YES	YES	YES	YES	YES	NO	NO	YES	YES	NO	YES
<i>Minority student enrollment (%)</i>	21.0	36.2	38.6	40.0	46.0	46.5	52.2	9.8	25.9	29.2	63.7	20.9	57.0	27.5
<i>Rate of underrepresentation (%)</i>	70	66	66	64	62	57	56	54	53	52	50	48	30	(18)

Table 3.4: Relationship legislated between parents and school districts

	KS	VA ²²	NC	IL	GA	MD	MS	IA	MI	CT	CA	PA	TX	TN
Is the legislation attentive to the underrepresentation problem?	NO	YES	YES	NO	YES	YES	NO	NO	NO	YES	YES	YES	YES	YES
Does the legislation take responsibility for addressing the underrepresentation problem?	NO	YES	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	YES	YES
Does the legislation set up a system for monitoring identification?	YES	YES	YES	YES	YES	NO	YES	YES	NO	YES	YES	YES	YES	YES
Does the legislation detail incentives for following identification procedures?	NO	YES	NO	YES	NO	YES	YES	YES	YES	NO	YES	YES	YES	YES
Does the legislation detail a hierarchy?	YES	YES	YES	YES	YES	NO	YES	YES	YES	YES	YES	YES	YES	YES
Does the legislation detail the flow of information between levels of the hierarchy?	NO	YES	YES	YES	YES	N/A	NO	YES	YES	YES	YES	YES	YES	YES
Does the legislation allow ambiguity in identification?	YES	YES	YES	YES	NO	YES	YES	YES	YES	NO	NO	NO	NO	NO
Does the legislation allow for peripheral accountability?	YES	NO	YES	NO	YES	NO	NO	YES	NO	NO	NO	NO	NO	NO
Does the legislation include provisions for parent participation?	NO	YES	YES	NO	YES	NO	YES	NO	YES	YES	YES	YES	YES	YES
Expectation of low underrepresentation	NO	NO	NO	NO	PERHAPS	NO	NO	NO	NO	YES	YES	YES	YES	YES
Type of parental participation legislated?	--	--	--	--	Agnostic	--	--	--	--	Empowered	Empowered	Empowered	Change-oriented	Change-oriented
<i>Rate of underrepresentation (%)</i>	70	66	66	64	62	57	56	54	53	52	50	48	30	(18)

²² The rate of underrepresentation for black students is drastically higher in the state of Virginia than is expected given the surface characteristics of the legislation. As in the four states discussed above, the legislation is attentive to underrepresented students; includes a system of monitoring with accompanying incentives; and has provisions for parental participation in the identification process. The gifted identification plan, however, is submitted to the state by the school district as opposed to being specified by the state. The local school district is allowed to set the agenda for the relationship between it and the parent and opposed to the state doing so; and the state exercises veto power.

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Chapter 4

Too Protective to Coproduce?: Proprietary Threat Response in a Participatory Policy Environment

“Policy-making in the schools is far more routinized than in redevelopment; it is far more professionalized – one might say bureaucratized – than in the parties, in the sense that almost all of the people who make day-to-day decisions about the schools meet certain professional standards and have a strong sense of their own professionalism there are a number of diverse elements in the political stratus whose educational wants and concerns the leaders attempt to conciliate, anticipate, and satisfy.” -- Dahl, *Who Governs*

“Here is the crux of the problem of race relations – the redefinition of the sense of group position so that the status advantage of the white man is no longer an advantage, so that an American may acknowledge his Negro ancestry without apologizing for it . . . They [black people] live in a society in which to be unconditionally “American” is to be white, and to be black is a misfortune [pp. 108-9].” – Killian and Grigg, quoted by Ture and Hamilton, *Black Power*

In chapter three, I found that the enrollment rates of African American students in gifted and talented education programs (or GATE) are exceptionally high in states where state policies (1) explicitly incorporate parents and community advocates into the gifted identification process and (2) specify steps to hold school districts responsible for the resultant enrollment rates. This chapter assesses the extent to which the correlation between the accountability systems and enrollment rates reflects the level of parent participation induced by participatory clauses and the extent to which it reflects the ways that educators respond to these new regulations.

The coproduction framework outlines a theoretical foundation for participation as the causal mechanism for high enrollment rates. As the predominant framework theorizing political participation at the policy implementation stage, coproduction maintains that cooperation between citizens and governments maximizes policy outcomes due to the active participation of the citizenry. Thus, the coproduction

framework would attribute the relationship between the legislations and enrollments to the benefits of parent participation in the gifted identification process. However, the coproduction framework adopts a restrictive definition of participation which excludes the types of activities that prove beneficial for securing GATE enrollments. Moreover, the assumption of policy implementer responsiveness to participation underlying the coproduction framework is fallacious and particularly detrimental for understanding policy outcomes for African Americans.

I argue that these legislations are effective because they solidify accountability relationships that politically incorporate African Americans into the realm of education governance rather than because they involve previously apathetic parents in the identification process. By making school districts accountable to parents and communities whose voices in education policy historically have been ignored, these clauses induce preemptive implementation of African Americans' preferences for more equitably distributed policy outcomes. The result is not a more egalitarian distribution of GATE enrollments, but rather a more politically responsive distribution.

Parent Participation and Educator Response for Gifted Education

Parent participation in the education process is a widely touted mechanism for increasing African American enrollment in gifted and talented education programs amongst policy makers and academic scholars (Donovan and Cross, 2002; Ford, 1996; Oakes, 1986). While contemporary research promotes increased participation from African American parents in the gifted identification process as a policy lever, it rarely addresses the several forms of parent participation and the differential responses they

elicit from educators and administrators.²³ Though scarce in comparison to vibrant British and French discourses about the relationship between types of parent involvement and antagonism between educators and parents (Crozier, 2000; Limage, 2000; Cullingford, 1996; Vincent, 1996; Lewis, 1985), several scholars have documented this antagonism in the U.S. context and in doing so have highlighted the differential impact of the antagonism because of economic class and race (Lewis, 2008; Darns, 2003; Ford, 1996; Henig *et al*, 1999; Lareau, 1989; Williams, 1989; Lightfoot, 1978).

I classify the several types of interactions between parents and educators into two general categories: involvement and intervention. Involvement activities support the educational administration in its current form. They help to reinforce the activities taking place in the classroom and to increase educators' capacities to continue these activities. Volunteering to read in a classroom, to serve as a teacher's aide, to chaperone a fieldtrip, and to fundraise are examples of parent involvement.

The underlying premise of parent intervention, on the other hand, is to change the course of action of the administration. Intervention can take place on behalf of an individual student such as requesting that the student be placed in a particular classroom or program (i.e., placement in a gifted and talented education program rather than a regular education program). Intervention can also be directed towards systemic change through which educators are asked to alter the underlying logic of the education program. An example of a systemic intervention is requesting a change in the tenor of a program or school (i.e., desegregate a school or incorporate African American history into the history

²³ I use educators and administrators interchangeably to refer to teachers, principals, and other administrators at the school-district level.

curriculum). Additionally, systemic intervention can be targeted at one particular educator which would have an effect on how the educational system will evolve over time. An example of this type of intervention is requesting actions against particular teachers or administrators (i.e., classroom removal, reclassification, or reassignment).

Educators are generally receptive to parent involvement but are apprehensive about parent intervention (Shipps, 2003; Crozier, 2000; Vincent, 1996; Williams, 1989). This apprehension originates from the fact that interventions implicitly and explicitly interrogate the proficiency of educators' job performances and diminishes the levels of control they have over their professional domain (Lareau, 1989; Williams, 1989). When educators can do so, they ignore parent interventions. However, their ability to ignore parent interventions is highly circumscribed by parental resources -- especially the ability of parents to exit from the education system if educators do not comply with the demands of their interventions and ability of parents to levy connections with high ranking school officials or politicians to pressure educators for their preferred outcomes.

Given the imperative to respond to intervention requests from well-resourced parents, educators face three options. Their first option is to ignore the requests of interveners and face two penalties -- the sanction against their professionalism levied by the request (i.e., a reduction in their proprietary claim to status as the primary experts in education) and the potential exit of the student from the system. Educators' second option is to honor the requests of interveners once they are voiced. In this case, educators receive only one penalty- a reduction in their proprietary claim to educational expertise. Educators' third option is to provide the services interveners would request before the

requests are made. That is, educators can avoid the reduction in their proprietary claim to educational expertise that is implicitly levied through intervention activities by acting preemptively to provide the desired services. When possible, educators choose to act preemptively in the provision of education to students whose parents engage in or are likely to engage in intervention activities. Educators offer these students preferred curriculum; place them in classrooms with teachers whose teaching styles are highly valued; and assign principals and teachers to schools to complement their enrollment patterns (Lareau, 1989; Williams, 1989).

Further complicating the relationship between parent participation and African American student outcomes is the fact that educators use parents' presumed socioeconomic status and race as gauges to determine whether they need to be preemptive, resulting in more responsiveness to middle-class parents than to lower-class parents (Rorrer, 2003; Lareau, 1989; Oakes, 1986). Responsiveness to middle-class white parents' requests frequently results in inequitable distribution of educational goods. For example, disparate enrollment rates of black and white students in gifted and talented education programs have been attributed to parent intervention in the identification process (McBee, 2006; Ford, 1996; Donovan and Cross, 1991; Oakes, 1986). Middle-class white parents more frequently request gifted programming for their children who do not initially qualify for the programs than do African Americans parents. Early qualitative research reported that even when students did not meet enrollment requirements, administrators were likely to enroll students whose parents intervened on their behalves (Ford, 1996; Donovan and Cross, 1991; Oakes, 1986). McBee's (2006)

quantitative study of gifted identification reports that white parents are still three to four times more likely to intervene in the identification process than African American parents and that their intervention activities are more likely to be successful than those of African American parents (65% versus 40% success rate).

The complex relationship between class and race in the United States means that the use of socioeconomic status as the proxy for preemptive action creates racially differentiated outcomes. Rothstein (2004) argues that black educational outcomes are lower than white educational outcomes because blacks' 'lack of class' –exemplified as not having access to wealth and as engaging in behaviors to compensate for discriminatory markets -- prevents them from taking advantage of the educational system surrounding them. The lack of family wealth (and therefore lack of down payment assistance) restricts the quality of the educational market African Americans can enter as public education in most states is funded by local taxes. Rothstein documents that blacks are more likely than whites to apportion their incomes to compensate for market discrimination and therefore invest in people who are less economically stable than they are – relatives and members of their extended networks -- rather than in purchases that enhance intellectual advancement like museum memberships and books. Finally, Rothstein claims that blacks match their motivation to excel in school to the low market returns to schooling they anticipate receiving from a discriminatory job market. In sum, Rothstein argues, blacks operate in a class-demarcated habitus that circumscribes their actions and results in lower educational attainment.

Rothstein's explication of how class operates to suppress educational outcomes for blacks demonstrates that class is not a race-neutral construct. Instead, race and class are fused together with even broader implications for the relationship between parents, schools and black educational outcomes than Rothstein identifies. These implications surface as the centrality of race in blacks' social and political lives is incorporated into the discussion, revealing the importance of class as a supply-side variable that explains how schools respond to parents and when they work to honor parents' quests for educational excellence.

Scholars like Wilson (1980) theorized that as the economic distribution within the black community widened, race would become less significant in the lives of black Americans. Blacks' habits, tastes, political preferences, and social outlooks would begin to mirror those of the white America their financial status made more readily available to them. Moreover, the barriers excluding blacks from the mainstream social and political life would be dismantled. The significance of the racial community would diminish and the ways in which race delimited the lives of blacks would disappear. While economic improvement has made 'mainstream America' more accessible to blacks, it has not yet resulted in a complete reconstitution of racial relationships. Social barriers, while less rigid, remain in tact: for the same level of education and income, blacks are less likely to be shown a home in the same neighborhood (Massey and Denton, 1993; Yinger, 1986) and are less likely to be hired for the same job (Bertrand and Mullainathan, 2003; Pager, 2003; Darity and Mason, 1998; Turner et al, 1991) than whites. For the same level of education and the same job, blacks are paid less than whites (Neal and Johnson, 1996;

Card and Krueger, 1993). Controlling for income, the political preferences of blacks and whites diverge as do their outlooks on the state of America (Dawson, 2002; Kinder and Sanders, 1996; Dawson, 1994; Tate, 1994).

Blacks and whites diverge on how they interact with the social system around them. The most illuminating way in which middle and upper class blacks differ from middle and upper class whites is their belief that what happens to the black racial group as a whole affects what happens to them individually. Blacks use racial group interest as a proxy for their own interests (Dawson, 2002; Dawson, 1994). While whites may have other-oriented outlooks and may express a belief that what happens to others affects them personally (e.g., Kinder and Kiewiet, 1981) they do not substitute the group-based calculus for the individual calculus. Blacks strategize their political and social actions based on a collective black identity.

Despite the collective outlook on political and social life that distinguishes them from whites, blacks still engage in a diverse set of political actions and hold a varied set of political beliefs (Dawson, 2002). In fact, the applied political lives of African Americans vary by neighborhood context (Oliver, 1999; Cohen and Dawson, 1993). In particular, rates of political participation, levels of political efficacy, and access to socio-political networks are systematically different across neighborhoods, even between poor and persistently poor neighborhoods.²⁴

²⁴Marschall (2004) finds that there is no statistically significant relationship between the level of sociopolitical engagement in a neighborhood and how likely an individual living in that neighborhood is to attend a meeting about schools, contact officials about schools or talk to their friends about schools. Modifying Marschall's models to specify the effects of neighborhood by race and class may produce results supportive of the current literature synthesis.

The significance of race as a factor in African Americans' lives (and by implication, in white Americans' lives) impacts how blacks interact with the school system and *how they are perceived by the school system*. The first implication is that blacks have developed the habitus of intervening for their children as a collective (Danns, 2003; Shipps, 2003; Williams, 1989; Anderson, 1988; McCaul, 1987). Exclusion based on race has meant that all claims for access had to delegitimize race as a barrier; reclaiming opportunity for the race was a significant part of any claim to access. This also means that community actions are understood as substitutes for individual actions. The second implication of the persistent significance of race in African Americans' lives for parent interactions with schools is that higher socioeconomic status for blacks does not send the same signal to educators that it sends for whites. Blacks have limited potential for residential mobility and are overwhelmingly confined to racially distinct neighborhoods. This means that the credibility of black parents' threats to exit is low, reducing their leverage for commanding responsiveness from educators. The third implication is that educators' assessments of African American credibility are likely to vary by neighborhood affiliation.

My findings in chapter three about the relationship between state legislation and African American student enrollment rates in GATE programs raises important questions about the mechanism for parity in education for black students: To what extent are educational outcomes a function of the rates at which parents participate in the education process and to what extent are they a function of the ways that educators respond to the system of sanctions, incentives, and opportunities created in the policy environment?

Can the pattern of GATE enrollments be explained by citizen coproduction of gifted identification or do GATE enrollment patterns reflect educators' responses to proprietary threat? The combination of strategic educators, community intervention, and parents bound to their neighborhoods, suggests that GATE enrollments for African American students should vary by neighborhood and reflect more intensely educators' assessments of proprietary threat than the participatory habits of African American parents.

Coproduction and the Theory of Proprietary Threat

Coproduction refers to the provision of local services through the combined actions of citizens and governments. It asserts that the provision of local services may be optimized through the conjoint actions of citizens and the government or service agencies responsible for policy outcomes. Coproduction is postulated in contrast to policy systems and type of implementation in which public officials have the exclusive responsibility for designing and providing services while citizens demand, consume, and evaluate the services (Brudney and England, 1983). Coproduction refocuses the policy implementation and political participation literatures in three important ways. It (1) incorporates a broader range of behaviors into the realm of political participation; (2) highlights the importance of government institutions in recruiting citizen participation; and (3) focuses on participation at the implementation stage which widens our analytical lens to include the institutions and contexts within which people act (Marschall, 2004).

While the coproduction framework takes large strides toward specifying participatory behaviors at the policy implementation stage, its applicability to African American politics is stymied by two factors. First, the concept does not have a consistent

definition throughout the literature. Each researcher contributing to the coproduction conversation adopts a definition that is relevant to the policy area being studied though doing so may expand or shrink the applicability of the concept to other policy areas. This increases the difficulty of operationalizing the concept and restricts comparison of the effects of coproduction across policy domains. The second detractor from the applicability of coproduction to African American politics is the underlying assumption that citizen participation elicits uniform responses from policy implementers. Rather than assuming that citizen participation in the policy implementation stage is tantamount to cooperation between citizens and governments, a theory relevant to African American politics must capture the contingent nature of cooperation – specifying the conditions or actions that result in positive or improved policy outcomes.

Definitions of coproduction range from very broad designations (i.e., every interaction between citizens and policy implementers that results in policy outcomes) to rather restricted designations (e.g., only the activities between citizens and policy implementers that result in improved social conditions). For example, Whitaker (1980) designates as coproduction the interactions between educators and students (because the production of education requires the engagement of students with teachers in the classroom) as well as activities in which citizen input does not seem critical (i.e., the distribution of water). Sharp (1980) defines coproduced services as the “joint product of the activities of both citizens and government officials” which includes activities that create the physical conditions that lead to policy outcomes such as citizens choosing not to park in snow plow lanes.

Brudney and England (1983) adopt a more restricted definition of coproduction: direct citizen involvement in the design and delivery of city services with professional service agents. Their conceptualization has six components: (1) the degree of overlap between regular producers and consumers; (2) joint production of services by the two groups; (3) citizen involvement or participation rather than bureaucratic responsiveness; (4) activities that have positive rather than negative impacts on service delivery; (5) voluntary cooperation rather than compliance with laws; and (6) active roles, rather than passive behaviors. Brudney and England generate a three-tier hierarchy of coproductive activities based on the type of goods produced -- individual, group, and collective. At the individual level, they designate soft services like education and welfare as ‘captured coproduction’ because service recipients have little choice but to participate in the service and policy implementers must follow policy, rules, and regulations subject to their discretion. A second type of individual coproduction is exemplified by turning on fire alarms or picking up litter, activities that are tantamount to civic duty. The benefits of these activities are largely personal and the overlap between producer and consumer spheres is small.

Brudney and England’s second tier of coproduction consists of activities whose benefits accrue to groups. These activities serve two functions – to articulate and aggregate demand and to pool resources. They may require formal coordination mechanisms between service agents and citizen groups and consist of activities like neighborhood watches and neighborhood associations. Brudney and England identify three problems with group coproduction activities: (1) the potential distribution of

benefits to a select few, (2) the accrual of coproductive benefits to the most well-off, and (3) the potentially antagonistic relationship between policy implementers and consumer producers . For example, city administrators may, at their discretion, resist working with non-professional citizens as partners and public employee unions may oppose implementation of service delivery that appears to threaten members' livelihoods. Moreover, class, education, and race may affect who is willing or able to engage in coproductive activities and thereby exacerbate inequities (Rosentraub and Sharp, 1981, cited by Brudney and England).

Brudney and England's final tier of coproductive activities is collective coproduction, which results in goods that can be enjoyed by the entire community. They characterize these activities as the institutionalization of coproductive activities and assume the support of city officials and policy implementers. Collective coproduction results in substantial overlap between producers and consumers.

Brudney and England's explicit focus on citizen involvement and participation to the exclusion of bureaucratic responsiveness restricts from the coproduction framework the ability to theorize how implementer responses may vary with the characteristics of citizen-participants, thereby delimiting the ability to specify the effects of coproduction on policy outcomes. Brudney and England are certainly aware that social identities (i.e., class, education, and race) may have an effect on participation and potential outcomes. Yet, because of their definitional choice, outcome variation by race, for example, only results from variances in participation rates by racial group. This is problematic for two reasons. If policy implementers may choose to be hostile or resistant to citizen

coproducers at their discretion, they may stratify their responses based on the resources of participants, resulting in the stratification of outcomes by class, education, and race. Moreover, the nature of individual and collective action varies along class, education, and racial lines. If policy implementers respond differentially to different types of coproductive actions, their responses and policy outcomes are likely to be stratified along class, education, and racial lines. The effects of such strategic bureaucratic responses would manifest themselves in the outcomes of coproductive activities, but not as reflections of differential participation rates. Thus their omission from the theoretical framework produces an incomplete picture of the dynamics of citizen participation at the policy implementation stage.

While Brudney and England touch on the potential tension between policy implementers and citizen coproducers, Rosentraub and Warren (1987) outline and classify the types of activities that policy implementers may find problematic in their relationships with citizen coproducers. They distinguish between coproduction and other production-related activities – parallel production and ancillary actions. Parallel production activities are “similar to those provided by public agencies but are produced by individuals without the cooperation of public agencies” such as hiring a tutor for one’s child, installing a burglar alarm, or hiring security guards for the apartment building one owns. These acts contrast with the coproductive activities of working as a teacher’s aide or in the school library of one’s child. Ancillary actions are those acts that when citizens fail to fulfill them lead to decreases in service levels. Examples of these expected forms of behavior are reporting crimes, obeying laws, and following regulations. Rosentraub

and Warren further differentiate between *passive*, *active*, and *competitive* actions. While passive actions require no interaction with others, active actions require coordination or interaction with neighbors or service providers. Competitive actions are operations in direct competition with the service provisions government agencies provide (i.e., hiring security guards).

In their survey of police officers, Rosentraub and Warren find that while the overwhelming majority of police officers (90%) agree or strongly agree with citizens taking ancillary production roles, they are less enthusiastic about parallel production and coproduction activities. Over 70% of their survey respondents cannot decide whether they agree or disagree with citizens participating in parallel production activities. Evaluations of coproduction are inconclusive – about 41% agree or strongly agree with citizens engaging in coproduction activities while about 45% of them are uncertain. Moreover, while 65% of the police officers surveyed agree with citizens engaging in passive activities, more than 50% of them negatively evaluate citizen participation in competitive activities.

In the same vein as Brudney and England (*ibid*), Rosentraub and Warren (*ibid*) exclude potentially antagonistic activities from the core conceptualization of coproduction. This reflects the orientation of the broader body of coproduction literature in specifying the participation side of the coproductive relationship (how citizens interact with policy implementers, the effects of citizens' participation on their democratic outlooks, and the effectiveness of outcomes). Yet Rosentraub and Warren's continuum of joint citizen-implementer policy interactions reflect the variation in potential responses

that the activities may elicit from policy implementers, thereby highlighting the need for a theory that includes both citizen participation and bureaucratic response to explain policy outcomes. The theory of proprietary threat is such a theory.

The theory of proprietary threat posits that policy implementers who want to maintain their status as the primary experts in their fields will be preemptive in policy implementation when citizens are likely to engage in activities that copy and compete with their services (i.e., competitive and active production activities). I refer to this preemptive policy implementation as ‘proprietary threat response.’ As the possibility of community advocates encroaching upon their autonomy increases, educators take preemptive actions to avoid interventions. Thus, within the proprietary threat framework, merely publicizing the existence of a detailed policy that incorporates new African American participants into the gifted identification process gives teachers and administrators the incentive to consider more thoroughly African American students for GATE enrollment. This incentive is even greater when students are affiliated with communities that are likely to intervene on their behalves.

The theory of proprietary threat is predicated on the idea that the ability of white and white middle-class parents to vote with their feet creates a credible threat to educators that encourages educators to preemptively implement policies to meet parents’ preferences (Lowery, 1998; Hirschman, 1970).²⁵ To avoid the sanction of exit and the proprietary encroachment that comes with intervention activities, educators will satisfy

²⁵ The theory of proprietary threat owes much to Hirschman’s discussion of credible threat in *Exit, Voice, and Loyalty*. While providing a rich conceptual tool, Hirschman’s discussion was not oriented toward empirical analysis, i.e. there were no mechanisms for prediction. The theory of proprietary threat lends itself to predictive scrutiny.

the implicit requests of mobile parents: placing their children in upper level classes, assigning them to the best teachers, and making the best schools available to them.

At the same time, educators' assessment of threat credibility from African American parents primarily rests on the level of political empowerment of African Americans because of the relative immobility of African Americans and the well-known prevalence of relatively poor education offerings for African American students (which suppresses the idea that moving to a different district will actually result in better outcomes). The political empowerment of African Americans conveys African Americans' ability to levy connections with officials who can pressure educators into offering the opportunities and services that they prefer. When political structures incorporate African Americans into the education process, they institutionalize the idea that political officials can be held accountable for the attainment of African American education preferences -- to the extent that this is electorally feasible -- and the possibility that politicians will use their influence with educators to secure the preferences of the African American community.

In the absence of political structures that incorporate African Americans or in the presence of political structures that disempower African Americans, African Americans are assessed as non-credible interveners. When African Americans are assessed as non-credible interveners, educators are more willing to risk sanction from African American parents than white parents. They therefore rank the preferences of African American parents lower than those of white parents, resulting in the distribution of educational

goods like upper level placements and assignment to the best teachers and schools to white students instead of African American students.

As it relates to gifted education, proprietary threat response refers to heavily weighting an estimate of parent intervention to determine GATE placement. For students whose whiteness associates them with residential mobility, this proxy is presumed socio-economic status. In places where the accountability regimes politically incorporate a class of parents by deputizing them as policy monitors through the adoption of participatory clauses, the proxy in use is the strength of political organization associated with that student.

I test the theory of proprietary threat against the coproduction framework by examining enrollment in gifted and talented education programs in Chicago, where the Local School Councils system is an archetype of a state-legislated coproduction policy that creates an environment conducive to proprietary threat response to African Americans. Chicago's Local School Councils (LSC) are small governance bodies composed of parent and community representatives whose tasks are to design school budgets and school reforms, monitor school improvement, and monitor the effectiveness of principals (Hess, 1991). Adoption of the LSC system established at each Chicago school a locally-elected council which would advocate for improved student outcomes. Chicago's LSC policy produces the conditions for proprietary threat response. The policy gives the public the opportunity to diminish the proprietary integrity of educators if they choose to do so and raises the credibility of threat associated with African Americans. The policy brings educators and laymen into closer proximity and provides

the public with the opportunity to interrogate, redefine, and reject educators' definition of giftedness. The LSC policy is also an archetype of coproductive relationships. The public is invited to share in the administration of policy. And if the public fails to do so, then the quality of policy implementation diminishes. If the Local School Councils fail to meet, plan, and monitor outcomes, then educational outcomes will be suboptimal.

A central corollary of the theory of proprietary threat is that educational opportunities are distributed based on differential educator responses to parent and neighborhood attributes. The implications are as follows. Outside of a governance environment that induces proprietary threat response to blacks, white and black students will be enrolled in GATE disproportionately, with enrollment biased towards white students as educators will be more responsive to those who can threaten them credibly than those who threaten without credibility. Parent advocacy will be less successful for blacks than it is for whites so that even when black parents and the black community are engaged in intervention activities, fewer blacks than whites will be enrolled in GATE than predicted by academic ability. Within a governance environment that induces proprietary threat response for blacks, black and white enrollments will be similar. The racial difference in enrollments will disappear, controlling for all other relevant factors. Community political engagement will be a significant factor for black students' enrollment. Its impact on enrollment for black students will be as strong as parent socioeconomic status for white students outside of the governance-induced threat environment. As with non-threat environments, enrollments will more closely reflect associated threat than academic merit. This means that a cadre of students will be

enrolled who have lower academic scores and higher associated threat than a cadre of students who have higher academic scores and lower associated threat and are not enrolled.

Based on these implications of the theory of proprietary threat, I test the following hypotheses:

Hypothesis 1: GATE enrollment will be more closely aligned with the credibility of threat from parents and communities than it will be with academic qualifications. Some enrollees will have lower academic qualifications than some non-enrollees. These enrollees will be associated with adults with higher threat credibility than the adults associated with the non-enrollees with higher academic qualifications.

H_{1a}: The average parent threat credibility for enrollees with low IQ test scores will be higher than the average parent threat credibility for non-enrollees with high IQ test scores.

H_{1b}: The average community threat credibility for enrollees with low IQ test scores will be higher than the average parent threat credibility for non-enrollees with high IQ test scores.

Hypothesis 2: Educators will be responsive to the black community.

H_{2a}: Race will not be a significant predictor of enrollment in the government-induced threat environment.

H_{2b}: The probability of enrollment will increase with increased levels of parent participation in the education process.

H_{2c}: The probability of enrollment will increase with increased levels of neighborhood participation in the education process.

Hypothesis 3: Black student enrollment will vary with the level of threat associated with the student.

H_{3a}: The probability of enrollment will increase with increased levels of family socioeconomic status.

H_{3b}: The probability of enrollment will increase with increased levels of neighborhood political engagement.

H_{3c}: Threat from parents and community members is interchangeable for black students who live in majority- and predominantly- minority neighborhoods.

Data, Methodology, and Models

Data and Measures

The data for this analysis are from the Project on Human Development in Chicago Neighborhoods (PHDCN), a longitudinal research project housed with the National Archives of Criminal Justice Data at the University of Michigan.²⁶ The PHDCN is a three-wave study of Chicago youth, their parents, and their neighborhoods. The PHDCN is the best available existing dataset on which to conduct a test of the theory of proprietary threat. It is the only publicly available dataset that includes extensive information on youth in multiple age cohorts, student enrollment in gifted and talented education programs, measures of academic qualifications for enrollment, parent participation in the education process, and the behavior and attitudes of individuals within neighborhoods.

Survey participants were selected using stratified probability sampling. The initial sampling unit was the ‘neighborhood’ – geographical areas constructed to capture the boundaries of local political culture, economic exchange, and daily interaction. The neighborhood units are loosely aligned with U.S. Census tracts. I use data from the first wave of the study and examine responses for youth aged 6 – 17 and their primary

²⁶ Earls, Felton J., Jeanne Brooks-Gunn, Stephen W. Raudenbush, and Robert J. Sampson. Project on Human Development in Chicago Neighborhoods (PHDCN). Boston, MA: Harvard Medical School [producer], 2002. Ann Arbor, MI: Interuniversity Consortium.

caregivers (N = 2,978). The sample includes white youth (N = 433, 14.5% of the sample), black youth (N = 1001, 33.4% of the sample), and Hispanic youth (N = 1451, 48.7% of the sample).²⁷ In addition to the survey of youth and their parents, a community survey was administered to 8,782 residents of the 80 Chicago neighborhoods in which these youth reside.²⁸ I use responses to the community survey to construct a picture of the neighborhoods and to assess the effects of the neighborhood on outcomes. The initial wave of the PHDCN survey was administered after the implementation of the Local School Councils system and so it affords the opportunity to quantify the effects of parent and community participation in education and to examine the effects of proprietary threat.²⁹

The dependent variable in this analysis is whether or not a child has ever been enrolled in a gifted and talented education program. I use the logistic function in hierarchical linear modeling (HLM) to examine how the characteristics of students, their families, and their neighbors affect students' chances for enrollment in a gifted and talented education program. The child-level equation includes measures of the respondent's academic ability (score on the WISC vocabulary test, i.e. IQ Test Score); potential barriers to identification (race, ethnicity and English language primacy); and

²⁷ The remaining 3.4% of the sample is comprised of youth identified as Asian/Pacific Islander, Native American, and other. Youth of all racial and ethnic backgrounds are included in the analysis to prevent the loss of neighborhood-level data due to insufficient sample size. See further discussion in the methodology appendix.

²⁸ One neighborhood was completely dropped from this analysis so that for the neighborhood sample, N=79.

²⁹ The optimal data on which to test the theory of proprietary threat would be a panel study or a longitudinal cross-sectional dataset in which different waves of the data were collected prior to and after the implementation of the LSC policy, creating a natural experiment. This is not a feature of the PHDCN dataset but to capitalize on these characteristics of the PHDCN dataset discussed in the text, I forgo the benefits of a natural experiment. The theory of proprietary threat will be subjected to a test on longitudinal data in Chapter 6.

parent participation in education.³⁰ The neighborhood context is captured by racial and ethnic composition, socioeconomic status – an aggregated composite measure of income, level of education, and occupational prestige, and community advocacy. Community advocacy captures the probability that a neighbor would become involved in the education of the respondent. It relays how frequently the adults in a neighborhood assist each other with children and how frequently they advise each other on child-related issues.

Measuring credible threat

The central claim of the theory of proprietary threat is that educators use publicly available shortcuts such as socioeconomic status and neighborhood political engagement to ascertain the extent to which a parent or community member can sanction the district with exit, dissolution of the district, and proprietary infringement. Use of parent socioeconomic status as a proxy for threat presents a particularly novel problem as most researchers use a measure of socioeconomic status as a demand-side variable to proxy for parents' actual participation in education (Rothstein, 2004; Hess and Leal, 2001; Crozier, 2000). The argument is that class and class-based habitus dictates the extent to which a parent will feel comfortable interacting with educators and thus whether or not they pursue interaction. The extensive nature of the PHDCN dataset allows me to measure directly the extent of a parents' involvement in education. Including a direct measure of parent involvement in the analysis allows for socioeconomic status to be theorized as a

³⁰ I use the term advocacy to refer to participation in education. Thus, parent advocacy is used interchangeably with parent participation in education and community advocacy is used interchangeably with community participation in education.

supply-side variable and interpreted as the credibility of threat. The measure of socioeconomic status used in this analysis is a composite measure of occupational prestige, education and income.³¹ I use a measure of neighborhood activism as a measure of threat credibility at the neighborhood level. It is an aggregate measure of participation in neighborhood organizations such as community councils, local political organizations, and neighborhood watch programs.

Just less than ten-percent of the student sample (287) has been enrolled in a gifted program. A summary of the differences between enrollees and non-enrollees can be found in Table 4.1. GATE enrollees score significantly higher on the WISC test than do non-enrollees (.54 vs. -.06 on the standardized scale). The parents of enrollees attend parent-teacher conferences more frequently than the parents of non-enrollees. The neighborhood constructs indicate the percentage of neighborhood adults who perform certain acts more than the average city resident. Table 4.1 indicates that on average, 61.6% of the adults in gifted students' neighborhoods exchange ideas on child issues more frequently than the average city resident. There is a higher level of threat credibility associated with the parents of enrolled students, but no significant difference in the level of threat associated with their neighborhoods. Finally, just over thirty-two percent of the students live in a predominantly-minority neighborhood, which is defined as 70% African American or 70% Hispanic.

³¹ Unless explicitly noted, the composite measures and indices used in the analysis were created by the PHDCN principal investigators and were released with the dataset.

Table 4.1 Characteristics of Enrolled and Never-Enrolled Students

	Enrolled in gifted program (SD)	Never enrolled in gifted program (SD)
Student characteristics		
Average WISC score, standardized	.54*** (1.12)	-.065*** (.970)
Family characteristics		
Parent advocacy	2.37*** (.919)	2.08*** (1.06)
Neighborhood characteristics		
Neighborhood SES, % greater than the mean	49.3*** (21.4)	41.6*** (19.6)
Exchange on child issues, % greater than the mean	61.6*** (14.1)	57.0*** (13.7)
Credibility of threat		
Family SES, composite	.489*** (1.02)	-.062*** (.992)
Neighborhood activism, % greater than the mean	42.3 (11.5)	42.7 (11.7)
Sample size	N = 287	N = 2691

***p<.001, **p<.01, *p<.05, ~p<.1

Analytical techniques

Hierarchical linear modeling is used to analyze the PHDCN dataset. Hierarchical linear modeling (HLM) is a statistical technique that allows more accurate modeling of the variance for nested data elements than would be estimated with techniques that treat these data as independent of each other.³² HLM facilitates modeling multiple units of analysis simultaneously. Modeling one unit of analysis at a time overemphasizes the importance of that unit on the outcomes being studied and under-theorizes the mechanisms between levels of analysis. This analytical technique allows me to test whether and the extent to which enrollment in GATE varies by neighborhoods while

³² Raudenbush, Stephen W. and Bryk, Anthony S. (2002) Hierarchical Linear Models: Applications and Data Analysis Methods. (Second Edition) Thousand Oaks: Sage Publications.

simultaneously measuring the effects of individual contributors to enrollment like intelligence and parent involvement in education.

HLM in this analysis involves two meaningful steps.³³ In the first step I estimate the relationships between academic and personal background factors and the probability that a student will be enrolled in GATE within each neighborhood. At this level I must decide whether the independent variables must be measured as fixed effects or random effects. In the analyses presented here, all independent variables at the individual-level are estimated as fixed effects. That means that the between-neighborhood variances of their relationships to the outcome are fixed to zero (e.g., all slopes were kept constant across neighborhoods). I was quite interested in estimating at least one of these relationships – the slope of parent SES (or parent threat credibility) on GATE enrollment as a random effect. However, I found that this relationship did not vary systematically across neighborhoods. In the second step, I estimate the relationships between neighborhood characteristics and the probability that a student will be enrolled in GATE. I discuss the results of these analyses together and present them as one model in Table 4.3.

³³ Generally, three steps are involved in hierarchical linear modeling – partitioning of the variance, estimation of the effects at the individual-level (students and parents), and estimation of effects at the group-level (neighborhoods). The first step involves partitioning the variance in the outcome into within-neighborhood and between-neighborhood components. For example, HLM would allow me to estimate the proportion of the variation in GATE enrollment that occurs because of differences between students who live within a neighborhood and the proportion of variation that occurs because of differences between neighborhoods. Partitioning the variance would allow me to understand how much of the variation in enrollment could be explained by neighborhood factors as only the between-neighborhood component of the variance can be modeled as a function of neighborhood factors. However, this step is not appropriate for the current analysis because the outcome measure is dichotomous. The variance for a binomial variable

is equal to $\frac{1}{p(1-p)}$, where $(\Pr(Y = 1 | B))$, which is not constant and is not independent from the mean.

Explaining the variance offers no statistical insight.

Results

The first hypothesis I test is that enrollment in gifted and talented education programs will be more closely aligned with the credibility of threat from parents and communities than it will be with academic qualifications. This hypothesis implies that there are GATE enrollees who are not academically qualified for the program but who gain entrance based on the credibility of threat generated by their parents and their neighbors. It also implies the existence of students who, despite test scores suggesting that they merit enrollment, are not enrolled. These non-enrolled students are theorized to be associated with parents and neighbors with low threat credibility. I test this hypothesis by comparing the average level of threat credibility associated with enrollees scoring in the bottom 30% of the sample on the IQ test to the threat credibility associated with non-enrollees scoring in the top 30% of the sample on the IQ test.³⁴

Table 4.2 Threat Credibility Comparison for High IQ Non-Enrollees and Low IQ Enrollees

	Average parent threat credibility	Average community threat credibility
Enrollees with low IQ test scores (N = 133)	.886 [.732 1.04]	44.0 [42.62 44.39]
Non-enrollees with high IQ test scores (N = 940)	-.370 [-.423 -.317]	41.9 [41.16 42.67]

[] represents the 95% confidence interval

As predicted by the theory of proprietary threat, parent threat credibility for enrollees with low IQ test scores is higher than parent threat credibility for non-enrollees with high IQ test scores. The average level of parent threat credibility for enrollees with

³⁴ Comparisons of enrollees in the 20th percentile and 80th percentile and in the 10th and 90th percentile produce similar results. See Appendix Table 3.

low IQ test scores is .89 standard deviations above the mean whereas the average level of parent threat credibility for non-enrollees with high IQ test scores is .37 below the mean. This pattern of association between threat credibility and enrollment also exists for community threat credibility, though the contrast in the level of threat credibility is not as striking. At forty-four percent, the average community threat credibility for enrollees with low IQ test scores is higher than the average community threat credibility for non-enrollees with high IQ test scores which is just under forty-two percent. These results support the theory of proprietary threat and suggest further investigation. See Table 4.2.

HLM Conditional model

I hypothesize that at the student-level higher enrollment probabilities will be associated with higher IQ scores, English language primacy, higher levels of parent participation in education, and higher levels of threat credibility. I hypothesize a “contextual” effect at the neighborhood level such that higher levels of neighborhood advocacy and threat credibility will be associated with increased enrollment probabilities. The theory of proprietary threat implies that community threat credibility has a distinctive impact on African American enrollment and I test this hypothesis by modeling community threat credibility on β_3 , the African American slope. The theory of proprietary threat also implies that response to parent advocacy varies by neighborhood. It suggests that there is a distinctive relationship between parent advocacy and enrollment in predominantly-minority neighborhoods and that community threat credibility alters the relationship between parent advocacy and enrollment. I test these implications by

modeling community threat credibility and whether or not the students resided in a predominantly-minority neighborhood on slope β_6 , the parent advocacy slope.

The fully specified model is

$$\begin{aligned} \eta &= \beta_0 + \beta_1 (\text{Intelligence}) + \beta_2 (\text{Parent threat credibility}) + \beta_3 (\text{African American}) + \beta_4 (\text{Hispanic}) + \beta_5 (\text{Primary language is Spanish}) + \beta_6 (\text{Parent advocacy}) \\ \beta_0 &= \gamma_{00} + \gamma_{01}(\text{Community advocacy}) + \gamma_{02}(\text{Community threat credibility}) + u_0 \\ \beta_1 &= \gamma_1 \\ \beta_2 &= \gamma_2 \\ \beta_3 &= \gamma_{30} + \gamma_{31}(\text{Community threat credibility}) \\ \beta_4 &= \gamma_{40} + \gamma_{41}(\text{Predominantly-minority neighborhood}) \\ \beta_5 &= \gamma_{50} \\ \beta_6 &= \gamma_{60} + \gamma_{61}(\text{Predominantly-minority neighborhood}) + \gamma_{62}(\text{Community threat credibility}) \end{aligned}$$

So that

$$\begin{aligned} \eta_{ij} &= \gamma_{00} + \gamma_{01}(\text{Community Advocacy}) + \gamma_{02}(\text{Parent threat credibility}) + \gamma_{10}(\text{Intelligence}) + \gamma_{20}(\text{SES}) + \gamma_{30}(\text{African American}) + \gamma_{31}(\text{Community threat credibility} * \text{African American}) + \gamma_{40}(\text{Hispanic}) + \gamma_{41}(\text{Predominantly-minority neighborhood} * \text{Hispanic}) + \gamma_{50}(\text{Spanish as primary language}) + \gamma_{60}(\text{Parent Advocacy}) + \gamma_{61}(\text{Predominantly-minority neighborhood} * \text{Parent advocacy}) + \gamma_{62}(\text{Parent threat credibility} * \text{Parent advocacy}) + u_{0j}. \end{aligned}$$

The intercept, β_0 , is modeled as a function of neighborhood attributes so that there is a random variance component. The remaining coefficients are modeled with fixed variance. Community advocacy and community threat credibility are modeled on the intercept so that they change the average odds of enrollment for students residing in a neighborhood. The estimated parameters are found in Table 4.3.

Table 4.3 Estimated Parameters for GATE Enrollment

	Logit Coefficient (standard error)	Odds Ratio	Standard factor	Standard factor change
Intercept				
Intercept G00	-3.33*** (.552)	0.036	--	--
Community advocacy, G01	0.025** (.007)	1.03	13.54	1.40
Community threat, G02	-0.018* (.010)	0.983	11.61	0.816
IQ slope				
Intercept, G10	0.444*** (.078)	1.56	1.00	1.56
Parent threat slope				
Intercept, G20	0.253** (.083)	1.29	1.00	1.29
African American slope³⁵				
Intercept, G30	-1.65~ (.977)	0.192	--	--
Community threat, G31	0.047* (.022)	1.05	11.61	1.71
Hispanic slope				
Intercept, G40	-0.326 (.264)	0.722	--	--
High minority neighborhood, G41	-1.71* (.861)	0.180	0.46	0.455
Spanish slope				
Intercept, G50	-1.09** (.495)	0.337	--	--
Parent advocacy slope				
Intercept, G60	0.735* (.318)	2.09	1.05	2.165
High minority neighborhood, G61	0.362* (.179)	1.44	0.46	1
Community threat, G62	-0.018** (.006)	0.982	11.61	0.815
Random Effect				
Intercept 1, u_{0j}	Standard deviation	Variance component	χ^2	τ_{00}
FUM $\tau_{00} = 0.311$	0.384	0.147**	104.8	0.016

***p<.001, **p<.01, *p<.05, ~p<.1

³⁵ The coefficient for intercept G30 is considered insignificant for the computations used to describe this model. This coefficient is not statistically significant when the model is estimated with robust standard errors.

The results of this analysis support the hypotheses that educators are responsive to the black community and that black student enrollment varies with the threat level associated with the student. Parent participation in the education process is significantly correlated with enrollment in gifted and talented education. However, the influence of parent participation on GATE enrollment does not completely explain the difference between the probabilities of enrollment for black and white students. Race remains a significant predictor of enrollment in GATE; yet it matters in a way that supports the theory of proprietary threat. Community threat credibility operates differently for black students and students who are not black. It is a stronger predictor of enrollment for black students than it is for other students.

The intercept parameter estimates the odds of enrollment for a non-black student of average intelligence living in a neighborhood with typical levels of community advocacy and community threat credibility – that is, the city-wide average -- while controlling for the effects of ethnicity, primary language, parent advocacy, and family SES. The predicted probability of enrollment for this student is 0.03. The odds of enrollment for such a student increase by 56% with each standard deviation increase in IQ test score, so that the predicted probability of enrollment is 0.05 for a similarly situated student with an IQ test score one standard deviation above the mean and it is 0.08 for a similarly situated student with an IQ test score two standard deviations above the mean.

Parent advocacy and community advocacy are positively related to the odds of enrollment. Holding constant all neighborhood characteristics and controlling for

ethnicity and language, the predicted probability of enrollment for a student with an IQ test score two standard deviations above the mean and family threat credibility at the sample mean, the predicted probability of enrollment increases from 0.08 to 0.44 as parent advocacy moves from the lowest to the highest level of intensity.³⁶ See Figure 4.1.³⁷

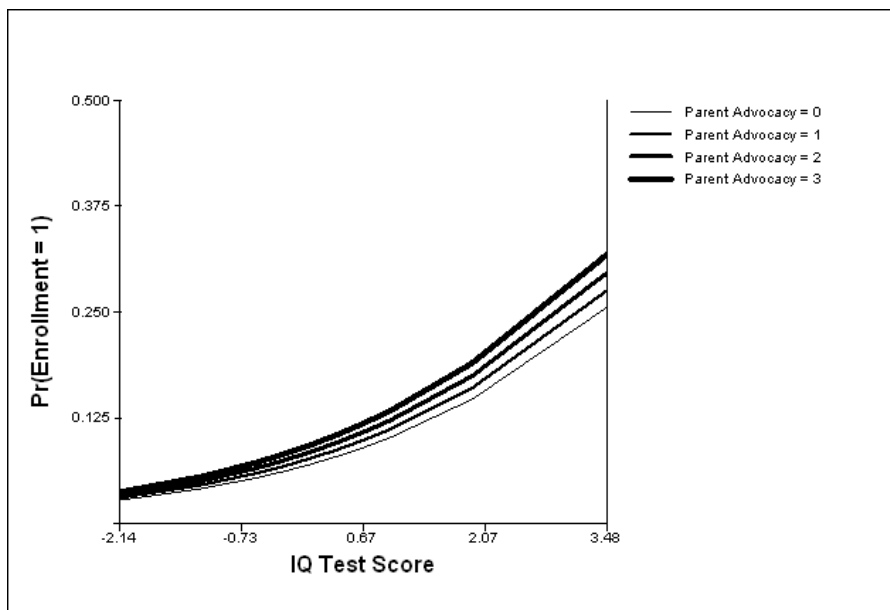


Figure 4.1 Impact of Parent Advocacy on Enrollment

The odds of enrollment also vary with the characteristics of students' neighborhoods. Higher levels of community advocacy are positively related to the odds of enrollment. Community advocacy increases the probability of enrollment dramatically -- from 0.08 at the city-wide neighborhood average to 0.42 at two standard deviations

³⁶ The remainder of the model description will discuss the odds of enrollment for a student with IQ scores two standard deviations above the sample mean and family socioeconomic status (family threat credibility) equal to the sample mean, unless otherwise specified.

³⁷ For all graphs, the predictors not in the graph are held constant at their means and the fixed effects modeled are Laplace estimates for the unit-specific model. The graphs are not meant to show general trends as the odds of enrollment are not constant. Instead, the graphs are presented to facilitate comparison across the independent variables just as the descriptions of the model are presented to facilitate insight into the effects of the independent variables on the most academically advanced students.

above average. A one-percent increase over the city-wide neighborhood average in the number of residents who exchange ideas about children results in a 2.5% increase in the odds of enrollment. That is, students who live in neighborhoods where more adults participate in the education process and are more likely to advocate on behalf of students have higher odds of enrollment than do students who live where community advocacy is less likely. See *Figure 4.2*.

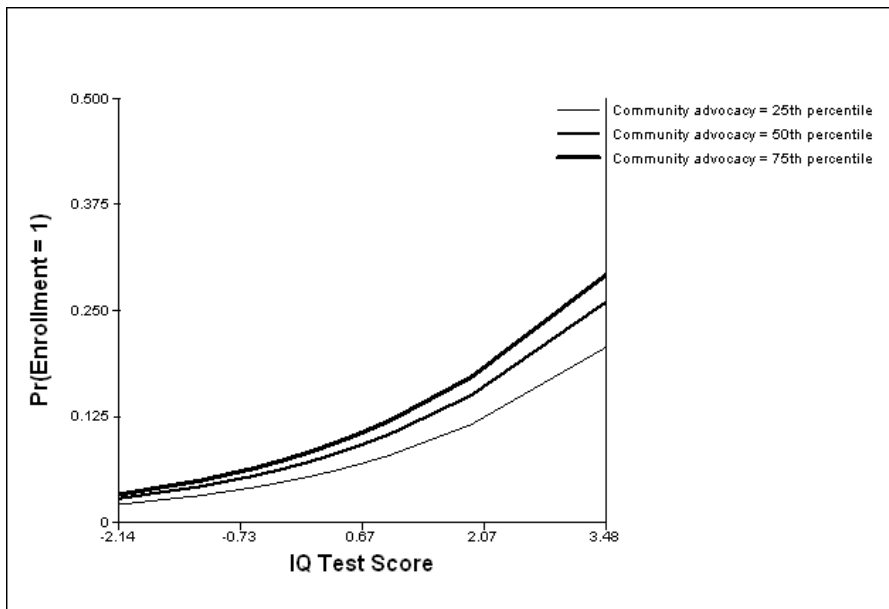


Figure 4.2 Impact of Community Advocacy on Enrollment

The probability of program enrollment is also correlated with the concentration of minority residents in a neighborhood. In neighborhoods where at least 70% of the residents are African American or Hispanic, parent advocacy is a particularly effective mechanism for increasing the odds of enrollment. In these neighborhoods, the slope for the effects of parent advocacy on enrollment increases by 36%. The probability of enrollment for a student who lives in a neighborhood with an average level of community advocacy and whose parents are likely to advocate at the typical level increases from 0.64

to 0.79 if the student moves from a typical neighborhood to a predominantly minority neighborhood.

Parent advocacy and community advocacy are not interchangeable for youth who live in predominantly-minority neighborhoods. The probability of enrollment increases from .08 to .48 as the probability of community advocacy increases from the city-wide average to the maximum. The impact of parent advocacy is much stronger as its slope increases by 36% in predominantly-minority neighborhoods. In these neighborhoods, the probability of enrollment increases from .08 to .70 as the probability of parent advocacy increases from its minimum to its maximum. Surprisingly, there is no correlation between the socioeconomic status of a neighborhood and the odds of enrollment when controlling for other neighborhood and student characteristics. The relative effectiveness of parent and community advocacy for enrolling students in gifted education in impoverished neighborhoods mirrors their effectiveness in relatively wealthy neighborhoods.³⁸

Threat credibility and the probability of enrollment

The odds of enrollment increase by 29% for each standard deviation increase in family socioeconomic status, that is, for each standard deviation increase in the credibility of threat from parents. Holding constant all neighborhood characteristics and controlling for ethnicity and language, the predicted probability of enrollment for a student with an IQ test score two standard deviations above the mean is 0.06 if parent

³⁸ The variable for the average socioeconomic status of neighborhood residents was included in analyses not reported in this text. The variable was deleted from the analysis so that it would not distort the fit of the model.

threat credibility is one standard deviation below the mean and increases to 0.13 as parent threat credibility increases to two standard deviations above the mean.

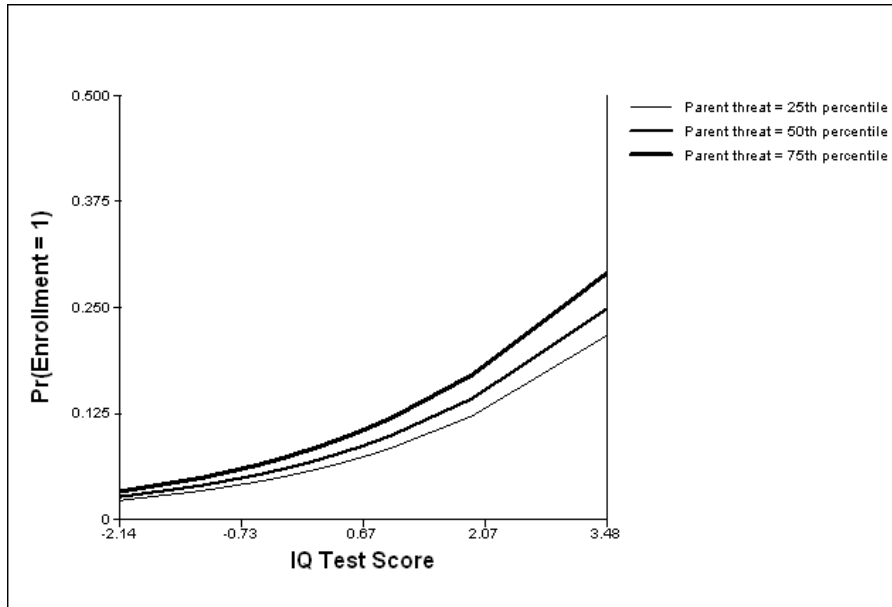


Figure 4.3 Impact of Parent Threat Credibility on Enrollment

Controlling for race, higher levels of community threat credibility decrease the probability of enrollment. A one percent increase in community threat credibility reduces the odds of enrollment for a typical student by 1.8%. It also decreases the effectiveness of parent advocacy. In each neighborhood with a standard deviation increase in the level of community threat credibility, the slope for the effects of parent advocacy on enrollment is reduced by 21%. On the other hand, community threat credibility increases the odds of enrollment for African American students by 5%. This means that the odds of enrollment increase by 73% for an African American student who moves into a neighborhood where the level of community threat credibility is a one standard deviation higher than in her previous neighborhood of residence. *See Figures 4.4 and 4.5.*

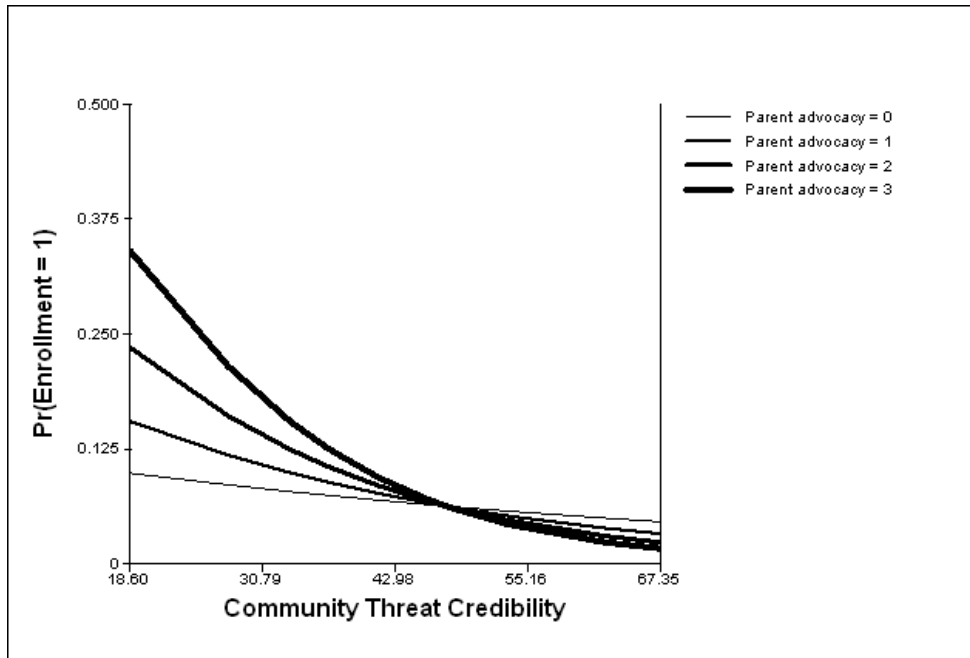


Figure 4.4 Joint Impact of Community Threat Credibility and Parent Advocacy on Enrollment

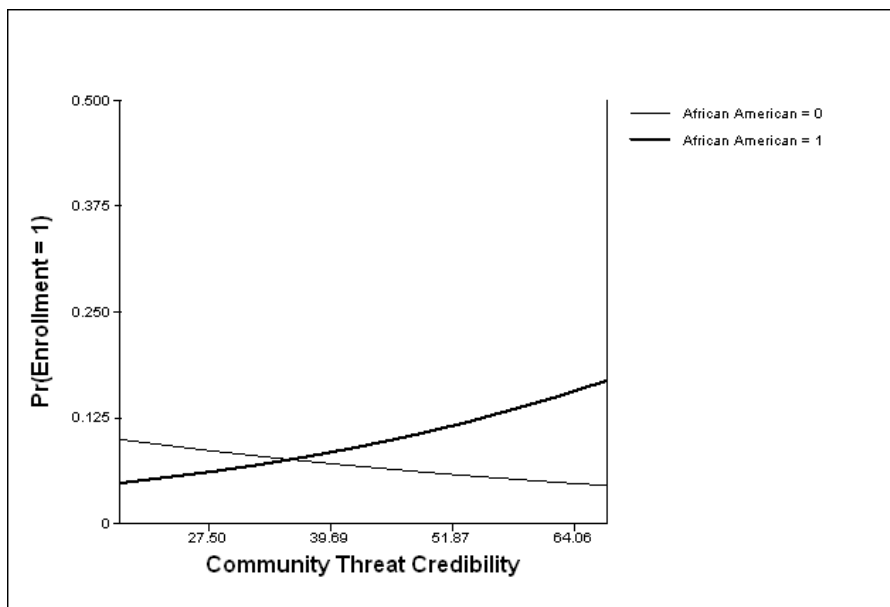


Figure 4.5 Impact of Community Threat Credibility for African American Students

Community threat credibility is not a stronger correlate of enrollment than are the combined effects of parent and community advocacy. For non-African American students, neighborhood threat credibility reduces the odds of enrollment. Moreover, each

unit increase in the level of community credibility reduces the slope of parent advocacy by 2%. Community threat credibility is neither a stronger predictor of enrollment than parent or community advocacy, nor does it enhance the probability of enrollment.

The effects of community threat credibility are different for African American students. Community threat credibility is beneficial for African American students in the absence of parent advocacy. When the probability of community advocacy is held constant at the city-wide average, community threat credibility increases the probability of enrollment for African American students from .08 to .39 as it ranges from its minimum to its maximum. If community advocacy simultaneously increases with community threat credibility from the sample average to two standard deviations above it, the probability of enrollment for African American students increases from .56 to .84.

Yet, even for African American students, community advocacy has a higher potential impact on enrollment than does community threat credibility.³⁹ Moreover, in predominantly-minority neighborhoods, high levels of community advocacy in the absence of community threat credibility increase the odds of enrollment more than community threat credibility in the absence of community advocacy. A strong two-prong advocacy strategy (parents and communities), employed when community threat credibility is minimal, increases the probability of enrollment in gifted education more than does community threat credibility in conjunction with community advocacy.

³⁹ Recall that increases in the probability of community advocacy from the sample average to two standard deviations above it increases the probability of enrollment for African American students from .27 to .42.

Conclusions and research trajectory

Accountability regimes – that is, the formally adopted set of regulatory relationships between federal, state, and local governments – are policy systems that codify political control. Accountability regimes in education establish mandates for school district responsiveness to higher levels of government and to parents (Scheurich and Skrla, 2004). These systems rest on the dual pillars of government sanction for poor performance and parents' abilities to vote with their feet by moving to schools or districts that perform better (Lowery, 1998). Moreover, at the most fundamental level, these systems empower parents to hold all levels of government responsible for educational outcomes. But some parents are not able to take full advantage of the benefits of accountability systems because they are captured constituents – confined to their neighborhood schools because they do not have the resources to move or transport their children to better performing schools. Thus, without some other way to enforce the mechanism for parent involvement in education, captured constituents must rely solely on the effectiveness of performance sanctions to enhance the quality of education for their children (Shipps, 2003).

This presents a particularly drastic dilemma for the African American community whose involvement in education historically has been resisted (Danns, 2003; Shipps, 2003; Lareau, 1989; Williams, 1989; Ford, 1994) and who more than any other group of Americans fall within the captured constituent category (Noguera, 2002; Henig *et al*, 1999). While the African American community has consistently pursued quality education for African American children and young adults (Tushnet, 1994; Anderson,

1988), their claims have been just as consistently diminished, overlooked, and ignored, or response has been delayed in response to the political climate and administrator resistance to external claims about resources and procedures (Guinier, 2004). Given the historically antagonistic relationship between African Americans and school districts, the effectiveness of an accountability regime for the African American community relies on the ability of the regime to provoke district responsiveness to the African American community -- that is, to compensate for the political exclusion of African Americans from education policy-making.

In this chapter, I have argued that the participatory clauses in legislation about gifted and talented education establish the political inclusion of African Americans by codifying the conditions that elicit proprietary threat response from educators. Proprietary threat response refers to the strategic and preemptive implementation of policy by policy implementers when facing the potential scrutiny of external actors whose involvement implicitly sanctions their performance. In the realm of gifted and talented education, it refers to the enrollment of students in gifted and talented programs based on the credibility of their parents' or community advocates' underlying threat to exit from the school system if their voices are not heard in the identification process. Because of the relative immobility of African American families and political neglect, school districts are generally immune to their threats of exit, resulting in enrollment rates biased against African American students. The adoption of parent and community participatory clauses counterbalances the immobility of African American constituents, acknowledges the political necessity of the community for African Americans, and

institutionalizes incentives for school districts to be responsive to African American claims.

The analysis in this chapter suggests that captured constituent access to public resources is facilitated by environments that induce proprietary threat on their behalves. In Chicago, where the credibility of black parent and community threats to sanction the school district are reinforced by the state-constructed Local School Councils system, GATE enrollments reflect the level of threat associated with a student more closely than they reflect academic potential. Parent advocacy is as strongly correlated with enrollment in gifted and talented education programs for black students as it is for non-black students. Moreover, the credibility of threat from parents and community members is positively correlated with black student enrollment.

While this analysis provides support for the theory of proprietary threat, its reach is limited and further investigation of the theory is necessary. One way to continue investigation of the theory of proprietary threat would be to test it through time series analysis in one locale, covering periods prior to and after the adoption of a participatory clause for gifted education. In the ideal case, the analysis would have a regression discontinuity design that would facilitate analysis of data from the cohorts identified just prior to and just after the adoption of accountability policies with participatory clauses. Recall that a central premise of this theory is that the African American community is already poised to intervene on behalf of African American students; their ability to achieve policy equality requires the adoption of a mechanism to make educators responsive. The feasibility of such a quantitative analysis is very small. Few datasets

that contain information on students and parents at the individual level also contain information on the political behavior of parents and community members. With the exception of the PHDCN dataset, these sources do not include information on gifted and talented enrollment. These facts suggest that use of an existing dataset would focus on an alternative area of education. Analyses of the theory of proprietary threat conducted in other areas of education will be richer the closer they are able to replicate the characteristics of gifted education that make it a great site to examine proprietary threat response.⁴⁰

An alternative method of exploring the theory of proprietary threat as political incorporation is to examine nation-wide cross-sectional data of gifted enrollment covering various accountability regimes. Given the lack of individual data on gifted students at the national level, this analysis would focus primarily on system-wide measures of enrollment.

⁴⁰ Enrollment in gifted and talented education programs is a useful site for understanding the nature of proprietary threat response because gifted education is one of the least standardized areas of public education. The lack of standardization applies to standards for identification, curriculum, and expected outcomes. Action to provide consistent programming within states is recent and is in most places in the process of being implemented. The contested nature of gifted identification also makes it a fertile place to explore proprietary threat response. All U.S. states allow for the identification of students based on multiple criteria, one of which is teacher recommendation. The subjectivity of this and other identification criteria, along with the various interpretations of intelligence tests, leaves much room for public discourse about who should be enrolled in the programs. Furthermore, the added level of professional training required for gifted instructors and intelligence testers should heighten the level of threat they feel when the public intervenes.

Chapter 4 Appendix

Part A of this appendix contains the question wording for variables used in the HLM model. Part B presents a specification of the student-level model without the neighborhood model. It also includes discussion of model selection.

Part A.

Enrollment in gifted and talented education

Many students receive special teaching or help in school. As any point since [student] started his/her education has s/he received any help or special teaching in any of the following areas?

Coded yes = 1 and no = 0

IQ Test score

Standardized score on the WISC vocabulary test. Raw scores for both English and Spanish tests were scaled by English norms.

English/Spanish language primacy

Coded 1 if the IQ test was administered in Spanish; coded 0 if the IQ test was administered in English.

The following variables operationalize family social class in the model. Educational enrichment had a statistically insignificant relationship with enrollment in gifted and talented education programs and was dropped from the model.

Parent advocacy

How often do you attend scheduled parent/teacher conferences?

1. almost always; 2. often; 3. seldom; 4. never

The value of parent advocacy was recoded as an increasing scale in which never was assigned value 0 and almost always was assigned value 3.

Educational enrichment

Is [student] routinely involved in extracurricular activities directly connected with his/her school such as school sports teams, school clubs, music groups, etc. If yes, what kind of program is this? (Circle all that apply)

1. Recreational (sports, games, crafts); 2. Artistic (music, dance, art); 3. Academic enrichment (tutoring, classes); 4. Other (please specify)

Is [student] involved in any other kind of after school program? (This may be at [student's] school, but is more of an after school program rather than extracurricular activity.) If yes, what kind of program is this? (Circle all that apply)

1. Recreational (sports, games, crafts); 2. Artistic (music, dance, art); 3. Academic enrichment (tutoring, classes); 4. Other (please specify)

The value of the educational enrichment variable was coded as 1 if the respondent answered academic enrichment (tutoring, classes) to either of these questions.

The following variables are used to operationalize neighborhood influence in the education process. Neighborhood socioeconomic status had a statistically insignificant relationship with enrollment in gifted and talented education programs and was dropped from the model.

To create the neighborhood variables, I created a variable that indicated the percentage of neighborhood residents who responded that they engaged in the activity more frequently than the average community survey respondent.

Neighborhood socioeconomic status

Neighborhoods were classified as having low, medium and high socioeconomic status.

Neighborhood advocacy

How often do you and people in your neighborhood do favors (such as watching each other's children, helping with shopping, lending garden or house tools, and other small acts of kindness) for each other?

How often do you and other people in the neighborhood ask each other advice about personal things such as child rearing or job openings?

Originally coded as 1= often; 2 = sometimes, 3 = rarely, and 4 = never.

The scale score is the adjusted mean scale score (mean over the scale items and adjusted for missing data).

High minority-neighborhood

Coded yes = 1 if the neighborhood population is 70% or more African American or 70% or more Hispanic.

The following variables are used to operationalize threat credibility at the parent and neighborhood levels.

Parent threat

Parent threat is operationalized as a composite measure of socioeconomic status including parent's income, education level, and occupational prestige.

Salary is the maximum of total personal income and total household income reported by the respondent (2a and b)

From the sources of income AND the income from any jobs you had in the last tax year, what was your total income before taxes in the last year, using these choices?

From these choices, what was your total household income in the last tax year before taxes? Household income includes your income and any income coming in from anyone else in the household.

1. less than \$5,000; 2. between \$5,000 and \$9,999; 3. between \$10,000 and \$19,999; 4. between \$20,000 and \$29,999; 5. between \$30,000 and \$39,999; 6. between \$40,000 and \$49,999; 7. more than \$50,000; 8. don't know

Education is measured as the maximum level of education for the primary caregiver or the partner of the primary caregiver. The categories of measurement are some high school, finished high school, some education more than high school, and bachelor's degree or more.

Neighborhood threat

Is the religious organization [to which the respondent belongs] in the neighborhood?

Does the neighborhood watch program hold meetings in this neighborhood?

Are block group meetings held in the neighborhood?

Are business or civic group meetings held in the neighborhood?

Are ethnicity or nationality club meetings or social functions held in the neighborhood?

Do you (or any household members) belong to a neighborhood Ward Group, or other local political organizations?

Coded as yes = 1 and no = 0.

The scale score is the adjusted mean scale score (mean over the scale items and adjusted for missing data).

Chapter 4 Appendix Table 3 Threat Credibility Comparison for High IQ Non-Enrollees and Low IQ Enrollees

	Average parent threat credibility	Average community threat credibility
Enrollees in the 10 th percentile (N = 50)	1.02 [.765 1.28]	44.1 [41.0 47.2]
Non-enrollees in the 90 th percentile (N = 22)	-.491 [-.568 -.414]	42.4 [41.2 43.6]
Enrollees in the 20 th percentile (N = 100)	.930 [.746 1.11]	42.9 [40.6 45.2]
Non-enrollees in the 80 th percentile (N = 597)	-.456 [-.522 -.395]	42.2 [41.2 43.1]
Enrollees in the 30 th percentile (N = 133)	.886 [.732 1.04]	44.0 [42.6 44.4]
Non-enrollees in the 70 th percentile (N = 940)	-.370 [-.423 -.317]	41.9 [41.2 42.7]

[] represents the 95% confidence interval

Chapter 4 Appendix Table 4 Characteristics of variables used in chapter 4 analysis

	Mean	SD	Minimum	Maximum
Enrollment in GATE	0.10	0.30	0.00	1.00
IQ test score	-0.01	1.00	-2.14	3.47
Academic enrichment	0.08	0.27	0.00	1.00
Parent advocacy	2.11	1.05	0	3
Neighborhood advocacy	57.67	13.54	21.28	93.94
High minority neighborhood	0.30	0.46	0.00	1.00
Parent threat credibility	-0.01	1.01	-2.17	2.63
Neighborhood threat credibility	42.10	11.61	18.60	67.35

Part B.

Table 2 represents the model fit for the student-level analysis. It reports how student characteristics affect the probability of enrollment in gifted and talented education within each neighborhood. Here, all of the effects are modeled as fixed across neighborhoods so that they have the same impact in each neighborhood. I had hoped to model parent threat credibility as varying across neighborhoods, but doing so produces a statistically insignificant result. This means that parent threat credibility has a constant effect and does not vary by neighborhood. I was also not able to run separate analyses for each racial and ethnic group. Due to the distribution of residents, the within-neighborhood sample sizes became so small in some cases that running separate analyses for each race and ethnicity group meant losing up to fifty-percent of the sample.

Chapter 4 Appendix Table 5 Student-level Model including Academic Enrichment

	Logit Coefficient (standard error)	Odds Ratio	Standard factor	Standard factor change
Intercept				
Intercept G00	-2.56*** (.111)	0.077	--	--
IQ slope				
Intercept, G10	0.450*** (.073)	1.57	1.00	1.56
Parent threat slope				
Intercept, G20	0.263** (.077)	1.29	1.00	1.29
African American slope				
Intercept, G30	0.287 (.264)	1.33	--	--
Hispanic slope				
Intercept, G40	-0.374 (.240)	0.688	--	--
Spanish slope				
Intercept, G50	-.955* (.429)	0.385	--	--
Parent advocacy slope				
Intercept, G60	0.131~ (.073)	1.14	1.05	1.20
Academic enrichment slope				
Intercept, G70	0.416 (.254)	1.52	0.27	0.410
Random Effect				
Intercept 1, u_{0j}	Standard deviation	Variance component	χ^2	τ_{00}
FUM $\tau_{00} = 0.311$	0.460	0.212**	123.3	0.229

***p<.001, **p<.01, *p<.05, ~p<.1

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Chapter 5

Conclusion

Proprietary Threat and the Participation Paradox in Gifted and Talented Education: A Multiple-Level Mixed Methods Theory of Resource Distribution answers the following question: What explains the persistent disparate enrollment of black students in gifted and talented education programs? Gifted and talented education (of GATE) is a K-12 education program that introduces critical thinking skills and advanced analytical techniques to students earlier and at a faster pace than the general curriculum. The drastic and persistent under-enrollment of black students in GATE has been attributed to teacher bias against black students, a lack of knowledge about how giftedness manifests itself in black youth, and the apathy of black parents in the identification process. In response, researchers and policymakers have looked for more efficient and accurate ways to measure and identify giftedness, worked to develop and disseminate policies that would clarify the identification process, and created programs and policies to involve more parents in the gifted identification process. To varying degrees and in different places these interventions have modified enrollment patterns; yet, the enrollment disparity remains and is still quite large. If these interventions have not worked, then are the disparities simply a reflection of student ability or is there some other explanation?

I have argued that disparate enrollment persists because of a participation paradox in education. Politicians and policymakers encourage black parents to become involved

in the identification process. However, educators are resistant when members of the black community advocate for access to GATE in the same ways that white parents do so because these forms of participation threaten educators' status as identification experts. More specifically, I argue that the distribution of GATE enrollments is a function of how state and federal governments structure the relationship between education advocates (parents and community members) and educators (teachers and administrators). I find that educational outcomes are less a function of teacher bias and parent motivation than they are a function of strategic professional responses to political pressure.

Legislation governing gifted and talented education can contain two levels of accountability: one between parents and school districts, the other between states and school districts. In states that take responsibility for underrepresentation – both identifying the underrepresentation of African American students in gifted and talented education as a problem and positioning themselves as working to remedy disparate enrollment, legislation is attentive both levels of accountability. In these “policy administrator” states, legislations delineate a complete plan for gifted and talented education -- including goals, monitoring procedures, and mechanisms for settling disputes. The legislations in states that do not take responsibility for underrepresentation in gifted programs only outline one dimension of accountability.

In states where legislation outlines the relationship between school districts and parents, the legislations assign many tasks to parents and delegate many of the states' tasks regarding education to professionals bound by career norms. In these “policy broker” states, the actions of professionals are not regulated by the state. Instead, they

are managed by professional norms. In states where legislation outlines the relationship between the state and educators, identification tasks are delegated to educators who have the final say about who gets into gifted programs. I refer to these as “service provider” states. African Americans are under-enrolled at the highest levels in these states.

My research shows that in the case of gifted and talented education in the United States, meritocracy is democracy. The enrollment rates of African American students vary with the ways that states regulate the identification process for program participation. In states where the African American community is empowered to participate in the identification process, African American student enrollment in the program is higher than in states that do not incorporate the African American community into the identification process. Moreover, in these so-called participatory environments, the advocacy of parents and community members and the threat of intervention from parents and the African American community combined are stronger predictors of enrollment than is a student’s IQ test scores. Thus, a program that we presume operates by meritocratic standards is in fact a production of our democratic processes.