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The decentralization of race: tracing the dilution of racial equity in educational policy

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ABSTRACT

This article examines California's Student Equity Policy crafted by policymakers to "avoid an underclass of ethnic minorities" in higher education. We combine tenets from critical race theory, interest convergence, and color-evasiveness to qualitatively interrogate 17 policy documents including chaptered bills, legislative mandates, and implementation guidelines related to the reform effort. We highlight how revisions to the reform deliberately inoculated a race-conscious policy into an effort targeting all students. Over the policy's 25-year history, we found that policymakers continuously diluted the role of race and opportunities to address racial disparities in legislative mandates. Implications for this research emphasize the significant role of policymakers in crafting legislation that explicitly draws attention to inequities faced by racially minoritized students in higher education. It considers practitioners' ability to implement these policies in ways that can improve racial equity. We conclude by sharing recommendations for scholars seeking critical approaches to understand how racially minoritized students benefit, or not, from equity initiatives crafted by policymakers.

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State policymaking is paramount to addressing racial inequities and improving outcomes in higher education. Perna and Finney (2014) argue that states have the primary responsibility for developing policies that "raise overall higher education attainment and improve equity across groups" (p. xi). Policymakers across the country have thus developed an array of state reform initiatives to address challenges in educational attainment, remedial education, time-to-degree completion, and declining transfer rates (National Conference of State Legislators, 2015), all bent towards equity. Texas, for example, passed a P-16 initiative known as *Closing the Gaps 2015*, which intends to increase attainment and achievement rates – especially for racially minoritized¹ students – by aligning state and local educational systems from preschool to postsecondary graduation (Mansfield & Thachik, 2016). Similarly, in 2013, Maryland passed the *College and Career Readiness and College Completion Act* that requires high schools and community colleges to align their curriculum and graduation requirements to create a seamless pathway to degree and certificate completion as well as transfer (Senate Bill 740). These state policies are vital to addressing and improving the conditions and outcomes experienced by racially minoritized students.

Although these policies seek to improve equity in educational outcomes, rifts often exist between what they espouse and what their impacts are once enacted (Dowd & Bensimon, 2015).

Researchers have examined how “well-intentioned” educational policies that seek to address racial inequity (Dumas & Anyon, 2006; McLaughlin, 2006) fail to achieve their desired results. Dumas, Dixon, and Mayorga (2016) shares that researchers need to examine the “discursive process” that goes into formulating and implementing policies, such as policymakers’ understanding of “what the problems are” and the beliefs and ideologies that inform potential solutions (p. 96). McLaughlin (2006) adds that policies seeking to improve parity in education vary in effectiveness based on policymakers “differing interpretations of social facts” such as the root causes of educational inequity (p. 216). One of those social facts includes the understanding of race and awareness of how racial inequity is perpetuated and maintained in society. This is particularly salient when exploring why certain equity-aspiring policies are unable to move the needle for racially minoritized students (Dowd & Bensimon, 2015), such as policies seeking to remedy racial disparities in the context of desegregation (Bell, 2004; Pollock, 2004), admissions (Davis, 2007; Winkle-Wagner, Sule, & Maramba, 2014), diversity (Harper, Patton, & Wooden, 2009; Iverson, 2007), and higher education finance (Alemán, 2007; Contreras, 2011). Given new policy possibilities and following the tradition of critically analyzing education policy, we interrogate a state reform seeking to improve “student equity” in California’s Community College (CCC) system. In our exploration, we found that over time, policymakers limited the explicit focus of improving equity for racially minoritized students, continuing the legacy of policies leaving “unfilled hopes” for racial reform in education (Bell, 2004).

Purpose of study

Following Dumas, Dixon, and Mayorga (2016) call to examine the discursive aspects of policy-making, our study focuses on the devolution of race-conscious language in California’s Student Equity Policy (SEP), which was created in 1992 to explicitly improve the educational outcomes for racially minoritized groups, women, and students with disabilities in California’s community colleges. We investigate the ways racial equity has subsided as a primary goal of the policy and the implications of this trend in a context of growing racial disparities in higher education. First, we review the literature on equity-oriented and race-neutral policies in higher education. We then outline the theoretical framework guiding this study. Our framework draws from Critical Race Theory (Delgado & Stefancic, 2001; Dixon, Rousseau, & Donnor, 2017; Ladson-Billings & Tate, 1995), interest convergence (Bell, 2004; Harper, 2009; Parker, Deyhle, & Villenas, 1999), and color-evasiveness (Annamma, Jackson, & Morrison, 2017; Bonilla-Silva, 2009) to examine how the mandates and language of SEP shifted away from racial equity and only became funded and implemented when the policy targeted all student groups. Next, we describe our methods including data sources and analytical procedures employed, as well as limitations. A discussion follows reported findings as well as implications for policymaking that attempts to address racial disparities in higher education. We conclude with recommendations for implementing practitioners and possible directions for further research.

Equity-Oriented policies in higher education

Race-conscious policies such as the original SEP have spurred debate both in California and the nation regarding the causes of inequity and potential solutions to mitigate them (Dowd & Bensimon, 2015). At the core, proponents of race-conscious initiatives have pointed to long-standing equity gaps for racially minoritized students in numerous indicators such as college enrollment, persistence, and completion (Kena et al. 2016; Shulock, Moore, & Tan, 2014; Valliani, 2015), STEM representation (McGee, 2018), labor market outcomes (Hodara & Xu, 2016), and positions of leadership (Chapa & De La Rosa, 2006). Opponents describe race-conscious policies as providing preferential treatment and limiting economic development (Hinz, 2016). To situate

our work, we examine three components that constrain race-conscious and equity-oriented initiatives: policy design, existing anti-affirmative action mandates, and color-evasiveness.

Designing race-conscious reforms to achieve their legislative intent

One constraint for racial equity policies is embedded in their design. Sometimes the intent of policymakers may be misaligned with the intent, goals, and values of local level implementers (Lipsky, 2010; Oakes, Welner, Yonezawa, & Allen, 2005). That is, though some reforms may be well-intentioned, misalignment in the implementation stage may result in differential effects for student groups missing the mark on improving racial equity (Chase, 2016). These varying outcomes in implementation stem from issues such as lacking the capacity to fully-implement or misinterpret a mandate's intended goals. At the state level, the intent of policymakers may impede careful examination of the role of race and racism and how it is manifested in higher education. At the local level, practitioners, staff, and faculty may interact and implement a policy designed in race-neutral ways that may, in turn, exacerbate racial biases and barriers for racially minoritized students. It is therefore essential to examine how these race-conscious policies are structured to meet their intended outcomes.

Education policies seeking to improve racial equity are often limited in their ability to achieve their intent. Renee, Welner, and Oakes (2009) describe how equity-oriented policies are limited in how they are designed and structured to “fundamental[ly] change [educators'] core beliefs about race and the need to change their practice” (p. 155). Dowd and Bensimon (2015) add that these types of policies are unable to account for the degree to which institutions and practitioners need to reshape their understanding of race, causes of racial inequity, and competence to develop potential interventions. Trujillo (2012) found that educators charged with implementing equity-oriented instructional policy were thwarted by firm ideologies that protected the status quo. In a year-long case study, Trujillo found equity-oriented policies were diluted and adapted to ‘pacify constituents’ (i.e. White parents) and thereby compromising a policy intended to improve equity for minoritized student groups. Like Oakes et al. (2005), Trujillo highlighted the importance of equity-oriented policies to include strong “levers of action” (i.e. clear mandates, inducements, capacity-building tools) that could absorb the “normative and political pressures” from school leaders resistant to change (p. 294).

Anti-affirmative action mandates in California

In addition to limitations in policy design and implementer capacity, another reason that equity-aspiring policies are unable to achieve their goals is the historical policy context in which they are embedded. Recent reforms seeking to redress inequities in education are layered and shaped on top of existing initiatives that may limit or restrict their intent and impact. In California, one key legal battle changed the policy context significantly. In 1996, general election ballot decision Proposition 209 (Prop 209) banned statewide affirmative action policies (Mukherjee, 2000; Tolbert & Grummel, 2003), changing the landscape of race-focused policy. At the time, the Republican party in California framed immigrants and naturalized racial groups as the enemy responsible for declines to financial and occupational security. This framing led to the passage of Prop 209 by almost two-thirds of White California voters, many working class, while opposed by most other racial and ethnic groups (Hinz, 2016; Tolbert & Grummel, 2003). Prop 209 was also framed as a civil rights issue as proponents quoted Martin Luther King, Jr.'s famous speech and his goal of a world without judgment based on skin color (Frankel, 1999). Proponents used ambiguous yet strategic language such as “preferential treatment” rather than “affirmative action” to entice voters' personal emotions on issues of race (Frankel, 1999).

Prop 209 focused on prohibiting the use of race and gender in the specific areas of employment, government contracts, and public higher education. Within higher education, Prop 209 was designed to impact the admissions criteria in the University of California system (most selective public system in the state) and to a lesser extent the California State University system (broad access system in the state). Although, community colleges are “open-access” meaning that any and all students can enroll, and therefore have no admissions criteria, the rhetoric of Prop 209’s race-neutrality is pervasive across all systems of higher education. Supporters of Prop 209 argued that a solely merit-based admissions system would improve academic matching and lead to increased enrollment and graduation rates for racially minoritized students (Hinz, 2016). On the contrary, Prop 209 resulted in large drops in enrollment of Black and Latinx students to the University of California (UC) system, while Asian and White students observed increased enrollment (Nieves, 1999). Prop 209 and similar anti-affirmative action policies proposed barriers to advancing race-conscious policies. In addition to declines in student diversity, affirmative action bans negatively influence efforts to improve persistence and success rates for racially minoritized students in higher education (Garces & Cogburn, 2015). Legally restrictive environments as created by Prop 209 disempower risk averse administrators from making worthwhile strides to improving racial equity.

Similar to the motivation of Prop 209 in California, notions that “race should not and do not matter” in educational and workplace contexts have contributed toward what scholars describe as “color-blind” attitudes (Awad, Cokley, & Ravitch, 2005). These attitudes not only include perceptions that race should not be a factor to consider, but that discussion of the historical and current impact of chattel-slavery, Jim Crow segregation, and mass incarceration, should be left in the past. As Pollock (2004) shares, many in society seek to be “mute” on the dynamics of race and the ways racist beliefs permeate social institutions, such as schooling and the criminal justice system. As we proceed in this paper, we choose to use the term “color evasiveness” to describe the reluctance in society and education to discuss issues of race and ways to eradicate racial inequity in schooling, while also moving away from ableist terms such as “mute” or “blind,” which are real disabilities in society (Annamma et al., 2017). Being color evasive about the problems of racial inequity can be intentional, implicit, or both, but its impact is wide-standing across institutions, particularly in educational settings. Color evasiveness in the context of education policy is the belief that race (structural racism) does not matter or should not be considered as a factor when thinking of causes of inequity in schools or the potential ways to address them in reforms (Bonilla-Silva, 2009; Pollock, 2004; Wells, 2014).

Addressing racial inequity without talking about race

In schooling and the larger society, race is the four-letter word to avoid. Several studies have found that our inability to discuss race openly in the formulation and implementation stages leave policies ineffective in addressing issues of racial equity (Lewis & Diamond, 2016; Dowd & Bensimon, 2015; Dumas, 2014; Winkle-Wagner et al., 2014). Carter, Skiba, Arredondo, and Pollock (2017) examined how school discipline policies are created with deleterious effects on racially minoritized students. Once these disparities are identified, solutions are still reframed in race-neutral ways. A color evasive script or frame suggests that people should not talk about race. It calls such race discussions extraneous and describes those who engage in them as “playing the race card” (Bonilla-Silva, 2009). This script follows the belief that the U.S. is now post-racial, as the framers of Prop 209 believed, and that any racial disparities are attributable to the actions of the affected group (Bonilla-Silva & Dietrich, 2011). Over time, these frames have grown to replace race-conscious, active, affirmative remedies with race-neutral ones within state and national policy circles (Carter et al., 2017). Prop 209 and similar policies represent a setback in improving outcomes for racially minoritized students in higher education. Rather than helping, as supporters

argue, these policies further harm students who already face disproportionate gaps in enrollment, persistence, and completion.

Background on California's student equity policy

Our policy of interest, the SEP, was revised and funded in 2014 to address educational inequities in the community college sector of California's higher education system. Through formal planning and specialized funding, individual colleges were instructed to examine their campus data, identify specific student groups facing disproportionate impact² (i.e. inequities in outcomes), and develop new interventions or scale up current ones with the funds allocated. The SEP was established by the CCC's Board of Governors in 1992 as a way of addressing equity issues facing "underrepresented students" in the system, then defined as "ethnic minorities, women, and students with disabilities." To ensure equal opportunities for access, success, and transfer for these students, community colleges were asked to develop "student equity plans" that were suited to the needs of "each college's student population, best fit the particular college's traditions and organizational structure, and [had] the maximum support from the college's faculty and staff" (Guichard, 1992, p. 3). Prior work has examined how the SEP plans submitted by colleges support or hinder racial equity overall (Ching, Felix, Fernandez Castro, & Trinidad, 2018), and for Latinx students in particular (Felix, Trinidad, Ching, & Bensimon, 2018). However, examining how race is included or omitted in policy language such as that in SEP is essential to understand why reform efforts that attempt to address racial disparities fail (Carter et al., 2017). Exploring issues of race in education policy is an important task as policy undoubtedly shapes the outcomes of racially minoritized students experience in educational spaces (Dumas & Anyon, 2006). In the following section, we describe how our theoretical framework helps us critically examine the decentralization of race in the SEP over its 25-year history. We then describe our methodological approach and provide limitations prior to discussing our findings.

Theoretical framework

To examine the SEP and its decentralization of race, we combine Critical Race Theory (CRT), the principle of interest convergence, and color-evasiveness. Building from critical legal studies and radical feminism in the 1970s, CRT emerged as a movement to study and transform the relationship between race, racism, and power (Delgado & Stefancic, 2017). Early writers (Bell, Freeman, & Delgado) led CRT to study the subtle forms of racism that gained prominence after advances to civil rights were made in the 1960s (Delgado & Stefancic, 2017). Scholars using CRT have critiqued the inability of educational research using rational theories to comprehensively understand policy problems in schools given an overreliance on objectivity, rationality, and ahistoricism (Anderson, 2012; Ladson-Billings & Tate, 1995; Parker & Villalpando, 2007).

CRT highlights how race and racism are endemic aspects of American society and challenges claims of objectivity, meritocracy, and color-evasiveness for the self-interest of dominant groups (i.e., white people; Ladson-Billings & Tate IV, 1995; Solorzano & Bernal, 2001; Solorzano, Villalpando, & Oseguera, 2005). This framework explores the ways in which "race-neutral" laws and institutional structures, policies, and practices preserve racial and ethnic educational inequality (Solorzano et al., 2005). The use of CRT allows us to centralize race and racism in our analysis, challenge dominant ideology in educational policy, and focus on the historical context of reforms seeking equitable outcomes in education (Delgado & Stefancic, 2001; Dixson et al., 2017; Parker et al., 1999). Among CRT's tenets (Solorzano et al., 2005; Villalpando & Delgado Bernal, 2002), we draw primarily on *challenging the dominant ideology* and using a *historical context and interdisciplinary perspective*. Our use of historical and interdisciplinary lenses seeks to uncover how race-

neutral policies and similar implicit mechanisms to ignore race perpetuate the subordination of peoples and upholds dominate groups.

Early CRT works analyzed the *Brown v. Board of Education* decision through a lens of interest convergence (Bell, 1980). The concept of interest convergence is a key tenet of CRT (Bell, 1980; Delgado, 1995), which argues that White people support advances for people of color only if their self-interests are also served (Harper, 2009). Bell (1980) posited that “[B]lack receive favorable judicial decisions to the extent that their interests coincide with the interests of Whites.” Harper (2009) adds that interest convergence examines how White people (i.e. policymakers) are compelled to promote policies and practices that advance racially-minoritized groups “if their own self-interest is better served” (p. 31). These decisions and policies, then, are not motivated by desires to redress systemic inequities or eliminate racial barriers, but to further the interests and primary concerns of the dominant group (i.e. White people, White students) such as improving racial educational rates as an economic imperative (Dumas, Dixon, & Mayorga, 2016). Scholars have used interest convergence to examine federal policies and the support of Black student success in HBCUs (Harper, 2009), policymakers’ roles in developing reforms that improve outcomes for Latinx students (Serrano, 2017), and how school integration and diversity plans benefit White students as much if not more than racially minoritized students (Gill, Cain Nesbitt, & Parker, 2017). Our use of interest convergence serves to highlight the role of race in shaping policy discourse and priorities embedded in policy language.

To complement CRT and interest convergence, we incorporate the concept of color-evasiveness (Annamma et al., 2017) that focuses on the ways our society frames schooling, inequities, and reform efforts as raceless. As shared earlier, color-evasiveness moves away from commonly-used language such as “color-mute” or “race-blind” that use disability as a negative metaphor, while still focusing on the general reticence of Americans to discuss race or racism and policymakers’ avoidance of considering racial dynamics when developing reform efforts to improve the outcomes for racially minoritized students (Annamma et al., 2017, p. 153). Color-evasiveness helps to understand how racialized language is used and omitted in the policy text and implementation guidelines over time. Many educators embrace race-evasive approaches to research, policy analysis, and popular discourse (Milner, 2007). Since *Plessy v. Ferguson* in 1896, calls that race is irrelevant and should not be considered have been popular ideology in educational settings. Utilizing race at all, either to remedy societal wrongs from racism or uphold racist systems, is seen as a racist practice and a step backwards to meeting racial equality (Wells, 2014). In line with CRT’s tenets to centralize race and racism as endemic to society, a color-evasive lens allows us to focus on how race and racism do matter and that their pervasiveness will not diminish by simply ignoring them.

With this theoretical lens in mind, we focus on answering the question: How have policymakers revised the SEP and its mandates to decentralize the focus on race? We investigate how policymakers expanded the scope and funding for the policy as the prominence of race diminished. Our objectives include:

1. Trace the SEP’s shift in language, intent, and resources over time.
2. Examine how policy revisions over time decentralized the focus on race and racial equity.
3. Explore how the current policy mandates constrain or enable addressing and mitigating inequities facing racially-minoritized students.
4. Provide recommendations to formulate better policies that allow for a racial equity focus.

Methods

We utilized a critical qualitative approach to examine the discourse in the language and mandates of the Student Equity Policy over time. We draw on Critical Discourse Analysis (CDA) to

examine SEP's historical dilution of race through policy discourse (e.g. verbal or written communication/debate; Dumas, 2016; Harper et al., 2009; Winkle-Wagner et al., 2014). A CDA approach considers "opaque as well as transparent structural relationships of dominance, discrimination, power, and control as manifested in language" (Wodak, 1995, p. 204). This approach acknowledges that discourse is socially constitutive and socially conditioned, that is, society influences and has the power to legitimate something into existence (Blommaert & Bulcaen, 2000). As a tool to study the intersection between language and social structure, CDA has been used in the higher education context (e.g. Rogers et al., 2005) to study educational administrative leadership (Corson, 2000), marketization of higher education (Fairclough, 1993), power in faculty discourse (Fox & Fox, 2002), and gender roles in university classrooms (Bergvall & Remlinger, 1996; Heberle, 2000). We ask, "what can [this] policy do?" in terms of addressing racial disparities in higher education (Levinson, Sutton, & Winstead, 2009, p. 769). Through discursive methods we trace and examine official policy text – the language, words, and mandates – that shapes how community college actors interpret and put to practice the opportunities within the student equity policy.

Examining the role of racial discourse in education is valuable because race and racism are social constructs that as a practice and ideology, manifest themselves discursively. Discourse can be understood in relation to social problems relating to race, gender, class, and power (Wertz et al., 2011). Racial opinions, both racist and anti-racist, are produced and reproduced through discourse (Wodak & Reisigl, 2001). Color-evasive and racist discourse can organize, disseminate, and validate racially discriminatory practices (Wodak & Reisigl, 2001). An example is policy discourse drawing on race and class to maintain power relations that undermine efforts to make equitable funding practices in urban schools (Dumas & Anyon, 2006). Discourse is also used to critique, delegitimize, and debate against racist practices, opinions, and practices (Covarrubias et al., 2018; Gillborn, 2006; Harper, 2012; Harper et al., 2011; Solorzano & Bernal, 2001). One way of examining racial discourse is through a discourse-historical approach that systematically includes all available historical background information into the analysis and interprets many layers of relevant text (Reisigl, 2017; Wodak & Reisigl, 2001). This approach aids in analyzing the historical sources and background of social and political fields in which discursive events and texts are embedded (Wodak, 2001). Our use and analysis of historical text allows for a rich analysis focusing on the ways race was diluted from the policy's focus. This analytic strategy allows us to consider how power is used to create inequalities through discourse and exposes the sources and manifestations of such inequalities (Mattheis, 2017).

We draw our data from 17 publicly available documents including legislative texts, chapter bills, implementation memos and training guidelines, and particularly, the various versions of the SEP written into California's Education Code from 1992 to 2017 (See Appendix A). We chose this time frame (1992 to 2017) because it covers the period of time from when the policy began to the point before it become integrated with other policy reforms, and therefore, beyond the scope of this study. From 2018 onward, colleges were required to integrate the SEP with other initiatives (e.g. Basic Skills Initiative, Student Success & Support Program, guided pathways, AB705, etc.). We chose these documents based on recommendations by a Vice Chancellor at the California Community College Chancellor's Office (CCCCO), cited material in the state budget trailer bill, and a thorough search of relevant public policy documents. When gathering data, we placed ourselves in the position of college implementers and asked, "How is this document shedding light to the presence or absence of race in SEP." Our data is "naturalistic" because the materials are independent of our research project (Wertz et al., 2011). Valid and reliable data for this study was a priority, especially when examining public documents and reporting our findings. To ensure we had collected all relevant data related to the SEP, a formal request was made to CCCCCO for all documents pertaining to the legislative mandate. As publicly available documents, we had no trouble obtaining these files from both the Chancellor's office and the Education Resources Information Center (ERIC) from the Institute of Education Services (IES) of

the U.S. Department of Education. The Chancellor's office provided documents in a secure file for us to review and analyze.

Prior work on examining desegregation policies through CRT serve as a roadmap for our analytical process (Gill et al., 2017). We attended to the difference between the policy's symbolic rhetoric versus policy realities, which allowed us to conduct a systematic analysis of policy texts (i.e. chapter bills, revised education codes) and implementation guidelines (i.e. Chancellor's Office Memos, Equity Plan template). For example, in the text of the policy added to the California Code of Education, there is a clear call for this analysis of inequity to include a racial focus, but once on-the-ground implementers are uncomfortable with race talk they focus on aggregate groups such as "underrepresented" or "all students" (Ching et al., 2018; Dowd & Bensimon, 2015; Felix et al., 2018).

Our analysis proceeded in four stages. First, we organized all documents chronologically, between 1992 and 2017. Second, we coded our data along a temporal dimension, focusing on how the policy and its intent was described, uncovering race-specific language, identifying the expansion of target groups, and how these elements changed over time (See Appendix B). Third, we examined the distribution of power and shift in racial specificity, noting how race was shut out of the policy process over time. Examining the policy through interest convergence and color-evasiveness helps us clearly delineate how policymakers formulate mandates and implementation guidelines that omit opportunities to be race-specific. Lastly, we explored the potential effects of a racially-diluted version of the policy on addressing educational inequities for racially-minoritized students (Diem, Young, Welton, Mansfield, & Lee, 2014).

After analyzing the policy text and implementation documents, we came together to discuss the absences or omissions of race, especially as policy efforts began to be funded and implemented across the state (Davis, 2007). Guided by the concept of color-evasiveness, we were interested in the covert and overt ways that race was diluted from the policy and how that shift impacted the ability of the reform effort to address racial disparities in higher education. Based on our analysis and conversations with the analysis, we chose to highlight the exclusion of race over time during four critical periods, which proved the most salient.

Positionality

As authors, we recognize how we are positioned within broader conversations about race and racism and educational policymaking in the US context. Collectively, we are Latinx policy scholars grounded by the belief that policies are legislative possibilities to alleviate racial equity gaps in higher education. Our perspective as racially minoritized scholars and understanding of what education policy can do undoubtedly shaped our research design and analysis process. We acknowledge we come from a value position: the impact of race and racism in educational settings, and everyday life, is pervasive and as such, explicit and targeted approaches should be taken to remedy historical racial wrongdoings. Nowhere has the impact been strongest than in educational policies. From Prop 209 in California to addressing remedial education as a civil rights issue (Edley, 2017), race has all too often, either explicitly or implicitly, had a profound impact on educational opportunities and success outcomes. Our focus on centering race in educational policy comes from the motivation and acknowledgement that its impact in policy is too important to ignore.

Limitations

As with any research design, this study has important limitations to identify. First and most importantly, discourse analysis and its various traditions generally believe that meaning is never fixed and is always open to interpretation and negotiation. Our use of critical discourse analysis

challenges the role of policy language that reproduces dominant discourses about race and limits social change. The interpretations seen below present a view informed by CRT that acknowledges policy remedies for educational inequity may not serve the interests of marginalized groups, but rather serve elites in society, majority Whites (DeCuir & Dixson, 2004). Our understanding of policymakers' language and the meaning behind policy discourse is only a fragment of the epistemological positions available to study policy and is at the discretion of the reader. A second limitation is our reliance exclusively on documents as data. Interviews with the framers of SEP or its implementers may offer additional insights into the intention and meaning of policy discourse. This additional context is less relevant given that our examination focuses on policy text as an artifact of policymakers' discourse around race and racism in higher education.

Findings – the decentralization of race-conscious policy over four time periods

Our findings are presented in four periods that help explore the history and development of the SEP and its ability to address racial disparities. First, we first share how the SEP, though intended to address inequities, was limited to do so by its structure and initial implementation guidelines. Second, we discuss how the ban on race-conscious policies in California created doubt over whether SEP could explicitly support racially minoritized students. Third, we share how the proliferation of student target groups included in the SEP diluted its racial focus. Lastly, we share how the most recent iteration of the policy and its implementation moves towards an 'all student' approach to achieving equity in community college by folding in equity efforts with student support (SSSP) and basic skills (BSI) state reforms.

Period 1: the (in)ability to address racial equity: Flawed from the start (1992–1996)

State policymakers in California have long been interested in promoting student equity across all segments of public higher education. Within the community college system, equity first emerged as a concern in the mid-1980s with the drop in low-income and racially-minoritized student enrollment following the introduction of fees³ (Guichard, 1992). Over the ensuing six years, the California Community College (CCC) Board of Governors convened meetings and issued policy statements on the matter of increasing the retention, completion, and transfer of "underrepresented" students, then defined as "ethnic minorities, women, and persons with disabilities" (Guichard, 1992, p. 4). One of the recommendations of this committee was the establishment of the SEP. As discussed earlier, the SEP was a reform effort requiring every institution to create an equity audit in specific outcome areas by race, gender, and ability status. Once inequities were identified, institutions worked to develop a plan to mitigate equity gaps.

Our first finding uncovered how the effort was flawed through its weak policy design and racial omissions by intermediary interpretations of how to implement the policy. Intermediaries in this context include the state-level actors such as the California Community College Chancellors Office (CCCCO) which oversees implementation efforts and the Academic Senate for California Community Colleges (ASCCC) that provides implementing guidelines for institutions. Both entities were required to interpret and disseminate the policy text after it was passed by the Board of Governors.

Weak policy design

Formally, the SEP was adopted by the CCC Board of Governors (BOG) in July 1992 and became effective March 1993. The effort was conceived when affirmative action was widely recognized as a tool to address historic and current forms of discrimination for minoritized groups in California (Gurin, Lehman, Lewis, & Lewis, 2004). The SEP guidelines described student equity planning as a way of

addressing inequity issues facing ‘underrepresented students’ in the system. To ensure equal opportunities for access, success, and transfer for these students, community colleges were asked to develop student equity plans that were suited to the needs and local context of each institution. Underpinning the policy was a concern about the level of education ‘minorities’ were receiving, and the role community colleges had in addressing these marginalized groups. Below we share the introductory statement to the policy mandate presented at a state-level meeting in July 1992:

It matters to our future and to our students ... California will not be a pleasant place to live for any of us if a permanent underclass largely composed of those from *ethnic minorities* [emphasis added] has little stake in society and little hope for the future ... If community colleges work successfully in the effort to increase rates of student success, the State just might have a better future. If we fail, it is hard to imagine who else can make up for our failure. (Guichard, 1992, p. 8; italics authors’ emphasis)

This excerpt articulates a compelling interest for the state to focus policy remedies on “ethnic minorities” (Gurin et al., 2004). The efforts to close racial and ethnic gaps in completion emerged after fear that a large ethnic underclass would make California unpleasant to live in. It was in the interest of “any of us” to prevent a sustained underclass of primarily minoritized groups. Further, the introductory statement of the policy acknowledged two realities: 1) the state’s inability to produce equitable completion outcomes for racially-minoritized students and 2) the need for institutions to see themselves as accountable for these gaps in success:

[The state] recognizes the role community colleges have played in providing access to ethnic minorities and disabled persons, but acknowledges that once these students have entered these institutions, their success rates lag behind other groups. The policy, therefore, supports the role that the colleges *should play* [emphasis added] in rectifying this situation and pledges the policy and fiscal support of the Board toward those efforts (ASCCC, 1993).

What was espoused in policy text as an opportunity for racial-specificity was neither described nor encouraged in subsequent documents guiding the implementation of the policy at the institutional level. For instance, when the SEP was codified into the 1993 revisions of the California Code of Education (Ed Code), which became the official and legal version of the equity mandates, there was a contradiction between the intent of the policy to achieve equity for three specific groups and a central mandate to promote success for all students. The language in the Ed Code stated: “To promote student success for *all* students, the governing board of each community college district shall adopt, by July 1, 1993, a student equity plan. These plans should be developed with the concerns of the *historically underrepresented groups*” (CA Education Code 1993, Title 5 §54220; italics authors’ emphasis).

Adding to the SEP’s weak policy design was the lack of resources to carry out the mandates of the policy. A Chancellor’s Memo announcing the approval of the policy stated how additional resources were not required as the equity regulations did not impose “any new state-mandated costs” (1993, p. 2). As scholars have found (Alemán, 2007; Chase, 2016; Oakes et al., 2005), failing to include incentives in the policy design limit how responsive and effective institutions could be in addressing student equity, and in particular, efforts that benefit racially minoritized students. Ching et al. (2018) emphasize the lack of policy tools to support implementation prompted community colleges to improve “student equity for all” since strategic, targeted efforts for specific racial groups were not fiscally supported.

Racial omissions by intermediary organization

Our analysis included a review of *Student equity: guidelines for developing a plan (Guidelines)* developed by the Academic Senate for California Community College (ASCCC), a state-wide academic senate that represents faculty in community colleges. As an intermediary organization with significant influence over matters of policy, the ASCCC developed formal implementation guidelines in 1993 to support understanding and enactment of the SEP. We found the *Guidelines* document lacked any language or recommendations related to addressing issues of race or racial

equity. Although the policy itself includes the examination of racial groups, ASCCC's guidelines were nonexistent or ambiguous at best for how institutions and practitioners could use SEP to address racial disparities in community college. The use of aggregate terms such as "diverse" and "underrepresented" were used in lieu of racial-specificity in the policy. Below we share an example from the ASCCC guidelines for implementing the student equity plans:

The intent is to reach student equity: that is, that the composition of students who enroll, are retained, transfer, or achieve their occupational goals mirrors the *diversity* of the population of the college's service area ... Part of achieving that goal, develop a meaningful, effective student equity plan to increase the access, retention, completion, and transfer rates of *all groups*, especially those who have been *underrepresented* in the past. (italics authors' emphasis)

In our analysis, we found that race-specificity was decentralized as the policy's goals moved from the original policy text to the instructions and guidance for implementation developed by the state Chancellor's Office (CCCCO) and Academic Senate for California Community Colleges (ASCCC). In the latter's 36 pages, race-related terms (i.e. racial, ethnic, minority) were mentioned a handful of times: "race" once, "minority" three times, and "ethnic" seven times. Of the 18 mentions, 16 appeared in the appendices of the document, which included further readings and resources. A major concern then is that when reform efforts are enacted, implementers seek guidance from agencies (i.e. district, system office, intermediary organizations) rather than the bill text itself (Hill, 2001). By using color-evasive language and strategies that supported "all students," the ASCCC diminished the emphasis on addressing equity for racially-minoritized students and possibilities of race-conscious implementation. This aligns with research that finds both policymakers and implementers are uncomfortable with race talk when developing education interventions, seeking ways to move the conversation from equity to diversity as well as race-specific to all students (Dowd & Bensimon, 2015; Winkle-Wagner et al., 2014).

What started off as a policy opportunity for racially-minoritized students became a policy for all students. Ladson-Billings (1998) reminds us that any time a reform effort may stand to benefit minoritized groups, it must also benefit the dominant group as much if not more. Examining the initial period of the SEP helps to "de-cloak" how dominant groups camouflage and preserve their self-interest in equity opportunities that are meant to benefit marginalized groups, historically and currently (Iverson, 2007). Unfortunately, a few short years after the SEP's creation, the political climate in the state shifted regarding the use of race-affirming language. Our next finding discusses the role of Prop 209 in limiting the ability of the SEP to focus on race and racial disparities found in community college.

Period 2: the dark cloud cast by Proposition 209 (1996–2003)

The initial 1992 formulation of SEP occurred prior to the passing of Prop 209 in California, which was anti-affirmative action legislation prohibiting public institutions from using race and gender as considerations for admissions, hiring, and contracting in public agencies, including universities. The general election measure in 1996 for Prop 209 stated that it "Generally prohibits discrimination or preferential treatment based on race, sex, color, ethnicity, or national origin in public employment, education, and contracting."⁴ In education, Prop 209 primarily affected admissions to the University of California campuses, particularly Berkeley and Los Angeles campuses. The passage of Prop 209 began both the legal restriction of race-based consideration within admissions as well as the belief that race could not be used in other matters besides admissions. Examining Chancellor Office memos, ASCCC briefs, and other related texts helped us understand how Prop 209 created a cloud of uncertainty around focusing on race and provided SEP policy-makers with the opportunity to dismiss the importance of race over time.

The emergence of Prop 209 created a policy arena where institutions and practitioners were reluctant to consider how race and racial dynamics create and perpetuate inequity (Garces &

Cogburn, 2015). Although the ban primarily limited race in admissions and hiring, the consideration of race in programmatic efforts seeking to remedy racial inequity were also questioned, given the fear of being found in violation of state law (Gurin et al., 2004). Fear of legal repercussions contributed to public colleges' unwillingness to use affirmative action strategies to close equity gaps (Grodsky & Kalogrides, 2008). For instance, one of the areas mandated to be examined by colleges in the SEP was transfer. Soon after the passage of Prop 209, community college transfer centers, whose founding role was to serve minoritized students, were encouraged by the ASCCC to eliminate references to prioritize "African-American, Chicano/Latino, and American Indian students because priorities based solely on ethnicity (or gender) are generally not appropriate under Proposition 209" (Chase, Dowd, Pazich, & Bensimon, 2014). Until legal challenges were made, colleges were advised to "seek legal counsel regarding the propriety of their district's transfer plan under Proposition 209" (Dobusch et al., 2014, p.8). The Chancellor's Office new language included phrases such as "generally not appropriate," "assess the risk of increased litigation," and "seek legal counsel" to guide practitioners and address the uncertainty of using race in non-admission based matters like transfer services and direct student support programs.

Immediately after the passing of Prop 209, a November meeting by the Board of Governor's discussed and amended the SEP and its mandates. Reviewing the notes from that meeting, one aspect stands out the most. Moving forward, the SEP would need to "expand its focus beyond historically underrepresented groups in order to promote student success for all students" (ASCCC, 2002, p. 1). In a footnote, the conveners noted that racially-minoritized students had "historically faced discrimination and other obstacles that limited their opportunities for education" but now the policy shifted its language to focus on providing an "educationally equitable environment, *regardless of ethnic origin or race*" (CA Education Code 1996, Title 5 §66030; italics authors' emphasis). We again find terms like "all students" or "regardless of" that Pollock (2004) says educators use to maintain the status quo or belief that racially minoritized groups will benefit by programs that focus on all students.

From 1996 through 2003, the SEP introduced additional changes. This was the inclusion of two new target populations to support: men and White students. Seven years after the passing of Prop 209, the inclusion of White and male students suggests a clear departure from the original 1992 focus on women, persons with disabilities, and four racial/ethnic student groups (e.g. American Indian, Asian and Pacific Islander, Black, and Latinx students), especially given that White students, second to some Asian students, have the highest success rate in indicators in areas like basic skills completion, degree completion, and transfer (Bustillos, Siqueiros, Dow, & Ryan, 2017; Dowd, Cheslock, & Melguizo, 2008; McFarland, Hussar, Brey, & Snyder, 2017). As the SEP further expanded its consideration of student groups, the next time period explores how the proliferation of target groups continued the history of diluting the racial focus of the SEP.

Period 3: Moving away from race and expanding towards all (2003–2016)

Our third theme explores a period of target group expansion within the SEP. Between 2003 and 2014, six new target groups were added to the mandate. We reviewed all changes made to the policy text and education code regulations as well as guiding memos from the state Chancellor's office during this period to understand how the focus on race may have shifted. Specifically, we examined the 2010 ASCCC student equity guidelines and SB-860 (2014) that codified the new student groups into California's education code.

Directly after the passage of Prop 209, language was added to address student inequity in color-evasive ways, in a "rising tide, lifts all boats" approach (Chancellor's Office, personal communication, 2016). Then in 2003, the SEP was revised to include men and White students. Later, in 2010, LGBT and economically disadvantaged students were also added as target groups. After the inclusion of these target groups, the ASCCC came out with guidelines for addressing the

new groups in a report titled “Student equity: from dialog and access to action.” Within this document we found two key areas that mitigated the focus on racial and racial inequity. First, the document shared historical aspects of the policy, but noted that the intent of student equity moving forward should be “to watch all student cohort groups for success” (ASCCC, 2010, p. 9):

In the 1992 Board of Governors Student Equity Policy, the term “historically underrepresented group” refers to ethnic minorities, women, and persons with disabilities. These are the specific groups that were initially monitored, but today, it is incumbent on colleges to watch all student cohort groups for success

Second, the implementation guidelines called for the focus on class over race, stating “Socio-economic status cuts across all ethnic, age, and gender lines and impacts underrepresented groups, making it a good measure to investigate” (ASCCC, 2010, p. 8). This was shared within a section that noted, “discussions of equity are often passionate and fierce” but “emotions need to be balanced by objectivity and good decision making” if community colleges are to develop solutions within the equity planning process. Throughout the document there were additional instances where race, racial inequity, and race-conscious solutions were downplayed for equity as “parity in the achievement and success of all student populations” (ASCCC, 2010).

Recovering from the great recession, recent legislative periods in California have favored increases to student support services with hopes of improving degree, certificate and transfer outcomes (Levin, Martin, López Damián, & Hoggatt, 2018). For instance, recent policies have expanded student support services (SB-1456), reformed developmental education (AB-705), and established new transfer pathways (SB-1440). In 2014, the state legislature funded the policy for the first time, 22 years after its creation, thus making the examination of whether and to what extent inequitable student outcomes exist on community college campuses a more serious endeavor (Ching & Felix, 2015). Between the 2014–15 and 2017–18 fiscal year, \$530 million dollars have been allocated for implementation.

The SB-860 budget trailer bill not only provided funds for the first time, but also expanded the target groups within the mandate to include veterans and former foster youth. These fiscal resources afforded the community college system the opportunity to “allocate funds for purposes of successfully implementing the activities and goals specified in the student equity plans,” but as a caveat for receiving funding, community colleges had to develop efforts that “ensure[d] equal educational opportunities and [promoted] student success for *all students, regardless of race* [authors’ emphasis added], gender, age, disability, or economic circumstances” (CA Education Code 2014, Title 5 §78221). Both the target group expansion and new funds allowed colleges to choose from 14 different target groups; this was coupled with the use of ambiguous language to describe students such as “general population,” “those with additional needs,” and “underserved students” (CCCCO Memo, 2017b). By 2014, the SEP had transformed from an unfunded, non-compliant reform effort focused on racially-minoritized students to a \$100 million planning initiative that focused on equity for all students.

Our examination for this time period finds that the SEP’s expansion of target groups is another example of the dilution of race. Employing insights from a critical analysis lens (e.g. Chase et al., 2014; Iverson, 2007), we contend that the SEP revisions over time sought to promote equitable outcomes for all students allowing colleges to divert attention from the needs of racially minoritized students, as originally intended. Through an interest convergence lens, we also see that funding for this policy was only provided when the language of “equity for all” was adopted, minimizing attention on racial groups and the longstanding inequities they faced.

Period 4: Integrated planning: Student equity for all (2017 to present)

The most recent touchstone in the decentralization of race in the SEP came on February 15, 2017. On this day the CCCCCO released new guidelines on the integration of three planning programs. After three years of funding and implementing the SEP, the state Chancellor’s office

moved to incorporate equity planning with two existing, somewhat overlapping, policy efforts. The integration effort consolidated the planning process for the Basic Skills Innovation Program (i.e. developmental education reform), Student Success and Support Program (i.e. assessment and matriculation improvements), and the SEP. We reviewed the four documents released to guide campuses, including a state-wide memo, plan template, and guidelines on spending policy-specific resources. The next section details the integration efforts as they relate to the student equity program. As we coded this set of documents, we asked: a) how is student equity and addressing racial disparities communicated, b) do integration efforts highlight or hinder race-specific student equity planning, and c) what implications does this shift towards integration have on addressing racial inequity in community college?

The first document we reviewed was the CCCCCO announcement sharing the decision to integrate planning reforms. As stated in this memo, each program would retain its adherence to “previous program plans and guidance” as described in the “relevant sections of California Education Code, Regulations, and title 5,” but campuses now were required to create one integrated plan. One of the missing aspects of the memo was the description of each planning effort’s intended goals; instead, the document states that the ultimate goals of integration were to operate “as effectively and efficiently as possible” while working towards increasing “student success rates and close achievement gaps” (CCCCO, 2017b, p. 2). As with other time periods, the language used to describe policy targets moved to be more color-evasive. In the most recent versions of the policy, the student groups to target have become even more ambiguous; they are referred to as “general population,” “needing academic support,” “those with additional needs,” and “underserved students” (CCCCO, 2017b).

At the same time, intermediary organizations developed guidelines that were less about the reform efforts themselves (i.e. improving student equity or accelerating basic skills progression) and more about the laws, regulations, and expenditure guidelines (CCCCO, 2017a). Since significant resources were now included – nearly \$600 million a year – across these efforts, implementation guidelines were much more about compliance and rules related to how to use and spend resources. By this point, not only did language change to “integrated planning” and “all students,” but the intent of the SEP would be lost for those institutional actors unfamiliar with the reforms history.

Reading and coding these latest documents, it became evident that the integrated planning efforts were the next “stage” in a history of diluting the race-centered aspects of the SEP. By this point, the SEP was a shadow of what it was intended to be in the early 1990s. From its creation to present day, discernible periods of time show how the racial equity focus of SEP was deemphasized. Given the most recent decision to integrate the SEP, the emphasis on race will be even more limited. Although a success for all students model is, in theory, a good thing, the reality is there are groups, past and present, that have experienced inequities in community college based on their race. This is particularly important because racially-minoritized students make up the majority of California’s community college student body (Bustillos et al., 2017).

Discussion and implications: Casting a shadow on the future of student equity

Our analysis of the SEP highlights the ways mandates to address racial equity have diminished over time within the reform. Across the four time periods, we found flawed policy design elements, the passage of Prop 209, shifts in mandate language, the expansion of target groups, and the influence of intermediary organizations as primary inhibitors to race-conscious approaches to student equity in the community college context.

First, in the early 1990s, the dialogue around the formulation of the SEP was spurred by the severe drop in enrollment of Black and Latinx students after fees were introduced in 1984. Although the policy was prompted by the conditions faced by racially-minoritized students in

community colleges, the actual design and text of the reform focused on all students. One of the primary shortcomings of the policy was the lack of new fiscal resources to encourage community colleges to “[rectify] th[e] situation” by explicitly addressing the “barrier and conditions facing ethnic minorities” (Guichard, 1992, p. 4) With neither a strong policy design focused on race and racial disparities nor the financial incentives to shape the implementation behavior, the possibilities of student equity quickly moved to supporting all students.

Efforts since 1992 employ a series of umbrella terms that lump students into generic categories such as “high-need,” “groups historically underrepresented in higher education,” “at-risk,” “disadvantaged,” “general population,” and “all students” (CCCCO, 2017b; Noldon, 2015). Such terms are often used in policy, research, and practice in reference to low-income or racially-minoritized students, yet are ambiguous enough to include other student groups (e.g. foster youth, veterans). There is utility in using these broad terms, particularly considering the constraints imposed by Prop 209. Yet, these generic formulations mask who these students are (e.g. are they African American, veterans, or both?), and as such, can divert colleges from meeting the needs of specific racially-minoritized student groups.

Second, in the context of higher education, Proposition 209 barred public institutions from giving “special scoring advantage” to women and racially minoritized applicants (California Senate, 2012). Prop 209’s language and subsequent court opinions over the years have focused on the ways college and universities limit race and gender in the admissions selection criteria to four-year institutions (California Senate, 2012). Systems of higher education in the state have developed “guidelines” for continuing equity and diversity efforts in a post affirmative action era. For example, the UC system (most selective admissions criteria) created the “Guidelines for Enhancing Diversity at UC In the Context of Proposition 209” (UC Office of the President, 2016), which shared ways campuses can develop and implement race-based and multicultural outreach programs to enhance college readiness, but cannot use this program as a criterion for admissions.

Similarly, the Community College Colleges Chancellor’s Office guiding document “Legal Opinion: Sixteenth Advisory on Proposition 209” provides examples for the development of race-based or culturally-relevant programs (i.e. PUENTE or Umoja) as long as the programs are open to all students. Additionally, court opinions have upheld the collection and reporting of data disaggregated by race and ethnicity to monitor the hiring of faculty and staff as well as success rates of students in the California Community Colleges (Coalition to Defend Affirmative Action v. Brown (2012) 674 F.3d 1128). Although the guidelines are available, practitioners must read through detailed documents, paragraph by paragraph, to capture these opportunities to be race-conscious. Notwithstanding these guidelines, the Chancellor’s Office has increased doubt about using race-conscious efforts by stating, “Nevertheless, interpretation of the law also requires an assessment of the risk of increased litigation, and we advise consulting with local legal counsel to ensure proper implementation and risk assessment” (CCCCO, 2016, p. 2). The Student Equity Policy should not be hindered by Prop 209, but both the broadly interpreted language of the initiative coupled with the fear of violating the law limits what practitioners think they can or cannot do to support racially minoritized students setting a dark cloud over any efforts to be race-conscious in community colleges.

Third, we found the power of language in reframing race-conscious policies into an imperative for all students. Embedded in the charge to improve racial equity was color-evasive language, heavily influenced by Prop 209, that limited efforts to improve outcomes based on race and ethnicity. Examining the discourse of race-based educational reforms, Pollock (2004) argues that the term “all” serves to counteract any race-specific recommendations to improve educational outcomes (p. 92). She argues that de-raced words like “all” or “target groups” or “historically underrepresented” are used by educators that seek to maintain the status quo, are uncomfortable with dialogue on racial inequality, or believe that programs that serve all students will also be able to “equitably catch racial groups” (Pollock, 2004, p. 93). In addition, the use of

the phrase “promote student success for all students” in the SEP disregards the historical challenges racially-minoritized groups face and the conscious efforts required to support them.

The discourse of “all students” can make educational policies seeking to improve educational outcomes for certain groups more acceptable to more people (Oakes et al., 2005) by curbing the inclination to think that race-specific policies “subtract from some groups to pull others up” (Pollock, 2004, p. 84). Others have documented the difficulty of trying to enact equity-aspiring reforms given vague policy language (Hill, 2001; Honig, 2006), misinterpretations by implementers (Chase, 2016; Spillane, Reiser, & Gomez, 2006), and pushback from internal and external forces seeking to derail efforts for racially equitable opportunities and outcomes (Gill et al., 2017; Lewis et al., 2016). Oakes et al. (2005) add that reforms seeking racial parity in educational outcomes are derailed when internal forces (i.e. teachers seeking the status-quo) or external forces (i.e. parents protecting educational advantages) actively resist or neutralize the intended goals of policy.

Lastly, intermediary organizations emerged as influencers that enable or constrain the race-conscious implementation of SEP through the ways they interpret and (re)communicate the goals, mandates, and implementation. Although it may not be possible to roll back the target groups or all student language used in the current version of the SEP, intermediary organizations such as the ASCCC and CCCCCO have a role in improving opportunities for race-conscious implementation. Serving as “policy interpreters,” these organizations can influence and shift the focus towards or away from race by creating resources that a) include the original intent of the policy from the 1990s, b) share “model” plans that were developed in race-conscious ways, and c) help institutions and practitioners consider race in programmatic efforts within the limitations of Prop 209.

The SEP’s current focus on all students not only ignores the simple fact that race does matter, but may also perpetuate racial inequality. The SEP emerged as an affirmative action policy that was later diluted to potentially benefit all students. Only when the policy expanded target groups did SEP become enacted, funded, and implemented. Our analysis shows that SEP and its initiatives would only improve the outcomes of Black, Latinx, Pacific Islanders and American Indian students to the extent that outcomes for majority White students improved. Similar to integration and diversity plans that benefit White students just as much if not more than racially minoritized students (Gill et al., 2017), the SEP and its ambiguous goals of equity could have the same negative effect on the marginalized student populations the reform was originally meant to serve. As Ladson-Billings (2005) writes, “much of our rhetoric, although having the veneer of diversity, is actually an updated version of the 1960s and 1970s cultural deficit discourse” (p. 231). Proponents of race-neutral policies might argue that equal opportunity provides fair opportunities for all. However, from a CRT perspective, equal opportunity can be interpreted as reinforcing the self-interest, power, and privilege of majority White people (Delgado, 1995). Studies have shown that merit-based policies actually harm racially minoritized students (Cortes, 2010; Niu & Tienda, 2010). Without intentional strategies, diversity efforts are sensitized to include everyone, disregarding decades of racially discriminatory policies that benefitted Whites while harming communities of color (Bell, 1989).

As we interpret our results, we ground our recommendations for policymakers and practitioners in Supreme Court Justice Sotomayor’s call for centering race to address longstanding inequities in society. In her *Schuette* dissent opinion, Justice Sotomayor shares (Bernstein, 2013, citing *Schuette v. Coalition to Defend Affirmative Action*):

Race also matters because of persistent racial inequality in society—inequality that cannot be ignored and that has produced stark socioeconomic disparities... In my colleagues’ view, examining the racial impact of legislation only perpetuates racial discrimination. This refusal to accept the stark reality that race matters is regrettable. The way to stop discrimination on the basis of race is to speak openly and candidly on the subject of race... We ought not sit back and wish away, rather than confront, the racial inequality that exists in our society, acknowledging the simple truth that race does matter.

Guided by Justice Sotomayor's words, we are reminded that CRT is not only a framework to retrospectively analyze policy text, but also to inform the possibilities of future efforts. Without a focus on race embedded into mandate text and language, SEP lacked the power to guide colleges to intentionally address racial disparities. Like a flashlight without batteries, the SEP was powerless to meet its racial. Grounded on SEP's founding call to avoid a "permanent underclass" of "ethnic minorities," we outline ways that policy text can serve as a catalyst for improving racial equity in higher education. We offer three recommendations for policymakers, state-level intermediary organizations, and implementing institutions to address issues of racial inequity head on.

Recommendations for policy and practice

First, we use our study's findings to provide policymakers with opportunities to (re)formulate policies that seek to improve equity in higher education. To start, introducing the concept of equity into how community colleges examine data, strategize, and operate is a potential asset of the SEP. This is especially relevant when requiring institutions to look at student success data disaggregated by race and ethnicity. Previous research has found institutions are hesitant or challenged with breaking down data based on race and then acting on those identified racial gaps (Bensimon, Rueda, Dowd, & Harris, 2007; Bensimon & Malcom, 2012). Through the planning process, the SEP obligated 115 community colleges serving over 2.1 million students to reexamine their data based on race and ethnicity and make visible student success gaps that had potentially gone unnoticed in the past.

We recommend policymakers move towards formulating race-conscious policies that acknowledge the persistent disparities by race and ethnicity (Winkle-Wagner et al., 2014). One way of achieving policymakers' goals of increasing college completion (Lumina Foundation, 2016) is to explicitly target the barriers racially-minoritized students face before and while in community college. Closing these barriers calls for clear goals; implementation research suggests that clear and consistent goals are critical for policy implementation (Mazmanian & Sabatier, 1989). In this view, SEP was doomed to fail because ambiguous and transient language limited clear and consistent goals on racial equity. Equity-aspiring reforms can fail to meet their goals when they: lack specific policy language (Hill, 2001; Honig, 2006), are misinterpreted by implementers (Chase, 2016; Spillane et al., 2006), and receive pushback from internal (e.g. teachers) and external forces (e.g. parents). Clear and specific goals seeking to mitigate racial equity may offer implementers more capacity to create change. To advance equity-oriented goals and practices, policymakers may defer to Title 5 regulations which obligates colleges to consider and address disproportionate impact (e.g. inequities) for the following groups: American Indians or Alaskan natives, Asians or Pacific Islanders, Blacks, Hispanics, Whites, men, women, persons with disabilities, foster youth, veterans, and low-income students (SB 860, 2014). Once students are enrolled and attending community college, practitioners have the ability to create race-conscious and culturally-relevant strategies, only anti-affirmative action rhetoric stops them from doing so. At its core, the SEP has both the opportunity and responsibility to create conditions across community college that close disproportionate impact for racially minoritized students.

The next step is to develop policies, mandates, and implementation guidelines that are race-conscious and foster the opportunity for institutions to restructure or create new approaches to mitigate racial equity gaps. The Center for Urban Education (2017) has developed tools to embed equity in state policy, suggesting the need for clear language (i.e. eliminating gaps for Latinx students), building a careful process (i.e. developing support structures for policy implementation), and promoting what works (i.e. sharing race-conscious strategies) to make the improvement of equity a reality. Harper, Patton, and Wooden (2009), conducting a CRT analysis of a policy reform, argue that "policymakers must be made aware of the structural barriers that produce racial

disparities in college” (p. 409). With that sentiment, we share this work to make visible the ways text and language may limit, if not discourage, the centralization of race and racial disparities in California’s SEP.

Second, we recommend state agencies overseeing implementation take stock of the required efforts to enact equity-based reforms and develop capacity-building tools as support. Examining accountability and equity in higher education, Dowd and Bensimon (2015) argue the need for university leaders and practitioners to be provided more “time and resources to engage in facilitated discussion” of issues such as race and equity to move towards an organizational and individual commitment to racial equity (p. 33). In our analysis, there was limited documentation that supported individuals to understand the goals and aspirations of the SEP or the ways US social institutions such as schools created inequities for students based on race, gender, or ability status. We recommend that state-agencies overseeing implementation consider the level of change required to implement the SEP, particularly understanding ambiguous concepts such as “equity.” Aligned with Patton, Harper, and Harris (2015), we suggest adopting capacity-building tools such as professional development workshops and trainings that focus on the realities of race and white supremacy in higher education. As the authors note, regardless of the student equity efforts, if oppressive structures are not acknowledged, racial equity will not be achieved.

Third, we highlight ways that on-the-ground implementers can take advantage of policies such as the SEP to be race-conscious in addressing inequities on campus. In community college, policy implementation is usually an add-on activity, there is no “Office of External Reform and Implementation” that exists to provide necessary support. Many individuals, and colleges as a whole, must implement these policies as they manage day-to-day responsibilities. For those enacting policy in community college, it is critical that they exploit the discretion left in legislative mandates to take advantage of policy in ways that benefit racially-minoritized students. Bensimon (2007) and Bensimon and Malcom (2012) developed the concept of “equity-mindedness” to emphasize the role practitioners have in shaping student success on campus. Equity-mindedness places the onus on practitioners to remediate practices to improve equity gaps. It also illuminates the hidden assumptions at play when moving from policy to practice, such as language that limits the use of race in the SEP.

We share Bensimon’s (2007) call for practitioners to become accountable for the success of their students through an awareness of race and racial inequity, a focus on how institutions can improve student outcomes, and the need for practices to recognize and counteract structural racism. For example, practitioners possessing equity-minded competence, when tasked with implementation, may ask “what are the policy possibilities to enact change to improve racial equity, either specifically articulated in legislative mandates or inferred in the spirit of the law?” Through an understanding of equity and the causes of racial inequity, practitioners may be able to see racial possibilities in reform efforts and strive towards racial equity in community colleges. In this way, practitioners would be able to unpack policy and mitigate the mismatch between the intended goals of reform and how they are enacted in practice (Koyama, 2015, 2017; Levinson et al., 2009). Lastly, we remind our readers that SEP as currently written is a policy effort that seeks student equity for all students. When policies encourage color-evasiveness in implementation, institutions create generalized solutions for specialized problems, failing to address the racial disparities on campus. As Justice Sotomayor alludes to, the eradication of educational inequity can only be addressed when racial inequality in society is acknowledged and addressed through explicit and targeted policies, practices, and programs.

Conclusion

Our analytic approach was helpful to interrogate the SEP and how it lost its focus on improving outcomes for racially-minoritized students over time. In this paper, we set out to explore why a

focus on race and racial disparities were diminished in the reformulation and revisions of the SEP, leaving the current version as a shadow of its original intent. Milner (2008) suggests that policies and practices must be examined for their converging interests between the oppressor and the oppressed. Once understood, interests can be negotiated between and among people to move forward and to improve situations for students placed at the margins. We found that there were several instances in the history of the policy where race was omitted and deemphasized. If policies and their supporting documents fail to include racial discourse, then the receiving implementers on campus must be equipped with the knowledge and competencies to develop the reform effort in ways that achieve its goals of equity for racially-minoritized students.

To realize opportunities afforded by policies like the SEP to bring about racial equity, the problem of unequal outcomes must be reframed. What is needed is equity-mindedness among policymakers, state-level actors, and implementers that foreground race and the needs of racially minoritized students, and that situate inequitable outcomes as the responsibility of higher education institutions and practitioners (Bensimon, 2007). Equity-mindedness is not about remediating racially-minoritized students who are perceived as deficient, but about respecting their aspirations and struggles by changing existing policies, practices, and structures that are found to underserve them. With equity-mindedness, data showing the low achievement of racially-minoritized students is seen less as an issue of their poor preparation, motivation, and engagement, and more as a matter of how race, class, ideology, history, and power structure educational opportunities and perpetuate inequality in the United States. Equity-mindedness thus requires an awareness of how policies, cultural norms, and practices that seem race-neutral may, in fact, disadvantage racially-minoritized students and reproduce longstanding racial hierarchies.

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Notes

1. The term “minoritized” is used instead of “minority” or “students of color” throughout this paper to signify that persons are not born into a minority status, but are subordinated and rendered into minority positions by US social institutions (See Gillborn, 2006 or Harper, 2012).
2. The Chancellor’s Office provided three methods to calculate and identify disproportionate impact in the planning process. They are the “80% Rule,” “Proportionality Index,” and the “Percentage Point Gap;” each method having different groups as comparisons (i.e., within-group, student average, highest-performing group) as well as thresholds for determining actionable inequities (See Noldon, 2015 for more information).
3. Before 1984, California Community Colleges were free of any enrollment fees.
4. California Voter Information Guide for 1996, http://repository.uchastings.edu/ca_ballot_props/1139

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Appendix A

Student equity policy and related documents

Document	Year	Source organization	Rationale for inclusion
AB-1725	1988	California Legislature	Established the committee to explore student inequity and prompted the development of the Student Equity Policy
Student equity policy: a status report	1992	California Community College Board of Governors (BOG)	Supplemental document presented at BOG meeting for the CCC
Student equity policy, board meeting report	1992	California Community College Board of Governors (BOG)	Supplementary guide, presented at ASCCC meeting in July 1992
CA ED Code, Section 54220	1993	California Community College Board of Governors	Chartered section in California Education Code
Student equity: guidelines for developing a plan	1993	Academic Senate of the California Community Colleges (ASCCC)	Supplementary guide, prepared by ASCCC ad hoc student equity committee
Position paper of student equity policy	1993	Annual fall session of Academic Senate for California Community Colleges (ASCCC)	Supplemental document presented to ASCCC
Proposition 209	1996	California Legislature	Established statutes limiting the ability of public institutions use of race
Achieving student equity: history and current status	2000	California Community College Chancellor's Office (CCCCO)	Review of SEP history and progress, presented at CCC Board of Governors committee meeting on equity, diversity, and human resources in September 2000
Student equity: guidelines for developing a plan	2002	Academic Senate of the California Community Colleges (ASCCC)	Updated supplementary guide, prepared by ASCCC affirmative action and cultural diversity committee
Equity and diversity task force report	2002	California Community College Chancellor's Office (CCCCO) equity recommendations	Recommendations for student equity, equal employment opportunity, and workforce diversity
Student equity: from dialog and access to action	2010	Academic Senate of the California Community Colleges (ASCCC)	Updated supplementary guide, prepared by ASCCC equity and diversity action committee
Sb-860, budget bill	2014	California Legislature	Budget bill passed for the 2014–2015 legislative year, providing the policy with funding for the first time
CA ED Code, Sections 54220, 78220, 78221	2014	California Legislature	Revised sections of the Student Equity Policy in the California Education Code
Student equity plans implementation memo and guidelines	2014	CCCCO	Memorandum explaining the purpose of the student equity policy and how institutions can use the reform effort to plan and address inequities in campus outcomes
Student equity plan template	2015	CCCCO	Revised template to develop student equity plan including language related to how to identify and address target groups.
Integrated planning announcement memo	2016	CCCCO	Overview of integration and alignment of SSSP, SEP, and BSI programs
Integrated planning memo and implementation guidelines	2017	CCCCO	Memorandum describing the revised purpose of student equity planning to focus on all students facing disparities in outcomes

Appendix B

A timeline of student equity efforts – policy, planning, and resource distribution

Year	Policy action	Policy changes	Student groups addressed	Research interpretation	Funds
1985	California Community Colleges' Board of Governors (BOG) symposium on the "Enrollment, Retention, and Transfer of Minority Students"	Introduced a working group to examine issues related to minority students.	"Historically underrepresented minorities" (Women and persons with disabilities) and "ethnic minorities"		N/A
1989	BOG establishes Board Committee on Equity and Diversity	CCC BOG creates committee to address concerns raised by working group related to "issues of minority student enrollment, retention, and transfer"	Same as above Ethnic minorities: -American Indians or Alaskan Native -Asians or Pacific Islanders -Blacks -Hispanics		N/A
1991	Legislature requires public institutions of higher education "to provide educationally equitable environments which give each Californian, regardless of ethnic origin, race, gender, age, disability, or economic circumstance, a reasonable opportunity to develop his or her potential"	The Hart Amendment (SB-121) builds from 1988 – AB1725 legislation that mentions that "minority" issues in community college are vital to state's economic strength.		Earliest introduction of "regardless of" in achieving "educationally equitable environments." There is a tension between being identity-conscious but also working towards solutions that seek to improve student success regardless of those specific identities	N/A
1992	BOG introduces Student Equity Policy	Introduced policy "requiring district development of a student equity plan for each college with specified components of campus-based research or needs assessment; goal identification; and specification of implementation activities, resources support, and evaluation"		Interesting that there was a section on Latinx students, highlighting the need to improve their educational outcomes as they are the "fastest growing ethnic minority."	N/A, but was stated, "The Chancellor shall consider requesting funds through the State budget process to augment existing student equity-focused categorical programs or to obtain new funding for innovative or special projects."

(continued)



Year	Policy action	Policy changes	Student groups addressed	Research interpretation	Funds
1993	Student Equity Policy formally adopted by the BOG				
2003	ASCCC Revised Guidelines		Adds: Men White		
2008	BOG suspends SEP Requirement			Period of economic recession moves the BOG to suspend the SEP requirement until 2014	
2010	ASCC Revised Guidelines		Adds: LGBT Students Economically Disadvantaged		
2011	Student Success Task Force created				
2012	Student Success Act of 2012 passes	Developing a SEP required to receive SSSP funds			
2014	CO releases new SEP implementation guidelines	SB-860 passes (budget trailer bill) and allocates funds for the policy.		-CO develops a student equity plan template that all colleges must follow -With new fiscal resources, funds incentives colleges to develop SEPs with strategies that can be enacted	70 million
2014–2015	First Student Equity Plans are developed and submitted to CO		Adds: Veterans Foster Youth		155 million
2015–2016	SEP funding increased by 80mil Revised guidelines and required campuses to redo equity plans				155 million
2016–2017	SEP funded at same level	Institutions received funds, but not required to create new plan			
2017	CO requires the integration of planning efforts between Student Equity, Student Success, and Basic Skills programs		Adds: General populations Basic Skills students Academic probation students	-As of 02/15/17 planning efforts must be done in accordance with two other program planning efforts.	
2017–2018	Equity funding projected at same level as previous year.				155 million

Continued.