Pedagogical Justice 1

> Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it's the only thing that ever has.
>
> —Margaret Mead

The current approach to educating students in the United States hasn't been working for millions of multilingual students. Even though many students graduate, too many don't—not because of their intelligence, study habits, mindsets, or home languages, but because schooling, by and large, has failed to effectively serve them in key ways. Of those students who do graduate, many do not have the same opportunities and preparation needed for postsecondary education as their monolingual peers. And these are just the tip of the iceberg of injustices.

This chapter looks at what pedagogical justice for multilingual students is and isn't, with an emphasis on maintaining an evolving awareness of (a) its six key dimensions, (b) the pedagogical *injustices* that have grown and deepened in recent decades, and (c) the root causes of pedagogical injustices in schools. Subsequent chapters focus on how to overhaul key areas of education in order to achieve pedagogical justice for all students—and for multilingual students, in particular.

Dimensions of Pedagogical Justice

You don't hear the term *pedagogical justice* as often as you hear the terms *social justice*, *equity*, and *educational justice*, which tend to describe broader educational and societal challenges. Even *educational justice* tends more toward describing the problems of inequitable resources across districts and schools. I chose the term *pedagogical justice* to focus on how classroom instruction and assessment need to change in order to best serve multilingual students and prepare them for meaningful and successful lives.

Pedagogical justice, first of all, does not mean raising students' test scores. It means using our energies, resources, and time to their fullest in pursuit of helping all students reach their many potentials. These potentials tend to fall under the categories of content knowledge, language, literacy, collaboration, social skills, emotional maturity, initiative, civic engagement, service, art, music, drama, problem-solving, and creativity, to name a few.

When students spend time on something in class, they are not spending time on other things. If multilingual students spend time on test preparation, memorizing, and superficially *covering standards,* then their precious lesson time is not being used for learning deeper things and for growing personally.

Figure 1.1 shows six high-leverage and high-need dimensions that support pedagogical justice. Note that there still can be pedagogical justice with weak or missing dimensions, but it thrives when all are strong.

Students have the right to learning experiences that intentionally and effectively promote these six dimensions. They have the right to be in settings that (a) actively work to foster these six dimensions and (b) concurrently strive to eliminate the pedagogical injustices described later in the chapter.

The six dimensions in Figure 1.1 work together. If you have students who are engaged in the challenge of building up a novel idea,

Figure 1.1   Six Dimensions of Pedagogical Justice

Pedagogical Justice					
Agency and Voice	Engaging Challenges	Idea-Building	Meaningful Interactions	Assessment for Learning	Critical and Creative Thinking

interacting with others, and using critical and creative thinking, then their agency and confidence grow—and you get to authentically assess a variety of strengths and needs along the way (e.g., interests, social skills, content mastery, language development, etc.). Keep this mutual reinforcement in mind as you read this and other chapters in this book.

> *For each dimension that follows, read its description and put a sticky note at the point on the continuum where your school is at the present time. Later on, you can re-reflect and move the sticky note (ideally, to the right).*

Agency and Voice

Agency means that students have a strong sense of self-efficacy and autonomy in learning and applying their learning (Vaughn, 2020). They think, "I can learn this, do this, build up ideas, make decisions, and solve problems." Agency means that students feel more like subjects than objects (see Freire, 1970). Students with a strong sense of agency feel that they can make a difference in the world (Bandura, 2001). Students feel that they are trusted to make meaningful decisions and be creative in their learning experiences.

Agency helps students to feel that they have some control over what and how they are learning and feel confident that they can learn anything put before them. They have some choice in the learning process, such as how they build up their ideas and share their learning with their teachers and peers. Agency tends to flourish from positive feedback from teachers and students, as well as being allowed to self-assess and revise their work (Jones, 2019).

Voice means that students have opportunities to share their thoughts and ideas in meaningful ways for meaningful purposes, including shaping what and how they are learning. Others in the learning community, including teachers, genuinely value what students have to say and contribute. As St. John and Briel (2017) argue,

> *Instead of a top-down, teacher-directed approach to learning, students play an active and equal role in planning, learning, and leading their classroom instruction as well as contributing to the development of school practices and policies. This significant*

philosophical shift requires all stakeholders to embrace the belief that there is something to learn from every individual regardless of age, culture, socioeconomic status, or other qualifying factors. (p. 1)

Voice thrives in learning experiences in which students have authentic opportunities to articulate their opinions, ideas, questions, and challenges. In settings that value students' voices, not only do students value each other's voices, but they also value their own voices.

Why is this a dimension of pedagogical justice? Many students have been denied opportunities to develop their agency in schools, particularly students who are living in poverty and in homes where English is not the primary language (Flores & Rosa, 2015). Students in these settings are made to feel more like objects than subjects, meaning that they feel that others (and the system) are controlling and limiting their abilities, choices, and growth. They often feel that others aren't listening to them. For example, when students consistently score low on tests, even after studying for them, many feel that they are not smart, that they can't keep up, and that people aren't seeing who they are and what they have learned.

When students lack agency and voice, they tend to feel that they have little control or choice over what and how they are learning. They lack confidence that they can learn challenging material, and they feel constrained by learning lists of disconnected information and skills.

Now think about where your setting is on the Agency and Voice Continuum. Put a dated sticky note on it.

Agency and Voice Continuum					
Needs Work					Strong

Engaging Challenges

Student engagement, according to the Glossary of Education Reform (2016), "refers to the degree of attention, curiosity, interest, optimism, and passion that students show when they are learning or being

taught, which extends to the level of motivation they have to learn and progress in their education." If the task is engaging, interest in it (i.e., not for points) motivates them to keep working hard.

Challenge means that students have an appropriately (not too much and not too little) rigorous task or goal to accomplish. If it's appropriately challenging, it pushes students beyond their current levels. This aligns with Vygotsky's Zone of Proximal Development (Vygotsky, 1978), in which a learner is neither overwhelmed enough to give up nor bored by something already known or mastered.

Students can be engaged but not challenged and challenged but not engaged. We need to strive for both together. And yet, my observations and a handful of studies suggest that only about one in five lessons engage students in cognitively challenging learning (Mehta & Fine, 2019). It might be even less if you ask enough students.

A powerful type of engaging challenge is creating an authentic product or performance that encourages students to build up ideas and then communicate them to others (see Chapters 3 and 4). For instance, students might write a screenplay, create a museum exhibit, draft a business plan, write a short story, solve an environmental problem, or something along those lines—in fact, wouldn't *you* rather do these than take a test? Engaging challenges nurture students' excitement about learning and working on tasks, and students tend to put forth extra efforts to learn, create, and participate in classes.

Without engaging in challenges, students tend to be bored and/or not interested in learning, overwhelmed by tasks that are too difficult and not scaffolded, and often overwhelmed by the quantity of disconnected things to learn.

Why is this a dimension of pedagogical justice? It's flat out not fair to subject students to boring or overwhelming tasks—especially if we know they are boring or overwhelming. And because many tasks are in a non-native language for multilingual students, the tasks tend to be even more challenging. The tasks also tend to be full of questions, content, and cultural references that don't align well with the backgrounds and expectations of diverse students. Put yourself in their shoes: Would you want to do what you are asking them to do?

Now think about where your setting is on the Engaging Challenges Continuum. Put a dated sticky note on it.

Engaging Challenges Continuum					
Needs Work					Strong

Idea-Building

This book uses the term "idea-building" to describe the process of learning through the construction of concepts and claims. Related terms that are commonly used in research on learning include "schema," "understanding," "deep knowledge," "framework," and "network of understanding" (Nokes et al., 2010). The writings of many well-known educators and researchers in the last century (Dewey, Cazden, Mercer, Vygotsky, Darling-Hammond, Bruner, Gardner, Wiggins, and Greene) support the premise that students learn more effectively when they make connections and see how different pieces of information fit together to form a concept or claim.

Building up ideas means that students use language and thinking to help themselves and others construct key concepts and claims in their minds (see Chapter 2). This is the centerpiece of the approach described in Chapter 4 in which students engage in school activities such as thinking, talking, listening, and reading in order to construct and co-construct big ideas that last and continue to build in their minds over time. Instruction should clearly help students to build up robust ideas of value in a discipline, allowing students to be creative in their idea-building and communicating it to others, as well as encouraging students to push themselves and others to clarify and support as much as possible.

Why is this a dimension of pedagogical justice? Because in many settings, multilingual students have rare opportunities to construct and communicate important ideas in a discipline. They spend the bulk of their time memorizing disconnected information and practicing skills for assessment purposes. Instruction in such settings tends to not value the cultural and linguistic "building blocks" that multilingual students use to build up ideas.

Now think about where your setting is on the Idea-Building Continuum. Put a dated sticky note on it.

Idea-Building Continuum						
Needs Work						Strong

Meaningful Interactions

Meaningful interaction fosters powerful learning and pedagogical justice for a variety of reasons. Boyd and Rubin argue that "student talk supports inquiry, collaborative learning, high-level thinking, and making knowledge personally meaningful" (2006, p. 142). Meaningful interaction means that students have plenty of supported opportunities to talk about academic content with peers (Walqui & Heritage, 2018).

There should be both quantity *and* quality of talk. It should be engaging and productive, and it should help students build up ideas, make decisions, solve problems, and get things done. Meaningful interactions include short, medium, and long structured and unstructured dialogues, conversations, chats, and exchanges between two or more students in which students end up with clearer and stronger ideas than they started with.

Talk opportunities are supported when teachers, curriculums, and assessments intentionally help students to build up skills for productive talk with one another. For example, a teacher might model a conversation with a student, provide a visual organizer, and post *helpful* sentence frames for students to use in their interactions to exchange useful information.

Many multilingual students don't get enough practice engaging in meaningful listening, speaking, and conversing each day in school. You may be familiar with the practice of following a student throughout the day (or even one class period) to take notes on how often a student is given opportunities to talk in class. Most of these observations yield very low numbers of minutes (sometimes even counted in seconds) engaged in talk—and even less time engaged in *productive* talk. In a classic study of hundreds of classrooms, Nystrand (1997) observed that teachers asked most of the questions, questions weren't authentic, discussions averaged less than 50 seconds per class in the eighth grade and less than 15 seconds in the ninth grade, and

small-group work ranged from 30 seconds a day in eighth grade to two minutes a day in ninth grade. The quantity of classroom talk has improved in many settings since 1997, but not enough.

Consider the difference between a student who uses even two sentences versus one sentence in the majority of pair-shares over the course of 12 years in school. Most of the time, if a student uses a second or even a third sentence, the utterance tends to be more meaningful—the student *wants* to communicate, strengthen, or clarify the idea—which in turn helps solidify language and content learning.

That is the quantity challenge. The quality challenge is making talk *meaningful*, which itself has a range of meanings. For the purposes of pedagogical justice, we can focus on meanings related to idea-building, making decisions and choosing sides in arguments, amplifying students' voices, and developing relationships. In meaningful talk, students value the contributions of others, co-construct concepts and claims, push themselves and others to clarify terms, and support ideas as much as possible. These are described in more detail in the following chapters.

Why is this a dimension of pedagogical justice? When instruction doesn't trust or motivate multilingual students to talk with each other, usually their interactions are focused on giving and getting the "right" answers. And after the right answer is given, there isn't much more to discuss (Nichols, 2006). Multilingual students have few opportunities to talk with others at length about academic topics. And the talk they do engage in is often quick and/or overly scripted (e.g., using memorized frames and dialogues).

Now think about where your setting is on the Meaningful Interactions Continuum. Put a dated sticky note on it.

Meaningful Interactions Continuum					
Needs Work					Strong

Assessment *for* Learning

Assessment for learning means assessment that helps to maximize present and future learning for a student (Gottlieb & Honigsfeld, 2019). It overlaps quite a bit with the term "authentic assessment,"

which means assessing all the important areas of academic learning and social growth (Wiggins, 1990). It also includes formative assessment practices in which teachers continuously observe what students are doing and saying, give feedback, and make adjustments to instruction in real time.

Students have the right to show their learning and development in different ways—not just with multiple-choice tests. It's not fair to subject students to boring and overwhelming assessments. And yet, ask most students about most assessments and very few of their faces will light up. They are seldom given choices in how they are assessed. But when we give more options, allowing students to choose how they want to show their learning, we get more positive responses.

Students have the right to redo and revise their assessed work, which is another thing that bubble-in tests don't offer (Darling-Hammond et al., 1995). The real world is full of "revisable assessments" in which you work on something over time, get feedback, improve it, and resubmit it. Revising allows students to self-monitor and reflect as they work on meaningful tasks. When students are excited to learn and work on relevant learning tasks, they will put forth extra efforts to learn and create. They will self-monitor and reflect on their learning and growth, especially when encouraged and allowed to revise and redo their work.

Why is this a dimension of pedagogical justice? Because assessment *for* learning is what multilingual students need the most and get the least. Most assessment is assessment *of* learning, which tends to focus on the past, what has been learned, and (more often) what hasn't been learned (e.g., deficits). Assessment for learning, especially as described in this book (Chapter 3), focuses on the quality of students' construction of concepts and claims. This includes the use of valuable "personal building blocks" (assets) from their own backgrounds and lived experiences.

Now think about where your setting is on the Assessment for Learning Continuum. Put a dated sticky note on it.

Assessment for Learning Continuum					
Needs Work					Strong

Critical and Creative Thinking

Critical thinking includes using cognitive skills to accomplish complex purposes. These include seeing different perspectives, building up both sides of an argument, supporting claims with evidence, making logical conclusions from available facts, and solving problems (Willingham, 2007). These skills also include discerning credibility, evaluating evidence, applying, analyzing, synthesizing, and interpreting (Paul & Elder, 2008). There are many lists and wheels and pyramids of thinking skills out there. They can get a bit cumbersome, so I recommend working with colleagues to come up with a handful of important skills that students will need and use most in school and beyond.

Creative thinking means coming up with novel ways to solve problems, overcome challenges, and communicate important messages to others. It is the process of coming up with a *new* and *useful* idea (Sternberg, 1999). This idea usually takes the form of a theory, process, idea, or product that meets some need (solving a problem, improving something, etc.). "New" means that the creative idea hasn't existed before in the given setting.

Creative thinking often involves several stages, such as immersion, incubation, brainstorming, discerning, deciding, and acting (Csikszentmihalyi, 1996). So how often do we encourage and allow students to engage in these stages of creative thinking? In my observations of classrooms, this is rare. Why? It takes time, you don't know what will result, and the result won't likely be on a state test.

Why is this a dimension of pedagogical justice? If we fill students' lessons with rote learning activities that don't foster critical or creative thinking, students' thinking stagnates or worse. According to Paul and Elder (2014, p. 19), "Much of our thinking, left to itself, is biased, distorted, partial, uninformed or down-right prejudiced." Unfortunately, tragic and unfair stories in the news abound of people lacking critical and creative thinking. The world needs people with these skills.

Yet such skills, especially creative thinking skills, are not often emphasized because they are difficult to test—especially through multiple-choice testing methods. Accurate assessment of such skills tends to require full sentences and a wide range of nuanced responses that computerized scoring can't handle. Thus, the students who tend to score low on multiple-choice tests and are labeled "behind" or "below grade level" get heavier doses of test preparation. Some educators think that multilingual students are not "ready" for critical and creative thinking because of their language proficiency, test scores, and grades. They are wrong. Every student can and does critically and

creatively think, and every student has the right to be *challenged and interested* in engaging in such thinking (which too many curricular programs do not do well enough).

We must also remember that all human thinking is highly sculpted by what we do. The mind is shaped by whatever it spends time on. So, spending lots of class time giving short answers to questions, filling in blanks, minimally sharing for points, writing just to satisfy a rubric, and skimming texts to answer comprehension questions molds a student's thinking. On the other hand, spending class time collaboratively arguing about important questions in a subject, building up key claims and concepts, answering essential questions, writing to communicate ideas to others, and creating works of literature and art shapes students' minds differently. We need to analyze lessons and assessments and keep asking, "Do these activities inspire students to think critically, respect and connect with others, construct unique and valuable disciplinary concepts, and cultivate students' agency and identities?" We must continually consider the types of thinking that we want our students' minds to be shaped by over time—and how well our instructional and assessment practices foster such thinking.

Why is this a dimension of pedagogical justice? Multilingual students in many classrooms aren't given tasks that push them to use higher-order skills or be creative during learning. The tasks (e.g., worksheets) do not motivate them enough to put forth extra efforts to think and create. And if we are displacing the development of key thinking skills in life with memorizing temporary facts, learning grammar and vocabulary for test purposes, and practicing multiple-choice skills, then we are preventing students from reaching their full potentials. This displacement is widespread yet subtle. Many curriculums and teachers don't even realize it. Afterall, teachers and students stay busy, and each class period is filled to the brim. Yet if you observe enough classrooms with multilingual students and you look for time spent on developing their critical and creative thinking, you won't see enough (Bouygues, 2022).

Now think about where your setting is on the Critical and Creative Thinking Continuum. Put a dated sticky note on it.

Critical & Creative Thinking Continuum						
Needs Work						Strong

Now look back at the six dimensions and pick one or two to work on in the next year. The following chapters will help.

Pedagogical Injustices

In this section, we take a closer look at some of the many *injustices* that students have had to endure because school systems have (a) not been aware of them, (b) not tried to address them, and/or (c) not focused enough on strengthening the six dimensions of pedagogical justice.

Because you are reading this book, you are likely more aware than most people of the pedagogical injustices that multilingual students have had to endure and overcome. Yet many people, even longtime educators, still do not understand the degree to which commonly accepted approaches to learning have fostered these injustices. They lack awareness of the strength and depth of the root causes of these injustices as well as the strength and depth of their detrimental effects on students—especially multilingual students.

Districts and schools engage in countless data walks, data dives, and data meetings to analyze how and why students aren't doing well on yearly tests. They tend to be highly aware of gaps in test scores, particularly between different groups of students. Test scores are communicated in a variety of bright colors, columns, pie charts, and media, most often showing that multilingual students aren't "achieving" or "performing" at the same rate as English-only peers. However, the energy and time spent on analyzing and addressing low scores takes away from noticing more important and insidious injustices that multilingual students face. Test-score awareness is not the awareness that we need. Instead, we must widen our lenses and open our eyes to the many lasting and harmful injustices that persist—ironically and egregiously—as a result of the focus on test scores!

Many argue that test-score gaps are a pedagogical injustice or even the main injustice. They are wrong. The injustices are the ramifications of what we do in the classroom to multilingual students before and after the tests. These ramifications, which often come in the form of curriculums, assessments, and practices, often become the injustices described in the following sections.

Here are some of the worst injustices.

Placement

Students who score low on major tests often receive labels and interventions that send them the message that they are not smart, not academic, burdens on the system, hard to teach, will never belong in AP classes, and so on. Entire schools and districts are shamed by this process. If students score low, they are labeled as needing extra help, or "intervention." Intervention programs tend to focus on test-score improvement, which tends to be even more boring and demotivating for students *and* teachers.

Multilingual students are often less likely to be placed in electives, advanced courses, and postsecondary education programs (Mitchell, 2016). This often results from being placed in intervention programs such as remedial, academic literacy, English language development (ELD), and test-prep courses. Students' schedules often become "tracks," based on their proficiency in English and the courses they take.

In some cases, entire school schedules and curriculums look like test-prep interventions. Instead of taking interesting electives, students are often placed in various reading and language classes that are designed to help them do well on tests. These extra accumulation-based classrooms tend to whittle away students' agency, active learning, creativity, and hope. Students are often treated generically, as buckets to fill, because the end result is emptying their learning into a static and irrelevant test. I have seen too many classrooms full of multi-lingual students quietly answering questions for a computer program marketed as an all-in-one reading comprehension and language development "solution."

Belonging

Multilingual students are more likely to feel like they don't belong in school than monolingual speakers (Cha et al., 2017). This is especially true if they are not feeling success, not building relationships, not understanding the teacher, not understanding the assessments, and so on. Many are refugees or have experienced trauma in their lives, and they are not used to sitting for hours on end, listening to a teacher, and following directions for activities they have never seen before. They are often very reluctant to participate in classroom discussions for a variety of reasons, a big one being that they will make a mis-take—linguistic or content-related—and be laughed at. Many

students' feelings of nonbelonging increase over the years. Most do make friends in school, which helps, but too many do not to fully engage in classroom activities, take on leadership roles, or put forth extra efforts on assignments.

Lack of Motivation

Schools hope that by extrinsically motivating students to accumulate facts and skills with the reward of higher grades—along with punishment for low grades—they will increase the school's test scores. And they hope that students will *learn* as a result.

And yet, many students aren't interested in just accumulating large sets of disconnected content and practicing the skills for taking tests for getting points. These students find ways to just get by and stay off the radar. But year after year, the lack of interest and disengaged learning adds up. A great many multilingual students feel this way, and they are often even further behind in the test-prep game because their language and content knowledge do not overlap as much with the language and content valued in U.S. schools and their assessments.

Many students aren't even motivated by grades. They don't see the extra work between a *C* and an *A* to be worth it. Or they simply don't want to "play the game" and go through school's not-so-engaging hoops. These students are bright, talented, creative, and bursting with potential. But we don't notice or cultivate these traits. Instead, through test-score labeling and shaming, test-score-focused learning tends to whittle away their pride, agency, voice, and motivation to learn year after year.

Many students are not motivated by taking tests or seeing final test scores. This is especially true when taking the yearly "high-stakes" tests in one's non-home language. The stakes are not really that high for students, so many don't try very hard, and the scores often reflect this. I am actually surprised that so many students try to do well on them. There is very little in it for them. The tests are both boring and stressful at the same time. It takes extra thinking and extra work, with plenty of stress from having time limits. And when they have little idea how to answer, it is demoralizing. Many get frustrated during the tests, thinking that they will let down themselves, their families, and their teachers.

Mindsets About Learning

The most damaging yet least visible pedagogical injustices are in the minds of students. They include negative self-talk, lack of agency, low confidence, and low persistence both in school and in learning outside of school. They include the widening of gaps between how students think of themselves as learners and how they should think of themselves. Imagine going to a school that offered all instruction in a language you don't know very well and then gave you monthly tests in that language. Each year they tell you to get your scores up, set goals for your test scores, and study harder. They put you in intervention classes that focus on more memorizing disconnected facts and skills. Each year you feel less like a student and less connected to other students, the school, and learning.

Test-prep teaching also shapes a student's mindset of what it means to learn. Over the years, multiple-choice assessment and instruction asks students to reduce learning down to memorizing things, getting right answers for points, and then moving on. Not only does this affect students' K–12 experiences, but it also shapes their beliefs about what learning means their entire lives.

Many curriculums have pages and pages of test-like activities and worksheets that can and do fill up precious lesson time. Not surprisingly, instruction that prepares students for boring tests tends to be boring for students and boring for teachers. Memorizing facts and practicing skills is not very engaging, especially if the end goal is taking a long test with a bunch of random texts. In test-focused teaching, students see learning as accumulation. This is a highly limiting mindset because learning is so much more. Knowledge—if it is to stick, grow, and be useful—needs to be used, not just memorized and counted up. We must continue to ask ourselves, "Do we really want our children just to think of learning as getting better at piling up facts and choosing right answers, or do we want them to think of learning as building up ideas, solving important problems, and thinking critically?"

Separation

Another injustice, whether intentional or not, is that the current system, with all its high and mighty talk of "closing achievement gaps," actually *separates* students. First, students are separated by their

test scores and other data into labeled categories, tiers, and intervention levels. Then many are separated into various tracked programs and schedules. Multilingual students can get stuck in these tracks for years, separated from monolingual peers.

Bourdieu (1986) argued that students bring with them ways of thinking about learning and the world, which he called cultural capital. He also argued that the school system tends to separate possessors of inherited cultural capital from those who don't have it. The system, therefore, maintains social differences. Cultural capital—along with academic, linguistic, and social capital—is the knowledge, experiences, and skills passed down from family and community that provide advantages in a given system (e.g., testing and test-based instruction). Assessments, in particular, tend to have a narrow spectrum of the types of capitals that they value for showing academic learning.

But even worse, students are separated from themselves—from their identities, cultures, languages, aspirations, gifts, and self-confidence. The end result for many students is that they are separated from reaching their many potentials and from future opportunities that depend on reaching those potentials.

In many ways, the focus on narrowing the in-school "achievement" (based on test scores) gap is actually widening the real-world achievement (learning important things and doing well in life) gap. Even when test scores improve and the test-score differences narrow, the rift between where students are and their potentials often increases. "To pay for" a few more points on tests and make the school look good, students spend large amounts of learning energy focused on disconnected facts and low-level skills. Then after seeing success in scores, schools continue to mold and trim students into good test-takers who work to raise their scores up to levels on par with averages of monolingual students. The school might look good in public records and "data dives," but students spend loads of precious class time doing things that don't matter much, don't interest them, and don't last. Wasting students' time and hindering their potentials is injustice.

ACTIVITY 1.1
Indicators of Pedagogical Injustices

To achieve pedagogical justice, it is vital to understand and be aware of the many pedagogical *injustices* that hinder student development. Activity 1.1, for example, helps you to uncover potential pedagogical injustices in your setting. It is also meant to help you get a sense of how relevant the ideas in the following chapters are for you.

The following questions are indicators of pedagogical injustices that are common in schools around the country and world. If the answer in your setting is "Yes" or "Somewhat," put a checkmark next to the question (*Note:* You can also use a rating system such as 0–3). And if you don't know the answers to any of these, work with colleagues find ways to answer them.

_____ Is a higher percentage of a certain group of students (e.g., students who speak one or more languages in addition to English) not doing as well in school as another group of students (e.g., monolingual English speakers)?

_____ Are multilingual students often told that they are "behind in school" based on their test scores?

_____ Do multilingual students to feel that school just isn't for them? Do they think it's not worth it to try very hard, that it's better to just "play school," or it's easier to just get by doing the bare minimum?

_____ Do multilingual students feel culturally disconnected from curriculums, instruction, or assessments? Do they feel that school is boring?

_____ Does your school or district take pride in being data-driven, creating a range of color-coded spreadsheets that show the test-score growth and deficits of various subgroups?

_____ Are the voices, interests, insights, and so on from multilingual students drowned out by the voices and preferences of adults, standards, yearly multiple-choice tests, and the curriculums based on them?

_____ Do students spend more time and energy on memorizing information and practicing skills than using them to build up ideas of their own?

_____ Do multilingual students engage in learning activities that lack critical and creative thinking?

_____ Do students spend large percentages of lesson time listening to the teacher, doing individual work, and not interacting with peers?

Even one of the above indicators of pedagogical injustices can significantly limit the learning and growth of students. One of the goals of this book is to help you and your setting become even more aware of the many subtle and not-so-subtle injustices that your multilingual students face.

The Main Cause of Pedagogical Injustices

As you can see in Figure 1.2, pedagogical injustices in school tend to stem from a main cause: accumulation-based learning.
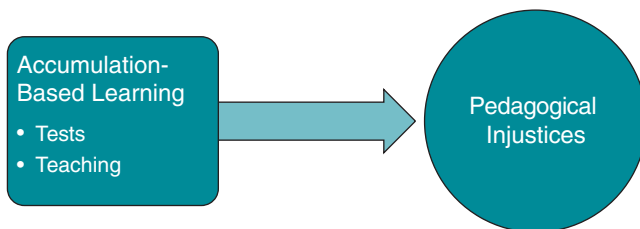
Accumulation-based learning requires students to memorize and pile up a loosely connected assortment of facts, concepts, and skills in order to get points, grades, and test scores.

Accumulation-based learning has had many names over the years. For example, Freire's banking model (1970) brings to mind teachers depositing information of their choosing into little piggie banks inside students' heads—information that students later "withdraw" for tests. Similarly, when teachers transmit knowledge to students, it is often called *transmission* learning (Slavin, 2012). Picture a radio station broadcasting to students. Later on, the information is then meant to be transmitted back to teachers and others on assessments.

In what is often called the *factory model* of schooling (Sleeter, 2015), schools act a bit like factories. Picture students of all different interests, talents, and backgrounds going into a factory (a school) and coming out the other side looking, thinking, and talking the same—that is, if they don't get rejected somewhere along the line.

And in the *teacher-centered classroom*, we can picture the teacher, like the hub in the middle of a wheel, being the giver and tester of all knowledge. The teacher asks a question, a few hands go up, one student is called on, the student gives a short answer to the teacher, the teacher gives feedback, and the pattern continues (for more on this pattern, look up IRF [initiation-response-feedback] and IRE [initiation-response-evaluation]).

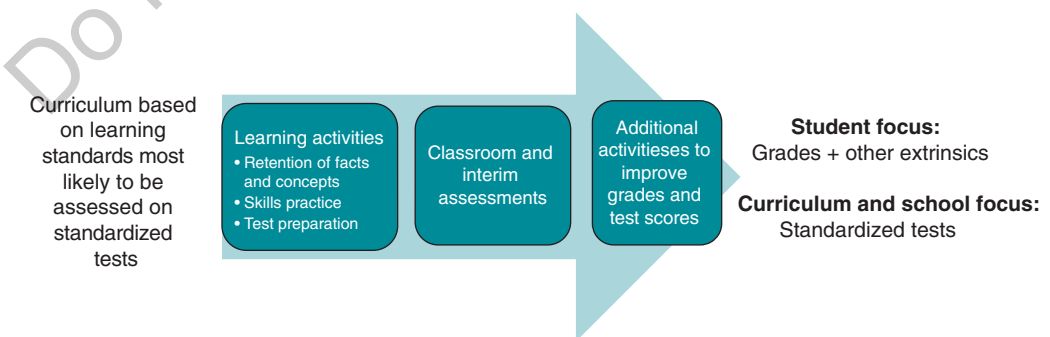### Figure 1.2   The Main Cause of Pedagogical Injustices

Other terms often associated with accumulation-based learning are "drill and kill," "passive learning," "recitation," "fidelity," "one-size-fits-all," "spray and pray," "gluing apples to the tree," "account-ability," "direct instruction," "test and threaten," "data-driven," and "follow the pacing guide." There are more, but you get the gist.

Before moving on, I want to acknowledge that not all instruction is shaped by accumulation-based learning. Instruction is very diverse, and there are many schools and teachers who are engaging students in powerful learning. But in the majority of classrooms across the United States (and world), countless hours of teaching are still largely shaped by the accumulation-based approach represented in Figure 1.3.

Starting at the far right of Figure 1.3, you see that accumulation-based learning is mostly driven by extrinsic rewards (e.g., points and grades) and standardized tests. Students tend to care more about the grades, and schools care more about the test scores. Curriculums and learning activities tend to be focused on helping students get better at choosing correct answers on classroom and interim assessments, which tend to emulate the larger year-end state tests. If students don't score well on these assessments, teachers often provide additional activities to help students improve their grades and their chances of getting more right answers on the state tests.

Much of the ELA (English language arts) and math curriculums, professional development, instructional coaching, strategy development, improvement cycles, PLCs (professional learning communities), and teacher resources have been pushing students toward

Figure 1.3 Accumulation-Based Learning Approach

Curriculum based on learning standards most likely to be assessed on standardized tests

Learning activities
• Retention of facts and concepts
• Skills practice
• Test preparation

Classroom and interim assessments

Additional activitieses to improve grades and test scores

Student focus:
Grades + other extrinsics

Curriculum and school focus:
Standardized tests

being able to score well on multiple-choice tests and scored writing assessments. The highest-stakes (for schools, that is) tests tend to assess language arts and math, but other subject areas also lean toward multiple-choice based learning in their assessments. The exceptions are art, music, drama, physical education, and technology—which many students find to be the most engaging classes.

There are two core components of accumulation-based learning that help to feed pedagogical injustices and sabotage high-quality learning for multilingual students: tests and teaching.

Tests

Schools are mandated to use multiple-choice tests because they are seen as cheap and efficient ways to assess large groups of students and compare how they do on the same(ish) test questions. Here are some of the major concerns regarding the use of such tests to assess students and schools. As you read through each of these concerns, consider how it can contribute to pedagogical injustices faced by multilingual students.

Tricks without treats. Students often feel like they are being tricked by test-writers into choosing wrong answers—which is actually true. Test-writers write distractors to be as attractive as possible (like fishing lures) to get students to choose them. Test-writers also use vocabulary, colloquial expressions, and grammar that cater to native speakers of English (Abedi et al., 2004; Menken, 2006). Many items even seem to be worded to confuse and fool students, who would likely answer more items correctly if they were worded more clearly. In other words, they might have learned the content or skills, but the language of the test items hinders authentic assessment (Abedi, 2003). Finally, many items are not focused on key content because, if the topic is important, it tends to be taught and learned by most students, which is something that bell-curve-based tests don't want. If everyone learns it and scores well on an item, it is usually thrown out (Popham, 1999). This is the best way to get a wide spread of scores on items.

Lack of choice. Tests, despite being "multiple-choice," offer very little choice for students in how they might want to show what they have learned. They never get the chance to explain why they chose an answer, right or wrong. Most of the important things we do in life are not quick, multiple-choice decisions. We need to build ideas over

time, foster relationships, compare apples and oranges, stick to a topic, read long texts, think critically for a purpose, write to real audiences, and the like. The purpose of reading each short text on tests is to answer the questions, nothing more. There is little to no building of concepts or claims on such tests. This lack of choice of how to build then transfers over into curriculums, learning activities, and even teacher and student philosophies of learning.

Disconnectedness. A basic analysis of the items on the tests quickly shows how disconnected the test-writers are from the rich lives, thoughts, and communication styles of real students in a variety of communities across the country. The tests are written by adults within the walls of some distant testing company. I remember taking what were called Iowa Tests each year in school. I grew up in Washington state. Did the students in Iowa take Washington tests? In addition, the tests' short texts jump wildly from topic to topic. Students might read a fable, then a text on coin collecting, then a text on plate tectonics, then a story about Abraham Lincoln, followed by the topic of ant colonies, and so on. There are very few settings in the real world where one needs to quickly jump around so much from topic to topic.

Validity. State tests claim to show progress in learning state standards. The content in the items, especially in ELA, often doesn't match what students learn in school (Popham, 1999). Students who acquired the knowledge and language at home have an advantage. The tests provide lengthy color-coded reports of the numbers of questions that students missed and the areas that they need to work on. Such reports give the illusion of an accurate and complete assessment of learning. This, of course, is based on the assumption that all students being compared had the same amount of motivation, energy, and language abilities. Even if the tests are perfectly valid for every single student, does it matter? Do we get information—in a timely manner—that is so insightfully valuable to teachers that they can improve learning and growth? Are the scores so valuable in shaping instruction that it is worth the shaming, stigma, stress, boring lessons, and so on, that students have to endure? The most valid information comes directly from a student's teachers and daily student work.

Item bias. Research on test items has shown that the tests are often culturally and linguistically biased (Bach, 2020). Students who have learned a standard (e.g., in ELA or math) often choose the wrong

answer because of the complicated way the question and/or answer choices were worded. I have analyzed many items and found myself saying "Why didn't they just use simpler language like . . . ?" After a while, I start asking questions like, "Are you really wanting to test learning of standards or just use confusing language to create a nice bell curve for each item and the test?" Second, tests often test language rather than content. Whether by design or accident, more complex uses of grammar and vocabulary in an item make it more difficult. Students get dinged for not knowing content that they actually might know when, in fact, it was the wording that tripped them up.

Negative impact. A significant body of research suggests that high-stakes testing negatively impacts student learning (Amrein & Berliner, 2003; Del Carmen Unda & Lizárraga-Dueñas, 2021; Nichols et al., 2012). Some studies found that, on average, the more pressure students felt to perform on tests, the less intrinsically motivated and less likely to become self-directed learners they became. Other studies have shown that high-stakes testing tends to have large *negative* impacts for students from nondominant cultural and linguistic backgrounds (Horn, 2003; Pierre, 2016; Zabala, 2007). Many students who struggle with or fail tests end up dropping out of school and/or landing in prison (Del Carmen Unda & Lizárraga-Dueñas, 2021).

Teaching

Accumulation-based teaching is shaped by multiple-choice and short-answer testing. As you read through each of these concerns related to teaching, consider how it can contribute to pedagogical injustices for multilingual students.

Quality of learning. Accumulation-based learning tends to lower the overall quality of learning, even for students who are motivated by points and like the content. It's too hard to memorize all the disconnected facts and skills presented in the standards and curriculums—especially in a second language. It's even harder to retain all the standards months and years after being tested on them. Over time, this inundation can lead to a lot of learned helplessness (e.g., "With so much to learn, why try hard?"), which significantly reduces learning.

Little wiggle room. Most of accumulation-based teaching tries to cover a broad range of standards, facts, and isolated skills that can

be tested with multiple-choice items. Commonly used commercial curriculums try to make sure every straw in every standard is learned (covered) by the end of April. Students are often overwhelmed, quickly moving from topic to topic, without much wiggle room for students falling behind in this approach. The pacing guides influence the pacing rather than student learning and growth (David, 2008).

"Neat and clean" learning. Accumulation-based classrooms tend to prefer learning that is "neat and clean," which means dicing up information and skills into pieces, putting them into lessons, and then checking them off as students answer questions correctly. For example, if a student gets three questions right on a quiz, a teacher or a machine will tell you that the student "learned" a standard, and it's time to move on.
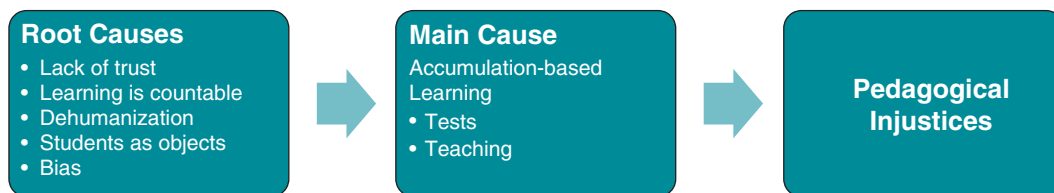
Lack of interaction. Accumulation-based teaching also tends to lack opportunities for rich student interaction. When students are expected to be receptacles and memorizers of disconnected facts and skills, they don't need to talk much. They might share short answers in a pair-share, but the interaction ends fairly quickly, with a bare minimum of language use. Multilingual learners, in particular, suffer in such settings because they are not benefiting from rich and extended interactions with peers. Such interactions would help them develop language, content, relationships, confidence, and agency. But instead, they are stuck answering a wide range of questions that are meant to quiz them rather than help them co-construct ideas.

Root Causes

Accumulation-based learning did not just appear from thin air, nor is it sustained in a vacuum. It has root causes. I list five here, but you might find more in your setting. All of the root causes, as you can see in Figure 1.4, are rooted in the mind. The root causes tend to fester in people's minds and in different layers of the system. They start with adults who form opinions and make decisions about what and how to learn (e.g., legislators, administrators, and teachers). These thoughts, many of which are harmful, often worm their way into students' minds (e.g., I'm not trustworthy, learning is countable, I'm not as human as monolingual English speakers, I'm just here to receive someone else's ideas, I'm not a good student, etc.).

As you read these root causes and engage in the activities, reflect on what they are and how prevalent they are in your setting.

Figure 1.4   Root Causes of Accumulation-Based Learning and Pedagogical Injustices

Root Causes	Main Cause	Pedagogical Injustices
• Lack of trust • Learning is countable • Dehumanization • Students as objects • Bias	Accumulation-based Learning • Tests • Teaching	

Root Cause: Lack of Trust

A major root cause of accumulation-based learning is a lack of trust in educators and students. The underlying thinking (usually from legislators and noneducators) is, "Teachers and/or students are lazy or ineffective and therefore we must keep them *accountable* through statewide tests that show us how effective they are by comparing students across the state. Those test scores will show us all we need to know to make decisions about which schools and students to punish, reform, or reward."

Not only is such thinking wrong; it is harmful. Lack of trust is never good for relationships. In this case, the relationships are between the community, district leaders, teachers, and students. When low test scores show up (usually months later), the blame game begins: Parents and community blame district leaders and teachers, district leaders blame teachers and students, and students don't blame anyone because the scores don't matter to them. When teachers, in particular, don't feel trusted, they feel that parents and community (and district leaders, sometimes) don't have faith in them to be professional, creatively apply their knowledge of pedagogy, and do their best for each student. Lack of trust makes students feel that adults don't have faith in them to take initiative, build up ideas, work together, be creative, learn from mistakes, and make decisions.

The vast majority of schools and teachers don't need to be held accountable. They are doing great work beyond the limitations of the highly problematic pedagogy of accumulation-based learning. Most teachers know that learning is not accurately represented by yearly multiple-choice test scores and that they shouldn't spend all of their class time helping students become better test-takers. What if we asked teachers and students what they would like to focus on (and not use the term "accountable" at all)? Maybe we would hear responses

such as robust learning of content concepts and idea-building skills, kindness, patience, agency, collaboration, clarity, reasoning, creativity, and so on. We look more closely at these in Chapter 2 and at ways to see these types of learning and growth in Chapter 3.

Lastly, students don't need to be "held accountable" with yearly tests. If you took the tests away, students wouldn't suddenly stop coming to school, stop engaging in learning activities, or stop doing homework. They would actually get several weeks of learning back and likely become even more engaged because their teachers would have the freedom to focus on relevant and deep learning experiences and assessments.

Root Cause: Learning Is Countable

If you think learning is mostly countable, then accumulation-based teaching is the answer. It is a tempting approach to embrace. It is highly visible. Curriculums do all that they can to fit in a wide range of activities and questions to help students memorize facts and skills for benchmark and year-end tests. There is lots of enticing "alignment" with the tests. And yet, there is seldom enough connection to students' lives, choices, interests, or ways of communicating. In too many classrooms, students see learning as a daily barrage of practice activities for points.

Countable learning has never worked well for most multilingual students. More so than their monolingual peers, multilingual students depend on rich interactions and purposeful learning to motivate them to work hard despite the challenges of learning in their non-native language. Under the guise of "closing achievement gaps" (i.e., narrowing test-score differences), many students are being corralled into stagnant learning spaces where short answers rule.

Even calls for accountability, equity, and equitable practices tend to promote surface-level treatments if the ultimate desired outcomes are mostly measured by multiple-choice tests. Students become so focused on getting lots of right answers (and doing so with the least amount of thinking) that they don't develop abilities to construct robust understandings, use higher-order thinking skills, and clarify their amazing thoughts.

Granted, some learning is countable. Quiz me on my times tables (up to 12 times 12, that is) or the names of different types of rocks, state

capitals, or spelling words and count up how many I get right. Many countable facts and skills can be useful for idea-building—if and when they are actually used for building ideas (see Chapter 4).

This book argues that we need to go well beyond memorization and count-them-up learning. Most *important* areas of learning and growth in life are not countable or easily comparable using numbers. What score(s) would you give the Eiffel Tower? Newton's Laws? Toni Morrison's *Beloved*? The theory of relativity? Democracy? The *Mona Lisa*? These products and the ideas within them are priceless and powerful without grades or points. And each one of our students is capable of similar ideas and products as well.

Root Cause: Dehumanization of Students

Another emerging term related to this work is "humanizing." It applies to pedagogy, learning, interactions, and assessment. It has a range of definitions, many of which are a mixture of key aspects stemming from constructivist, assets-based, and culturally responsive approaches. At its core, humanizing focuses on valuing all students as humans who are bursting with knowledge, hopes, destinies, talents, interests, potentials, and identities (Carter Andrews & Castillo, 2016). Humanizing is needed because of the many dehumanizing and inequitable aspects of accumulation-based instruction and assessment. Such learning, particularly at the school and district levels, tends to value students and teachers based on test scores. And it devalues anything that is not on tests, such as interests, social skills, physical abilities, artistic talents, creative writing, drama abilities, and critical thinking skills.

Many adults who make educational decisions don't treat students as young people who are fully human (Reich & Mehta, 2021). The system subtly chips away at their humanity by telling them that they don't fit in, they can't handle grade level learning, and such. As Lilia Bartolomé argues, "Therefore, any discussion having to do with the improvement of subordinated students' academic standing is incomplete if it does not address those discriminatory school practices that lead to dehumanization" (Bartolomé, 1994, p. 175).

One way of dehumanizing students is to treat them as objects. In many settings, multilingual students are seen as rough objects to be polished, shaped, and molded by the schooling and testing processes. Objects don't choose (what and how to learn), don't talk,

and don't think. We focus on filling the object with large quantities of facts and skills that we can quickly measure with test questions, much like depositing and withdrawing money from a bank (Freire, 1970). The role of these objects, ultimately, is to make our school look good (test-score-wise) and not deviate from the multiyear plan laid out for them.

This view of students as objects clearly promotes accumulation-based learning and assessment. And even though all students are seen as objects in accumulation-based pedagogy, multilingual students are often even more objectified. They are often lumped into the "English learner" category with extra needs and low test scores, all of which are considered problems that make the school look bad.

Root Cause: Bias

Bias is the unfair tendency to prefer one thing, idea, or person over others, often based on prejudice, surface features, and distorted reasoning. In education, such bias often takes the form of deficit-based views of multilingual students and having low expectations for what they can learn (Warren, 2014). In a biased system, because of students' skin colors, accents, primary languages, and/or cultural backgrounds, many are considered less likely to succeed in school, be able to think critically, and do well in life.

One type of biased thinking is the belief that students are not capable of constructing ideas, learning complex concepts, and higher-order cognition. This is a major reason for the existence of so many lists of standards, multiple-choice tests, and the factory-like model of learning that hasn't changed all that much in the last 100 years. There are even many people out there who don't want students to think deeply and excel in school, especially not multilingual students. Accumulation-based teaching, in a nutshell, has become an effective way to "control" the thinking of young people and keep marginalized students in the margins.

Bias takes other harmful forms in school, such as bias that favors decontextualized content and language. This bias comes from people who don't understand that language and content are most effectively learned *in context* (National Research Council, 2000). Accumulation-based learning, for example, requires a large amount of decontextualized, unrelated, and underrecycled language. Because of the need to use many disconnected texts to cover and

"check off" standards, students can get overwhelmed by the barrage of new and disjointed content and its language. Things pass by so quickly that there is little recycling or "rooting" of key words and phrases in the brain. When students reach their "my-brain-is-full" frustration level, their learning slows down. Multilingual students tend to reach this frustration point sooner, on average, than monolingual English-speaking students.

Education also tends to be biased toward the use of numerical data (e.g., test scores), which can be crunched and displayed in many different ways. I have been at meetings where teachers were told that their students' scores indicated the need to improve reading comprehension, word knowledge, and grammatical conventions. In one meeting, a teacher said, "I am not that surprised by any of this—because I spend all day with my students—but I can surprise you with the many additional things that they can do."

Other common biases in schools include biases toward the following:

- Silent and individual reading and writing over collaboration and student talk

- Memorization instead of idea-building

- Using "correct" English in complete sentences right away and placing more importance on correctness than communication

- Assessing with multiple-choice items and very short answers

- Traditional" teaching and thinking that major changes will be too drastic, too risky, or too much work

- Reading and math

- Valuing only "mainstream" American monolingual language use and culture(s) and assimilating students into them

There are more, but for now, take a moment to think about how such biases might play a role in promoting accumulation-based learning and pedagogical injustices in your setting.

Root Cause: Ignorance

There are two meanings of ignorance to address, both of which overlap with and contribute to the other four root causes. The first means to ignore. This includes turning a blind eye to all the evidence

of the pedagogical injustices that affect multilingual students' learning and lives. This evidence includes decades of data on how poorly the testing practices and test-based curriculums are serving our multilingual students (Au, 2020; Solórzano, 2019). It includes ignoring the suggestions and wisdom of educational experts and research. It includes ignoring the gut feelings that we are just not doing the right things for our students in school.

The other type of ignorance is not knowing. This includes not knowing students, what they know, how they learn, what they want to learn, and so on. It includes not knowing that there are other types of learning that are more effective than accumulation and transmission. Many people who make major decisions in education (e.g., boards, policymakers, curriculum writers, and administrators) do not know enough about learning and about students, especially multilingual students. They have not looked at enough research, have not talked to enough students, or engaged in enough ongoing reflection on how diverse students in their settings learn and grow. Many have spent too little time in the classroom, and many base their knowledge on their own limited schooling experiences many years ago. Some try to disguise their ignorance by relying on numbers and "common sense," thinking that education "isn't rocket science."

Ignorance tends to point people (e.g., policymakers, school boards, educators, parents) in the direction of the low-hanging fruit, which is the familiar "answers for points; more points is good" approach. But our students deserve better than low-hanging fruit. They deserve all the fruit—and the entire tree.

> How do these root causes promote accumulation-based instruction in your setting?

ACTIVITY 1.2

Recognizing Injustices in Your Setting

One of the goals of this book is to help you and your setting become even more aware of the many subtle and not-so-subtle injustices that your multilingual students face. Copy or create this chart and then work with one or more other educators to fill it in. Notice that it is based on Figure 1.4. Add to the chart over time as you hone your abilities to see and hear injustices around you.

Examples of Root Causes of Injustices in Your Setting
• Lack of trust:
• Learning is countable:
• Students as objects:
• Bias:
• Ignorance:
In your setting, what are signs of pedagogical injustices?
What are three of the most prevalent pedagogical injustices in your setting? What is evidence of them?   1.   2.   3.
How do the injustices affect your students?

Keeping the Purpose of Education in Mind

We must always keep in mind the purpose of education, which is to do as much as it can to help all students reach their many potentials. These potentials are varied, including abilities to communicate effectively, use creativity, solve major problems, build up complex ideas, collaborate, develop deep relationships, empathize, appreciate other perspectives, grow, and care.

Depriving students of the opportunities to reach their potentials is pedagogical injustice. This is what's happening to millions of multilingual students within the prevalent model of pedagogy: accumulation-based learning. If you asked 300 of the most prominent and accomplished academics to design an effective approach for learning in our schools, what would they recommend? Would it be what we have now—or something very different? It likely wouldn't be what we have now.

When we have a system that, decade after decade, disengages, marginalizes, and shames large numbers of brilliant students who have similar intelligences, desires to learn, and creativities—but differ in language and cultural backgrounds—then the system must be overhauled. Being multilingual affords many advantages in life; we cannot continue to let our school system turn it into a liability.

But challenging the status quo, especially in our current sociopolitical environment, is difficult. And it's uncomfortable to feel the tension between having to work within the confines of a harmful system and the desire to do the right thing by our students. Yet some of the most important and liberating change movements across human history started with teachers in the trenches.

The remaining chapters outline a major overhaul of accumulation-based learning. The changes are grounded in the six dimensions of pedagogical justice and in the research on educating multilingual students, language development, identity, and reducing pedagogical injustices.

Meaningful learning can and does happen without focusing on test scores. In a properly overhauled system, students can score several "levels" below grade level *every year* and still have great lives. They can reach their potentials, consider themselves to be confident learners, and be successful in a wide range of endeavors. In fact, some students

with nonstellar scores do even better in life because their schools did not waste copious amounts of lesson time and energy focused on test preparation.

The overhauled learning in this book is much messier and more complex than accumulation-based learning. It happens over time. It grows. It goes somewhere. It spirals. It builds. It adapts. It inspires. And hopefully, the following chapters will inspire you to join our small group of thoughtful and committed citizens who will change the world of education for our students.

CHAPTER IDEA

Here is one idea that you can build up from this chapter. If another idea was sparked for you, feel free to build it instead. Remember to add personal examples, definitions, questions, and insights as building blocks along with new blocks gathered from this chapter. Some sample blocks are provided.

IDEA STATEMENT: There is ongoing tension between the dimensions of pedagogical justice and the root causes of pedagogical injustices in our system.		
	We need to be aware of the injustices faced by multilingual students.	
How can we strengthen the dimensions of pedagogical justice in our setting?		A major root cause in our setting is that many educators think that learning is countable.
Being multilingual has many advantages.		

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