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# DIVERSITY EFFORTS IN INDEPENDENT SCHOOLS

Michael Brosnan\*

## INTRODUCTION

A recent *New York Times*<sup>1</sup> article points out the sluggish speed at which leading law firms promote “minority” lawyers to partner. Even as law schools graduate higher percentages of people of color,<sup>2</sup> few end up on partner lists.<sup>3</sup> No hard data explains why young lawyers of color join or leave firms. Yet it is clear that shortly after most of them come, they go. The *Times* article relies on anecdotal information. Some commentators say firms do not promote lawyers of color because they do not bring in significant business. Others say lawyers of color lack access to mentors or advocates who could give them the visibility necessary to make partner. Apparently, many lawyers of color find life as government attorneys or in-house counsel more hospitable. One African-American lawyer described her outlook as follows “As a black female associate, I’m less willing to ride it out because I don’t feel confident that there’s a light at the end of the tunnel.”<sup>4</sup> The article does not suggest overt racism at firms.<sup>5</sup> To the contrary, firms say they want to promote more minority lawyers and are genuinely frustrated at their lack of success.<sup>6</sup>

My father worked in a Wall Street firm for most of his adult life. He was a successful trusts and estates lawyer with Winthrop, Stimson, Putnam, and Roberts.<sup>7</sup> His rise in the firm, however, was a sluggish and frustrating journey. My father struggled not because of his abilities, but because of who he was: an Irish-Catholic who

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1. Jonathan D. Glater, *Law Firms Are Slow in Promoting Minority Lawyers to Partnerships*, N.Y. TIMES, Aug. 7, 2001, at 1.

2. *Id.*

3. *Id.*

4. *Id.*

5. *Id.*

6. *Id.*

7. Winthrop, Stimson, Putnam and Roberts, founded in New York in 1868, primarily serves corporations, financial institutions, and individuals in complex transactions and litigation. In 2001, the firm merged with Pillsbury Madison & Sutro LLP to form Pillsbury Winthrop LLP. The firm’s website is <http://www.pillsburywinthrop.com>.

attended Fordham Law School at night. Wrong heritage, wrong religion, wrong law school, wrong time of day. The average attorney makes partner in eight years. It took my father twenty-four years. He was hired in 1937, did more than his fair share of grunt work, and became a partner in 1961. Were my father around today, he could surely offer insight into why law firms struggle in diversifying their partnerships.

Michael Sterlacci, a long-time Winthrop, Stimson partner, says my father, who died in 1981, was the first night student and first Irish-Catholic to make partner at the firm.<sup>8</sup> "It was a very WASPy firm back then," Sterlacci says, "If you were not from Harvard, Yale, or Columbia—but mostly Harvard and Yale—you were unlikely to make partner." Sterlacci says my father was finally given a break because, at the time he was hired, the firm had an "absolute need" for a trusts and estates lawyer. Not surprisingly, except, perhaps, to some old-school partners, my father turned out to be a good lawyer—"a good people person," according to Sterlacci—who paved the way for others in Winthrop who did not fit the white shoe profile. "He paved the way for guys like me," says Sterlacci, the first Italian-Catholic partner at the firm. "He was like Jackie Robinson. He was the guy who opened their eyes. He came in without a chip on his shoulder, and he got the work done."

Of course, my father was not Jackie Robinson. He was white. Although the Irish in America were routinely discriminated against in the early 1900s, they had, for the most part, dissolved into whiteness by the 1960s.<sup>9</sup> My father also benefited from being male. When it comes to diversity, many high-end institutions—including those in education, politics, and media—have been slow to change and reluctant to promote people who do not fit a certain profile.<sup>10</sup> They are cautious institutions reflecting the broader culture of power. The first female lawyer to make partner at Winthrop Stimpson did not do so until the 1970s. Because of her, the firm had to stop holding partner lunches at The Old Man's Club, where

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8. Telephone Interview with Michael V. Sterlacci, Partner, Pillsbury Winthrop (August 2, 2001).

9. Vestiges of the stereotypes that led to such discrimination are still evident today. In the early 1970s, according to writer Maureen Dezell, "an Irish American employee in the trust department of a major Boston bank was told never to expect to hold an officer's title; Irish just didn't." MAUREEN DEZELL, *IRISH AMERICA: COMING INTO CLOVER: THE EVOLUTION OF A PEOPLE AND A CULTURE* 56 (2000).

10. These institutions generally reflect English-American standards and do not adequately represent diverse cultures. Ashley W. Doane, Jr., *White Identity and Race Relations in the 1990s*, in *PERSPECTIVES ON CURRENT SOCIAL PROBLEMS* (Gregg Lee Carter ed., 1997).

women were taboo.<sup>11</sup> The first African-American to make partner did not do so until the 1990s.

Independent schools are wrestling with the same concerns as law firms. They are trying to diversify their teaching staffs and student bodies, but are having limited success. Some schools "get it," but many do not. An estimated twenty-five percent of independent schools in the nation have few, if any, teachers of color, and most have a fairly low percentage of students of color.<sup>12</sup>

In many ways, independent schools are not unlike top law firms. In fact, many lawyers attend independent schools before going on to Harvard or Yale. They are elite institutions, primarily supported by tuition and charitable contributions, rather than by tax or church funds, and have a history of attracting children of the upper class. To their credit, independent schools have always aimed, not only to attain academic excellence, but also to shape moral character. Phillips Exeter Academy in New Hampshire,<sup>13</sup> for example, has educated students for over two centuries according to the teachings of its original founder, Dr. John Phillips. In 1781, Phillips made clear that shaping character was integral to the school's mission:

Above all, it is expected that the attention of instructors to the disposition of the minds and morals of the youth under their charge will exceed every other care; well considering that though goodness without knowledge is weak and feeble, yet knowledge without goodness is dangerous, and that both united form the noblest character, and lay the surest foundation of usefulness to mankind.<sup>14</sup>

Most independent schools have mission statements similar to Exeter's creed.<sup>15</sup> Updated statements of older schools and state-

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11. Information on the Old Man's Club is available at <http://msnhomepages.talkcity.com/StageSt/oldmansclub>.

12. For the 1998-1999 academic year, students of color represented only 17.8% of the overall National Association of Independent Schools ("NAIS") school population, and only 9% of all teachers in NAIS schools were of color. <http://www.nais.org/inform/press/diversity/html>.

13. Phillips Exeter Academy is a private boarding school in Exeter, New Hampshire. In 2001, the school had 1006 students. Roughly one third of the senior class of 2000 attended Ivy League colleges. Carolyn Kleiner, *Outstanding Boarding Schools Guide*, U.S. NEWS & WORLD REP., May 14, 2001, at 44. The website for Phillips Exeter is <http://www.exeter.edu>.

14. The Phillips Exeter Academy mission statement is available at <http://www.exeter.edu/principal.htm>.

15. See, for example, the Ethical Culture Fieldston School mission statement at <http://www.ecfs.org/about.htm>, or The Calhoun School mission statement at <http://www.Calhoun.org/about.htm>.

ments of new schools speak more directly of inclusivity, making use of words like “diversity” or “multicultural.” Beaver Country Day School, a progressive independent school in the Boston suburbs,<sup>16</sup> revamped its mission statement to state the following: “All who work and study here participate in the development of ethical standards, mutual respect, and personal responsibility. As a multicultural community, we value and support diversity as essential to our school culture. At Beaver, students prepare themselves to be actively involved citizens in the world.”<sup>17</sup>

Along with academic preparation, independent schools have long considered training in character and citizenship key ingredients of a good education. In recent years, independent schools have begun committing themselves to diversity. Schools are recruiting more students and teachers of color and have transformed their curriculums to better address race, gender, class, religion, and sexual orientation. The desire to diversify is born of a tradition of service viewed through a modern lens—the same lens law firms use to inspect their own commitment to diversity. Howard Gardner’s work on multiple intelligences<sup>18</sup> and the work of other researchers on gender<sup>19</sup> is even leading schools to consider learning styles more carefully. Some schools feel they are making great strides in diversifying their curriculum. Others do not, although they are committed to the process and hope for better results in the near future. As the dean of faculty at The Winsor

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16. The Beaver Country Day School in Chestnut Hill, Boston was spawned by the progressive education movement, a movement that emphasized hands-on activity, individual first-hand observation, and the needs of students. Elizabeth New Weld, *For Many, Going Private is the Choice; Methods Vary, but Quality Education is the Common Goal*, BOSTON GLOBE, Dec. 18, 1991, at 1. The Beaver Country Day School’s website is <http://www.beavercds.org>.

17. The Beaver Country Day School mission statement is available at <http://www.beavercds.org>.

18. The theory of multiple intelligences was developed in 1983 by Howard Gardner, professor of education at Harvard University. It suggests that the traditional notion of intelligence, based on I.Q. testing, is too limited. Instead, Gardner proposes eight different intelligences to account for a broader range of human potential in children and adults. For details, see HOWARD GARDNER, *FRAMES OF MIND: THE THEORY OF MULTIPLE INTELLIGENCES* (Basic Books 1993) (1983) and HOWARD GARDNER, *INTELLIGENCE REFRAMED: MULTIPLE INTELLIGENCES FOR THE 21ST CENTURY* (2000).

19. *E.g.*, KATHLEEN WEILER, *WOMEN TEACHING FOR CHANGE: GENDER, CLASS & POWER: CRITICAL STUDIES IN EDUCATION SERIES* (1988) (addressing the role of schools in reproducing the inequality and oppression of women).

School in Boston says, "Progress with diversity is so slow and maddening sometimes."<sup>20</sup>

### I. A LITTLE HISTORY ON THE MORAL IMPERATIVE FOR CHANGE

If the press and general public take potshots at independent schools for being socially exclusive, one can understand why. In his book, *Lessons from Privilege: The American Prep School Tradition*, Arthur Powell delves deep into the historical exclusivity of these schools, tracing it back to the 1930s when "prep schools assumed that homogeneous communities were major assets."<sup>21</sup> By mid-century, Powell notes,

alongside a cultural elitism irrelevant and uninteresting to most Americans lurked a social exclusivity very easy to dislike. Prep schools opened their doors to desirable student groups and closed their doors to others. In the eyes of critics such as C. Wright Mills . . . exclusive prep schools were agents in a conspiracy of the already privileged to perpetuate their privilege forever.<sup>22</sup>

Traditional independent schools of the Northeast excluded students based on their race and religion.<sup>23</sup> In the South, in reaction to mandated public school desegregation following *Brown v. Board of Education*,<sup>24</sup> many independent schools were founded for the exclusive education of white children.<sup>25</sup>

This history of discrimination is part of the fuel driving morally guided change in independent schools and is leading them to debate the public purpose of private schools—to consider their own role in supporting a dominant white culture. Today most independent schools are questioning their exclusive nature and embracing diversity and greater connection to the community at large. Still, as Art Powell notes, "Near the century's end most were perhaps more apt to celebrate diversity than to attain it."<sup>26</sup> The road to

20. Telephone Interview with Christopher Bull, Dean of Faculty, The Winsor School (August 16, 2001).

21. ARTHUR POWELL, *LESSONS FROM PRIVILEGE: THE AMERICAN PREP SCHOOL TRADITION* 84 (1996).

22. *Id.* at 85.

23. *Id.* at 85-86. See generally PETER W. COOKSON, JR. & CAROLINE HODGES PERSELL, *PREPARING FOR POWER: AMERICA'S ELITE BOARDING SCHOOLS* 51 (1985).

24. *Brown v. Bd. of Educ.*, 348 U.S. 886 (1954).

25. Lisa M. Fairfax, *The Silent Resurrection of Plessy: The Supreme Court's Acquiescence in the Resegregation of America's Schools*, 9 TEMP. POL. AND CIV. RTS. L. REV. 1, 41 (1999).

26. POWELL, *supra* note 21, at 90.

equity and justice is a bumpy one for independent schools, many trying awkwardly to change their student bodies without changing their essential nature.

Because diversification is difficult, the National Association of Independent Schools (NAIS), which represents more than 1100 schools nationally, decided to make diversity efforts a priority in the 1980s. It founded an office of diversity and established an annual People of Color Conference.<sup>27</sup> NAIS also established an office of gender equity to focus attention on school practices that treat women and girls unjustly.<sup>28</sup> In the 1990s, it added to its list of principles of good practice for member schools a set of "Principles of Good Practice for Equity and Justice,"<sup>29</sup> which quickly became overarching maxims for school operations. Regional and state associations of independent schools now acknowledge the importance of this work, holding diversity workshops and connecting, when possible, with the national association. Speakers addressing diversity issues have tended to draw large audiences at recent NAIS annual conferences. The talk is rich, as schools peel back layers of unintended bias not even acknowledged a decade ago.

Diversification efforts are even spilling over campus boundaries. As Al Adams, head of Lick-Wilmerding School in San Francisco,<sup>30</sup> writes, "Independent schools are uniquely positioned to make a difference in the public domain. Given the societal turf independent schools occupy, the considerable resources they command, and the powerful network of caring and influential people they attract, independent schools have the opportunity—and, I believe, obligation—to do more than educate 1.5 percent of our nation's children exceptionally well."<sup>31</sup> Indeed, a host of programs designed to connect independent schools with a needy public have blossomed in recent years. Among other programs, Lick-Wilmerding High School started Aim High, a six-week sum-

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27. People of Color Conference information is available at <http://www.nais.org>. The conference is essentially for educators and students of color in independent schools, but some white "allies"—white people interested in diversity issues—also attend. *Id.*

28. *Id.*

29. NAIS Principles of Good Practice ordering information is available at <http://www.nais.org>.

30. Lick-Wilmerding, located in San Francisco, California, is an independent, co-educational college preparatory day school emphasizing technical and fine arts course work. The school's website is <http://www.lick.pvt.k12.ca.us>.

31. Al Adams, *The Public Purpose of Private Schools: Putting Independent Shoulders to the Commonwealth*, INDEP. SCHL., Fall 2000, at 12, <http://www.nais.org/inform/magazine/fall/fall00/f00adams.html>.

mer enrichment program that assists low-income San Francisco middle-school students at risk of dropping out.<sup>32</sup> In 1978, San Francisco University High School started its Summerbridge program, a tuition-free summer program designed to prepare academically talented inner-city middle schoolers for college preparatory programs.<sup>33</sup> Today, twenty-seven schools across the country—public and private—run Summerbridge programs.<sup>34</sup> In 1990, Phillips Academy, in Andover, Massachusetts, founded the Institute for Recruitment of Teachers (IRT), a summer program designed to encourage more college students of color to pursue advance degrees and careers in education.<sup>35</sup> “By 2010,” the institute reports, “the IRT projects that at least 1200 of its graduates will be working at all levels of education, from elementary schools to universities.”<sup>36</sup> A number of independent schools—The Hyde School in Maine, Phillips Exeter Academy in New Hampshire, and the Calvert School in Maryland among them—have gotten involved in the charter school movement, either by directly setting up charter schools for inner-city students, or by supporting charter schools with their knowledge and expertise. Deerfield Academy in Massachusetts and The Athenian School in California have participated in global programs aimed at greater understanding of differences worldwide.<sup>37</sup> This is a very small sampling.

Extending the school program beyond the campus for community service reasons is, of course, not directly connected to diversifying a school’s student body and teaching staff. But these separate goals are linked by the notion that independent schools ought to use their resources to reduce social inequities. This is a fundamental change in thinking for independent schools. Most are no longer content to merely serve the wealthy and upper-middle class. In-

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32. Julian Guthrie, *Students Aim High, Naturally; Low-Income Kids Make Classroom of Marin Headlines*, S.F. EXAMINER, July 29, 1997, at A-1. The Aim High program’s website is <http://www.aimhigh.org>.

33. Ervin Dyer, *Summer Study Program Aims to Encourage Love Of Learning*, PITTSBURGH POST-GAZETTE, Aug. 7, 2000, at C-3; Karel Holloway, *Try Teaching*, DALLAS MORNING NEWS, Aug. 8, 2000, at 20A. Further information on the San Francisco University High School Summerbridge program is available at <http://web.sfuhs.org/summerbridge/summerbridge.htm>.

34. The Summerbridge program website is <http://www.summerbridge.org>.

35. Donna Milmore, *Bringing the Best into Teaching*, BOSTON GLOBE, Aug. 17, 1997, at E1; Lauren Shaper Walters, *Minorities Attend ‘Grad School Boot Camp’*, CHRISTIAN SCIENCE MONITOR, Aug. 23, 1993, at 12.

36. *Id.*

37. Tanya Schevits, *Real-World Education; Athenian School Students Understand International Issues—They’ve Lived Them*, S.F. CHRON., May 1, 1998, at 1. The schools’ websites are <http://www.deerfield.edu> and <http://www.athenian.org>.



creasingly, they find themselves considering their role in broader social questions of equity and justice.

At the heart of diversity work is a clear understanding that, racially speaking, the playing field has never been level. Pick up any issue of *Education Week* and one will find a story on race-based educational opportunity advantages. In one such article,<sup>38</sup> Julian Weissglass, director of the National Coalition for Equity in Education, argues that a deep-seated racism, still quite invisible to many, is at the heart of the education achievement gap between white students and students of color. The advantaged race in America is white. With this advantage comes access to better schools. If you agree with this (and it is hard not to), you start to view independent schools as contributors to American racial inequity. Of course, this does not mean independent school administrators are responsible for racism. They are, however, in a unique position to shift community thinking towards embracing diversity. But progress is slow.

According to the National Center for Education Statistics, about 40% of students in the nation's classrooms are students of color.<sup>39</sup> In independent schools, the percentage of students of color nationwide is closer to 17%—up from 14% a decade ago.<sup>40</sup> At face value, these statistics indicate the nation's public schools are doing a much better job than independent schools when it comes to diversity. Yet, while the numbers are higher in public schools, public schools wrestle with diversity in other ways. A recent study by the Harvard Civil Rights Project indicates that the 40% of students who are racially diverse are not integrated across the board.<sup>41</sup> In fact, segregation of white students and students of color is higher today than it was thirty years ago.<sup>42</sup> Seventy percent of all African-American students, for instance, attend schools that are predominantly African-American.<sup>43</sup> In the South, the percentage of African-American students in public schools is slightly lower today

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38. Julian Weissglass, *Racism and the Achievement Gap*, EDUC. WK., Aug. 8, 2000, at 72.

39. NAT'L CTR. FOR EDUC. STATISTICS, U.S. DEP'T OF EDUC., THE CONDITION OF EDUCATION, 2000 IN BRIEF 7 (2001), available at <http://nces.ed.gov>.

40. NAT'L ASS'N OF INDEP. SCHS., NAIS STATISTICS 2000, VOL. 1 (2001).

41. GARY ORFIELD, THE CIVIL RIGHTS PROJECT—HARVARD UNIVERSITY SCHOOLS MORE SEPARATE: CONSEQUENCES OF A DECADE OF RESEGREGATION 2 (2001), available at <http://www.law.harvard.edu>.

42. *Id.* at 30.

43. *Id.* at 31.

than it was twenty-five years ago. In several of his books,<sup>44</sup> Jonathan Kozol notes a few deep pockets of segregation,<sup>45</sup> including the Bronx's Mott Haven neighborhood where "less than two tenths of 1 percent of school enrollment . . . [is] represented by Caucasian children."<sup>46</sup> Julian Weissglass also points out that "institutionalized racism" within public schools contributes to the divide even in diversified schools.<sup>47</sup> The point here is not to shine a kinder light on independent schools, but to place their struggles in the context of American education and society.

Still, independent schools know they can and should do more. When it comes to hiring teachers of color, independent schools know their track record is particularly bad. In their soon-to-be-published book,<sup>48</sup> authors Pearl Rock Kane and Alfonso J. Orsini point out that "just over 7 percent of the . . . teachers employed by independent schools [are] people of color as compared with the approximately 13 percent teachers of color working in our nation's public schools."<sup>49</sup> In their own 1997 study,<sup>50</sup> the authors combed these numbers. If you take Hawaii out of the picture (where there are many teachers of color), the percentage of teachers of color in independent schools falls to under five percent. The authors also found that 233 schools (twenty-seven percent of those surveyed) did not have any people of color on their staffs.<sup>51</sup> These figures, the authors write, "suggest many students graduating from independent schools may never interact with a teacher of color during their pre-collegiate studies."<sup>52</sup>

Schools should dedicate themselves to equity and justice if they view themselves as responsible members of an equitable and just society—and if they are to adhere to their published nondiscriminatory policies. But this argument must be applied at the human

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44. JONATHAN KOZOL, *AMAZING GRACE* (1995); JONATHAN KOZOL, *ORDINARY RESURRECTIONS* (2000); JONATHAN KOZOL, *SAVAGE INEQUALITIES* (1991).

45. In *Savage Inequalities*, Kozol points out that the North Lawndale and South Side areas of Chicago are extremely segregated, with "the last white families having left in the 1960's." KOZOL, *SAVAGE INEQUALITIES*, *supra* note 44, at 40-43. In *Amazing Grace*, Kozol also points to segregation in areas such as Washington Heights and Harlem, not far from Mott Haven. KOZOL, *AMAZING GRACE*, *supra* note 44, at 3.

46. KOZOL, *ORDINARY RESURRECTIONS*, *supra* note 44, at 4.

47. Weissglass, *supra* note 38, at 72.

48. PEARL ROCK KANE & ALFONSO J. ORSINI, *PEOPLE OF COLOR IN INDEPENDENT SCHOOLS* (forthcoming 2002).

49. *Id.*

50. *Id.*

51. Pearl Rock Kane & Alfonso J. Orsini, *Attracting and Retaining Teachers of Color*, INDEP. SCHL., Fall 1999, <http://www.nais.org>.

52. *Id.*

level, to individual relations within a school. Kane and Orsini conclude that for students of color,

many of whom have moved alone into a very elite version of white-dominated society, the teacher of color who has already successfully negotiated such a world could be a great source of wisdom, a provider of cues for behavior, a source of inspiration, and a cultural decoder. For white students and many students of color as well at these institutions, many of whom have seen people of color working only in service and labor positions, teachers of color could be the only people of color they see in professional roles.<sup>53</sup>

## II. PRACTICAL REASONS FOR DIVERSIFYING INDEPENDENT SCHOOLS

“[D]emography is destiny,” says Patrick Bassett, president of NAIS.<sup>54</sup> The demographic make-up of America is changing. The United States will soon be far more diverse than it is today. By the year 2030, all racial groups will fit the definition of “minority.”<sup>55</sup> In a 1999 article in *Independent School* titled “Tomorrow Is Today,” authors Peter Braverman and Scott Looney describe demographic, sociological, and economic trends indicating a very different marketplace for independent schools in the coming decades. “Schools [that] take assertive positive action to attract and retain a wider array of students and families will find the marketplace of the early twenty-first century more hospitable,” they write, “waiting much longer may mean waiting too long.”<sup>56</sup> Trends indicate that by the mid-21st century, the U.S. population will comprise “many more families not traditionally represented in private schools.”<sup>57</sup>

Realistically, economics motivates a school as much as mission. As Braverman and Looney note, schools interested in their balance sheets should be interested in demographic trends and what those trends suggest about the future. Schools must start marketing themselves to a broad spectrum of families, teachers, and administrators.

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53. KANE & ORSINI, *supra* note 48.

54. Patrick Bassett, *Taking Action on Diversity*, INDEP. SCHL., Fall 2001, at 7, <http://www.nais.org>.

55. Peter Braverman & Scott Looney, *Tomorrow Is Today: Preparing Independent Schools for Greater Accessibility and Diversity*, INDEP. SCHL., Spring 1999, <http://www.nais.org>.

56. *Id.*

57. *Id.*

Schools are also pushing to diversify their student bodies and teaching staffs in order to prepare students for the adult world to come. Schools preparing their students for the future must show them how to function in a multicultural organization. Over the past decade, corporate America has been working hard to train top and middle executives to manage a diverse workforce.<sup>58</sup> The literature is voluminous.<sup>59</sup> Schools, in delayed reaction, are starting to see the advantages students from diversity laden schools have when entering the corporate world—mostly with respect to race, but also with regards to gender, religion, class, and sexual orientation.

Consequently, many schools are working hard to make their curricula more multicultural. Many independent schools want all their students to see themselves reflected in their studies. This goal spurs a more balanced approach to history, showcasing non-European cultures as well as literature studies less heavily weighted in favor of white men. Schools are also teaching new versions of old stories: the “discovery” of America, American slavery, the detaining of Japanese-Americans during World War II. They are emphasizing women’s contributions to history. They are teaching anti-bias classes for students and adults. The dean of faculty at The Winsor School in Boston sums up what many independent schools are now thinking: “It’s a mis-education to say that everything of importance came from white people, as many schools have been doing. If we are to offer the quality education we say we offer, we have to present to our students a more accurate view of the world and of history.”<sup>60</sup>

Providing students with the best possible education so they may function well in the world they will inherit is a pragmatic task, but one connected to a moral imperative. Most independent schools understand they are educating a high percentage of future American leaders.<sup>61</sup> As future leaders, these students must learn to deal thoughtfully with a multicultural world, and understand mispercep-

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58. James Regan, *How About a Firm Where People Actually Want to Work?: A “Professional” Law Firm for the Twenty-First Century*, 69 *FORDHAM L. REV.* 2693, 2706 (2001).

59. E.g., Deborah Ramirez & Jana Rumminger, *Civil Rights in the New Decade: Race, Culture and the New Diversity in the New Millennium*, 31 *COLUM. L. REV.* 481 (2000); Steven A. Ramirez, *The New Cultural Diversity and Title VII*, 6 *MICH. J. RACE & L.* 127 (2000); Regan, *supra* note 58, at 2706.

60. Telephone Interview with Christopher Bull, Dean of Faculty, The Winsor School (Aug. 16, 2001).

61. President George W. Bush (Phillips Academy), Supreme Court Justice John Paul Stevens (University of Chicago Laboratory School) and Microsoft founder William H. Gates (Lakeside) all attended independent schools.

tions of race better than past generations of students. President Bill Clinton spoke of this intersection of practical and moral purpose in his 1995 Affirmative Action Address. He said, "I am absolutely convinced we cannot restore economic opportunity or solve our social problems unless we can find a way to bring the American people together. . . . Discrimination is not just morally wrong; it hurts everybody."<sup>62</sup>

Schools are also considering how to account for various intelligences—linguistic, logical-mathematical, spatial, musical, bodily-kinesthetic, interpersonal, intrapersonal, naturalist.<sup>63</sup> They are trying to level the playing field on other levels, while continuing to offer the sort of academic preparation that is the hallmark of independent school success. Some schools, such as The New City School, in St. Louis, Missouri, redesigned their curriculum to allow students to take advantage of their strengths in learning. New City School even published three books on the subject.<sup>64</sup>

Diversity discussions have led many secular independent schools to reconsider their adherence to Christian holidays at the expense of holidays and holy days from other traditions. Schools have also formed student groups based on identity: African-American, Asian-American, and gay and lesbian groups are becoming more common.

A school's commitment to diversity requires all sorts of changes, especially to the curriculum. At Beaver Country Day School,<sup>65</sup> a conscious effort to get back to the school's progressive roots has led to a host of curriculum changes. "Along with a college preparatory curriculum in which multicultural content and an array of teaching methods are a priority," says Peter Gow, the school's academic dean

students also take graded, homework, and credit-bearing courses in such topics as 'Cultural Literacy' (seventh grade), 'Social Issues and Service' (ninth grade), and 'Social Justice' (tenth grade). The ninth-grade ethics course, called 'Dilemmas,' is taught entirely through the problem-based learning method and

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62. William J. Clinton, Remarks at the National Archives and Records Administration (July 19, 1995), in 31 WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS 1256, 1257.

63. GARDNER, INTELLIGENCE REFRAMED, *supra* note 18.

64. THOMAS R. HOERR, BECOMING A MULTIPLE INTELLIGENCES SCHOOL (2000); THE NEW CITY FACULTY, CELEBRATING MULTIPLE INTELLIGENCES: TEACHING FOR SUCCESS (1994); THE NEW CITY FACULTY, SUCCEEDING WITH MULTIPLE INTELLIGENCES: TEACHING THROUGH THE PERSONAL INTELLIGENCES (1996).

65. The school's website is <http://www.beavercds.org>.

presents cases involving homophobia, gender bias, anti-Semitism, and racism.<sup>66</sup>

This work connects with recent gender studies investigating how girls and boys learn. In her book, *How Girls Thrive*, JoAnn Deak writes about the importance of the three C's in educating girls: confidence, competence, and connectedness.<sup>67</sup> Schools cannot build a girl of color's confidence, competence, or connectedness if she feels isolated and does not see others like her among students and faculty and in the books she reads. Self-esteem can plummet, stymieing academic and social success. As schools recognize this, they start to change.

In short, the combination of a moral imperative and better educational practices are leading independent schools in directions they've never gone before.

### III. HIRING AND RETAINING TEACHERS OF COLOR

Diversifying a school with a tradition of being predominantly white (and sometimes predominantly Christian) requires work on many fronts. But independent schools are under the most pressure to diversify their teaching staffs. Schools want teachers of color on their staffs, but overall, independent schools employ only around seven percent teachers of color.<sup>68</sup> Many schools struggle to diversify their teaching staff. Some have devised useful strategies.

Any effort to hire teachers of color, to be successful, must coincide with steps to become a multicultural organization. It is not enough to bring in a Latino or Asian-American teacher and announce the job complete. A school's climate and culture must be completely restructured, from the board of trustees down, to fulfill its stated mission. After that, administrators must be ready to discuss and debate the value of the school's diversity efforts—to continuously take its pulse, like a long-distance runner. Doing so creates an atmosphere and culture inviting to teachers of color. They will not only come, like young lawyers to top law firms,<sup>69</sup> but they will stay.

What follows is an essential list of steps schools have taken to diversify their teaching staffs. Much of it comes from the work at

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66. Peter Gow, *Reaching Every Student: Conjoining Curriculum and Diversity*, IN-DEP. SCHL., Fall 2001.

67. JOANN DEAK, *HOW GIRLS THRIVE: AN ESSENTIAL GUIDE FOR EDUCATORS (AND PARENTS)* (1998).

68. Kane & Orsini, *supra* note 51, at 40.

69. See *supra* text accompanying notes 1-6.

Beaver Country Day School in Massachusetts, which hired more than a dozen teachers of color in two years. Eighteen percent of the school's teaching staff is now composed of faculty of color. Other schools have taken these same steps, some overlapping Beaver's efforts, others creating new techniques.

#### **A. Connect the Need to Hire More Teachers of Color with the School's Mission**

Diversity starts with a mission. A school, especially its head, must make sure everyone understands the mission. A school can analyze its performance in light of its mission only if that mission includes a statement about the importance of diversity and inclusiveness.

#### **B. Clarify the School's Climate and Culture**

Schools that successfully hire teachers of color are schools not content to live with uncertainty about diversity. The schools want to know exactly how well or badly they are doing. Some hire consultants specializing in organizational diversity. Many hire directors of diversity, not just to coordinate diversity programs, but to view everything a school does through the lens of diversity. This includes curriculum, hiring, admissions, fund-raising, business practices, and even food service. "Tradition" is an important word in the independent school world, but schools are learning to distinguish between deeply held values and easily changed habits.

Some schools connect with other schools wrestling with the same issues. They share stories and ideas, using each other as sounding boards. A small number of independent schools have joined the National Coalition for Independent School Renewal (NCISR)<sup>70</sup> to ensure that school renewal, with diversity at its heart, is always on their minds. Other schools hold similar discussions in regional and state association meetings and conferences.

#### **C. Create a Sense of Urgency**

Independent schools are in no rush to diversify for the simple reason that a school, under current economic conditions, can continue to function without diversifying its staff or student body. As long as the affluent want to send their children to good colleges,

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70. NCISR is an organization dedicated to promoting innovation and change among independent schools. It provides networking and professional development opportunities as well as resources for educators and schools. Information about NCISR is available at <http://www.ncisr.org>.

independent schools will have applicants. To generate urgency, school heads find they must point to the practical reasons and moral imperatives driving diversification. Diversity efforts require a school head who is part owner, part head coach, part cheerleader and part player, helping everyone in the school understand that hiring people of color is an institutional strategic priority.

#### **D. Make the Case that Hiring People of Color is Good for Business**

The logic behind this step is compelling.<sup>71</sup> A diverse educational experience prepares students for the world to come. If a school promises to prepare its students for the future, it must show them how to function in a multicultural organization. Schools must express diversification rationales clearly enough, loudly enough, and often enough to convince everyone they are serious about change.

#### **E. Outline Strategic Issues Related to Hiring More Teachers of Color for the Coming Year**

A mission statement is a school's lodestar, but a step-by-step plan to achieve the mission is also necessary. Along with clarifying the mission of becoming a multicultural organization, successful schools clarify the steps they must take to reach their goal.

Some schools have specific goals. One school, believing that part of being educated means being taught in part by people of color, set a goal of having every child spend at least one period per day with a teacher of color. The Winsor School's goal is that all students will see their "face" (their race) reflected in the faculty.

Every school has an overarching strategic plan for conducting business. Diversity plans should be threaded throughout that overarching plan.

#### **F. The Head Must be Empathetic, but Uncompromising**

Diversification challenges the status quo. Teachers and administrators in white-dominant schools, having prepared students for college for years without feeling the need to diversify the student body or staff, easily get defensive about what seems an attack on their way of doing things. They point to the advanced placement programs, the college-admission records, the achievements of alumni, the brilliance of certain teachers, the community service, and the infusion of values to justify the status quo. They point to

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71. *Supra* text accompanying notes 55-68.



whatever their school does well. Some teachers say an emphasis on diversity is divisive, and that it is better to focus on our common humanity. Others go further and argue for color-blind policies and programs.

This is where school heads really earn their keep. They must be uncompromising because the mission statement requires them to be uncompromising. But they must also be empathetic. Change is hard, and changing a school's culture and climate, its essential character, is harder still.

### **G. Advertise Positions Widely**

Schools that successfully hire teachers of color have weaned their schools off job fairs. Independent school job fairs are nice "one-stop shops" that allow a school to interview a number of hungry candidates at once. But they probably will not turn up many candidates of color. To get the candidates of color, schools must advertise in places people of color are apt to see their ads, including major newspapers and the Internet.<sup>72</sup> Some schools visit and recruit from African-American dominant colleges and universities,<sup>73</sup> or post ads in people of color publications.<sup>74</sup> They also visit a wide array of colleges and universities that have teacher education programs.

### **H. Do Not Hire Résumés**

People tend to hire candidates like themselves. They also fall into the trap of hiring candidates with the most impressive résumés, reasoning that such candidates are the "most qualified." Schools that have successfully hired teachers of color have learned to think carefully about the qualities they really want.

As the author Beverly Daniel Tatum notes,

Schools concerned about meeting the needs of an increasingly diverse student population should be looking specifically for teachers of all backgrounds with demonstrated experience in working with multiracial populations, with courses on their transcripts like Psychology of Racism, Race, Class Culture, and

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72. Advertising resources include, for example, <http://www.nytimes.com>, <http://www.monster.com>, and <http://www.hotjobs.com>.

73. African-American dominant colleges include, for example, Howard University, Clark Atlanta University, and Texas Southern University.

74. People of color publications include, for example, *Ebony*, *Black Enterprise*, and *Hispanic Business*, as well as smaller regional publications.

Gender in the Classroom; and Foundations of Multicultural Education, to name a few.<sup>75</sup>

The essential message: Clarify what qualifications are important; ignore everything else. A common criticism of affirmative action is that “less qualified” candidates of color are chosen over “more qualified” white candidates. This should not be the case; all serious candidates should be qualified to do the job. When it comes to choosing between equally qualified white and African-American candidates, however, those doing the hiring must not respond to extraneous aspects of the white candidate’s résumé. They may be impressive, but they do not make him or her more qualified, and should not be the deciding factor.

### **I. Consider the Content of Job Advertisements and Job Descriptions**

Peter Hutton, Head of Beaver Country Day School, points out the near mathematical impossibility of hiring a teacher of color based on the criteria noted in the typical job ad. If, for instance, a school looks for a teacher who “has familiarity with independent schools” (often code for “attended an independent school”), the odds of finding a teacher of color are close to those of being attacked by a shark.

If 5 percent of the independent school graduates go on to become teachers, and 1 percent of the U.S. population attends independent schools, and 9 percent of this 1 percent are people of color, how can you possibly expect to find teachers of color familiar with independent schools? Schools like to hire teachers who fit a particular mold, but we can’t continue to do this if we want more teachers of color.<sup>76</sup>

### **J. Get to Know More People of Color**

Peter Hutton also points out that “A person responsible for hiring should put himself or herself in places, both professionally and personally, where he or she will have contact with people of color.”<sup>77</sup> We all use networking in our lives—for friendship, support, and profit. Those in charge of hiring teachers of color need to

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75. BEVERLY DANIEL TATUM, “WHY ARE ALL THE BLACK KIDS SITTING TOGETHER IN THE CAFETERIA?” AND OTHER CONVERSATIONS ABOUT RACE 125 (1997).

76. Interview with Peter Hutton, Head of Beaver Country Day School (July 1, 2001).

77. *Id.*

start establishing networks that will connect them to more people of color.

The Winsor School, like others, is working hard to connect with its parents of color, knowing full well that those parents can help in finding more teachers of color.

### **K. Offer Incentives to Others**

Just as phone companies give breaks when a customer signs up friends and family, some schools are offering financial rewards (say \$1,000) to teachers who recommend candidates of color who eventually sign on full-time. School heads also recruit parents and school alumni to help connect the school with potential candidates fairly quickly.

### **L. Make the School Attractive to Teachers of Color**

It is one thing to get candidates of color, but another to retain them. Schools need to think carefully about the job from the candidate's point of view and ask, why should a teacher of color work at this school? Schools may point to the school's low student-teacher ratio, the great success in college admissions, and the high degree of autonomy in the classroom. Fabulous perks accompany teaching in an independent school, but they are not enough.

Pearl Rock Kane and Alfonso Orsini, in an article on attracting and retaining teachers of color, note specific qualities that make a school attractive to teachers of color.<sup>78</sup> The most important question schools must ask themselves, they say, is will a candidate entering the school be greeted with warmth and acceptance and interest, or with a posture of exalted scrutiny?<sup>79</sup>

According to Kane and Orsini's research, teachers of color need professional support and mentoring.<sup>80</sup> They need a school to have a significant percentage of people of color on the administrative and teaching staffs.<sup>81</sup> If a school's people of color are predominantly support staff, which is true for most schools, the school will have trouble attracting candidates of color.

Teachers of color, not surprisingly, want a real voice in the school. They want to feel respected for their contributions. They want a significant population of students and adults of color and a multicultural curriculum. Some schools, like The Winsor School,

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78. Kane & Orsini, *supra* note 51.

79. *Id.* at 41.

80. *Id.*

81. *Id.*

conduct bias training workshops for all faculty and administrators. Schools find it especially important, in the process of becoming multicultural, to have carefully orchestrated forums for discussing diversity related ideas.

Furthermore, in the interview stage, many schools make sure candidates of color meet with current teachers of color on campus. Candidates may be discreet, but they are definitely concerned about their role on a predominantly white campus. It helps them immensely to meet with current teachers of color to talk about their experiences at the school.

Some schools are finding they can take additional steps to retain teachers of color. Providing ongoing support for such teachers is key. Establishing mentoring opportunities and networks of support is one way schools do this. They also set aside money and time for professional development and offer as many opportunities as possible for teachers of color to act as leaders.

Kane and Orsini suggest schools be analytical about it all and keep careful records of concerns such as the turnover of teachers of color over a ten-year period and their reasons for leaving.<sup>82</sup>

### **M. Do Not Forget Good Salaries and Benefits**

Good teachers work from a sense of concern for and love of children and an interest in helping society. They like being around young people and watching them develop physically, intellectually, and spiritually. But they are not martyrs. They want the security of a salary that allows them to live in the community where they teach. They want eventually to own a home. They want benefits that will protect and support them in retirement. They want, as the head of Menlo School in California puts it, to live with "economic dignity."<sup>83</sup> Now that there is a teacher shortage, a school can lose teachers quickly if salary and benefits do not match their needs. Schools can only go so high with salaries, but schools can get creative to help retain teachers. Greenwich Academy, in expensive Greenwich, Connecticut, has bought housing in the area that it rents back to teachers at an affordable rate. The board of trustees at Menlo School has begun setting up annual venture capital funds on behalf of the school's teachers.

If a school loses teachers of color, according to Kane and Orsini, it is because such teachers want a school with greater diversity, bet-

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82. A more detailed list can be found in KANE & ORSINI, *supra* note 48, at ch. 6.

83. Norman Colb, *A Survival Guide for the Teachers Shortage*, INDEP. SCHL., Fall 2001.

ter job positions and pay, less isolation, and more support. A less obvious factor, they discovered, is that teachers of color are more likely to stay in independent schools with ties to local public schools, because they feel less isolated in such a community.<sup>84</sup>

#### **N. Consider the Visual Impact of the Campus**

It is tough to balance preserving a school's history and including people whose ancestors were not part of that history. If a school's entrance foyer is loaded with large portraits of white men, the school will likely have a problem attracting teachers of color, as well as women. To the degree possible, the visual look of the campus should reflect the school's presently stated values.

#### **O. Connect with Local Colleges and Universities**

Some independent schools have found it helpful to connect with the teacher education programs of nearby colleges and let these institutions know of the school's interest in hiring more teachers of color. They also encourage students of color in these undergraduate and graduate programs to visit the independent school campus. Some independent schools offer teacher-training programs that lead toward state certification or an advanced degree. Attracting people of color to these programs is a way of potentially attracting them to teach in independent schools in the future.

#### **P. Be Creative in Hiring**

Carolyn Peter, Head of The Winsor School in Boston, took advantage of a phone call from a former teacher at the school. Lutheran Williams, an African-American teacher who had left The Winsor School a year earlier to pursue his interests in Hollywood, decided he wanted to get back into education. He was interested in positions at two different schools and called Peter to ask her opinion of the institutions. Peter, knowing Williams was a great teacher, used the opportunity to invite him back to Winsor to be the director of diversity and worked with Williams to shape the job to his liking. Peter also hired another teacher of color, even when there was no immediate opening on the staff, knowing that positions open up regularly and that one can always be creative about finding space for a valuable person. "It's important to be flexible about hiring," Peter says, "You don't always look to find someone who is the perfect fit. If a candidate of color would be good on your

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84. Kane & Orsini, *supra* note 51, at 41.

staff, you can find a way to work out the details, just as long as job equity and pay equity are considered.”<sup>85</sup>

### CONCLUSION

Independent schools have made important strides in their efforts to become the multicultural and morally guided communities outlined in their mission statements. There is reason to believe diversification will continue. One can consider, for instance, the NAIS Office of Diversity’s “Multicultural Assessment Plan.”<sup>86</sup> Established in 1988 as a tool to help schools evaluate their diversity efforts, the Plan has been implemented with varying degrees of success in schools across the country. Yet even when the plan has not led to increased numbers of students and faculty of color, it has brought about important climatic and cultural changes that should, in time, help schools reach their goals. Such changes include revision of school mission statements and other publications to affirm diversity, the development of clear diversity plans, more trustee training in diversity management, greater diversity in school library collections, the development of a multicultural curriculum, improved climate for students of color, more faculty training, the creation of offices of diversity, and more participation in SEED groups.<sup>87</sup>

The goal, of course, is to match action with ideals, reality with mission, not so much for the sake of the institutions as for those who come of age in them. As educators Nancy and TheodoreSizer astutely point out, “The students are watching. . . . If we care about our children’s values—how they treat others and how aware they are of why they do what they do—we must look in the mirror.”<sup>88</sup>

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85. Interview with Carolyn Peter, Head, The Winsor School (Aug. 16, 2001).

86. Information about NAIS is available at [www.nais.org](http://www.nais.org).

87. SEED, which stands for Seeking Educational Equity and Diversity, is a national program started at Wellesley College’s Center for Research on Women that focuses on making the educational system more culturally inclusive of women and minorities. See Pamela Dittmer McKuen, *Schools Try to Remove Gender Bias from Classrooms*, CHI. TRIB., July 19, 1998, at 7; Marice Richter, *Sowing the Seed*, DALLAS MORNING NEWS, Jan. 19, 1994, at 5C. SEED’s website is <http://www.wellesley.edu/WCW/projects/seed.html>.

88. NANCY & THEODORE SIZER, *THE STUDENTS ARE WATCHING* 116 (1999).

