

THE COSTS OF SUCCESS: MEXICAN AMERICAN IDENTITY PERFORMANCE WITHIN CULTURALLY CODED CLASSROOMS AND EDUCATIONAL ACHIEVEMENT

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“Education, then, beyond all other devices of human origin, is the great equalizer of the conditions of men—the balance-wheel of the social machinery.”¹

INTRODUCTION

Mexican Americans² have fast become the largest segment of students enrolled in California’s public education system.³ From 1981 to 2001, the percentage of Latino students enrolled in public schools more than doubled.⁴ However, although Latinos represent a large portion of the student population, educational success has eluded them.⁵ Latinos account for only 22 percent of the Gifted and Talented Education (GATE) program in California public schools, despite representing more than 50% of the total pub-

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¹ Horace Mann, Report No. 12 of the Massachusetts State Board of Education (1848), <http://www-scf.usc.edu/~clarkjen/Horace%20Mann.htm>.

² I will use the terms Mexican American and Latino interchangeably to refer to the Mexican origin population in the United States. I will also use the term Mexican to refer to native-born Mexicans or first generation Mexicans.

³ Christina Huevo, *Hispanic Education in California: Fact Sheet*, NATIONAL COUNCIL OF LA RAZA (2003), available at <http://www.nclr.org/content/publications/detail/2556/>.

⁴ *Id.*

⁵ *Id.*

lic school population.⁶ At 22.4%, the dropout rate for Mexican Americans in high school remains the highest among minorities.⁷ In the 2000 to 2001 school year, Latinos accounted for 52.1% of all high school dropouts in California.⁸ And only 22.9% of Latino 12th graders met either the University of California or California State University admissions requirements in the 2000 to 2001 school year compared to 40.6% of white students. Despite these grim statistics, certain Latino students can, and do, achieve educational success.⁹

This group of successful Latinos are largely acculturated;¹⁰ they assimilated by adopting a second culture (here, American) as their own, in order to navigate the public education system and achieve educational success. However, this success does not come without costs. Latino students must learn and succeed in an educational system structured by and for the dominant culture. This dominant cultural emphasis is most prominent in the public school classroom, a culturally coded and culturally specific space that has been historically structured for the success of white students. In the face of these obstacles, Latino students find a way to succeed in public school classrooms through acculturation. Acculturated Latinos succeed because they accept that social mobility and educational achievement requires the adoption of majority cultural traits; thus, they accept the burden of acting white.¹¹

Latino students in the public education system suffer psychological, sociological, and economic costs as a result of assimilation and acculturation. Within culturally coded classrooms, Latinos must perform identity, a behavioral signal that they are just as worthy of achievement as their white peers. This constant identity performance takes work which white students need not perform, and Latinos suffer as a result. Additionally, the Latino family must cope with a child's educational success. Latino families are

⁶ *Id.*

⁷ U.S. DEPARTMENT OF EDUCATION, NATIONAL CENTER FOR EDUCATION STATISTICS, THE CONDITION OF EDUCATION 2007 (NCES 2007-064), <http://nces.ed.gov/fastfacts/display.asp?id=16> (Indicator twenty-three, where 22.4% reflects the percentage of high school dropouts among persons 16 to 24 years old in 2005).

⁸ Huezo, *supra* note 3.

⁹ GILBERTO Q. CONCHAS, THE COLOR OF SUCCESS: RACE AND HIGH-ACHIEVING URBAN YOUTH 68 (Teachers College Press 2006).

¹⁰ The term acculturation is used here as a counterpart to, and not necessarily a replacement of, assimilation. While assimilation can be viewed as the replacing of one's culture with that of the dominant society, acculturation can be viewed as adopting a second culture that coexists—possibly in tension—with the primary culture. This closely aligns with Antonia Darder's term "bicultural," which argues that a bicultural individual lives in two cultures: a primary culture and the mainstream, dominant culture. See ANTONIA DARDER, CULTURE AND POWER IN THE CLASSROOM: A CRITICAL FOUNDATION FOR BICULTURAL EDUCATION 48–49 (1991).

¹¹ CONCHAS, *supra* note 9, at 68.

often ill-equipped to support their educationally successful child and may feel estrangement or resentment, while others feel alienation from the education system in general. Successful Latinos are accused of selling out, or repudiating the cultural values that helped shape them in order to be successful. Successful Latinos are likely to move above the economic class of their families and communities, which often leads to feelings of isolation and familial resentment. Additionally, Latinos often must succeed in impoverished and underfunded schools with the knowledge that successful Latinos earn lower lifetime earnings than whites with the same level of educational success. In sum, educational success for Latinos has significant costs.

This Note will examine the costs of success for Mexican American students in the United States public education system. These costs directly result from the structure of the United States public education system, which holds white, middle-class identity performance as the standard. I will argue that acculturation and identity performance within culturally coded classrooms are integral to this structure, and this process frequently results in many Mexican Americans experiencing psychological, sociological, and economic costs.

Part I presents the historical background of Mexican Americans and their interaction with the United States public education system. It examines segregation and integration efforts during the influx of Mexican labor in California and Texas in the early 1900s, paying special attention to specific cases that classified Mexican Americans as “white” by the courts. Part I also outlines the politics and litigation surrounding the struggle for educational equality.

Part II begins with Gary Peller’s concept of race-consciousness and applies the concept of performing identity to Latino students within culturally coded classrooms. This concept shows that integration devalues minority culture and establishes middle-class, white education as the standard. Part II also examines the “de-education” of Latinos by elucidating the perspective that Latinos must first be stripped of their culture and language before they can be truly educated. Lastly, this Part applies Devon W. Carbado and Mitu Gulati’s theory of “working” or “performing” identity in the workplace to Latino students in culturally coded classrooms, arguing that identity performance is required for Latinos to succeed at school.

Part III examines the costs of success for high-achieving Latino students in public schools. It argues that Latinos suffer when they perform acculturated identities in order to receive the approval of the school system. These costs are analyzed through the lenses of psychology, sociology, and

economics. The psychological processes involved in acculturation and identity performance are analyzed with special attention given to the adverse effects of identity performance and strategic behavior on a Latino's sense of self-identity, and on the Latino family. Social support networks are analyzed from a sociological perspective with a focus on peer relationships and alienation. Lastly, this part considers how the resulting financial benefits of educational success are counter-balanced by periods of economic hardship for the student and their family, a lower rate of return on their educational investment, and the stress that can result.

Part IV provides an analysis of the benefits of Latino educational success, ultimately arguing that while benefits certainly exist, the costs of success are high. Factors such as psychological resilience, familial support, educator influence, and a bicultural perspective all aid in the success of Mexican American students and result in greater capacity to enjoy those benefits. However, the necessity of performing identity according to the cultural codes of the classroom makes such performances both a means to success, and a source of economic, social and psychological hardship. Thus, success for Latinos, even when those Latinos achieve educationally and economically, comes at a price.

I. THE HISTORICAL BACKGROUND OF LATINO EDUCATION IN THE UNITED STATES

The history of Mexican American education in the United States is marred with discrimination, segregation and maltreatment. Mexican Americans were viewed as backward because of their indigenous background—a view that some would argue is still prevalent today. The following account provides two major snapshots of the history of Mexican American education in the United States, establishing the historical foundation of the public school classroom as a culturally specific (white) space. The first snapshot focuses on the influx of Mexican laborers in the early 1900s, and the lack of educational resources provided to them. The second examines segregation and the litigation that ensued from 1930 to 1970, demonstrating that litigation did not necessarily lead to equal treatment and desegregation.

A. EDUCATIONAL ARRANGEMENTS AND THE INFLUX OF MEXICAN LABOR

The great influx of Mexicans occurred during World War I, as hundreds of thousands of Mexicans were brought into California to constitute

the migratory labor force.¹² The year 1920, as documented in the farm journals, is referred to as the “Mexican harvest” because 50 percent of all migrant laborers were Mexican.¹³ By 1930, the Mexican population in California was estimated at 250,000.¹⁴ In 1926, growers in California’s San Joaquin Valley imported Mexicans in large numbers and petitioned Congress for the “importation of Mexicans under federal supervision.”¹⁵ At the same time, California grower S. Parker Friselle was sent to Congress “to get [the] Mexicans and keep them out of our schools and out of our social problems.”¹⁶ Mexican laborers were viewed as an exploitable and deportable labor force, available during the picking seasons, and easily discarded when no longer needed.¹⁷

Societal support of the exploitation of Latinos helps illustrate the attitudes that led to the segregation of Mexican migratory communities, dubbed “Little Mexicos,” from urban Anglo communities.¹⁸ Even the schools were segregated, placing both Mexican and African-American children in separate rural schools.¹⁹ The rationale for segregation was plainly articulated by a rural Anglo school principal: “Mexican children . . . will not be admitted to this school. The reason is public sentiment . . . This school is a white school, in the language of the district.”²⁰ Additionally, the education of Mexican children was largely influenced by their migratory worker status. Children under the age of sixteen, and as young as five, worked in the fields.²¹ These migratory children could only attend school from 7:30 a.m. to 12 p.m., leaving early to work in the afternoon.²² At the height of the harvest season, rural schools were crowded with students, but 50% of that population would drop out by the end of the season.²³ Local school board officials remained silent and evidently unconcerned about this obvious problem; children of Latino migrant workers were unable to attend school regularly, because they were needed in the fields.²⁴

¹² CAREY MCWILLIAMS, *FACTORIES IN THE FIELD: THE STORY OF MIGRATORY FARM LABOR IN CALIFORNIA* 124 (2000).

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.* at 125.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.* at 150.

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.* at 320.

²² *Id.* at 320–21.

²³ *Id.* at 319.

²⁴ *Id.* at 320.

Even when children of migrant workers were educated, they were the victims of discrimination.²⁵ The conditions of the segregated rural schoolhouses were dismal. At best, barns were converted into schoolhouses, but often lacked proper ventilation and lighting.²⁶ At worst, migratory children were taught in garages and school corridors with one instructor to as many as 125 students.²⁷ Addressing the issues would “burden the schools or . . . detract from the educational facilities afforded their own children.”²⁸

B. THE QUEST FOR DESEGREGATION THROUGH LITIGATION

When California and Texas became U.S. states, the 1848 Treaty of Guadalupe Hidalgo guaranteed citizenship to Mexicans already living in those territories,²⁹ making them “white by treaty.”³⁰ However, despite the treaty, these Mexicans—now Mexican Americans—were treated as a separate race.³¹ In the 1900s, federal and state courts treated Mexican Americans as racially white because they were considered citizens.³² But this legal recognition did nothing to dispel the discrimination that Mexican Americans suffered, it was simply shrouded under a “Caucasian cloak”³³ or under the premise that Mexican Americans were legally “white.”³⁴ Even though Mexican Americans had been afforded legal status as “white,” they were still racially excluded on a *de facto* basis.³⁵ Moreover, because of this unique legal status, the “exclusion of Mexican Americans from full social and political citizenship now had to be justified on cultural, rather than racial grounds.”³⁶ Thus, the exclusion and treatment of Mexican Americans as inferior was justified “on the basis of language and culture rather than race.”³⁷

In the 1930s and 1940s, Mexican Americans began challenging a particular form of discrimination: the segregation of their children in public

²⁵ *Id.*

²⁶ *Id.* at 319.

²⁷ *Id.* at 320.

²⁸ *Id.*

²⁹ Ariela J. Gross, “*The Caucasian Cloak*”: *Mexican Americans and the Politics of Whiteness in the Twentieth-Century Southwest*, 95 *GEO. L.J.* 337, 340–41 (2007).

³⁰ *Id.* at 341.

³¹ *Id.*

³² *Id.*

³³ *Id.* at 340 (citing Appellant’s Brief at 17, *Hernandez v. Texas*, 251 S.W.2d 531 (Tex. Crim. App. 1952) (No. 24,816) (collection of Texas State Library and Archives Commission, Austin, Tex., Archives and Information Services Division, Texas Court of Criminal Appeals Centralized Court Case Files)).

³⁴ *See id.*

³⁵ *See id.* at 341–42.

³⁶ *Id.* at 341.

³⁷ *Id.* at 342.

schools.³⁸ Originally, Mexican Americans had based their litigation on racial discrimination, but in the 1940s, state courts used the “Caucasian cloak” to dismiss these claims, asserting that “white” Mexican Americans could not be victims of racial discrimination.³⁹ As a result, in subsequent litigation, Mexican Americans conceded that while they were officially considered white, in practice they were treated as nonwhites in Texas and California.⁴⁰

The quest for desegregation initiated in 1930, with the case *Independent School District v. Salvierra*.⁴¹ Within this Texas school district, one of the three elementary schools was designated the “Mexican” or “West End” school, where all of the Mexican American pupils were taught.⁴² When the district proposed to remodel and add five rooms to the “West End” school, Mexican American parents filed suit, contending that school officials sought “the complete segregation of the school children of Mexican and Spanish descent.”⁴³ The parents did not contend that the facilities were unequal, but rather that a separate school was maintained for Mexican American students.⁴⁴ The district superintendent argued that the peculiarities of Mexican American children, such as their English language deficiency and part-time enrollment, were better addressed by separate schooling.⁴⁵ Additionally, he justified the separation of Mexican children because working in the fields and on ranches meant that these students would drop out during the fall season and enter school late after the season in great numbers.⁴⁶

The Texas Court of Appeals allowed the expansion of the “Mexican” or “West End,”⁴⁷ and merely warned that “arbitrarily segregat[ing] Mexican children, assign[ing] them to separate schools, and exclud[ing] them from schools maintained for children of other white races, merely or solely because they are Mexicans” constitutes “unlawful racial discrimination.”⁴⁸ The court recognized Mexicans as a “distinct white ‘race’” and essentially ruled that segregation was unlawful “when Anglo whites treated Mexican

³⁸ *Id.* at 370.

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Indep. Sch. Dist. v. Salvierra*, 33 S.W.2d 790 (Tex. Civ. App. 1930).

⁴² *Id.* at 791.

⁴³ *Id.* at 794.

⁴⁴ *Id.*

⁴⁵ *Id.* at 792.

⁴⁶ *Id.*

⁴⁷ *Id.* at 795.

⁴⁸ *Id.*

whites as a separate racial group.”⁴⁹ Nevertheless, by allowing the expansion of the separate Mexican building, the court approved segregation “based on language and migrant worker status.”⁵⁰ The court, thus, implicitly accepted the superintendent’s view that the Mexicans’ differences made them inferior, paving the way for state sanctioned “cultural discrimination.”⁵¹

In 1947, the Ninth Circuit Court of Appeals decided the case of *Westminster School District v. Mendez*,⁵² which confronted the segregation of Mexican American children in four school districts in Orange County, California: Westminster, El Modena, Garden Grove, and Santa Ana.⁵³ In the early 1900s, the Santa Ana school district established separate classrooms for Mexican American children that emphasized vocational training curriculum.⁵⁴ Subsequently, schools that informally segregated Mexican American students became explicitly separate “Mexican” schools, and county school district lines were redrawn to insure Mexican American attendance to the “Mexican” schools.⁵⁵

This segregation was justified by social norms and “science” that asserted Mexicans were intellectually inferior, “dull, stupid, and phlegmatic.”⁵⁶ For example, one scientific IQ test purported that Mexicans had 85% of the IQ of whites.⁵⁷ These attitudes and studies, which contrasted high-achieving, intellectually superior whites to “retarded” Mexican Americans, justified school segregation children in order to prevent “Mexican children [from] drag[ging] white scholastic achievement down.”⁵⁸

Nevertheless, in *Mendez*, the court held that segregating Mexican school children was “against their will and contrary to the laws of California.”⁵⁹ The court reasoned that such segregation violated the Fourteenth Amendment by depriving Mexican children of “liberty and property without due process of law and by denying to them the equal protection of the laws.”⁶⁰ Notably, *Mendez* affirmed the view that Mexican Americans were

⁴⁹ Neil Foley, *Over the Rainbow: Hernandez v. Texas, Brown v. Board of Education, and Black v. Brown*, 25 CHICANO-LATINO L. REV. 139, 143 (2005) (construing *Salvatierra*, 33 S.W.2d 790).

⁵⁰ Gross, *supra* note 29, at 370–71.

⁵¹ *Id.* at 371.

⁵² *Westminster Sch. Dist. v. Mendez*, 161 F.2d 774 (9th Cir. 1947).

⁵³ Gross, *supra* note 29, at 381.

⁵⁴ DARIA ROITHMAYR, WHY RACIAL INEQUALITY PERSISTS (forthcoming 2009) (manuscript on file with author).

⁵⁵ *Id.*

⁵⁶ *Id.* at 46.

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ *Westminster*, 161 F.2d at 781.

⁶⁰ *Id.*

“white”⁶¹ but did not rule on whether Mexicans were a group, an ethnicity or a race.⁶² The Ninth Circuit noted that California law did allow segregation of races other than “the great races of mankind,” which included “Caucasoid, Mongoloid and Negroid.”⁶³ Although Anglo whites did not regard Mexican Americans as “Caucasoid,” Mexican Americans were “white” under California law and “could not be arbitrarily segregated from ‘other whites.’”⁶⁴ Unfortunately, the *Mendez* victory for Mexican Americans was nominal at best. While the Ninth Circuit did emphasize that segregation fostered antagonism and suggested inferiority, it refused to confront the issue of segregation head-on and segregation continued.⁶⁵

In 1948, in *Delgado v. Bastrop Independent School District*, Minerva Delgado and twenty other Mexican American parents from five segregated Texas school districts filed a complaint contending that the districts’ exclusion of their children from attending school with white children was in violation of the Constitution.⁶⁶ Delgado argued that segregation on the basis of a “language handicap” was “pedagogically unsound,” omitting any claim that racial segregation was odious.⁶⁷ The district court permanently enjoined the school districts from segregating Mexican American pupils in separate schools or classes.⁶⁸

Interestingly, these cases in the late 1940s “foreshadowed the disposition of the Supreme Court with respect to [the *Plessy v. Ferguson*] ‘separate but equal doctrine.’”⁶⁹ More specifically, *Mendez* became the basis by which California repealed its school segregation statutes by then Governor Earl Warren.⁷⁰ This same—now Chief Justice—Earl Warren penned the opinions in two influential Supreme Court cases, decided only twelve days apart in 1954 that obliterated the *Plessy v. Ferguson* separate-but-equal standard: *Hernandez v. Texas* and *Brown v. Board of Education*.

In *Hernandez*, the Supreme Court designated Mexican Americans as a protected class and found that the exclusion of Mexican Americans from jury service solely because of race was a violation of the equal protection

⁶¹ *Id.* at 777.

⁶² Gross, *supra* note 29, at 383.

⁶³ *Westminster*, 161 F.2d at 780 n.7.

⁶⁴ Foley, *supra* note 49, at 143

⁶⁵ Gross, *supra* note 29, at 384.

⁶⁶ Foley, *supra* note 49, at 147.

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ Eduardo Luna, *How the Black/White Paradigm Renders Mexicans/Mexican Americans and Discrimination Against Them Invisible*, 14 BERKELEY LA RAZA L.J. 225, 244 (2003).

⁷⁰ *Id.*

clause.⁷¹ Although *Hernandez* dealt with jury service, the decision was important to the issue of school desegregation because it cited the segregation of Mexican American school children in a white Texas community as evidence that Mexicans were considered “distinct and inferior.”⁷² This validated Mexican Americans as a “cognizable minority group” worthy of protection under the equal protection clause.⁷³

In *Brown*, the Supreme Court outlawed segregation in public schools while also guaranteeing African American children the affirmative right to quality education, comparable to that of white children.⁷⁴ While influential, *Brown* left Mexican Americans wondering if the holding applied to them or only to the *de jure* desegregation of African American and white schools.⁷⁵ The uncertainty remained for sixteen years, during which no court applied the *Brown* decision to Mexican Americans.

This ambiguity was not resolved until 1970, where *Cisneros v. Corpus Christi Independent School District*⁷⁶ became the first federal court to recognize Mexican Americans as an “identifiable protected group”⁷⁷ and afforded Mexican American schoolchildren the same protection as African American schoolchildren.⁷⁸ The court in *Cisneros* held that *Brown* protected Mexican American *and* African American children, declaring it impermissible to segregate Mexican Americans from other school children.⁷⁹

II. PERFORMING IDENTITY IN THE CULTURALLY CODED CLASSROOM

Despite the legal classification of Mexican Americans as “white” by state and federal courts, and the ruling in *Cisneros* applying *Brown* to Mexican Americans, Latinos in public education face the obstacle of a classroom structured by and for the dominant culture. This Part first provides a foundation for understanding the concept of the culturally coded classroom through the lens of African American experiences with integration. Then, the concept of performing identity is used to show how Mexi-

⁷¹ *Hernandez v. Texas*, 347 U.S. 475 (1954).

⁷² Luna, *supra* note 69, at 245.

⁷³ *Id.*

⁷⁴ Alan David Freeman, *Legitimizing Racial Discrimination Through Antidiscrimination Law: A Critical Review of Supreme Court Doctrine*, in CRITICAL RACE THEORY: THE KEY WRITINGS THAT FORMED THE MOVEMENT 29, 32 (Kimberlé Crenshaw et al. eds., 1995).

⁷⁵ Foley, *supra* note 49, at 148–49.

⁷⁶ *Cisneros v. Corpus Christi Indep. Sch. Dist.*, 324 F. Supp. 599 (S.D. Tex. 1970).

⁷⁷ René Núñez, *The Validity of Latcrit: History, Race, and the Education of the Mexicano/Chicano Child*, 3 HARV. LATINO L. REV. 1, 19 (1999).

⁷⁸ Luna, *supra* note 69, at 245.

⁷⁹ *Cisneros*, 324 F. Supp. at 606.

can Americans must engage in identity performance within these culturally coded classrooms in order to be perceived as students capable of learning and success.

A. THE RACE CONSCIOUS PERSPECTIVE AND THE DEVELOPMENT OF THE CULTURALLY CODED CLASSROOM

A culturally coded classroom is an educational environment structured by the dominant culture to reflect white, middle-class values. Culturally coded classrooms hold white, middle-class knowledge as the standard, and proper education must occur within this structure. These classrooms are culturally specific white spaces that require assimilation and acculturation for success. Within these culturally coded classrooms Latino students must be stripped of their culture and language. Then, Latinos must perform and engage in behavior that models the dominant cultural codes in order to be perceived as worthy of advancement and, ultimately, achieve educational success. The development of the culturally coded classroom for Latinos is best understood through a black nationalist critique of integration. In the article *Race Consciousness*, Gary Peller provides a black nationalist critique, asserting that the integration of public schools is the equivalent of assimilation and an abolition of community.⁸⁰

Black nationalists found integration undesirable because it abolished one of the few organized institutions in the African American community, effectively removing any control over their children's education.⁸¹ More importantly, black nationalists asserted that integration meant African Americans had to adapt to white norms.⁸² As stated by Stokely Carmichael, integration required "taking black children out of the black community and exposing them to white middle-class values."⁸³ While integration did not explicitly mandate the absorption of white cultural norms in schools, absorption was reinforced by a blatant failure to recognize the integrity of African American culture.⁸⁴ For African Americans, then, pro-

⁸⁰ Gary Peller, *Race Consciousness*, 1990 DUKE L.J. 758, 795 (1990). Generally, black nationalists viewed race in the context of "American history, where racial identity was seen as the central basis for comprehending the significance of various social relations as they were actually lived and experienced." *Id.* at 791. The nationalist belief is that certain aspects of these social relations are already structured to limit certain possibilities for African Americans, while making select others available. *Id.* at 794.

⁸¹ *Id.* at 795.

⁸² *Id.* at 796.

⁸³ *Id.* (quoting STOKELY CARMICHAEL & CHARLES V. HAMILTON, *BLACK POWER: THE POLITICS OF LIBERATION IN AMERICA* 55 (1967)).

⁸⁴ *Id.* at 796.

gress was seen as moving into white neighborhoods, attending white schools, and, ultimately, assimilation into white culture.⁸⁵

This assimilation into the dominant white culture was reflected in the public school classroom.⁸⁶ Integration was supposed to provide all children with a “quality,” “aracial” education.⁸⁷ However, black nationalists saw this “neutral,” “objective,” and “aracial” education as a process of assimilating “black children to white middle class norms.”⁸⁸ As Gloria Ladson-Billings asserts, within these white dominated classrooms, the “official school curriculum [is] a culturally specific artifact designed to maintain a White supremacist master script.”⁸⁹ This master script silences any voices other than those of the dominant white culture, and all students are expected to accept that the white, middle-class standard *is* knowledge.⁹⁰ Thus, integrating African Americans into “superior” white school systems meant that African Americans would have to adapt to the culturally specific classrooms of white schools.⁹¹

Similarly, integration for Mexican Americans has costs because Latino students must learn in white, middle-class classrooms where white knowledge is the standard. These costs of integration include limiting social relations and exemplifying racial domination.⁹² Social rituals, day-to-day interactions, and doling out of rewards and punishments in the classroom define a school’s “social category” and its “ideal student.”⁹³ Students who do not readily identify with the social category of the school do not fit in easily.⁹⁴ Thus, Latinos who do not identify with the white, middle-class values of the classroom do not fit in easily. Like the African American community, integrating Mexican American pupils into a white system removed a source of community and individual parental control.⁹⁵ Moreover, to apply Stokely Carmichael’s analysis, integration suggests that in order to have a decent education, Latinos must be educated in white

⁸⁵ *Id.* at 797–98.

⁸⁶ *Id.* at 798.

⁸⁷ *Id.*

⁸⁸ *Id.*

⁸⁹ Gloria Ladson-Billings, *Just What Is Critical Race Theory, and What’s It Doing in a Nice Field Like Education?*, in RACE IS . . . RACE ISN’T: CRITICAL RACE THEORY AND QUALITATIVE STUDIES IN EDUCATION 7, 21 (Laurence Parker et al. eds., 1999) (citing Ellen Swartz, *Emancipatory Narratives: Rewriting the Master Script in the School Curriculum*, 61 THE J. NEGRO EDUC. 341, 341 (1992)).

⁹⁰ *See id.*

⁹¹ *See Peller, supra* note 80, at 800.

⁹² *See id.* at 795.

⁹³ George A. Akerlof & Rachel E. Kranton, *Identity and Schooling: Some Lessons for the Economics of Education*, 40 J. ECON. LITERATURE 1167, 1169 (2002).

⁹⁴ *Id.*

⁹⁵ *See Peller, supra* note 80, at 795.

schools and submit to white middle-class values.⁹⁶ In this sense, integration forced Latinos to sacrifice their heritage and culture in order to succeed in white classrooms.⁹⁷

B. THE DE-EDUCATION OF THE MEXICAN AMERICAN PUPIL

In the United States, Mexican American culture has been historically viewed by schools as a “negative and pathological force.”⁹⁸ Mexican American customs, language and familial values are blamed for many problems Mexican Americans face inside and outside of school.⁹⁹ This “damaging culture” assumption views Latino culture as socializing one “to become lazy, resigned, passive, fatalistic, nongoal-oriented, docile, shy, infantile, criminally prone, irrational, emotional, authoritarian, unreliable, limited in cognitive ability, untrustworthy, lax . . . and nonachievement-oriented.”¹⁰⁰ The failure of Mexican Americans in schools is, therefore, not blamed “on the school system or society, but on [Mexican Americans] themselves.”¹⁰¹

Historically, social scientists have explained that the failure of Mexican Americans in school was brought about by inherited racial differences, lack of experiences and from pathology and dysfunction found in the home, language and culture.¹⁰² This “cultural deficit” model perceives “Mexican cultural values, the Spanish language, and the Mexican-origin home as deviant and inferior.”¹⁰³ The theory further holds that the “cultural, familial, linguistic cognitive and attitudinal backgrounds” of Mexican Americans are lacking, deficient, and inferior making them incapable of learning in schools.¹⁰⁴ Under this theory, schools are “inherently White, middle class oriented and expand on the knowledge and skills initially learned in the White, middle to upper-class homes.”¹⁰⁵ Pursuant to this model, Mexican American students cannot receive the language or skills necessary for educational success at home because minority parents have different native languages and experiences.¹⁰⁶

⁹⁶ See *id.* at 795–96.

⁹⁷ See *id.* at 795.

⁹⁸ ALFREDO MIRANDÉ, *THE CHICANO EXPERIENCE: AN ALTERNATIVE PERSPECTIVE* 98 (1985).

⁹⁹ *Id.* at 99.

¹⁰⁰ *Id.* at 96.

¹⁰¹ *Id.*

¹⁰² Sofia Villenas & Donna Deyhle, *Critical Race Theory and Ethnographies Challenging the Stereotypes: Latino Families, Schooling, Resilience and Resistance*, 29 CURRICULUM INQUIRY 413, 421 (1999); Núñez, *supra* note 77, at 20–21.

¹⁰³ Núñez, *supra* note 77, at 36.

¹⁰⁴ *Id.*

¹⁰⁵ *Id.*

¹⁰⁶ *Id.* at 36–37.

However, Sofía Villenas and Donna Deyhle point out a key difference between the American definition of “education” and the meaning of “*educación*” to Latinos. Latino culture values *una persona bien educada* (a person who is well educated).¹⁰⁷ This has a significantly different meaning than the English notion of being “educated,” which connotes school and book smarts.¹⁰⁸ *Educación* encompasses not only a school education, but morals and values gleaned from parents.¹⁰⁹ Raising a child *bien educada* “requires the education of the whole being in relation to family and community.”¹¹⁰ Thus, American and Mexican cultures bring distinct understandings of education into the classroom and, for Latinos, this understanding is largely ignored.¹¹¹

In the U.S., the perspective is that in order to educate Latinos they must first be “de-educated.”¹¹² Central to this de-education is the dismantling of Mexican cultural values regarding education.¹¹³ The extinction of the Spanish language and the denigration of Latino culture and family values are critical to this process.¹¹⁴ Thus, the “multiplicity and dynamism of socialization and language use” of Latino *educación* is given no credence in the public school system.¹¹⁵ Overall, then, when educational success “is coupled with the denigration of the Spanish language and the ignoring of [Latino] history [and culture], the net effect is that schools teach children to be ashamed of being Mexican.”¹¹⁶

C. MEXICAN AMERICANS AND THE CULTURALLY CODED CLASSROOM

Mexican Americans face distinct experiences within white “monocultural” and “monolingual” culturally coded classrooms.¹¹⁷ While Mexican Americans may be well-integrated into the populations of public schools, the culture of the school classrooms remain overwhelmingly Anglo and middle-class.¹¹⁸ Public school classrooms take white, middle-class values as the archetype, devaluing the worldviews of working-class Latino fami-

¹⁰⁷ Villenas & Deyhle, *supra* note 102, at 423.

¹⁰⁸ *Id.*

¹⁰⁹ *Id.*

¹¹⁰ *Id.*

¹¹¹ *See id.* at 427.

¹¹² MIRANDÉ, *supra* note 98, at 98.

¹¹³ *Id.* at 91.

¹¹⁴ *Id.* at 98–99.

¹¹⁵ *See* Villenas & Deyhle, *supra* note 102, at 423.

¹¹⁶ MIRANDÉ, *supra* note 98, at 99.

¹¹⁷ *See* Villenas & Deyhle, *supra* note 102, at 427.

¹¹⁸ *See infra* Part III.

lies.¹¹⁹ As scholars note, and ethnographic studies show, this archetype includes race-based IQ testing, a Eurocentric curriculum, and unequal race-based distribution of funding and resources.¹²⁰ For example, Latinos are disproportionately tracked into vocational programs based on the results of IQ and standardized tests that do not adequately measure their intelligence.¹²¹ Additionally, Eurocentric curriculum ignores and marginalizes the history and language of Latinos,¹²² and Latinos are usually taught by non-Latinos who are often “ignorant and insensitive to the needs” of Latino students.¹²³ The school experience can become a toxic environment that stigmatizes Mexican American children, especially when dealing with communication and language.¹²⁴

While Mexican American children are competent and capable in the home environment, they often find their home environment skills inapplicable in school.¹²⁵ The Latino home is viewed as “pathological and a detriment to the education” of the child because the “American school reality is normed on white middle-class experiences.”¹²⁶ Working-class Latino worldviews differ, especially when compared to the values promoted in the culturally coded classroom.¹²⁷ Latino families are household-centered, rather than child-centered and teach their children to fit into the family, which behaviors to tolerate from siblings, to share with siblings, and to not “disrupt” the family environment.¹²⁸ Moreover, Latino families view success collectively and through the survival of the household, which runs contrary to the ideal of the “European-American folk belief of the ‘rugged individual,’ prevalent in school instruction and curriculum, who rises to the top by ‘breaking away’ from the constraints of family and community.”¹²⁹ Latinos students, then, must unlearn the skills they have acquired from their families and adopt white, middle-class values and norms in order to succeed in public school classrooms.¹³⁰ The public school system devalues Latino family and culture while establishing the white, middle-class classroom as the archetype for education. If Latinos are unable, unwilling, or

¹¹⁹ Sofia Villenas et al., *Critical Race Theory and Praxis: Chicano(a)/Latino(a) and Navajo Struggles for Dignity, Educational Equity, and Social Justice*, in RACE IS . . . RACE ISN'T: CRITICAL RACE THEORY AND QUALITATIVE STUDIES IN EDUCATION 31, 37 (Laurence Parker et al. eds. 1999).

¹²⁰ *Id.* at 35.

¹²¹ *Id.* at 38.

¹²² *Id.* at 36–37.

¹²³ MIRANDÉ, *supra* note 98, at 93.

¹²⁴ Núñez, *supra* note 77, at 39.

¹²⁵ *Id.* at 38.

¹²⁶ *Id.* at 39.

¹²⁷ Villenas et al., *supra* note 119, at 37.

¹²⁸ Villenas & Deyhle, *supra* note 102, at 424.

¹²⁹ *Id.* at 429.

¹³⁰ *See id.*

incapable of adopting these values and performing within the culturally coded classroom, they will inevitably fail.

D. "PERFORMING IDENTITY" IN THE CULTURALLY CODED CLASSROOM

Devon W. Carbado and Mitu Gulati posit that working within an organization requires negotiation and performance, which inevitably necessitates employees to "perform identity."¹³¹ In the workplace, employee behavior is influenced by incentives and pressures that induce employees to "work their identities" in ways that signal to an employer that he or she is exerting high amounts of effort and is worthy of promotion.¹³² More specifically, Carbado and Gulati show how incentives and pressures to work identity affect the workplace behavior of "outsider groups" such as women and minorities.¹³³ They argue that "because members of these groups are often likely to perceive themselves as subject to negative stereotypes, they are also likely to feel the need to do significant amounts of 'extra' identity work to counter those stereotypes."¹³⁴ Carbado and Gulati's theory of identity performance can be applied to Mexican Americans in public school classrooms.¹³⁵ Within the classroom, student behavior is influenced by incentives and pressures that induce students to "work their identities" in ways that suggest to the teacher that they are worthy of high marks. Mexican Americans, attempting to succeed in culturally coded classrooms, must necessarily perform according to the white, middle-class identity that is valued. Valued classroom criteria includes comporting with rules, only speaking in English, completing homework, studying and completing tests, embracing meritocracy and following the instructions of the teacher. However, Mexican Americans are subject to negative stereotypes regarding their culture and perceived ability and must do extra work to counter the negative stereotypes through comportment with classroom norms. The following analysis applies Carbado and Gulati's working identity theory to Mexican American students in the classroom, arguing that identity performance is integral to educational success for Latinos.

¹³¹ Devon W. Carbado & Mitu Gulati, *Working Identity*, 85 CORNELL L. REV. 1259, 1260 (2000).

¹³² *Id.* at 1260–61.

¹³³ *Id.* at 1262.

¹³⁴ *Id.*

¹³⁵ Carbado and Gulati apply the working identity theory to employees in corporations. *Id.* The comparison between students in classrooms and employees in corporations is not seamless. Employees and students are incentivized in different ways to achieve. However, for purposes of this analysis, students and employees both work identity in order to demonstrate to authority figures that they are worthy of advancement.

1. Everyone Works Identity

All students who attend public school necessarily engage in negotiating and performing identity.¹³⁶ Working identity is a structured process that results in the performance of identity through negotiation and conflict resolution.¹³⁷ First, a student must encounter a conflict, which usually involves the student's sense of self and classroom criteria.¹³⁸ Next, a student must negotiate "between the student's sense of self and his sense of the institutional values involved."¹³⁹ Negotiation entails a decision to either "compromise" his sense of identity in order to maximize his opportunities in school, or resolve the conflict by not compromising his sense of identity and choosing his own personal happiness over the institutional values.¹⁴⁰ The student's choice leads to performance, which is a function of how much the individual feels the need to compromise his or her identity.¹⁴¹ Since every student encounters conflicts at school, everyone must, to some extent, perform identity.¹⁴²

For example, consider an intelligent but shy student who is interested in advancement in school.¹⁴³ This student is happiest when he attends school but does not have to interact with his peers or participate in class. However, advancing in school requires interaction and participation. Since the student is interested in advancement, he will most likely make a decision that allows him to remain happy at school while also maximizing his chances of advancement. This negotiation is between his sense of self (being happy) and the institutional values of the school (participating in class). The student may decide not to "compromise" his sense of identity and decide that he would rather be happy at school without advancement.¹⁴⁴ On the other hand, the student may compromise and decide that participating in class will improve his chances of advancement and participate accordingly. The student will engage in an identity performance by signaling to the teacher that he can participate like other students worthy of advancement, even though his true sense of self would rather not participate. Thus, identity performance by students entails a "continual process of negotia-

¹³⁶ See Carbado & Gulati, *supra* note 131, at 1260.

¹³⁷ *Id.* at 1265.

¹³⁸ *Id.* at 1266; *see also id.* at 1267 fig.1.

¹³⁹ *Id.* at 1264.

¹⁴⁰ *Id.*

¹⁴¹ *Id.* at 1266.

¹⁴² *See id.*

¹⁴³ The race of the student is inconsequential for this example because all students work identity.

¹⁴⁴ See Carbado & Gulati, *supra* note 131, at 1264.

tion”¹⁴⁵ in order to decide how to behave at school in order to maximize academic achievement.

When I attended elementary school, I was placed in bilingual education with mostly English-as-a-second-language learners, who were predominately Latino. The immediate conflict I faced was doing well in school at the expense of social acceptance, or being socially accepted at the expense of educational success. While “my sense of self” may have desired social acceptance by my peers, I chose educational success and performed identity according to the institutional values of the school. I felt that it was necessary to compromise my identity in order to maximize my opportunities in school.

For Mexican American students, conflict, negotiation, and subsequent identity performance are encountered daily at school.¹⁴⁶ These conflicts may include: being taught in an unfamiliar language; curriculum that largely ignores the Mexican American background and heritage; teachers with different backgrounds and cultures “whose training leaves them ignorant and insensitive to the educational needs” of Mexican American students, and; rarely obtaining guidance from Mexican American counselors.¹⁴⁷ Ultimately, Mexican American students negotiate and decide whether their “sense of self” and personal happiness override comportment with classroom norms and eventual academic achievement.

My father told me about his experience as a Spanish speaking elementary school student who could not speak English. He remembers vividly that the nuns at the parochial school would hit the students across the knuckles with rulers when they spoke Spanish. In order to succeed in school, he compromised his “sense of self” and avoided communicating whenever possible in front of the nuns, or spoke in hushed whispers to classmates who were bilingual. But other times, when he had no other way of communicating, he accepted the punishment as part of what it meant to go to school and get an education.

¹⁴⁵ *Id.* at 1265.

¹⁴⁶ See Montoya, *infra* note 192, at 188 (stating that when putting on her parochial school uniform and having her hair braided, her poverty and minimal wardrobe were disguised, and she became her “public self”); Villenas & Deyhle, *supra* note 102, at 420 (arguing that the dominant culture teaches the Latinos how to behave in white society, including submissiveness, assimilation, and English only); MIRANDÉ, *supra* note 98, at 93, 97, 106 (stating that, for Latinos, part of attending school is rejecting their culture and language, and that schools have created a system of competition and a set of standards that sets Latinos up for failure).

¹⁴⁷ MIRANDÉ, *supra* note 98, at 93. These examples are neither meant to be exhaustive nor applicable to all Latinos.

2. The Incentive System

The incentive system works by encouraging students to engage in identity performance that corresponds to the classroom values and culture, depending on the student's level of interest in advancement.¹⁴⁸ A student may be a) indifferent to advancement, b) interested in advancement, or c) have no interest in advancement at all.¹⁴⁹ The stronger the student's desire for advancement, the stronger the incentive to perform identity.¹⁵⁰ When a student's cultural identity diverges from the cultural codes of the classroom, the student has a stronger incentive to "signal" through performance that he or she "possesses the criteria that the institution values" in order to still be considered for advancement.¹⁵¹

Students, when subject to stereotypes, have incentives to either work hard or work less depending on whether those stereotypes are positive or negative.¹⁵² Since institutional criteria, or cultural codes, create incentives for employees, or students, to perform a comporting identity, "then it follows that outsiders subject to negative stereotypes have greater than normal incentives to put effort and thought into constructing that . . . identity."¹⁵³ Conversely, "outsiders subject to positive stereotypes have to put less effort into image construction."¹⁵⁴ A student subject to strong positive stereotypes—such as an insider white student—does not have to work as hard to achieve the same kind of classroom evaluation as a student subject to negative stereotypes—such as an outsider Latino student.¹⁵⁵ The stronger the stereotype, be it negative or positive, the greater the effect on the student's classroom behavior.¹⁵⁶ This interaction between classroom criteria and stereotypes about the student's identity creates an incentive system, and demonstrates that Latino students subject to negative stereotypes have to put in substantially greater work than their white peers in order to suc-

¹⁴⁸ Carbado & Gulati, *supra* note 131, at 1268.

¹⁴⁹ *Id.*

¹⁵⁰ *Id.* (When performing identity for the purpose of advancement, the student may perceive the valued classroom criteria and his or her "identity-stereotype" as converging, making it easier for advancement. On the other hand, the student may perceive that the classroom criteria and his or her "identity-stereotype" diverge, or is negatively correlated, suggesting that the student's "stereotypes . . . are antithetical to the criteria" valued in the classroom).

¹⁵¹ *Id.* at 1272.

¹⁵² *Id.* at 1271. Carbado and Gulati define insiders, for the purposes of their employment model, as white, heterosexual males, and outsiders as minorities, women, gays, and lesbians. *Id.* at 1267 n. 16. For the purposes of this analysis, insiders are considered white students and outsiders are considered minorities, especially Mexican Americans.

¹⁵³ *Id.* at 1276.

¹⁵⁴ *Id.* at 1277.

¹⁵⁵ *See id.*

¹⁵⁶ *See id.*

ceed.¹⁵⁷ However, a Latino student's level of desire for educational advancement is going to govern the strength of the incentive to perform identity.¹⁵⁸ The stronger a student desires success in school, the stronger the incentive to perform identity according to the cultural codes of the classroom.¹⁵⁹ Latino students who are indifferent to advancement will not perform identity at all, but Latino students who are interested in advancement will perform identity by "signaling" that they are worthy of advancement.

As a light skinned Mexican American who spoke perfect English and had a solid educational background, I was an outsider subject to positive stereotypes. I exhibited an ability to perform the school work, I received good grades, I demonstrated leadership, and I respected the classroom and the teacher. I had to perform my identity less since I did not have to construct an image that comported with the school's picture of success. Of course, this led to other costs, such as dealing with classmates who were subject to negative stereotypes.

The method of tracking Latino students in the classroom illustrates how the incentive system works when Latino students are subject to negative stereotypes in the school system.¹⁶⁰ Tracking, generally, involves placing pupils on specific tracks according to their perceived ability or test scores.¹⁶¹ More specifically, at the high school level, tracking involves placing certain pupils on vocational paths, while others are put on paths toward higher education.¹⁶² A Latino student who is vocationally tracked is subject to negative stereotypes by virtue of being placed on this lower-level track.¹⁶³ The Latino student may have been stereotyped as incapable of achieving at the level of his or her peers who are considered "college material" because of perceptions of the Mexican American culture.¹⁶⁴ Additionally, standardized testing has been used to validate placing Latino students in the lower vocational track, suggesting that low-level classes will

¹⁵⁷ See *id.*

¹⁵⁸ See *id.* at 1271.

¹⁵⁹ See *id.* at 1269. When a Latino student's "identity stereotype" and the values of the classroom converge, success in school is easier. *Id.* at 1271–72. When a student's "identity stereotype" and the values of the classroom diverge the student has a stronger incentive to perform identity according to those favored classroom standards. *Id.*

¹⁶⁰ See *id.* at 1268; see *infra* note 169.

¹⁶¹ Villenas et al., *supra* note 119, at 35.

¹⁶² Villenas & Deyhle, *supra* note 102, at 431.

¹⁶³ See *id.* at 432; Scholars note that ethnographic studies show that tracking is rampant in Latino communities and that Latinos are tracked based on IQ tests and standardized tests into lower-level courses for those not considered "college material." Villenas et al., *supra* note 119, at 38. Villenas & Deyhle also use a quote by a Latino student to illustrate tracking: "If you're Mexican, they put you lower. If you're White, they put you higher, right? [. . .] If you're Mexican they treat you sort of . . . if you're White, they treat you right and everything." Villenas & Deyhle, *supra* note 102, at 414.

¹⁶⁴ See Villenas et al., *supra* note 119, at 38.

better prepare Latino students for vocational work.¹⁶⁵ For Latino students to counter negative stereotypes, they must show that they are hard workers, goal-oriented and just as capable of achieving at the level of their white peers.¹⁶⁶

My father told me of the time he went to see his high school guidance counselor about pursuing a college education. My father expressed interest in attending a private Jesuit university in the area. The guidance counselor blatantly discouraged him. He attempted to push my father toward vocational training, believing he was unfit for a university education. The counselor thought he was better suited for mechanic school. Good thing my father did not listen.

3. Outsider Identity Performance

The working identity phenomenon for Mexican Americans as outsiders is reflected and reproduced at a higher level because of the existence and proliferation of negative stereotypes.¹⁶⁷ If Latino students are perceived stereotypically as lazy, backward, nongoal-oriented, docile, shy, irrational, limited in cognitive ability, and nonachievement-oriented, this means that Latinos must work harder, or do extra work, by engaging in “stereotype-negating strategies” to demonstrate their ability to meet the valued classroom criteria.¹⁶⁸

For the following example assume that a white culturally coded classroom favors students who assimilate to white, middle-class values and that there are two informal paths for students in the classroom.¹⁶⁹ Teachers in-

¹⁶⁵ See Villenas & Deyhle, *supra* note 102, at 432.

¹⁶⁶ Villenas & Deyhle point out that achieving at the level of white peers can be difficult when Latinos are tracked into lower level classes because the students are aware of the low expectations their teachers have of them. *Id.* Moreover, the unchallenging school experience results in Latino students dropping out of school not because the coursework is difficult, but because the “coursework was at such a low level that it failed to motivate them to stay in school.” *Id.*

¹⁶⁷ See Carbado & Gulati, *supra* note 131, at 1266.

¹⁶⁸ Carbado & Gulati, *supra* note 131, at 1269; Both positive and negative stereotypes influence classroom standing: “A negative relationship between a stereotype about [a student’s] identity and a certain institutional criterion diminishes that [student’s classroom] standing and advancement opportunities within that institution. A positive relationship increases [classroom] standing and advancement opportunities.” *Id.* at 1269–70.

¹⁶⁹ This hypothetical is modeled from Carbado & Gulati’s tracking example. They note that law firms have two tracks for new employees: the partner track and the track for associates pegged to be employed by the firm for two to six years. *Id.* at 1268. Negative stereotypes about outsider groups are likely to diminish the employee’s workplace standing, advancement opportunities, and the track he or she is placed on, while positive stereotypes will increase workplace standing, advancement opportunities, and likely lead to the partner track. *Id.* at 1268–69. For instance, heterosexual, white males, who make up the insider group at the law firm, have stereotypes about outsiders entering the firm. *Id.* A minority employee must perform identity so as to indicate to the insider group that he or she has all of the institutional criteria for the partner track. *Id.* at 1269. The minority employee must, like any other

formally place students on these paths through the type of school work they are assigned and the individualized attention they receive. The first path is for students who show the promise of attending college. For this path, teachers want students who perform well on standardized tests, have high intelligence testing scores, have leadership ability and comport with classroom norms.¹⁷⁰ These students are given more challenging assignments and receive more individualized attention. The second path is for students who do not show college potential and are considered more suitable for vocational work. The second path targets students who do not perform well on standardized tests or intelligence tests, appear nonachievement-oriented and do not have the goal of attending college. These students are given easy assignments but receive less attention.

Now suppose that a classroom receives a new Mexican American student. Without additional information about the student, he might be stereotyped as lazy, docile, nongoal-oriented, unintelligent, and nonachievement-oriented. In order for this Mexican American student to be placed on the first path toward college, he must succeed within the preexisting values of a culturally coded classroom. Like the other students, this Mexican American student has an incentive to “create the impression that he possesses all the requisite qualities” for the first path.¹⁷¹ However, the negative stereotypes regarding Mexican Americans might conflict with the qualities of the first path, thus, diminishing his academic standing and advancement opportunities.¹⁷² Depending on this Mexican American student’s particular incentives, he will perform identity. In order to succeed in school, he must perform or work to negate any negative stereotypes in order to increase his chances of academic advancement.

4. Extra Work

Central to the theory of performing identity is the idea that, above all, performing identity is work.¹⁷³ Performing identity “consumes resources in the form of time and effort.”¹⁷⁴ Latino students must perform extra work

employee wishing to make partner, demonstrate the criteria, but in the face of negative stereotypes about his or her minority group as well. *Id.*

¹⁷⁰ See Eric J. Lopez et al., *Acculturation, Social Support and Academic Achievement of Mexican and Mexican American High School Students: An Exploratory Study*, 39 *PSYCHOL. IN SCH.* 245, 245 (2002); see also Villenas & Deyhle, *supra* note 102, at 431–32.

¹⁷¹ Carbado & Gulati, *supra* note 131, at 1269.

¹⁷² *Id.* at 1269–70.

¹⁷³ *Id.* at 1279.

¹⁷⁴ *Id.*

because negative stereotypes affect Latinos within the culturally coded classroom.¹⁷⁵

For instance, white, middle-class cultural codes within the classroom dictate that students should excel at Eurocentric curriculum, speak only English¹⁷⁶ and embrace individual success.¹⁷⁷ Moreover, Latino students must conform to these cultural codes while combating negative stereotypes about Latinos. Latinos perform extra work in the classroom by signaling through behavior that they are not an outsider and are worthy of advancement. In order to counter the stereotype that Latinos are lazy, a Latino student may turn work in ahead of time or ask for extra credit work. To counter the stereotype that Latinos are nonachievement-oriented, a Latino student may make a point of talking about how much he studied for a test within earshot of the teacher. To counter the stereotype that Latinos are problematic and deficient, a student may try to take a leadership role while working in groups. In order to comport with English only rules, Latinos may pronounce their Spanish name with an English accent, or adopt a nickname.

Additionally, Latinos perform extra work by engaging in strategic behavior, such as “strategic passing,”¹⁷⁸ “comforting,”¹⁷⁹ and “masking.”¹⁸⁰ Strategic passing involves fooling insiders that the outsider is one of them, which can be as simple as a light-skinned Latino passing for white.¹⁸¹ However, this strategy can be problematic because most outsiders cannot totally pass.¹⁸² Moreover, the strategy is not always effective since insiders simply see another insider—they do not see “an outsider whose behavior either confirms, rejects, or modifies their prejudgments about” the outsider.¹⁸³

¹⁷⁵ See *id.* Latino students ultimately perform extra work by signaling and performing white, middle class values according to the cultural codes of the classroom. *Id.*

¹⁷⁶ See *supra* text accompanying note 146.

¹⁷⁷ See *supra* text accompanying note 129.

¹⁷⁸ See George A. Akerlof & Rachel E. Kranton, *Economics and Identity*, 115 Q. J. ECON. 715, 738 (2000) (Stating that individuals from particular groups can, at times, never fully fit the ideal culture of the dominant group, while some can pass or integrate with dominant group with limited success. Finding out that one does not really belong to the dominant culture can lead to pain, anger, perceived or real rejection, and alienation).

¹⁷⁹ Carbado & Gulati, *supra* note 131, at 1300–01, 1304.

¹⁸⁰ Montoya, *infra* note 192, at 190.

¹⁸¹ Carbado & Gulati, *supra* note 131, at 1300.

¹⁸² *Id.*

¹⁸³ *Id.*

Comforting is the act of engaging in conversation or activity where the insider feels like the outsider is “one of them” or an “honorary” insider.¹⁸⁴ For example, Latino students can comfort other students by Anglicizing their name or adopting a nickname so that insiders can avoid pronouncing a Spanish name. Latinos can also wear similar clothes, adopt the same mannerisms or eat the same foods as insiders. Comforting, therefore, allows outsiders to fit in while also allowing insiders to avoid confronting and challenging stereotypes about outsiders.¹⁸⁵ For example, suppose that a Latino student is asked to read aloud to the class from a book containing words that can be pronounced in Spanish, such as “Los Angeles.” This student has to choose between pronouncing the words with a Spanish or English accent. If the student pronounces the words with an English accent, he is engaging in comforting behavior by attempting to make insiders comfortable with his outsider status.

Margaret Montoya describes masking for Latinos as “presenting an acceptable face, speaking without a Spanish accent, hiding what [is] really felt—masking [the] inner [self].”¹⁸⁶ Masking is a defense against racism that is passed on from parents to help Latinos survive in school and in society.¹⁸⁷ For example, if a Latino student is asked to stand in front of the class and share what he ate for dinner the night before, a Latino student engaging in masking behavior would not share that he had *carne asada*, *frijoles*, *arroz*, and *tortillas* (grilled beef, beans, and rice).¹⁸⁸ In order to mask his outsider status, the student may say he had steak and potatoes, or whatever foods he believes an insider would eat for dinner.

In essence, Latino students who are interested in advancement will signal in any way possible that they are worthy of advancement and capable of performing according to the cultural codes of the classroom. The stronger the stereotypes and prejudices that exist in the classroom, the more work the Latino student must perform in order to properly manage an identity.¹⁸⁹ Incentives may guide Latinos, and strategic behavior may ease the identity performance, but the performance nonetheless takes work. Performing identity consumes resources, necessitates constant labor, and in-

¹⁸⁴ *Id.* at 1302–03 (Comforting is sometimes called “partial passing” because, unlike pure passing, the performance of comforting involves knowledge by the insider that the person performing is actually an outsider. Partial passing allows insiders to engage in “outsider exceptionalism,” a particularly dangerous method of avoiding the confrontation of stereotypes. This exceptionalism may manifest in statements like “We like you despite your being [African American, Latino, etc.]” or “We don’t really think of you as [African American, Latino, etc.]”).

¹⁸⁵ *Id.*

¹⁸⁶ Montoya, *infra* note 192, at 190.

¹⁸⁷ *Id.*

¹⁸⁸ *See id.* at 188–89. This example mimics Margaret Montoya’s example of masking behavior.

¹⁸⁹ Carbado & Gulati, *supra* note 131, at 1279.

flicts a significant cost for Latino students pursuing educational success.¹⁹⁰ Ultimately, Latinos must not only do school work at school, but must also work at performing their identities.¹⁹¹

III. THE COSTS OF ACCULTURATION AND IDENTITY PERFORMANCE FOR THE SUCCESSFUL LATINO STUDENT

My grandparents saw education as the great equalizer. Both had no more than a sixth grade education. My grandfather was a day laborer who spoke minimal English, and my grandmother never learned to speak English. Yet, they both saw education as paramount, and made sure that all eleven of their children attended college and received degrees.

Education, even when viewed as the great equalizer, has costs for Latino students.¹⁹² For Latinos, education is concomitant with acculturation into the dominant culture.¹⁹³ Acculturation is “the process that results in the modification of the culture of a group or an individual as a result of contact with a different culture.”¹⁹⁴ When Latinos must learn in culturally coded classrooms, their academic achievement depends on successfully performing white, middle-class values. Many Latinos embrace the dominant culture while, in part, abandoning their traditional values and lifestyles because they desire an education and economic upward mobility.¹⁹⁵ However, educational success and its required acculturation can also estrange Latinos from both cultural tradition and the dominant culture.¹⁹⁶ Further, educationally successful Latinos face significant psychological, sociological, and economic costs as a result of their academic achievement.¹⁹⁷

A. PSYCHOLOGICAL COSTS

Acculturation and identity performance within the classroom have significant psychological costs for Latinos.¹⁹⁸ Acculturation for Latinos “who are in contact with the dominant/majority culture in addition to their

¹⁹⁰ *Id.*

¹⁹¹ *See id.* at 1270.

¹⁹² *See* Margaret E. Montoya, *Mascaras, Trenzas, y Greñas: Un/masking the Self While Un/braiding Latina Stories and Legal Discourse*, 17 HARV. WOMEN’S L.J. 185, 192 (1994); CONCHAS, *supra* note 9, at 68, 114; Carbado & Gulati, *supra* note 131, at 1277.

¹⁹³ Montoya, *supra* note 192, at 192 (stating that virtually all Latino students with college-level education appear to be highly assimilated into Anglo culture).

¹⁹⁴ Lopez et al., *supra* note 170, at 246.

¹⁹⁵ Montoya, *supra* note 192, at 192.

¹⁹⁶ *Id.*

¹⁹⁷ *See id.* at 192–93; CONCHAS, *supra* note 9, at 114; *infra* text accompanying note 198.

¹⁹⁸ *See* Carbado & Gulati, *supra* note 131, at 1277; Mary Keegan Eamon, *Social-Demographic, School, Neighborhood, and Parenting Influences on the Academic Achievement of Latino Young Adolescents*, 34 J. YOUTH & ADOLESCENCE 163, 165 (2005).

native Mexican culture . . . is a significant psychological process.”¹⁹⁹ This psychological process affects the development of Latino youths’ ethnic identity.²⁰⁰ Latino students, and students in general, build identity when their individual actions, or those of others, increase their self-image.²⁰¹ This self-image is linked to the social environment,²⁰² and for Latino students in public schools this social environment is the classroom. Since Latino students must constantly portray an identity other than their own, Latino ethnic identity suffers.

Additionally, Latino identity performance takes constant work, which results in psychological costs because the performance is a “self-negating and self-denying strategic behavior.”²⁰³ Latino students who constantly combat negative stereotypes through identity performance can suffer a “denial of self,”²⁰⁴ whereby they reject who they are and where they came from so that the majority sees them as “not-different.”²⁰⁵ This denial of self can lead Latinos to feel “doubly estranged”: estranged from one’s ancestral roots, as well as estranged from the dominant the culture.²⁰⁶

Identity performance can also lead to a psychological cost of feeling masked because of ethnic and racial differences. Margaret Montoya asserts that being masked is directly linked to the process of cultural assimilation because assimilation requires Latinos to hide their true cultural selves behind constructed public personas.²⁰⁷ Latino acculturation and identity performance in public school classrooms becomes another mask for Latino students to hide their true selves behind. Unfortunately, Latino students who want to succeed educationally bear the psychological costs of hiding behind their acculturation and engaging in identity performance.²⁰⁸

Strategic behavior does not only necessitate an immense amount of work, but it requires that Latinos who are performing identity perform it well.²⁰⁹ When engaging in strategic behavior, the risk exists that others will see the performative element of an outsider’s behavior as strategic and manipulative.²¹⁰ Moreover, strategic passing can result in a complicit ne-

¹⁹⁹ Lopez, *supra* note 170, at 264.

²⁰⁰ *Id.*

²⁰¹ Akerlof & Cranton, *supra* note 93, at 1168.

²⁰² *Id.*

²⁰³ Carbado & Gulati, *supra* note 131, at 1277.

²⁰⁴ *Id.* at 1288.

²⁰⁵ Montoya, *supra* note 192, at 193.

²⁰⁶ *Id.*

²⁰⁷ *Id.* at 193–94.

²⁰⁸ *See id.*

²⁰⁹ Carbado & Gulati, *supra* note 131, at 1291.

²¹⁰ *Id.*

cessity to engage in racial humor.²¹¹ Latino students who are “*güero*,”²¹² or look white, can find themselves in situations where their white peers are making racist comments. In order to continue to pass as white the Latino student can remain silent or play along, which either denies the Latino’s sense of self or legitimizes the racist interaction.²¹³

Constant identity performance, including strategic behavior, may cause Latinos to have internal doubts about what they have sacrificed for academic success.²¹⁴ In this sense, concerns about ethnic identity and personal authenticity are a cost of educational success as a Latino.²¹⁵ This is especially relevant given the necessity of Latinos to perform identity in the classroom. Performing identity may cause a Latino student to ask, “Who am I really?”²¹⁶ In other instances, when strategic passing has been effective, others may comment, “You don’t seem Latina.”²¹⁷ These comments imply that one has risen above the group, and is consequently “special, better, acceptable.”²¹⁸ Thus, psychological effects on ethnic identity and personal authenticity are costs of Latino identity performance.

Further, identity performance and strategic behavior can result in psychological costs involving the Latino family, which frequently suffers the cultural costs of Latino students hiding behind constructed public personas.²¹⁹ In this sense, families may resent the success of their children because Latino children are expected to place familial needs above their individual needs.²²⁰ Thus, when Latino students achieve in school, the family may feel secondary or abandoned.²²¹ Even worse, some Latinos are accused of selling out, and placing the “*gringo*,” or white, culture above their own.²²²

B. SOCIOLOGICAL COSTS

Acculturation and identity performance in the classroom have sociological costs for Latinos, primarily involving Latino students’ social sup-

²¹¹ *Id.*; see also Johnson, *infra* note 249, at 1305–06.

²¹² *Güero* is a Spanish colloquialism, or slang, for someone who is Latino, but looks white.

²¹³ See Carbado & Gulati, *supra* note 131, at 1291.

²¹⁴ Montoya, *supra* note 192, at 195.

²¹⁵ *Id.* at 194.

²¹⁶ See *id.*

²¹⁷ *Id.*

²¹⁸ *Id.*

²¹⁹ *Id.*

²²⁰ MIRANDÉ, *supra* note 98, at 151.

²²¹ See Montoya, *supra* note 192, at 194 (stating that successful Latinos are accused of abandoning their family and the cultural values that have been instilled in them).

²²² See *id.*

port system and the experience of acculturative stress. Acculturative stress results from the stressful experience of modifying one's behavior, beliefs and values as a result of contact with another culture.²²³ Social support, which is found inside and outside the immediate family, is important for Latinos experiencing acculturative stress in addition to stress in the classroom.²²⁴ The Latino family is a stable structure where the individual's place is established and secure.²²⁵ The Latino family is "a warm and nurturing institution"²²⁶ that provides emotional security, a sense of belonging and support throughout an individual's lifetime.²²⁷ Further, the Latino family has evolved within the U.S. not just through assimilation and acculturation, but also through the maintenance of strong cultural bonds.²²⁸

Strong cultural and familial bonds cause Mexican Americans to put the needs of the family first, and when a conflict arises between family and work or school, the familial demands will likely supersede other obligations.²²⁹ For many social scientists, this familial emphasis is perceived as impeding advancement and acculturation.²³⁰ Because Latinos often put the obligations of family first, social scientists say that personal achievement becomes secondary and, as a result, school success suffers.²³¹ Thus, the Latino family is often blamed for the failures of their children.²³²

For Latinos, a social support network outside the family is particularly important "because of the strong values that many Latinos hold regarding the importance of family, cooperation, and positive interactions."²³³ For Latinos in public school classrooms, peers act as the social support network. When Latinos encounter adversity, isolation, or alienation by their peers, they suffer sociological costs.

Peer relationships can significantly shape patterns of behavior at school and may encourage or discourage high-achievement in school.²³⁴ Those who drop out of school are unlikely to encourage their Latino friends to succeed, clearly a negative influence.²³⁵ By contrast, having friends who value education and encourage success can be a positive influence for La-

²²³ Eamon, *supra* note 198, at 164–65.

²²⁴ Lopez et al., *supra* note 170, at 247.

²²⁵ MIRANDÉ, *supra* note 98, at 151.

²²⁶ *Id.*

²²⁷ *Id.*

²²⁸ *Id.* at 164.

²²⁹ *Id.* at 151.

²³⁰ *Id.*

²³¹ *Id.*

²³² CONCHAS, *supra* note 9, at 94.

²³³ Eamon, *supra* note 198, at 165.

²³⁴ *Id.*

²³⁵ *Id.*

tino students.²³⁶ However, these relationships are not dispositive and Latino students who succeed may not necessarily have friends who are successful.²³⁷ In other situations, successful Latino students may not have other Latinos as friends.²³⁸ Successful Latinos may not form relationships with other Latinos because the other successful students tend to be predominately Asian and white.²³⁹ All of these scenarios can result in isolation and stress as successful Latino students must sacrifice relationships with peers in order to achieve academic success.²⁴⁰

Highly successful Latino students within an educational institution, such as students in advanced placement (“AP”) classes and academically vigorous environments, can suffer additional costs of anxiety and stress.²⁴¹ These students can become alienated from the rest of the student body and the larger school culture because of their exceptional academic performance.²⁴² Further, these Latino students can become marginalized within their own academically successful peer group because of the competitive nature of AP classes.²⁴³ Latino students in rigorous classes tend to embrace the importance of meritocracy and individualism mandated by AP classes, epitomizing successful identity performance in the culturally coded classroom.²⁴⁴

Successful Latino students can also alienate their social support networks because of their acculturation and identity performance.²⁴⁵ Latino students who perform identity in school can be seen as sellouts by other less successful Latinos.²⁴⁶ Other Latinos view an acculturated individual as “*agringado*” or one who has become white.²⁴⁷ Moreover, succeeding in school is often viewed by other Latinos as no longer being an authentic

²³⁶ *Id.*

²³⁷ If successful Latino students do have friends who are also successful, those students are likely to be Asian and white. *Id.* at 167.

²³⁸ *Id.* at 166. Successful Latinos perceive unsuccessful Latinos (those who do not go to class or that affiliate with gangs) as not sharing the same values. *Id.* Successful students do not have a desire to associate with these Latinos because of the negative effect unsuccessful Latinos have on the learning environment. *Id.* at 167.

²³⁹ *Id.*

²⁴⁰ *See id.*

²⁴¹ CONCHAS, *supra* note 9, at 114; *see also* Richard R. Valencia, *The Plight of Chicano Students: an overview of schooling conditions and outcomes*, in CHICANO SCHOOL FAILURE AND SUCCESS: PAST, PRESENT, AND FUTURE 3, 39 (Richard R. Valencia ed., 2002).

²⁴² CONCHAS, *supra* note 9, at 114.

²⁴³ *Id.*

²⁴⁴ *Id.* at 114–15.

²⁴⁵ *See* Montoya, *supra* note 192, at 193.

²⁴⁶ *See id.*

²⁴⁷ *Id.*

Mexican²⁴⁸ because the Latino student has assimilated and is successfully performing identity. This may result in successful Latinos being chided and ridiculed by other Latino students through “microaggressions” or put-downs by members of their own race.²⁴⁹ The microaggressions may take the form of name calling such as “*gabacho*,” “*pocho*” or white-boy, all derogatory terms for acting “too white.”²⁵⁰

Moreover, the sociological costs can be exacerbated by the Latino family. Latino families often do not have an understanding of how the educational system works and, thus, have an inability to adequately support their successful Latino student.²⁵¹ Other Latino families may feel alienated by the educational system itself²⁵² which closely aligns with white middle-class values. Cultural conflict or a “mismatch” in behavior, values, and communication styles between a Latino student’s school and home environment can also adversely affect learning and attachment to school.²⁵³ While data shows that Latino parents are more likely than other minorities to talk to their children about high school plans,²⁵⁴ the lack of familiarity and/or alienation with the school system may negate this communication. This cultural conflict can be problematic for successful Latino students since support of the family is important to Latinos.²⁵⁵ When academic success results in cultural conflict, isolation or alienation from the Latino family, Latino students suffer.

C. ECONOMIC COSTS

Educationally successful Latinos can also experience economic costs, such as stress, estrangement, and a lower rate of return on educational investment. Historically, “Latinos attend some of the nation’s most . . . poorly funded schools, resulting in educational disadvantages such as low-quality facilities, poor student attitudes toward academic achievement, and low course work level.”²⁵⁶ Further, these schools have issues securing the financing needed for school facilities.²⁵⁷ As a result, Latino schools are

²⁴⁸ *Id.*

²⁴⁹ See Kevin R. Johnson, “*Melting Pot*” or “*Ring of Fire*”? : *Assimilation and the Mexican American Experience*, 85 CAL. L. REV. 1259, 1292 (1997) (citing Peggy C. Davis, *Law as Microaggression*, 98 YALE L.J. 1559, 1561–62 (1989) (noting that African Americans suffer “microaggressions” or putdowns by members of their own race)).

²⁵⁰ *Id.*

²⁵¹ CONCHAS, *supra* note 9, at 90; see also Eamon, *supra* note 198, at 165.

²⁵² Eamon, *supra* note 198, at 165.

²⁵³ *Id.*

²⁵⁴ CONCHAS, *supra* note 9, at 99.

²⁵⁵ Eamon, *supra* note 198, at 165.

²⁵⁶ *Id.*; see also Valencia, *supra* note 241, at 19.

²⁵⁷ Valencia, *supra* note 241, at 22.

overcrowded and their districts remain poor.²⁵⁸ In this way, a national two-tiered system of public education is maintained: one tier for the economically advantaged and one tier for the poor.²⁵⁹ Racism and poverty in Latino and minority neighborhoods make it difficult to improve the socioeconomic status of the neighborhood and its schools²⁶⁰ because school funding is contingent on the amount of property taxes generated by the neighborhood in which the school is situated.²⁶¹ Less property taxes result in less resources such as computers, academic materials and money for the arts.²⁶²

Successful Latino students attending under-funded public schools are hindered by these economic costs and suffer from economic stress. Economic stress lowers achievement levels, “disrupts involved parenting, increases negative and conflicted family interaction and constrains parents’ ability to provide cognitively stimulating home environments.”²⁶³ Thus, the best and brightest students in poor neighborhoods are not given the best, or equal, opportunities for advancement.²⁶⁴ Moreover, economic stress has negative effects on Latino students who are already high achieving.

While Latinos may overcome the limited resources of public schools or the lack of funding for public schools due to impoverished neighborhoods, successful Latinos still must confront the economic cost of a lower rate of return on their educational investment. A lower rate of return is calculated by compounding lifetime earnings for Latinos who succeed and complete their education. Studies show that lifetime earnings for Latinos with a Bachelor’s degree are double the earnings of Latinos who have a high school diploma, and triple the earnings of Latinos who fail to graduate high school.²⁶⁵ Latinos who do not finish high school are likely to earn approximately \$800,000 in their lifetime, compared to \$1.7 million for Latinos who earn a Bachelor’s degree.²⁶⁶ However, economic costs still exist for successful Latinos with a greater earning potential than their peers who dropout. First, 58 percent of white students attend “some” college com-

²⁵⁸ *Id.*

²⁵⁹ *Id.*

²⁶⁰ Villenas et al., *supra* note 119, at 34.

²⁶¹ Ladson-Billings, *supra* note 89, at 24.

²⁶² Villenas et al., *supra* note 119, at 34.

²⁶³ Eamon, *supra* note 198, at 165.

²⁶⁴ Villenas et al., *supra* note 119, at 34.

²⁶⁵ THE CAMPAIGN FOR COLLEGE OPPORTUNITY, “RETURN ON INVESTMENT”: A LATINO SNAPSHOT, <http://www.collegecampaign.org/assets/docs/res-lib/ROI-Latino-Snapshot.pdf>.

²⁶⁶ *Id.*; U.S. CENSUS BUREAU, THE BIG PAYOFF: EDUCATIONAL ATTAINMENT AND SYNTHETIC ESTIMATES OF WORK-LIFE EARNINGS (2002), <http://usgovinfo.about.com/gi/dynamic/offsite.htm?site=http://www.census.gov/prod/2002pubs/p23%2D210.pdf> [hereinafter THE BIG PAYOFF].

pared to 45 percent of Latinos.²⁶⁷ Second, only 12% of Latino 22 year olds complete a Bachelor's degree, which is less than half of the rate for whites.²⁶⁸ Third, and most importantly, Latinos receive a lower rate of return in terms of lifetime earnings on their educational investment than whites.²⁶⁹ Whites who achieve Bachelor's degrees earn \$2.2 million in a lifetime compared to \$1.7 million for Latinos.²⁷⁰ Whites who achieve high school diplomas earn \$1.3 million in a lifetime compared to \$1.1 for Latinos.²⁷¹ And whites who do not complete high school earn \$1.1 million in a lifetime compared to \$800,000 for Latinos.²⁷² The economic costs of a lower rate of return and lower earning potential may have a negative effect on Latino identity. Identity is formed partly by social status, and the inability to achieve economic equality with that of whites—despite having the same educational level—may lead to lower social status and an overall negative effect on identity. Therefore, despite educational success, Latinos still suffer economic costs.

Economic upward mobility due to Latino educational success can also lead to costs. When Latinos succeed in school, the likely result is that those successful Latinos will end up in a higher economic class than their family or community.²⁷³ This can affect mannerisms, clothing styles, and manners of speech, which family members perceive as typifying the privileged classes.²⁷⁴ Because the family “can end up feeling estranged from their children and resentful of the cultural costs involved in [the student's] academic and economic success,” successful Latinos may feel the strain in familial bonds even when the family initially supported their education and advancement.²⁷⁵

The Latino family may also perceive educational success as a departure from traditional values and an abandonment of the family.²⁷⁶ The economic needs of the household can take precedence over educational success.²⁷⁷ Latino students may have to aid in the economic support of an

²⁶⁷ Stephen Sorensen et al., *Increasing Hispanic Participation in Higher Education: A Desirable Public Investment*, RAND Corporation (1995), http://www.rand.org/pubs/issue_papers/IP152/index2.html.

²⁶⁸ *Id.*

²⁶⁹ See THE BIG PAYOFF, *supra* note 266, at 7.

²⁷⁰ *Id.* at 7.

²⁷¹ *Id.*

²⁷² *Id.*

²⁷³ Montoya, *supra* note 192, at 194.

²⁷⁴ *Id.*

²⁷⁵ *Id.*

²⁷⁶ See *id.* at 192–93.

²⁷⁷ See Javier Tapia, *Schooling and Learning in U.S.-Mexican Families: A Case Study of Households*, 32 URBAN REV. 25, 34 (2000).

entire household, especially when the parents are unable to find work or cannot work in certain industries because of language or citizenship barriers.²⁷⁸ A Latino student who fails to help meet the economic needs of the household can be perceived as abandoning traditional values and the family. But, the necessity of working to support family removes the Latino student from the stable structure of the home, where homework and school related tasks can be monitored.²⁷⁹ The result is that an educationally successful Latino may have his or her academic achievement cut short because the familial economic needs supersede the educational aspirations of the student.

IV. INHERENT COSTS OF LATINO EDUCATIONAL SUCCESS

Although there are high costs for educationally successful Latinos, these students show a resilience and ability to cope with the psychological, sociological, and economic costs in order to achieve educational success.²⁸⁰ Within the classroom and the Latino family are intricate processes that promote success rather than failure.²⁸¹ Support systems at the classroom and familial levels can enhance Latinos' school experience and lead to educational success.²⁸² However, Latinos must adapt and succeed in an educational structure that is culturally coded for whites.

Latinos inarguably benefit from educational success. Latinos who succeed have an ability to participate in civic life through employment, develop a sense of self-worth, and achieve economic upward mobility. Sociologically, educational success leads to an ability to maintain ties across generations by valuing different cultures, especially one's own.²⁸³ Concomitant with this sociological benefit is the idea that educational success builds a bicultural skill set.²⁸⁴ Educated Latino children help their Spanish-speaking parents cross between Mexican and American cultures by drawing on multiple and diverse linguistic and cultural resources.²⁸⁵ Successful Latino students become translators and cultural brokers for their families with sophisticated, specialized knowledge and the ability to navigate language systems.²⁸⁶ Economically, successful Latinos often move into a

²⁷⁸ See *id.* at 35.

²⁷⁹ *Id.*

²⁸⁰ See CONCHAS, *supra* note 9, at 114.

²⁸¹ *Id.* at 114.

²⁸² *Id.*

²⁸³ Villenas & Deyhle, *supra* note 102, at 424.

²⁸⁴ See *id.* at 424–26.

²⁸⁵ *Id.* at 426.

²⁸⁶ *Id.*

higher economic class than their family and community²⁸⁷ because academically successful Latinos statistically earn significantly more than Latinos who drop out of school.²⁸⁸ This economic upward mobility can break the cycle of poverty and lead to increased prosperity for the educationally successful Latinos.

The reasons for these benefits are both individualistic and familial: both Latino families and their children have high educational aspirations.²⁸⁹ Teaching and learning has been documented in Latino families as vibrant, creative, and a cultural strength.²⁹⁰ Latino parents appropriately socialize their children through *consejos*, or narrative advice, which makes Latino children *bien educados*, or well-rounded morally and intellectually.²⁹¹ However, Latino parents also pass on their strong belief in traditional American ideas of educational success to their children through these *consejos*.²⁹²

Individually, Latino, or immigrant, youth have been found to have higher educational aspirations and a stronger belief in the importance and usefulness of education than U.S. born youth.²⁹³ Educationally successful Latinos seek out resources and maintain supportive ties with institutional agents, such as teachers and counselors.²⁹⁴ Successful Latinos must seek out these supportive ties on their own,²⁹⁵ demonstrating perseverance and resilience instilled by the Latino family.²⁹⁶ This resilience allows successful Latinos to overcome identity performance and negative stereotypes within the culturally coded classroom. Educators, especially teachers, have immense power and influence over a Latino student's ability to achieve. Teachers may provide extra time or individualized attention, challenging the student academically, or provide necessary encouragement, which helps lead to educational success.

Throughout my educational career I have had superb teachers who encouraged me in every aspect of my studies. However, the same benefit was not always extended to my peers. Some students—those who showed less promise or did not perform identity according to the cultural

²⁸⁷ See Montoya, *supra* note 192, at 194.

²⁸⁸ See *infra* text accompanying notes 295–96; THE BIG PAYOFF, *supra* note 266, at 7.

²⁸⁹ See Villenas et al., *supra* note 119, at 37.

²⁹⁰ *Id.*

²⁹¹ *Id.*; see *supra* text accompanying notes 107–109.

²⁹² Villenas & Deyhle, *supra* note 102, at 424.

²⁹³ Nancy A. Gonzales et al., *Mexican American Adolescents' Cultural Orientation, Externalizing Behavior and Academic Engagement: The Role of Traditional Cultural Values*, 41 AMERICAN J. OF CMTY. PSYCHOLOGY 151, 153 (2008).

²⁹⁴ CONCHAS, *supra* note 9, at 12.

²⁹⁵ *Id.*

²⁹⁶ Villenas & Deyhle, *supra* note 102, at 421–22.

codes of the classroom—were not encouraged; rather, the teacher seemed to accept the fact that these students would not succeed in school. Most of these students were Latino.

Ultimately, however, the benefits of Latino success do not exist without inherent costs. The costs to Latino identity as a result of performing identity within public school classrooms can negate the benefits and remain permanently. Performing identity takes constant work, and it is likely that despite educational achievement, the successful Latino will have to perform identity in any other institutional setting that he or she encounters. The costs to the Latino family include estrangement, alienation, and isolation. The successful Latino must overcome these costs and stresses just to function as a “cultural broker” or “translator” and reap the bicultural benefits.²⁹⁷ Further, the bicultural and linguistic skills that Latino students bring to the educational environment are often rejected or ignored. And, moreover, economic success does not always breed contentment. Economic success can lead to further estrangement from family and resentment, and Latinos receive significantly less of a return on their educational investment. Above all, the most pervasive of the costs is the underlying necessity for Latinos to assimilate into American society and adopt the cultural codes of public school classrooms in order to achieve educational success.²⁹⁸ Thus, while Latino students certainly can, and do, achieve educational success, it does not come without costs

CONCLUSION

I am an educationally successful Latino; however, I recognized early on that this success did not come without costs. Mexican American history is marred with neglect and maltreatment. And despite litigation that recognized Mexican Americans as a protected class, social equality for Latinos has not been achieved. Desegregation and integration were supposed to be the answer to segregation; however, integration only perpetuated the cycle of Latino underachievement by placing Latino students in classrooms that proclaimed white, middle-class knowledge as the “standard.” The current education system is the progeny of this history of inequality, resulting in public school classrooms that are culturally coded according to the dominant culture. Consequently, without embracing the notion that white middle-class knowledge is the standard, or comportment with classroom codes, or identity performance to combat negative stereotypes, educational success is not possible for Latinos. For as far as we have come from the great

²⁹⁷ *Id.* at 426.

²⁹⁸ See CONCHAS, *supra* note 9, at 11.

influx of Mexican labor in the 1900s, or the victories in state and federal courts, or the recognition of Mexican Americans as a class worthy of equal protection, the U.S. education system continues to be a source of psychological, sociological and economic strife. Although educationally successful Latino students demonstrate resilience, persevere, and succeed, inevitably the inherent costs of success remain.