



National Asian Pacific American Bar Association

Statement of Support for Ethnic Studies Programs

Endorsed January 2015

WHEREAS, the National Asian Pacific American Bar Association (NAPABA) is the national association of Asian Pacific American attorneys, judges, law professors and law students, representing the interests of over 40,000 attorneys and nearly 70 national, state, and local Asian Pacific American bar associations; NAPABA members include solo practitioners, large firm lawyers, corporate counsel, legal service and non-profit attorneys, and lawyers serving at all levels of government; and NAPABA is committed to addressing civil rights issues confronting Asian Pacific American communities and people of color;

WHEREAS, NAPABA has been at the forefront of national and local activities in the areas of civil rights, equal opportunities in education, and increasing diversity and inclusion at all levels of society;

WHEREAS, past discrimination based on race, ethnicity, nationality, gender, or disability has left a legacy of limited opportunities for people of color, women, and persons with disabilities throughout our nation;

WHEREAS, ethnic studies programs promote diversity and inclusion by contributing to a better understanding of the struggles of people of color in the United States;

WHEREAS, the Mexican American Studies program in Tucson, Arizona was established to develop an innovative curriculum based on restorative educational practices intended to reject the deficit theory that Mexican American students, their families, and neighborhoods were “defective” and thus destined to fail in school;

WHEREAS, the Mexican American Studies program was later incorporated into a consent decree to desegregate the Tucson Unified School District;

WHEREAS, a recent study showed that students who attended the Mexican American Studies (MAS) courses performed better on state tests and graduated at a statistically significant higher rate than students who had not attended the courses;

WHEREAS, the MAS courses presented high school students with literature by Mexican American authors and American history that included Mexican American perspectives;

WHEREAS, the Tucson Unified School District serves a majority Latino school age population;

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WHEREAS, in 2010, the Arizona legislature passed House Bill 2281 (HB 2281), which banned courses that “were designed primarily for students of a particular ethnic group or advocated ethnic solidarity”;

WHEREAS, the Arizona Education Department determined that the MAS was illegal under HB 2281;

WHEREAS, in January 2012, the Tucson Unified School District voted to eliminate MAS;

WHEREAS, a federal court upheld the Arizona Education Department Order finding MAS illegal under HB 2281;

WHEREAS, the appeal of the federal court decision is expected to be heard in January 2015 before the U.S. Court of Appeals for the Ninth Circuit; and

WHEREAS, the appellant former teachers and students challenged the arbitrary decision by the Arizona Superintendent of Education to disregard the input of Tucson school district officials, education experts and independent audit, violating the 1st and 14th amendments, according to the *Arizona Daily Star*.

THEREFORE BE IT RESOLVED, that NAPABA:

1. Supports the appeal and reversal of the federal court decision upholding the implementation of HB 2281.
2. Supports legislation to repeal HB 2281 and similar laws designed to ban courses about ethnic history and cultures.
3. Authorizes its president, board, and staff to take all necessary steps to support the appeal and to publicize its position to any courts of jurisdiction, to the press and other bar associations.
4. Supports this resolution as a policy priority until it is withdrawn or modified by subsequent resolution.