

Bureaucratic Representation, Distributional Equity, and Democratic Values in the Administration of Public Programs

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Work on bureaucratic representation suggests that minority citizens benefit when the programs that serve them are administered by bureaucrats with similar characteristics. This literature has not sufficiently dealt with the long-standing concern that minority benefits may come at the expense of citizens from other groups, which some critics argue makes representative bureaucracy irreconcilable with democratic values. This article suggests distributional equity as a potential moderator of bureaucratic representation and as a potential source of reconciliation. It tests for the effects of representation under different distributional conditions in a policy area in which outcomes approach a zero-sum game. Analyses of a nationally representative sample of public organizations find a relationship between bureaucratic representation and citizen outcomes only in those instances where program benefits are being inequitably distributed to the relevant group. The article concludes with a discussion of the significance of these findings for the democratic legitimacy of representative bureaucracy.

For decades, scholars have been interested in the degree to which bureaucratic representation improves the delivery of goods and services to minority groups. Numerous studies have found a robust association between increases in the number of minorities in the public workforce and improved bureaucratic outcomes for minority clients. For the most part, and for obvious reasons, this empirical finding has been lauded as a normative good.

However, the recognition of this relationship has evoked a related and potentially troubling question. Namely, do the gains produced for minority clients by minority bureaucrats come at the expense of other groups within society? Early critics of the concept of “active representation” argued that it easily could be the case that minority gains held direct negative consequences for nonminorities and that attempts by minority bureaucrats to improve outcomes for clients based on shared origins was, therefore, inherently irreconcilable with democratic values. More recent empirical work has suggested, however, that these early fears were unfounded because, while minority bureaucrats may seek to ensure benefits for those of similar

origins, they typically improve outcomes for *all* clients, regardless of race, gender, or ethnicity.

We argue that questions regarding potential inequities created by a bureaucracy where members “actively” seek to improve outcomes for those who look like them have yet to be adequately answered. Unsatisfactorily, studies that test for the impact of minority bureaucrats on outcomes for various groups have done so almost exclusively in the context of irreducible public goods. In other words, they have examined outcomes—such as academic performance—where benefits accrued by one group do not necessarily preclude accrual by another. However, many government goods and services more closely approximate private or reducible goods, where award to or participation by one client necessarily limits reciprocity or participation by another. These “zero-sum” contexts are the ones where inequities potentially created by active representation are most likely to manifest. These are the cases, therefore, that must be examined in order to determine whether gains won by minority bureaucrats for clients with shared characteristics come at the expense of other groups.

This study tests for the impact of minority representation on distributional equity in bureaucratic outputs in an assessment of assignment to Gifted and Talented (G&T) programs in a nationally representative sample of American public schools. We articulate theoretically the different functional forms that active representation may take, depending on the degree to which that behavior is moderated by the equitability of the existing distribution of program benefits and test those *a priori* expectations against the actual distribution of bureaucratic goods in those contexts. Beyond the obvious implications for bureaucratic representation, this analysis contributes to the study of representation more generally by empirically exploring the pursuit by government officials of private goods for the citizens they represent versus public goods, such as equity. More explicitly, it raises and tests the possibility that these two roles, delegate and trustee, may not be mutually exclusive.¹

Active Representation in the Literature

The search for representation of diverse interests within public organizations is driven largely by the belief that bureaucracy will serve democratic principles better if it reflects the demographic characteristics of citizens (Rourke 1978). Representation of diverse groups, in other words, helps to ensure pluralism in the implementation of public policies and programs (Denhardt and de Leon 1995). Based on these normative suppositions, a large number of studies have investigated the degree to which the bureaucracy reflects the composition of the larger population (see, for example, Hall and Saltzstein 1977) and the factors that influence the prevalence of minority bureaucrats (see, for example, Cornwell and Kellough 1994).

While important in its own right, the interest in passive bureaucratic representation typically has been underlain by the belief that shared demographic characteristics, and thus values, between minority bureaucrats and citizens ultimately lead the former to pursue policies that benefit the latter (Pitkin 1967;

Mosher 1982). Meier and Stewart (1992) outline a set of conditions whereby this transformation is most likely to occur, suggesting that the definition of the issue as one of importance to a particular demographic group and control by the bureaucrat of outputs that can directly benefit that group both are important factors (see also Meier 1993). Research confirms that, when these conditions are satisfied, both minority and female bureaucrats use their discretion to benefit clients with shared characteristics in a host of settings, including the Equal Employment Opportunity Commission (Hindera 1993), schools (Meier, Wrinkle, and Polinard 1999), the Farmers Home Administration (Selden 1997), and law enforcement (Meier and Nicholson-Crotty 2006).

Democratic Values and Active Representation

The suggestion that bureaucrats actively pursue positive policy outcomes for clients based on shared characteristics has spawned normative concerns regarding the legitimacy of such activities. Those concerns turn primarily on the distributional equity of bureaucratic outputs under conditions of “active representation” and, more broadly, on the apparent conflict between such behavior and the democratic norm of equal treatment (see Subramaniam 1967). Mosher fully develops the argument against active representation in terms of its threat to democratic legitimacy, suggesting that “active representativeness run rampant within bureaucracy would constitute a major threat to orderly democratic government” (1968, 12). Larson similarly suggests that active representation cannot “provide a basis for the formulation and implementation of policies which serve all groups equally” (1973, 84). In addition to values-based challenges, authors also have raised a secondary concern about the unforeseen consequences of active representation for minority clients. Mosher was the first to suggest that partiality by one group of bureaucrats will encourage *all* bureaucrats to show favoritism to those of shared interests, which would be detrimental because “the strength of private interest groups within administration are vastly unequal” (1968, 12). Lim is more explicit in his critique, arguing that “partiality by minority bureaucrats legitimizes partiality by other bureaucrats and makes them less restrained in discriminating against the minority group” (2006, 202).

While our focus is the bureaucracy, the implications of both passive and active representation for

¹The Schools and Staffing Survey (SASS) data is restricted to users licensed by the National Center for Education Statistics (NCES) and data is nontransferable among license holders. Researchers can secure access to the SASS data by contacting NCES via their web site (<http://nces.ed.gov>), then contact Jason Grissom (grissomja@missouri.edu) who will provide variable names and code to replicate the analyses. An online appendix with supplementary materials can be found at <http://journals.cambridge.org/JOP>.

nonrepresented groups are relevant to ongoing debates in a variety of political institutions. Minority representation in legislatures, both descriptive and substantive, has produced a voluminous literature that offers mixed findings regarding the benefits that accrue to minority citizens from having a representative that looks like them (e.g., Lublin 1997), though it has suggested that minority representation may drive down participation for nonrepresented groups (Gay 2001). Judicial scholars have also asked if representation on the bench influences outcomes for defendants of different races and again offered mixed answers, though some of this work concludes that black judges may sentence *both* black and white defendants more harshly (Steffensmeier and Britt 2001). Finally, the courts themselves have addressed the issue of whether minority representation on juries comes at a cost to nonminority defendants, and yet again the decisions reflect a significant degree of ambivalence regarding the answer.² While not directly tackling equity and representation in these other institutions, we hope that lessons learned from this assessment in the bureaucratic setting may offer insights into such questions and into questions of representation more broadly conceived.

Returning then to the question of equity and bureaucratic representation, the empirical implication of both types of normative critiques discussed above is that gains won for one group by bureaucratic favoritism come at a cost to other groups—a trade-off that is democratically indefensible and that may generate even greater cost for the supposedly advantaged group. A small body of work has attempted to address these potential distributional consequences empirically. Meier, Wrinkle, and Polinard begin with the recognition that policy benefits are often perceived of as a zero-sum game, but demonstrate that increased minority representation in the bureaucratic workforce does not decrease certain classes of benefits (e.g., test scores) for clients from the majority group. The authors conclude that “moving toward a more representative bureaucracy will not have outcomes detrimental to the established majority” (1999, 1036). Keiser et al. expand the argument regarding representative bureaucracy and distributional equity to gender representation. Though these authors’ primary goal is demonstrating active representation for female bureaucrats, they similarly demonstrate that all clients benefit from a more gender-diverse workforce. The authors conclude that the benefits of

representation for specific groups of clients does not have to mean that “the represented will benefit more than other clientele” (2002, 560). The most recent work on the distributional consequences of active representation reaches the same benign conclusions as previous studies. Rocha and Hawes (2009) do not explicitly investigate the benefit tradeoff between minority and majority groups but do demonstrate empirically that increased representation for one minority group does not impose costs on, and indeed improves outcomes for, clients from other minority groups.

Despite these studies, we suggest that the literature has not satisfactorily answered the question of whether gains produced for minority clients via active representation come at a cost to clients from other groups. First, these analyses have been conducted primarily on program outcomes, like academic performance, that closely approximate irreducible goods (Keiser et al. 2002; Meier, Wrinkle, and Polinard 1999). That is, research has focused on cases where there need not be trade-offs between benefits accrued by one group and those accrued by another. For such goods, there is no reason for bureaucrats engaging in active representation to systematically disadvantage one group in order to produce benefits for another.

Second, studies that have tested for distributional consequences of active representation in zero-sum contexts have failed to answer the question of intergroup tradeoffs because they have focused exclusively on outcomes for different *minority* groups (Rocha and Hawes 2009). Without testing for the impact on nonminority clients, however, the potential costs of active representation cannot be accurately assessed. Finally, existing work on distributional equity and representative bureaucracy has failed to articulate precise theoretical expectations about patterns of intergroup benefit distribution that may be produced by active representation. More importantly, perhaps, it has failed to develop a theory of those patterns that *should* exist if such activities are to be reconciled with democratic values.³

Equity and Active Representation

This examination requires not simply analyzing whether having more bureaucrats of a particular race or gender correlates with fewer benefits for clients who do not share those characteristics but instead

²See, for example, *Hobby v. United States* 1984; *Edmonson v. Leesville Concrete Co.* 1991; *Powers v. Ohio* 1991.

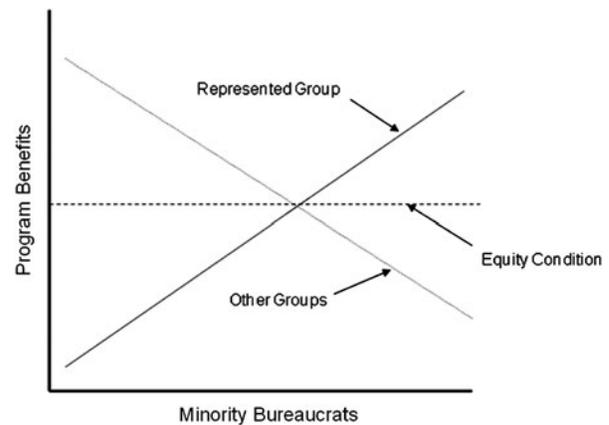
³Admittedly, developing such expectations is unimportant if bureaucratic partiality toward one group has no deleterious consequences for other groups, but it is impossible to make that assertion with any certainty based on existing research.

requires the consideration of benefits provided to represented and nonrepresented groups relative to some standard of equity. That is, we must consider the benefits that bureaucrats secure for those who share their characteristics and the benefits they deny to other groups in light of the share of total benefits that it is fair for those groups to receive.

There are numerous standards that policymakers can and do use to determine what is “fair” or equitable in the distribution of public goods (see Stone 2009 for a review). In those cases where we expect that members of different groups are not differentially deserving of a benefit, we might employ a population proportionality standard. This decision rule is common to employment, housing, lending, and other types of discrimination regulation. Alternatively, we might envision an affirmative action standard, where equity is determined by the volume of benefits necessary to overcome past discrimination against a particular group. Some programs rely on a means-based standard, where equity is achieved when those who have material need receive benefits and those above a predefined standard do not. This is the standard employed in the allocation of disability benefits and in other social welfare programs. Others rely on the contribution of the individual or society’s indebtedness to them to determine what is fair (e.g., veterans’ benefits). Finally, many programs strive for a merit equity standard, where benefits are allocated according to demonstrated skill. Policies such as Proposition 209 in California and Initiative 200 in Washington were explicitly targeted at changing university admissions from an affirmative action standard to one that was ostensibly merit based. In reality, any truly “objective” equity standard is difficult to achieve because those that award benefits exercise discretion no matter how lengthy or detailed the standards and because the standards themselves are likely to be considered “unfair” by at least some portion of the citizenry. We will discuss a specific operationalization of the equity standard in the empirical portion of the paper; for now it is sufficient to acknowledge that there is an equitable distribution of bureaucratic benefits against which the patterns of distribution produced by active representation can be compared.

This section theorizes the existence of two such patterns and discusses the legitimacy of each one in the administration of programs within democratic systems. Each theoretical scenario assumes that the necessary conditions for active representation identified by Meier and Stewart (1992) are present. The first, presented in Figure 1, is the relationship that is typically modeled in the literature on active repre-

FIGURE 1 Linear Active Representation in Zero-Sum Programs



sentation. In this case, each minority bureaucrat actively pursues additional benefits for minority clients regardless of other factors. Thus, higher proportions of minorities in an agency continue to result in additional gains for minority clients, even after the point at which that group is receiving more than population, need, or some other characteristic indicates they should.⁴ In a true zero-sum context, where the quantity of total benefits is fixed, the gains won for minority clients necessarily come at the expense of clients from some other group. These costs continue to be borne even after that group begins to receive less than an equitable share.

The degree to which that trade-off is irreconcilable with democratic values, however, depends on what side of the equity line we examine. Below the equity condition, minority clients are being under-allocated bureaucratic benefits, while some other group is being awarded more than is equitable. When that condition holds, it is reasonable to suggest that democratic values of equity can countenance minority bureaucrats actively seeking to secure a fair distribution of benefits for those of like characteristics. Above the equity line in Figure 1, however, active representation becomes less defensible. In those cases, minority bureaucrats continue to provide additional benefits to minority clients despite the fact that those clients are now being *overallocated* government goods or services,

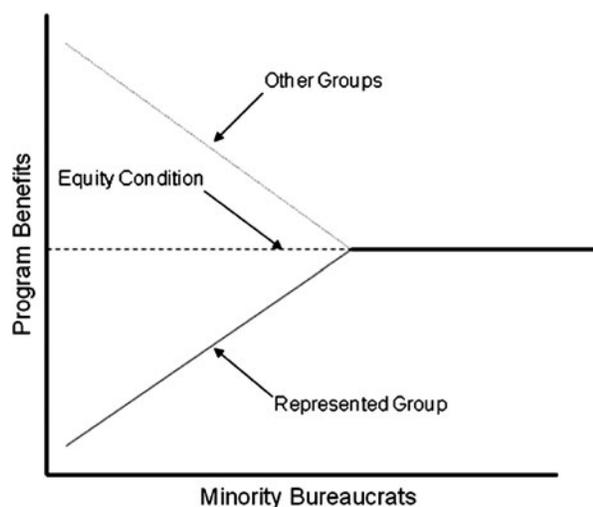
⁴It is important to note that some work on active representation has modeled this representation function as nonlinear, with essentially no impact on minority client outcomes at low levels of minority bureaucrats turning to a positive and increasingly large impact at higher levels see Meier 1993. For the purposes of our argument, however, it makes no difference if the representation relationship is nonlinear in this fashion, because once they reach a critical mass minority bureaucrats provide benefits to minority clients without consideration of the equity condition.

while some other group is receiving less than is fair relative to population, need, or whatever equity criteria is being used.

Because the theory of representative bureaucracy does not articulate equity as a moderator of the representation function, the continued accrual of minority client benefits beyond what can be deemed just or fair might be viewed as a natural product of active representation. Indeed, this outcome seems to lie at the heart of Mosher's (1968), Lim's (2006), and others' normative concerns about bureaucratic partiality. The concern, and the assumptions that underlie it, are reasonable given that, when white men dominated the bureaucratic workforce, the same group in society was systematically overascribed benefits. However, these critics suggest that simply substituting one form of discrimination for another, or introducing more pluralistic discrimination, is not a legitimate way to administer public programs.

We suggest instead that the distributional pattern produced by active representation in a zero-sum context could take the form suggested in Figure 2. In this scenario, minority bureaucrats actively produce additional benefits for minority clients so long as those clients are receiving less than an equitable share. As it must be in a zero-sum context, those gains again come at the expense of some other group. Once equity is reached, however, bureaucrats no longer show partiality to clients of the same group and, thus, we observe no relationship between increases in the number of minorities in the workforce and the benefits awarded to minority clients or denied to other groups.

FIGURE 2 Equity Moderated Active Representation in Zero-Sum Programs



There are a variety of reasons why the representation form depicted in Figure 2 is plausible. First, members of minority and other out groups may have a more highly developed sense of equity due to their experience with persistent inequality and discrimination. This sense of fairness may moderate the desire of minority bureaucrats to actively pursue benefits for minority clients beyond the equity condition. Alternatively, the distribution of benefits may take this form because issues lose the race salience necessary for active representation once the equity condition has been reached, and bureaucrats and clients no longer observe localized discrimination in the awarding of a particular benefit. Finally, active representation may take the form depicted in Figure 2 due to intergroup competition. Scholars have worried that bureaucratic partiality by minority bureaucrats may encourage partiality by all bureaucrats (Lim 2006; Mosher 1968), and such a reaction may be most prominent when active representation begins to produce *disproportionate* benefits for minority clients. Thus, minority bureaucrats may desire to continue securing additional benefits for clients past the point of equity but are unable to do so because other groups begin more actively pursuing benefits for their clients at that point.

To the degree that it can be established that the effects of representation are better represented by the moderated model depicted in Figure 2 than the more traditional model depicted in Figure 1, there is an opportunity to reconcile the normatively appealing characteristics of active representation with the serious criticisms that have been leveled at it. The assumption that the relationship between passive representation and greater minority benefits is similar below and above some equity point has never been tested. In the next section, we undertake such a test.

An Empirical Test

We test for the representational forms discussed above in an analysis of assignment to Gifted and Talented programs in U.S. elementary schools. G&T programs originated in the 1970s following a report by the federal government suggesting that 3-5% of the nation's children "by virtue of outstanding abilities... require differential educational programs and/or services beyond those provided by the regular school program in order to realize their contribution to self and the society" (Marland 1979, ix). Though an Office of G&T Education was

established within the Department of Education in 1988, criteria for assignment to and the funding for these programs remains the responsibility of the states.⁵ Thirty-three states mandate that school districts provide some form of gifted education, while the other 17 leave that decision to the discretion of individual districts.

Despite the obvious variation that arises from this decentralized decision-making process, there is surprising consistency across schools in the choice to maintain a G&T program and in the number of students assigned to it.⁶ In 2004, over 90% of elementary schools sampled in the Department of Education's School and Staffing Survey reported having a program. On average, 5.38% of the students in each school participated in those programs. When the same population of schools was surveyed in 2000, the average enrollment in G&T programs was only slightly smaller at 5.1%. The consistency in the size of these programs is due, in part, to the high cost and chronic lack of funding for these programs, which the literature on gifted children consistently identifies as among the most important factors limiting the size of G&T programs (Pfeiffer 2003).

Because of the relative scarcity and fixed quantity of seats in G&T classrooms, this government service closely approximates a classic divisible good. Often there are fewer spaces than eligible kids, and programs have not typically expanded over time (see Ross 1993). The assignment of one child to the program within a school likely means that another child must be excluded and, thus, cannot reap the potential benefits of the program. In other words, G&T program assignment is the type of zero-sum context where any distributional consequences of active representation should be evident. It is also a program area that meets the necessary conditions for active representation outlined by Meier and Stewart (1992). Advocates argue that minority students are consistently underrepresented in G&T programs (Anguino 2003) and, thus, it is an area that is salient to minority bureaucrats and the population they represent. Additionally, elementary school teachers play a large role in identifying and referring gifted

kids into these programs (Ford 1998), so, in the language of representative bureaucracy, the bureaucrat has discretion over relevant outcomes.

Teacher Discretion in Gifted and Talented Assignment

There are a variety of mechanisms through which minority teachers can influence G&T placements for students of like characteristics. First, many districts give teachers a formal role in the identification process beyond the referral stage. This trend is well summarized by Renzulli, who suggests that "as the definition of giftedness is extended beyond those abilities that are clearly reflected in tests of intelligence, achievement, and academic aptitude, it becomes necessary to put less emphasis on precise estimates of performance and potential and more emphasis on the opinions of qualified persons in making decisions about admission to special programs" (2005, 258). Teachers are often included through the use of their classroom observations and assessments, along with more objective standardized test scores, in the final placement decision. Positive assessments from teachers often decrease the standardized test scores necessary for gifted placement (see Edgewood School District 2009 and Minnesota Department of Education 2009 for examples). Besides the district level policies discussed above, numerous states have adopted a "Multiple Criteria Method" for placement, described as "a broadened conception [of giftedness] that includes multiple criteria that might not be measured through an IQ test," giving a greater role to teachers and local schools in identifying students often missed by traditional gifted identification methods (NAGC 2010; Cramond et al. 1997).⁷ Finally, many districts also provide an opportunity for direct teacher influence on G&T placements through their membership on placement committees (see Johnsen 2004).

In districts where teachers do not have this direct influence on placement decisions, the gatekeeping function is the primary mechanism by which teachers can influence G&T placements for those of like characteristics. All systems that we have encountered, including those developed by states and local education authorities, allow teacher nomination or referral to initiate the identification process. Research suggests that the majority of placements are initiated by

⁵The Javits Act (1988) did establish a grant program to help defray the costs of gifted programs targeted at disadvantaged students, but the amount of funding allocated to the program has historically been extremely small.

⁶This is not to say that there is consistency in either the selection criteria that states, schools, or individual teachers emphasize (e.g., general intellectual ability versus specific academic aptitude versus creative thinking) or in the structure and content of the programs offered in different schools. There is indeed significant evidence to the contrary (see Ross 1993 for a summary).

⁷"Leadership ability" gifted, required as a classification in 12 states, is another example of a state standard that increases the direct influence of classroom teachers in the G&T placement process (see California Code Regs. title 5, § 3822).

teacher referral, particularly in the case of minority students who typically lack other advocates for their participation in G&T programs (Donavan and Cross 2002). We can find no research on the typical correlation between referrals and placements, though because gifted testing is expensive and time consuming we assume that districts discourage teachers from “flooding” the system with referrals. Additionally, there is evidence in the area of special education that teachers are more careful to refer students that actually meet the criteria for the program than are other groups (Gottlieb, Gottlieb, and Trongone 1991), which may suggest a professional disincentive for indiscriminate referrals.

Defining an Equity Standard

Based on the zero-sum nature of G&T placements and the significant role that minority bureaucrats play in the placement process, we argue that assignment into G&T programs in U.S. elementary schools is a good place to look for the different patterns of benefit distribution that may be produced by active representation. The next important step is a discussion of our operationalization of the equity standard. In this case, we define equity in terms of overall population proportion, concluding that the equity condition has been reached when the proportion of students in the G&T program from a group is the same as the proportion of total students from that group within a given school.

This definition relies on an assumption that teachers perceive proportional representation in G&T as an approximate measure of fair allocation of program slots. This assumption is reasonable because research suggests that teachers’ professional perceptions are heavily determined by the conditions in their particular school (e.g., Loeb, Darling-Hammond, and Luczak 2005). Therefore, when a teacher observes that the fraction of students from his or her own race group in the school’s G&T program is lower than the fraction of that group in the overall school population, the teacher is more likely to view that group as unfairly underrepresented. Additionally, G&T program guidelines typically identify numerous criteria based on which students might be eligible, including intellectual, creative, artistic, and leadership abilities (Johnsen 2004). Across this broad range of attributes, it is unlikely that minority teachers will perceive minority students to be systematically less talented than those from other groups, meaning that a perceived equitable distribution of gifted and talented assignments will roughly mirror population proportions.

There are of course alternative standards of equity, including what might be called an “IQ equity” standard, that could be used in G&T placement decisions. This standard is analogous to the merit standard mentioned in the theoretical portion of this paper. There is empirical evidence that African-American students tend to score lower on IQ tests than their white counterparts (see Nisbett 1995). Thus, if IQ was the only standard for giftedness, then some might assert that a population proportion standard forces inclusion of some undeserving minority students while excluding some majority group students with higher IQs. However, as noted above, most states and districts allow students to be classified as gifted on numerous criteria, and there is no evidence that minority students are less creative, less possessing of leadership ability, or less artistically talented than other groups.

A final alternative equity standard that we need to consider is the previously mentioned affirmative action standard. Here, teachers may use placements to compensate for disadvantages that arise from prior educational discrimination. Lawmakers have legitimated this standard by utilizing it in a variety of policy areas (e.g., university admissions, government employment), and teachers may also use it. Empirically, this standard might present similarly to the relationship outlined in Figure 1, where teachers try to get as many kids of like characteristics as possible in G&T programs, assuming that outcome equity is impossible to reach in the current time period and, therefore, that every minority student needs the advantage of gifted programming. Alternatively, it might result in a tapering off of active representation at some level above population proportionality, when minority teachers feel that sufficient minority students are enrolled in G&T to overcome the historical disadvantages faced by that group.

We use the population proportionality standard because we believe it is the most likely one used by teachers and because it is a standard applied to many public programs. We are not arguing that it is an “objective” standard, which authors suggest does not exist (Stone 2009), or that it is the only possible standard. From this point, however, we will proceed on the assumption that if other standards are at work they will simply bias the findings against our hypothesis, which looks explicitly for a moderating of active representation at the point of population proportion equity. Alternatively, if the results support our expectations, then we have some evidence not only that equity moderates representation, but also that population proportion is the standard being employed by teachers.

If the traditionally modeled pattern in Figure 1 is accurate, then the equitability of G&T assignments (at least defined as population proportionality) should be uncorrelated with active representation. Thus, an increase in the proportion of teachers from a minority group should be associated with an increase in the proportion of students from that group in G&T programs, regardless of the state of distributional equity. More specifically, an increase in minority teachers in a school should be associated with an increase of represented students assigned to G&T both before and after the proportion of seats occupied by that group is equal to their proportion of the total population.

Alternatively, if the distributional pattern in Figure 2 holds, it implies that equity moderates active representation by minority bureaucrats. In that case, an increase in minority teachers should be associated with an increase in the proportion of G&T students from that group in schools where those students are underrepresented in the program relative to their population proportion. However, in schools where students from that minority group make up a larger share of the gifted program than they do the total student population, we should see no relationship between the proportions of minority teachers and students from that group assigned to the gifted program.

Data

We test these expectations in a national sample of elementary schools. Schools are the most ubiquitous of public organizations and have been demonstrated consistently to be a fruitful place to test questions regarding bureaucratic representation (see, for example, Grissom, Nicholson-Crotty, and Nicholson-Crotty 2009; Keiser et al. 2002; Meier et al. 1989; Pitts 2005). The data set used for this analysis joins data two from two nationally representative surveys of public schools. The first is the Schools and Staffing Survey (SASS), which is administered roughly every four years by the National Center for Education Statistics (NCES). SASS samples approximately 8,000 schools using a stratified sampling method, then collects information from principals and a random selection of teachers within each school on school demographic characteristics, organizational processes, respondent attitudes, and so forth. We utilize data from the 2003–2004 administration. We link the SASS data to survey data collected by the Office for Civil Rights (OCR), a division of the Department of Education. The OCR data, also collected via stratified random sampling, contain information on school activities that may differen-

tially impact different categories of students, such as suspension and expulsion, broken down by gender and race categories. This study specifically takes advantage of data collected on assignment of students to G&T programs. The OCR data used in this study were collected in 2004.

The combined data set contains information from 1,200 public elementary schools.⁸ We focus on elementary schools because it is during the elementary grades that students typically are assigned to G&T programs. The data set eliminates all schools with special program emphases (e.g., arts or special education), that have special admissions requirements, or that have magnet or charter status. It also excludes any school reporting no G&T students or for which this count is missing.

Independent Variables

The key independent variables in all subsequent analyses measure the prevalence of minority teachers within an elementary school. Specifically, we include the proportion of teachers that are black and the proportion that are Hispanic. The descriptive statistics for these variables, along with all others discussed in this section, are presented in the online appendix.

Dependent Variables and Methods

Testing for distributional patterns produced by active representation is best accomplished with multiple dependent variables and estimation strategies. For the first of these, we model the proportion of students in a school's G&T program who are black and the proportion who are Hispanic.⁹ If G&T assignment is zero-sum, as we have argued, then a larger proportion of teachers from one group should be associated with a decrease in the assignment of children from other groups to the program. In order to observe the full range of these trade-offs, we also model the impact of black and Hispanic teachers on the fraction of white children in G&T programs. In a preliminary set of models we examine the impact of minority teachers on assignment for the three races of students in the full sample of elementary schools. This method is the traditional way that scholars of representative bureaucracy look for active representation

⁸Because of NCES nondisclosure rules, all sample sizes reported in this study are rounded to the nearest ten.

⁹We examined influence statistics for each of the models for evidence that outliers were problematic and found nothing concerning. Reestimating the main models using log transformations of the dependent variables does not change the results.

and is the simplest method for examining the potential trade-offs that critics fear. Thus, it provides a nice baseline for the remainder of the analyses.

However, determining if minority teachers actively represent students from the same minority group in the assignment process both below and above the equity condition requires that we allow representation to be moderated by equity. Thus, for each racial group, we split the sample of schools into those where the proportion from the group in G&T is less than the proportion of total students in that group (below equity) and those where it is greater (above equity). This allows us to test whether the impact of minority teachers is conditional on the racial equity of assignments. We code a group as underrepresented if it occupies less than 90% of the G&T seats its population proportion suggests it should and overrepresented if it occupies more than 110% of such seats. In between, the group is at approximate equity. If active representation is linear (Figure 1), then the measure of minority teachers should be positively associated with assignments for kids from that group in both the under- and over-represented samples. Alternatively, if equity moderates active representation, then the coefficients should be positive in the former and null in the latter.

If the distributional pattern in Figure 1 is most accurate, then an increase in black teachers will also be associated with a decrease in white and Hispanic students both below and above the equity condition. Alternatively, if Figure 2 holds, then black teachers may only be associated with losses for white and Hispanic students when those groups are *overrepresented* in G&T programs relative to their population proportion. The same pattern should hold for Hispanic teachers with regard to white and black student assignments to G&T programs.

All of the models described herein are estimated as ordinary least squares regressions. We cluster standard errors in order to correct for diagnosed heteroskedasticity within district. Each model also includes state-level fixed effects in order to control for differences in state mandates and funding related to G&T programs. Samples for each estimation are limited to schools whose student populations range from 1% to 99% of the race group for the given dependent variable.¹⁰

¹⁰As a robustness check, we also test for the impact of minority teachers on the probability of under- and overrepresentation for students with similar characteristics above and below the equity line. The results, which are available in the online appendix, are unchanged from the analyses of student proportions described in the text.

Control Variables

All models also include a set of controls designed to capture potential alternative explanations for observed assignment patterns to G&T programs. Specifically, we include variables measuring the fraction of all students that are black and the fraction that are Hispanic. Obviously, to the degree that G&T assignments are somewhat nondiscretionary because they truly reflect the intelligence or creativity of students, these population proportions should be highly correlated with the proportion of students in G&T. We include the fraction of the student body eligible for free or reduced price lunch because these students are more likely to be underserved by G&T programs. Models also include a measure of the total student population in order to capture the reality that larger schools may have more comprehensive G&T programs, which may influence their ability to better identify eligible students from historically underserved populations. Finally, we include a measure of the fraction of the total student population that is in the G&T program. As noted above, these programs typically serve about 5% of the student population, but there is some variability in this proportion. Schools with larger G&T programs may be able to include more students from multiple racial or ethnic groups, thus reducing trade-offs among group assignments.

Findings and Discussion

The findings from the basic models predicting the proportion of white, black, and Hispanic students in G&T programs are presented in Table 1. All three models were highly significant and explained a substantial portion of the variance in the dependent variables ($R^2 = 0.66$ to 0.74). For the most part, the control variables performed as expected, with the fraction of students from a particular racial/ethnic group being the strongest predictor of the fraction of G&T students from that group. The proportion of students eligible for free and reduced lunch was negatively correlated with the fraction of white children in G&T programs and positively associated with the prevalence of black and Hispanic students in the program, though this coefficient missed any conventional statistical significance cutoff in the Hispanic model. Finally, as expected, schools with slightly larger G&T programs accommodated a higher proportion of black students, though the effect is substantively small. School size did not have any impact on the racial makeup of gifted programs after controlling for other factors.

TABLE 1 Fraction of G&T Students from Each Race Group, Full Sample

<i>DV = Fraction of G&T Students Who Are:</i>	(1) White	(2) Black	(3) Hispanic
Fraction black teachers	-0.287*** (0.075)	0.374*** (0.074)	0.037 (0.074)
Fraction Hispanic teachers	-0.430*** (0.102)	0.035 (0.049)	0.363*** (0.094)
Fraction black students	-0.686*** (0.054)	0.676*** (0.056)	0.022 (0.056)
Fraction Hispanic students	-0.488*** (0.068)	-0.020 (0.038)	0.672*** (0.063)
Fraction students free/reduced lunch eligible	-0.147*** (0.040)	0.044* (0.024)	0.022 (0.034)
School size (in 100s)	-0.003 (0.003)	0.001 (0.002)	-0.000 (0.003)
Fraction of student population in G&T	-0.054 (0.057)	0.055* (0.033)	0.062 (0.044)
Constant	1.085*** (0.038)	-0.095*** (0.026)	-0.041 (0.036)
Observations	1120	940	970
Adjusted R ²	0.664	0.742	0.668

Standard errors clustered at the district level shown in parentheses. * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$. Models include state fixed effects. Samples limited to schools containing between 1% and 99% of students in each DV group. Sample sizes rounded to the nearest 10 per NCES nondisclosure rules.

Of course, the real variables of interest are the measures of teacher race. Here, the findings do suggest active representation in assignment to G&T programs. An increase in the fraction of black teachers is associated with an increase in the proportion of students in G&T who are black. The same relationship holds true for Hispanic teachers and students. At first glance, it also appears that these gains come at a cost to students from other groups. An increase in the fraction of black or Hispanic teachers is associated with a significant decrease in the proportion of students in the program who are white, even after controlling for the racial composition of the school and other factors. This finding is important both because it is contrary to previous empirical work suggesting that more minority bureaucrats benefit clients from all groups and because it potentially validates the concerns voiced by normative critics of active representation.

As noted above, however, determining whether active representation is irreconcilable with democratic values requires an understanding of the degree to which it is conditional on the equitable distribution of bureaucratic benefits. The findings from the first set of models testing for that conditioning effect are presented in Table 2. Here again the dependent variables are the fraction of students in G&T programs who are white, black, and Hispanic, but, for each race/ethnicity, the first column contains the model estimated in the sample of schools where that group is underrepresented in G&T, while the second contains the model for those schools where the group is overrepresented relative to their population proportion. All six models are highly significant and explain substantial variation in the dependent variable, with R² ranging from 0.73 to 0.91.

Before moving on to the main independent variables, it is worthwhile to note that the control variables were again strong and relatively consistent predictors. Indeed, in some cases, the impact of these factors on the racial makeup of G&T programs became much clearer in the split samples. The fraction of the total student population that is black strongly predicts the fraction of black students in G&T in schools where they are both under- and overrepresented. The same relationship exists between Hispanic population proportions and the fraction of students in G&T who are Hispanic. Both minority groups were negatively associated with the proportion of gifted students who are white. Larger numbers of students were associated with a higher fraction of each category of child in G&T in schools where that group is underrepresented and a lower fraction in schools where they are overrepresented, though the relationship for black students in schools below the equity condition (underrepresentation) was not statistically significant. Finally, the size of the G&T program correlates with a larger fraction of black, Hispanic, and white students in G&T in schools below the equity condition for that group and a smaller fraction in schools where the group is overrepresented in the program relative to population.

Again, the key variables of interest in all six models are the measures of black and Hispanic teachers. For ease of exposition, we will deal with each race/ethnicity separately. An increase in the proportion of black teachers is associated with an increase in the fraction of G&T students who are black in schools where that group is underrepresented in the program relative to the population (column 3). However, black teachers do not have a statistically significant effect on the proportion gifted

TABLE 2 Fraction of G&T Students from Each Race Group, by Under- and Overrepresentation

<i>DV = Fraction of G&T Students Who Are:</i>	(1)		(2)		(3)		(4)		(5)		(6)	
	White		White		Black		Black		Hispanic		Hispanic	
<i>Representation of Race Group:</i>	Under	Over	Under	Over	Under	Over	Under	Over	Under	Over	Under	Over
Fraction black teachers	0.074 (0.089)	-0.211** (0.088)	0.298*** (0.076)	0.098 (0.067)	-0.053 (0.071)	0.044 (0.028)	-0.241 (0.157)	0.260*** (0.095)	-0.138 (0.168)	0.044 (0.028)	-0.018 (0.178)	-0.241 (0.157)
Fraction Hispanic teachers	0.017 (0.179)	-0.227** (0.095)	0.098 (0.067)	0.529*** (0.047)	-0.138 (0.168)	0.260*** (0.095)	-0.018 (0.178)	0.044 (0.028)	1.021*** (0.059)	-0.018 (0.021)	0.179 (0.140)	-0.018 (0.178)
Fraction black students	-0.837*** (0.076)	-0.618*** (0.048)	0.529*** (0.047)	-0.050* (0.028)	1.021*** (0.059)	0.625*** (0.055)	1.023*** (0.132)	-0.018 (0.021)	0.101 (0.105)	0.625*** (0.055)	1.023*** (0.132)	1.023*** (0.132)
Fraction Hispanic students	-0.722*** (0.142)	-0.626*** (0.056)	-0.050* (0.028)	-0.008 (0.016)	0.101 (0.105)	-0.012 (0.018)	0.171* (0.096)	0.101 (0.105)	0.119* (0.071)	-0.012 (0.018)	0.171* (0.096)	0.171* (0.096)
Fraction students free/reduced lunch eligible	-0.147** (0.069)	-0.053* (0.030)	-0.008 (0.016)	0.002 (0.002)	0.119* (0.071)	0.005* (0.003)	-0.033*** (0.011)	0.013** (0.005)	-0.010*** (0.004)	0.005* (0.003)	-0.033*** (0.011)	-0.033*** (0.011)
School size (in 100s)	0.520** (0.214)	-0.276*** (0.060)	0.120** (0.047)	-0.276*** (0.060)	-0.133* (0.072)	0.129*** (0.049)	-0.171** (0.068)	0.520** (0.214)	-0.133* (0.072)	0.129*** (0.049)	-0.171** (0.068)	-0.171** (0.068)
Fraction of student population in G&T	0.806*** (0.076)	1.092*** (0.036)	-0.037 (0.025)	1.092*** (0.036)	0.006 (0.048)	-0.085*** (0.028)	0.108 (0.090)	0.806*** (0.076)	0.006 (0.048)	-0.085*** (0.028)	0.108 (0.090)	0.108 (0.090)
Constant	250	870	790	870	150	800	170	250	150	800	170	170
Adjusted R ²	0.825	0.731	0.737	0.731	0.905	0.772	0.846	0.825	0.905	0.772	0.846	0.846

Standard errors clustered at the district level shown in parentheses. * p < 0.10, ** p < 0.05, *** p < 0.01. Models include state fixed effects. Samples limited to schools containing between 1% and 99% of students in each DV group. Sample sizes rounded to the nearest 10 per NCES nondisclosure rules.

students who are black in those schools where that group is overrepresented (column 4). In addition to being statistically insignificant, the coefficient becomes negative and exceedingly small.

The impact of black teachers on white student assignment to G&T is also noteworthy. In schools where white students are underrepresented in G&T programs, the fraction of teachers who are black has no impact on the fraction of students in those programs who are white (column 1). The coefficient is not only insignificant, but also very small and *positively* signed in this sample. Alternatively, in schools where white students take up a disproportionate share of G&T seats relative to their population, an increase in black teachers is associated with a significant decrease in the fraction of students in the program who are white (column 2). Black teachers do not appear to have any effect on Hispanic assignments regardless of whether the school is above or below the equity condition for that group.

The findings regarding the impact of Hispanic teachers are very similar. After controlling for other factors, an increase in Hispanic teachers is associated with a significant increase in the proportion of G&T students who are Hispanic in schools where that group is underrepresented (column 5). More teachers from that group have no impact, however, on Hispanic student assignments in schools where Hispanics occupy a disproportionately large number of spots in G&T programs relative to their population (column 6).¹¹ More Hispanic teachers are associated with fewer white children being assigned to gifted programs but only in those schools where that group is already overrepresented. In schools where the reverse is true, an increase in Hispanic teachers has no impact on the fraction of G&T students who are white. Finally, in both schools where black students are under- and overrepresented in gifted programs, Hispanic teachers have no statistically significant effect on the fraction of students within these programs who are black.¹²

¹¹Chow tests of coefficient equivalency confirm that both black and Hispanic teacher coefficients are significantly different from one another in the under- and overrepresented models.

¹²We performed a number of robustness checks on the results presented in Tables 1 and 2. First, we reestimated the models without the state fixed effects but controlling for state-level G&T policies, including whether the state provides funding for local G&T programs, whether it mandates selection guidelines, and whether it allows for selection based on alternative criteria, such as leadership or the standards of the Multiple Criteria Method. Data on these policies were obtained from the National Association for Gifted Children. The results were substantively identical to those shown and thus are not shown and are available in the online appendix.

TABLE 3 Fraction of G&T Students from Each Race Group, by Under- and Overrepresentation, Selection Criteria, and District Size

<i>DV = Fraction of G&T Students Who Are:</i>									
	White			Black			Hispanic		
<i>Sample, by Representation of Race Group:</i>	All Schools	Whites Under	Whites Over	All Schools	Blacks Under	Blacks Over	All Schools	Hispanics Under	Hispanics Over
<i>Subsample: State Mandates Use of Leadership Criterion for G&T Assignment</i>									
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Fraction black teachers	−0.570*** (0.185)	0.376 (0.185)	−0.112 (0.245)	0.544*** (0.089)	0.426*** (0.131)	0.053 (0.164)	0.100 (0.067)	0.091* (0.049)	0.189 (0.257)
Fraction Hispanic teachers	−0.650*** (0.168)	0.462 (0.406)	−0.598*** (0.143)	−0.004 (0.095)	0.092 (0.105)	−0.708* (0.413)	0.643*** (0.140)	0.611*** (0.100)	−0.040 (0.272)
Observations	280	70	220	210	170	40	260	220	40
Adjusted R ²	0.724	0.854	0.796	0.774	0.787	0.891	0.815	0.888	0.883
<i>Subsample: State Mandates Use of Multiple Criteria Method for G&T Assignment</i>									
	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)
Fraction black teachers	−0.360*** (0.110)	0.148 (0.126)	−0.302*** (0.106)	0.437*** (0.089)	0.333*** (0.095)	−0.002 (0.074)	−0.009 (0.095)	0.046** (0.023)	−0.169 (0.182)
Fraction Hispanic teachers	−0.654*** (0.123)	0.237 (0.225)	−0.468*** (0.125)	0.082 (0.078)	0.198** (0.092)	−0.193* (0.114)	0.588*** (0.130)	0.513*** (0.099)	−0.045 (0.099)
Observations	520	110	410	440	370	70	460	380	80
Adjusted R ²	0.679	0.810	0.729	0.810	0.764	0.979	0.687	0.841	0.815
<i>Subsample: Largest Districts (4th Quartile of District Size) Excluded</i>									
	(19)	(20)	(21)	(22)	(23)	(24)	(25)	(26)	(27)
Fraction black teachers	−0.377*** (0.143)	0.155 (0.195)	−0.300** (0.118)	0.545*** (0.138)	0.384*** (0.110)	−0.397 (0.343)	−0.133 (0.163)	0.024 (0.057)	−0.258 (0.257)
Fraction Hispanic teachers	−0.547*** (0.203)	−0.582 (0.454)	−0.297 (0.209)	−0.116 (0.073)	0.013 (0.038)	0.507 (0.354)	0.406** (0.192)	0.311 (0.213)	0.526 (0.494)
Observations	600	130	470	450	390	60	470	400	70
Adjusted R ²	0.556	0.813	0.615	0.725	0.733	0.904	0.505	0.635	0.793

Standard errors clustered at the district level shown in parentheses. * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$. Models include state fixed effects, plus controls for fraction black students, fraction Hispanic students, fraction free/reduced lunch eligible students, school size, and fraction of student population in G&T. Samples limited to schools containing between 1% and 99% of students in each DV group. Sample sizes rounded to the nearest 10 per NCES nondisclosure rules.

Second, we reestimated the models for three subsets of districts where it is likely that teachers exercise greater discretion over G&T assignments. In such cases, we would expect to see even larger impacts of active representation in G&T placements. First, we examined those schools in the 18 states in which student leadership is mandated as a criterion for G&T placement. The second subset was schools in the 29 states that mandate use of the Multiple Criteria Method in making assignments. As a reminder, this method emphasizes a more holistic evaluation of giftedness that includes such factors as leadership, creativity and artistic ability. Finally, we examined active representation in the national sample but excluding schools in the largest districts, defined as the fourth quartile in district size among schools with G&T programs in the sample. Our review of the research on gifted assessment, coupled with our analysis of G&T policies in Indiana and conversations with gifted administrators, indicated that G&T placement processes tend to be more centralized and formalized in large districts, suggesting that teachers may have less discretionary authority over assignments in those districts.

The results of our analysis by use of leadership, use of the Multiple Criteria Method, and district size are shown in Table 3. The table contains separate estimations by group and equity level similar to those in Tables 1 and 2. The models contain all variables included previously, but for succinctness, only the coefficients for fraction black and fraction Hispanic teachers are shown. The results are consistent with the expectation that active representation is increasing in the amount of discretion teachers exercise in the gifted assignment process. Take the impact of black teachers on the fraction of black students in G&T. In Table 1, we estimated a coefficient of $\beta = 0.37$ for this association in the full sample. As expected, the corresponding coefficients in Table 3 (models 4, 13, and 22) are all substantially larger, suggesting that black teachers are able to influence black students' assignment to G&T even more in states whose policies build in a greater role for the teacher in gifted identification. A similar pattern holds for Hispanic teachers in models 7, 16, and 25. We also see that the trade-off for nonminority students in this zero-sum environment is greater as well, with the black and Hispanic teacher coefficients in models 1, 10, and 19 all more negative than the one estimated in Table 1. Despite these larger impacts of active representation, however, we see no important changes to the impact of equity as a moderator. For both black and Hispanic student placement, the

effect of active representation is concentrated in schools in which those students are underrepresented in G&T programs. There is no evidence of a positive impact of minority teachers on minority student placement in any of the overrepresentation models.

The findings from the analyses discussed above suggest that the equity-moderated distributional pattern described in Figure 2 better fits these data. Models of the fraction of students from each racial/ethnic group in G&T programs suggest that minority students benefit from additional minority teachers, but only to the point where they are receiving an equitable share of G&T assignments. After that point, in the case of both blacks and Hispanics, additional teachers do not appear to produce additional representation in G&T programs for students of like characteristics. In this case, the active representation of minority students by minority teachers does impose costs on other groups, particularly white students, but these costs are only evident in those schools where G&T program benefits are being overascribed to white students.

Conclusion

Normative critics of "active representation" suggest that preference shown by bureaucrats to clients with like characteristics is irreconcilable with democratic values of equal treatment. Empiricists have answered that criticism with the refrain that bureaucratic representation is good for all groups and therefore poses no threat to equity. The findings from this study suggest that both stories are incomplete. In a zero-sum context, gains for one group won through bureaucratic partiality do come at the expense of other groups. The argument that all clients benefit from a representative bureaucracy is only tenable when government benefits approximate irreducible goods. However, there are many government programs that do not, and when the quantity of a good or service is limited and divisible, winners must be balanced by losers. Besides the seats in G&T programs examined in this study, we can imagine many examples of such goods, including discretionary grants, scholarships, or loans awarded from fixed resource pools, admittance to job training programs, the allocation of public housing resources, and others.

The recognition that active representation in some types of government programs produces trade-offs between groups does not have to mean,

however, that such behavior is inherently contrary to democratic values. Indeed, if gains for one group are pursued at the expense of another only until program benefits are distributed equitably—as the analyses herein suggest is the case in G&T assignments—that problem is avoided. It is important to note that we cannot directly observe if the outcomes for clients that we observe are due to an advocacy role played by bureaucrats or to some other mechanisms that have been highlighted in the literature on representative bureaucracy (Lim 2006). Whatever the mechanism, however, the fact that gains for any one group appear to be moderated by equity is consistent with several widely accepted notions of the appropriate role of government in ensuring distributional equity.

For instance, it accords well with the longstanding precedent that government must take proactive steps to correct even *de facto* inequities based on race. The Voting Rights Act of 1965 and subsequent amendments, which demand that unequal distributions of voting access or proportionality must be corrected, even if they are not the product of overt prejudice, provide an apt example. Similarly, the equity-moderated form of active representation meshes well with the longstanding belief among Americans that, at the very least, government is responsible for ensuring equality of *opportunity* for citizens (see Lipset 1963). In short, the idea that minority bureaucrats might work to produce racial equity in the distribution of government-guaranteed opportunities does not seem to run counter to values reflected in American policy and philosophy.

Indeed, the results fit well into the broader discourse over representation and democratic values in government in general. In her seminal work, Pitkin identifies responsiveness, or the relationship between the behavior of the decision maker and the constituents they represent, as one of the key dimensions of representation. She also suggests, however, that representation is a process of “resolving the conflicting claims of the parts, on the basis of their common interest in the welfare of the whole” (1967, 217). What constitutes “the welfare of the whole” is a subject of long debate within and across disciplines, but for our purposes it suffices to recognize equity as a bedrock principle in discussions of public welfare (see, for example, Nicholson 1998; Weisbrod 1978). This, of course, brings to mind one of the most enduring debates in representation regarding the degree to which representatives are required to maintain a close adherence to the preferences of constituents or should instead pursue public, rather than particularized, interests (see Burke 1774; see also

Mansbridge 2003 for a discussion of recent extensions of this dichotomous framework).

We engage this debate in the bureaucratic context by examining whether minority bureaucrats in a position to distribute governmental resources, simply seek to provide particularized benefits to those like them or instead strive to produce an equitable distribution of those resources. The empirical case examined here suggests that these roles are not mutually exclusive, providing evidence that representatives act for a class of constituent interests when inequity is present but not when inequity is absent and, thus, that the ideals of equity and fairness condition representation’s conflict resolution function. Though perhaps it is often overridden by the strength of other concerns in other institutions, there is no reason why equity as a moderating factor in the distribution of governmental largess must be limited to the bureaucratic case, or why it should not be explicitly tested for in those other institutions.

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