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Dear Colleagues:

On May 17, 1954, the U.S. Supreme Court boldly issued its first decision in the case of *Brown v. Board of Education (Brown)*, ruling that “separate educational facilities are inherently unequal.” The Brown decision is hailed as a critical milestone in the efforts of African Americans to gain equal opportunities in public school education, and it laid the foundation for subsequent challenges to “Jim Crow” segregation. Yet, 50 years later, the majority of Long Island’s students of color are concentrated in 13 of its 127 school districts, and they attend “high-poverty” schools with inadequate resources. For racially separate and unequal public schools on Long Island, the legacy of *Brown v. Board of Education* has not been fully realized.

ERASE Racism, originally an initiative of the Long Island Community Foundation and now an independent not-for-profit corporation, developed this monograph in conjunction with *Brown v. Board of Education: The Unfinished Agenda*, a conference co-sponsored with fifteen Long Island colleges and universities on March 29, 2004. It is our hope that this monograph will be a resource to the many partners who care about the future of Long Island’s public schools.

We begin this monograph with an exploration of institutional racism—the policies, structures and behaviors that perpetuate inequality and segregation—in public schools. Reviewing the legacy of the landmark US Supreme Court decision *Brown v. Board of Education* places the current state of public school education within an historical context. Also included in the monograph is a chronology of key events before and after *Brown* (courtesy of the NAACP LDF). To understand the ways in which public school segregation in the Northeast differs from the segregated schools that were the target of the *Brown* decision, we take a look at the history of public school segregation on Long Island. Our thanks go to the staff of the Long Island Studies Institute at Hofstra University for their contribution to this section of the monograph. Finally, to advance public discourse towards remedies to ongoing public school segregation and inequity on Long Island, there are seven briefing papers that each explore remedies to strategically important modern day dilemmas. Many thanks to Gavin Kearney, J.D., formerly the Deputy Director and Director of Research and Programs at the Institute on Race & Poverty, and Professor John Powell, Director of the Race and Ethnicity Institute at Ohio State University, and the author of “Racism and Opportunity Divide on Long Island,” for their contribution to these briefing papers on potential remedies to segregation and inequities.

We hope that this monograph will act as a springboard for future collaborations, strategies, and actions to address public school education on Long Island.

V. Elaine Gross
President
ERASE Racism

WHAT IS INSTITUTIONAL RACISM?

Institutional racism is a complex, multifaceted concept, wherein definitions often stress some aspects of the term and not others. Some definitions, for example, focus on the outcome of segregation and inequality, while others focus on the outcome of unearned privileges and advantages. Frequently, definitions stress that once racism takes hold and is embedded within institutions it does not require “intent.” Rather, institutional racism can be perpetuated by seemingly benign policies, practices, behaviors, traditions, structures, etc., which is why it usually goes unchallenged.

To differentiate between racial prejudice (defined below) and racism, the following definition is frequently used:

Racism = racial prejudice plus institutional and systemic power to dominate, exclude, discriminate against or abuse targeted groups of people based on a designation of race.

While racial prejudice can result in mistreatment, racism results in a special type of mistreatment: oppression. Oppression results when (1) racism is a part of the dominant culture’s national consciousness; (2) it is reinforced through its social institutions; and (3) there is an imbalance of social and economic power within the culture.

ERASE Racism uses the following definition to describe institutional racism in the United States: Institutional racism is a term that describes the way government and other public and private institutions systematically afford White people an array of social, political and economic advantages, simply because they are White, while marginalizing and putting at a disadvantage African Americans and many other people of color. White people often cannot see and do not question the sources and legitimacy of their privilege and power, whereas people of color experience daily its consequences. Even without conscious, personal racial animosity, these institutional structures, policies, and practices generate and maintain racial discrimination, segregation, and inequalities of opportunity that keep African Americans and other people of color apart from the mainstream of American economic and political life.

Institutional racism is a legacy of American slavery and White settlers’ determination to systematically exclude Africans from every aspect of the newly formed democratic society. Institutional racism is still rampant today and remains embedded in every institution, school, and system in society despite efforts to protect the civil rights of African Americans and other people of color.

Racial prejudice is not an act. Racial prejudice is an attitude, opinion or feeling, which is usually negative. It is a prejudgment based on myth, missing information, misinformation (lies), or stereotypes about People of Color or White People. Anyone can be racially prejudiced.

Race Is Not A Scientific Term

Recent findings of the Human Genome Project conclude that 99.9 percent of our basic genetic material is the same for all of us, regardless of so-called “race” differences. Indeed, most evolutionary biologists now agree that the first group of modern humans (*Homo sapiens*) that began to migrate out of Africa about 100,000 years ago, were members of a single, interbreeding group that had already acquired almost all of the genetic variation that we see in humans today. Nevertheless, we are burdened still with the erroneous heritage of scientists and intellectuals from the 18th Century who divided human beings into “races” and then pronounced that skin color determined each person’s status and potential. Caucasians (Europeans with white skin) were said to be superior in every way, and Negroids (Africans with dark or black skin) were said to be correspondingly inferior in every way. Moreover, it was even believed that people of African descent comprised a sub-species; they were not really human like those with white, brown or yellow skin.

This hierarchical racial construct, one that claimed scientific justification but that was grounded entirely in pseudo-science, was created and perpetuated for a number of social, economic and political reasons—but it was used especially to justify slavery. Unfortunately, the construct and its presumptions did not receive serious scrutiny by any significant segment of the scientific community until the mid-20th Century.

“Race” is not a scientific term and “races” do not scientifically exist. When ERASE Racism uses the

terms racism and race, it does so knowing that “race” is a social construct. And yet, make no mistake about it, a socially constructed concept can have very real and tangible consequences for all of us. Wishing or pretending that the United States is a “color-blind” society fails to address the real disparities that have resulted from this pseudo-scientific concept, disparities that are perpetuated by institutional racism.

INSTITUTIONAL RACISM IN PUBLIC SCHOOL EDUCATION

The public school education literature refers to national trends of resegregation in schools, uneven State financing and children unable to pass standardized State tests. Long Island has not escaped any of these national trends. In fact, funding disparities between school districts (due to Long Island’s system of supporting schools through property taxes) has fostered regional inequities and sharply differing student performance levels. Several Long Island schools populated with a majority of black and brown students have been officially designated by New York State as “nonperforming” under the Federal No Child Left Behind Act.

Public school segregation on Long Island dates back to the very beginning of suburban development, the intentional result of residential segregation and the eventual establishment of 127 independent school districts in Nassau and Suffolk counties that mirror the residential segregation. Racial isolation in school is where many racial inequities begin, restricting the choices African American and Latino children have in education, imagination and economic opportunities. Inter-district racial segregation is severe.

Overall, 27% of Nassau-Suffolk’s public school children are children of color and 73% are White, but few Long Island school districts come close to this racial balance. As noted in *Racism and the Opportunity Divide on Long Island*, a report commissioned by ERASE Racism in July 2002 and prepared by the Institute on Race and Poverty:

“The extreme fragmentation of Long Island’s school districts is a severe impediment to educational equity. The fragmented school districts perpetuate residential

segregation and burden Long Island’s children of color with harmful educational effects or racial and economic segregation. Virtually all Long Island school children, including most White children, are currently denied the benefits of an integrated education. These benefits include reductions in racial prejudice and stereotyping, and preparation of students to live and work in our increasingly multicultural and international society. For children isolated in high-poverty schools, however, the segregation has additional dire educational consequences. Studies have shown that the poverty level of the school as a whole impacts student achievement in ways that go beyond the effects of individual student poverty. Low-income students in high poverty schools fare worse than low-income students in less impoverished schools.

When communities integrate their schools, the overwhelming result is improvement in academic achievement for children of color previously isolated in segregated schools, with no loss in academic achievement for White students. Low-income Black children who move to low poverty suburban neighborhoods are less likely than those who stay in high poverty neighborhoods to drop out of school, and more likely to take college track classes and attend two-year or four-year colleges.”

THE LEGACY OF BROWN V. BOARD OF EDUCATION

INTRODUCTION

On May 17, 1954, the Supreme Court boldly issued its first decision in the case of *Brown v. Board of Education (Brown)*, ruling “separate educational facilities are inherently unequal.” This landmark decision overruled *Plessy v. Ferguson* (1896), the decision that held Jim Crow “separate but equal facilities” for Whites and Blacks as constitutional. The Jim Crow era in American history dates from the late 1890s, when southern states began systematically to codify (or strengthen) in law and state constitutional provisions the subordinate position of African Americans in society. Most of these legal steps were aimed at separating the races in public spaces. Thurgood Marshall, the attorney who argued the Brown case before the US Supreme Court (and who later became the Nation’s first African American Supreme Court

Justice) poignantly characterized the fundamental rationale for Jim Crow when he argued that anyone who defended separate schools was showing “an inherent determination that the people who were formerly slaves...shall be kept as near that stage as possible...”

The *Brown* decision is hailed as a pivotal point in the efforts by African Americans to gain equal protection under the law. Even as desegregation progressed, *de facto* segregated schools were frequently left untouched in the North. White flight from cities to suburbs in the North only exacerbated racial divisions in the schools. Now, national experts, such as Gary Orfield of the Harvard University Civil Rights Project, point to trends of re-segregation in public schools across the country.

CHALLENGING SEPARATE AND UNEQUAL

The strategy to dismantling racial barriers to equal education evolved slowly. Charles H. Houston who served as Dean of Howard University Law School, the training ground for generations of civil rights attorneys, was the first chief counsel for the National Association for the Advancement of Colored People (NAACP) founded in 1909. The NAACP’s initial challenges to racial inequality focused on graduate and professional education, such as the successfully argued 1938 Supreme Court case, *Missouri ex rel Gaines v. Canada*. The University of Missouri denied a qualified Black applicant admission to its all-White law school. Aware that there were no separate facilities, the University then created a separate and quite inferior law school exclusively for Black students. The Court invalidated the two-tiered professional training, labeling it as providing unfair “privilege... for White law students” and denying those same privileges to qualified African Americans.

DISMANTLING “SEPARATE BUT EQUAL”

Houston’s successor, Thurgood Marshall, subsequently set up the NAACP Legal Defense Fund (LDF) and focused on the task of directly challenging “separate but equal” as inherently unequal even if the segregated facilities appeared to be of similar quality. Working from the determination that segregation in professional and graduate schools had denied African Americans equal protection under the Fourteenth Amendment to the US Constitution, Marshall then turned the NAACP’s attention onto the public

schools. In South Carolina, Delaware, Kansas, and Virginia, the NAACP recruited parents to sue on behalf of their children in local federal courts. Some of the public schools were segregated by state mandated law, others by custom, and still others by local ordinances. All of these cases were consolidated into the single appeal to the Supreme Court in *Brown*. Marshall recruited a talented team of attorneys, historians, and enthusiastic law school students to work on the arguments presented in *Brown*. The team included social psychologist Kenneth B. Clark who concluded that segregation, the mere experience of being kept apart solely on the basis of race, damaged both Black and White children. In its *Brown* decision, however, the US Supreme Court only included reference to the fact that Black children were psychologically damaged.

In December 1952, Marshall’s team presented its first argument in the consolidated cases known as *Brown v. Board of Education*. After hearing the initial arguments, the Court was so divided that it requested supplemental briefings. In the interim, Chief Justice Vinson died and Earl Warren was appointed Chief Justice. By May of 1954 this new court reached a unanimous decision to overturn *Plessy*.

The *Brown* decision, however, contained no remedy for desegregating public schools. Instead, the Court once again asked for supplemental arguments, and it wasn’t until the Spring of 1955 that the Court ordered implementation of its 1954 *Brown* decision, giving power to the individual States to implement desegregation plans for public schools with “all deliberate speed.”

THE AFTERMATH OF BROWN

The first 50 years of the Twentieth Century were marked by the legacy of Jim Crow government sanctioned and often mandated segregation in almost all arenas: work, restaurants, public transportation, access to government offices and benefits, and of course, public schools. Challenges to Jim Crow before *Brown* resulted in violence and sometimes death. Dismantling the apparatus of segregation after the *Brown* decisions proved to be a slow, daunting task, also marked by violence. Marshall’s team had argued that desegregation begin immediately, but the Court’s reticence was reflected in its more vague language of “all deliberate speed.” President Eisenhower failed to

endorse the ruling and powerful Southern Democrats and conservative Republicans in Congress opposed desegregation. The Supreme Court was labeled “liberal activist” and the Court’s charge to desegregate public schools was initially ignored.

In the southern states, post-*Brown*, young Black children still had to face angry mobs when trying to enroll in all-White schools. A county in Virginia closed its public schools for 5 years rather than desegregate, forcing Black children to go without instruction until 1963 when a Free School was opened. In *Griffin v. County School Board of Prince Edward County* (1964), the Supreme Court forced the County to reopen its schools. This was a bittersweet victory because by then 100% of the White parents had decided to send their children to private schools rather than to the re-opened desegregated public schools. A new generation of segregation had begun. Desegregation was also slow coming to Northern States, including New York. It wasn’t until 1964 that the New York State Education Department issued a statewide desegregation order. By then African American parents had already sought relief from segregated schools through the federal courts. In 1964, in a case called *Blocker v. Board of Education of Manhasset*, the federal district court stated “...maintaining and perpetuating a segregated school system” was an equal protection violation of the Fourteenth Amendment to the US Constitution.

IMPLEMENTING BROWN

Although marked by successes, the legacy of desegregation contains many disappointments. In its 1967 report, “Racial Isolation in the Public Schools,” the US Commission on Civil Rights identified several desegregation strategies in small cities that seemed promising as devices to create a racially mixed student population in individual schools: enlarging attendance areas and merging schools. The report identified factors contributing to successful desegregation efforts: leadership of state and local officials; the inclusion of all schools located in a district in the desegregation plan; intentional efforts to minimize racial conflicts in the newly desegregated schools; the maintenance or improvement of educational standards; desegregation of individual classes within schools as well as the schools themselves; and assistance for students who lag in performance. The Commission’s investigation also looked at

student performance in some racially isolated schools that created compensatory programs offering remedial instruction and cultural enrichment for African American students. The Commission did not see evidence of lasting effects in improving the achievement of these students. For Black students attending integrated schools, however, even without compensatory education, the investigation concluded that there was early evidence that Black student achievement did improve. For White students the report states “...evidence suggests that academic achievement of White students in desegregated classrooms generally does not suffer by comparison with the achievement of such students in all-White classrooms.”

Even though hundreds of schools initiated desegregation efforts, many school systems did not devise comprehensive school integration plans that involved all of the schools within a district, as suggested by the Commission’s report. Token efforts were ruled insufficient in *Green v. County School Board of New Kent County* (1968) where the Supreme Court invalidated a voluntary Freedom of Choice plan in a rural county near Richmond, Virginia. No White parents volunteered to send their children to Black schools and only a few of the Black families risked sending their children to the White schools. Brown’s requirement of “all deliberate speed” necessitated a “unitary system in which racial discrimination would be eliminated root and branch.”

In *Swann v. Charlotte-Mecklenburg County Board of Education* (1971), the Supreme Court ruled that busing was an appropriate tool to promote racially desegregated schools. Integration was not without challenges in Charlotte, North Carolina, but White and Black leaders joined forces to make the plan work. By 1974 all of the district’s schools achieved racial balance. Busing, a frequent tool of desegregation plans across the country, was not universally successful. Often it was met with resistance, even violence, and over time even some Blacks questioned the merits of a remedy that was so burdensome and dangerous to Black children.

Brown v. Board of Education ruled that legally mandated segregation was a violation of the Fourteenth Amendment’s equal protection clause and laid the groundwork for subsequent court cases that ruled that purposeful actions or inactions on the part of

government officials to support segregation were also illegal. The courts had avoided, however, ruling that *de facto* segregation due to “White flight” or due to segregated housing patterns was unconstitutional and in need of a remedy. In *Milliken v. Bradley* (1974), the court ruled against a proposed interdistrict remedy that would combine Detroit and the surrounding suburban schools into a metropolitan school system. In *Milliken v. Bradley II* (1977), the court forced the state of Michigan to fund remedial programs for children in segregated schools in Detroit as an alternative to the court-rejected busing plan.

The Legacy of Brown—Fifty Years Later

What is the *Brown* legacy? Eventually, with the help of federal legislation, such as the Civil Rights Act, Voting Rights Act, and the Fair Housing Act, *Brown* changed the face of the Jim Crow South, and for all Americans it fundamentally altered the dialogue about race. At the same time, the legacy reflects broken promises and unfulfilled dreams. In 1994, in Topeka, Kansas, the birthplace of *Brown*, forty years after the Supreme Court issued its decision, a federal district court finally approved a new desegregation plan for the schools. In 1999, a federal judge, in response to a White parent claiming discrimination, ordered an end to busing as a remedy to segregation, ending 30 years of successful efforts by Blacks and Whites to maintain desegregated schools in Charlotte, North Carolina. In 2003, a study by the Civil Rights Project of Harvard University found that the percentage of White students attending public schools with Black students “is lower in 2000 than in 1970...” The authors go on to say “At the beginning of the twenty-first Century, American public schools are now 12 years into the process of continuous re-segregation.” Clearly, *Brown* was a catalyst for the series of court decisions that dismantled constitutionally-sanctioned Jim Crow laws in the South. *De facto* segregation, prevalent in the North in places like suburban Long Island, remains in full force, and with it, segregated public schools that are racially isolated and unequal. But the story does not end here. This monograph also includes information about the legacy of public school segregation on Long Island.

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THE WINDING ROAD TOWARD QUALITY EDUCATION

(Excerpts from www.brownmatters.org)

1933 Thurgood Marshall graduates first in his class from Howard University's School of Law. Oliver Hill, also a classmate and one of the Brown counsels, graduates second. Marshall and Hill were both mentored by the Law School's vice-dean Charles Hamilton Houston.

1934 Houston joins the National Association for the Advancement of Colored People (NAACP) as part-time counsel.

1935 After having been denied admittance to the University of Maryland Law School, Marshall wins a case in the Maryland Court of Appeals against the Law School, which gains admission for Donald Murray, the first black applicant to a white southern law school.

1936 Marshall joins the NAACP's legal staff.

1938 Marshall succeeds Houston as special counsel. Houston returns to his Washington, D.C. law practice but remains counsel with the NAACP.

1938 *Missouri ex rel. Gaines v. Canada*:

The U.S. Supreme Court invalidates state laws that required African-American students to attend out-of-state graduate schools to avoid admitting them to their states' all-white facilities or building separate graduate schools for them.

1940 Marshall writes the NAACP Legal Defense and Educational Fund's corporate charter and becomes its first director and chief counsel.

1940 *Alston v. School Board of City of Norfolk*:

A federal appeals court orders that African-American teachers be paid salaries equal to those of white teachers.

1948 *Sipuel v. Oklahoma State Regents*:

The Supreme Court rules that a state cannot bar an African-American student from its all-white law school on the ground that she had not requested the state to provide a separate law school for black students.

1949 Jack Greenberg graduates from Columbia Law School and joins LDF as a staff attorney.

1950 Charles Hamilton Houston dies. He was the chief architect of the NAACP LDF legal strategy for racial equality, Thurgood Marshall's teacher and mentor, and Dean of Howard University's Law School.

1950 *McLaurin v. Oklahoma State Regents*:

The Supreme Court holds that an African-American student admitted to a formerly all-white graduate

school could not be subjected to practices of segregation that interfered with meaningful classroom instruction and interaction with other students, such as making a student sit in the classroom doorway, isolated from the professor and other students.

1950 *Sweatt v. Painter*:

The Supreme Court rules that a separate law school hastily established for black students to prevent their having to be admitted to the previously all-white University of Texas School of Law could not provide a legal education “equal” to that available to white students. The Court orders the admission of Herman Marion Sweatt to the University of Texas Law School.

1954 *Brown v. Board of Education*:

The Supreme Court rules that racial segregation in public schools violates the Fourteenth Amendment, which guarantees equal protection, and the Fifth Amendment, which guarantees due process. This landmark case overturned the “separate but equal” doctrine that underpinned legal segregation.

Attorneys for the plaintiffs in the five cases that comprised the Supreme Court case were: Thurgood Marshall, Director-Counsel, NAACP Legal Defense and Educational Fund, Inc.; Harold Boulware - *Briggs v. Elliott* (South Carolina); Jack Greenberg, Louis L. Redding - *Gebhart v. Belton* (Delaware); Robert L. Carter, Charles S. Scott - *Brown v. Board of Education of Topeka* (Kansas); Oliver M. Hill, Spottswood W. Robinson III - *Davis v. County School Board of Prince Edward County* (Virginia); James M. Nabrit, Jr., George E. C. Hayes - *Bolling v. Sharpe* (District of Columbia).

Attorneys Of Counsel: Charles L. Black, Jr., Elwood H. Chisolm, William T. Coleman, Jr., Charles T. Duncan, George E.C. Hayes, William R. Ming, Jr., Constance Baker Motley, David E. Pinsky, Frank D. Reeves, John Scott, and Jack B. Weinstein.

1955 *Brown v. Board of Education (II)*:

Court orders desegregation to proceed with “all deliberate speed.”

1955 *Lucy v. Adams*:

A federal district court orders the admission of Autherine Lucy to the University of Alabama, and the Supreme Court quickly affirms the decision.

1957 President Eisenhower orders National Guard to Little Rock, Arkansas to escort nine black students to Central High School to enforce *Brown*.

1958 *Cooper v. Aaron*:

LDF wins a Supreme Court ruling that barred Arkansas Governor Orval Faubus from interfering

with the desegregation of Little Rock’s Central High School. The decision affirms *Brown* as the law of the land nationwide.

1959 Prince Edward County, Virginia closes all of its public schools rather than desegregate them.

1961 *Holmes v. Danner*:

LDF wins admission to the University of Georgia for two African Americans: Charlayne Hunter and Hamilton Holmes.

1962 *Meredith v. Fair*:

James Meredith finally succeeds in becoming the first African-American student to be admitted to the University of Mississippi (Ole Miss) through the efforts of a legal team led by LDF attorney Constance Baker Motley.

1964 The Civil Rights Act of 1964 is passed by Congress. It bans discrimination in voting, public accommodations, schools, and employment.

1967 Thurgood Marshall is appointed to the U.S. Supreme Court, becoming the first African-American to sit on the bench.

1968 *Green v. County School Board of New Kent County* (Virginia):

The Supreme Court holds that “freedom of choice” plans were ineffective at producing actual school desegregation and had to be replaced with more effective strategies.

1970 *Turner v. Fouche*:

The Supreme Court holds unconstitutional Taliaferro County’s (Georgia) requirement of real property ownership for grand jurors and school board members.

1971 *Swann v. Charlotte-Mecklenberg Board of Education*: The Supreme Court upholds the use of busing as a means of desegregating public schools. Julius Chambers, LDF’s first intern and later its Director-Counsel, argues *Swann* before the Supreme Court.

1973 *Norwood v. Harrison*:

The Supreme Court rules that States could not provide free textbooks to segregated private schools established to allow whites to avoid public school desegregation.

1973 *Keyes v. School District No. 1, Denver*:

The Supreme Court establishes legal rules for governing school desegregation cases outside of the South, holding that where deliberate segregation was shown to have affected a substantial part of a school system, the entire district must ordinarily be desegregated.

1973 *Adams v. Richardson:*

A federal appeals court approves a district court order requiring federal education officials to enforce Title VI of the 1964 Civil Rights Act (which bars discrimination by recipients of federal funds) against state universities, public schools, and other institutions that receive federal money.

1974 *Milliken v. Bradley:*

The Supreme Court rules that, in almost all cases, a federal court cannot impose an inter-district remedy between a city and its surrounding suburbs in order to integrate city schools.

1978 *Bakke v. Regents of the University of California:*

The Supreme Court rules that schools can take race into account in admissions, but cannot use quotas.

1982 *Bob Jones University v. U.S.; Goldboro Christian Schools v. U.S.:*

The Supreme Court appoints LDF Board Chair William T. Coleman, Jr. as "friend of the court" and upholds his argument against granting tax exemptions to religious schools that discriminate.

1984 *Geier v. Alexander:*

As part of a settlement of a case requiring desegregation of its public higher education system, Tennessee agrees to identify 75 promising black sophomores each year and prepare them for later admission to the state's graduate and professional schools. A federal court of appeals approves this settlement in 1986 despite opposition from the Reagan Administration.

1995 *Missouri v. Jenkins:*

The Supreme Court rules that some disparities, such as poor achievement among African-American students, are beyond the authority of the federal courts to address. This decision reaffirms the Supreme Court's desire to end federal court supervision and return control of schools to local authorities.

1996 *Sheff v. O'Neill:*

In this LDF case, the Supreme Court of Connecticut finds the State liable for maintaining racial and ethnic isolation, and orders the legislative and executive branches to propose a remedy. LDF would have to return to the Court in 2003 to force the legislative body to fulfill the Court's mandate.

1996 *Hopwood v. Texas:*

Fifth Circuit of the Court of Appeals rules that the affirmative action plans used by Texas universities are unconstitutional; the Supreme Court refuses to review the case.

1999 Thirty years of court-supervised desegregation ends in Charlotte-Mecklenburg school district.

2003 *Gratz v. Bollinger; Grutter v. Bollinger:*

In a major victory for affirmative action, the Supreme Court rules in favor of diversity as a compelling state interest in the University of Michigan admissions case. LDF represented African-American and Latino student intervenors in the University's undergraduate school case.

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THE LEGACY OF PUBLIC SCHOOL SEGREGATION ON LONG ISLAND

INTRODUCTION

The history of public school education for African Americans on Long Island is a complicated one that mirrors much of Long Island's history. As has been the case in most policy areas, individual towns and villages on Long Island have adopted localized education policies that persist until conflicts emerge with evolving State or Federal law, or until changes in local sentiment dictate change. What has remained relatively constant, however, is that local education policy and practice on Long Island has evolved in ways that tend to maintain educational segregation.

A HISTORY OF SEGREGATION AND INTEGRATION

The segregated education of students on Long Island began at least as early as the 1700's, and between that time and the early 20th Century more than 15 schools for African Americans were founded and operated throughout Long Island.¹ When slavery was formally ended in New York State in 1827,² there existed two schools in Queens County³ and one school in Suffolk devoted specifically to the education of African Americans.

Prior to the suburbanizing booms that began in the

¹ Mabee, Carlton. "Black Education in New York State: From Colonial to Modern Times". *Syracuse: Syracuse University Press*, 1979.

² The emancipation of slaves in New York occurred over a period of time and was accomplished through several legislative acts. Emancipation began with the Gradual Emancipation Act of 1799 and continued with statutes passed in 1817, 1827 and 1841. The 1841 statute completed the abolition of slavery by repealing a section of the 1827 Act that permitted transient residents to bring enslaved Africans into the state. (Moss 1993)

³ Nassau County was not created until 1899 and until that time numbers for Queens County included the physical area now known as Nassau.

1890's, however, not all communities on Long Island had segregated educational systems, and many students studied together regardless of race or ethnicity. Although the historical record is limited, Census data, newspaper accounts and historical photos provide evidence that some of Long Island's communities, including Oyster Bay, educated White and Black students in the same public school classrooms.

After the Civil War, in which many African-Americans from Long Island served in segregated military units, a push for integrated schools came from many sectors of the population. In the latter part of the 19th Century a state civil rights bill was passed that forbade the exclusion of citizens of any race from public places. Although it could be argued that this law applied to schools, in reality it was not interpreted in such a manner. Instead, the fight against school segregation had to be fought locally in towns and villages across Long Island. For example, in 1895, Charles D. Brewster, an African American resident of Amityville, successfully challenged the Amityville school board when his son was refused admittance to that town's new Whites only school.⁴ In nearby Brooklyn, a protest by African-American residents "against the exclusion of their children from the Public School" was front page news in 1892.⁵

BROWN V. BOARD OF EDUCATION

The fight against school segregation gained its greatest momentum following the U.S. Supreme Court's 1954 decision in *Brown v. Board of Education*. This decision declared segregated education to be "inherently unequal", thus bringing an end to the legally sanctioned policy of "separate but equal" explicitly endorsed by that Court in its 1896 *Plessy v. Ferguson* opinion. Because of uncertainty surrounding exactly what educational policies the Brown decision allowed and forbade, and because of recalcitrance on the part of government officials, it would be several years before a widespread movement towards desegregation occurred.

The post-Brown fight against school desegregation on Long Island was most active in the 1960's. As was the case in many areas of the North, this was not a fight against schools explicitly designated as White or Black, as was the practice under Jim Crow in the South,

but a fight against "neighborhood school" policies. Such policies drew upon Long Island's residential segregation to create school attendance zones and district boundaries that would maintain educational segregation without explicitly mandating it.

RACIALIZED HOUSING POLICY

To understand the dynamics of educational segregation on Long Island, it is critical to understand the dynamics of residential segregation. The mid-Twentieth Century was a defining time in Long Island's evolution. During this period, Long Island developed its suburban character and many of the towns, villages, and neighborhoods of today took shape, as did its strong patterns of residential segregation. Construction of private homes was a booming business. As *Newsday* reported in May of 1954: "Plans for the construction of new homes and the sale of already completed units show a general increase throughout Long Island."

Driving this boom in home development were a set of mutually supporting governmental and private practices that subsidized new home construction while ensuring that the neighborhoods created by this construction were racially segregated. Notable among these policies were the home mortgage guarantee programs of the federal government, initially implemented in the early 20th Century through the Home Owners' Loan Corporation (HOLC) and subsequently through the Fair Housing Administration (FHA). These programs guaranteed private mortgages against default, calming concerns of the lending industry, and making home ownership available to lower- and middle-class families by reducing the size of down payments required by banks.

A major thrust of these programs was to promote uniform appraisal standards for the mortgage industry, and a centerpiece of these standards was the practice which came to be known as "redlining." Redlining involves the systematic undervaluation of neighborhoods of color, multi-racial neighborhoods, and White neighborhoods that are predicted to experience "racial transformation" in the future. Such neighborhoods were delineated on appraisal maps with a red line and were categorized as too risky for investment. The FHA's underwriting manual made this policy explicit:

⁴ See: "Amityville's Color Line," *Brooklyn Daily Eagle*, March 1, 1895.

⁵ "Colored People Protest," *Brooklyn Eagle*, front page, April 30, 1892.

[a]reas surrounding a location are [to be] investigated to determine whether incompatible racial and social groups are present, for the purpose of making a prediction regarding the probability of the location being invaded by such groups. If a neighborhood is to retain stability, it is necessary that properties shall continue to be occupied by the same social and racial classes.⁶

Aspiring White homeowners were generally able to get financing in all-White neighborhoods and aspiring Black homeowners were generally denied financing entirely because their very presence in a neighborhood caused it to be redlined. These practices were in turn adopted by much of the private lending industry. The FHA also encouraged local municipalities to adopt exclusionary zoning ordinances and racially restrictive covenants (until the latter were declared unconstitutional).

The impact of these policies persists today because of the overwhelming breadth and depth of racialized housing policies and practices. As of 1972, the FHA had insured eleven million home purchase mortgage loans throughout the country and twenty-two million home improvement loans, and these programs played a central role in the segregation of neighborhoods and municipalities.⁷ On Long Island, Levittown provides an illustration of this effect. Mass scale affordable housing was built in Levittown as a result of FHA financing; however, as late as 1960, not one of Levittown's 82,000 residents was black and it remains primarily White today.⁸

The segregation of Long Island was also implemented through a variety of other practices that gained prominence in the mid-Twentieth century as its Black population experienced significant growth.⁹ Such practices included the use of racially restrictive covenants (agreements among White homeowners that they would not sell their property to Black families), exclu-

sionary zoning (the establishment of minimum zoning requirements that preclude the development of housing that is affordable and desirable to Black families), and real estate practices such as the steering of Blacks into Black neighborhoods and blockbusting (through which realtors induced the panic selling of White-owned homes by fueling fears of neighborhood "takeover"). As a result of these policies, newly arrived African Americans settled primarily in unincorporated areas with pre-existing Black populations.¹⁰ Urban renewal" also played a role in creating and maintaining residential segregation. Under the guise of redevelopment and slum clearance, such policies were used to destroy neighborhoods of color that were considered threats to White neighborhoods in areas such as Glen Cove, Long Beach, Freeport, Hempstead, Rockville Centre, Inwood, Manhasset and Port Washington.¹¹

CHALLENGES TO DE FACTO SEGREGATED SCHOOLS

As suggested earlier, the 1960's saw a spate of school desegregation actions brought against school districts on Long Island, both through the court system and through state administrative channels. Writing in 1994 on the 40th anniversary of the Brown decision, reporter Peggy Brown chronicled these actions for *Newsday* and some of them are referenced below.¹²

AMITYVILLE

In 1962, a class action lawsuit was brought against the Amityville School District in federal court.¹³ The suit challenged the segregation of Amityville's two elementary schools, one of which had a 90% Black enrollment, while the other school, a little more than a mile away had a roughly 90% White enrollment. In 1963, while the suit was still in progress, New York State Education Commissioner James E. Allen Jr. ordered an end to racial imbalance in all of New York's schools. In 1965, the NAACP presented

⁶ Michael H. Schill and Susan M. Wachter, "The Spatial Bias of Federal Housing Law and Policy: Concentrated Poverty in Urban America", 143 *U. Penn. L. Rev.* 1285 (1995) (citing Dennis R. Judd, *The Politics of American Cities: Private Power and Public Policy* 281 (1979) (quoting FHA *Underwriting Manual*)).

⁷ *Id.*

⁸ *Id.*

⁹ Between 1940 and 1960, the Black population on Long Island increased by 50,000.

¹⁰ Andrew Wiese, "Racial Cleansing in the Suburbs: Suburban Government, Urban Renewal, and Segregation on Long Island, New York, 1945-1960", in *Contested Terrain: Power, Politics and Participation in Suburbia* (Greenwood Press, 1995).

¹¹ Andrew Wiese, "Racial Cleansing in the Suburbs: Suburban Government, Urban Renewal, and Segregation on Long Island, New York, 1945-1960", in *Contested Terrain: Power, Politics and Participation in Suburbia* (Greenwood Press, 1995).

¹² Peggy Brown, "Brown vs. Board 40 Years Later on Long Island," *Newsday*, May 20, 1994.

¹³ *Black v. Board of Ed. of Amityville, NY*, 31 F.R.D. 44 (E.D.N.Y. 1962).

Commissioner Allen with a petition to end the racial imbalance of the two Amityville elementary schools.¹⁴ As a result, the district reorganized and according to Peggy Brown, as of 1994, Amityville was “one of the few places in Suffolk and Nassau Counties where Blacks and Whites go to school together in significant numbers.”

HEMPSTEAD

Despite Brown and the growing pressure to desegregate, the Hempstead school board voted in 1961 to maintain its segregative attendance policies, an action that prompted cheers from a mostly White audience. In 1962, the NAACP sued the Hempstead School District on the basis that area students were assigned to schools based on segregated housing practices.¹⁵ The suit was withdrawn after Commissioner Allen’s order was issued and district reorganization occurred as a result. Following this reorganization, Hempstead experienced widespread White flight and by the 1993-93 school year, the school district had only 19 White students among its 5,418 total.¹⁶

MALVERNE

Peggy Brown reported the following about desegregation efforts in Malverne as of 1994:

*Blacks were concentrated in a “neighborhood” elementary school in Lakeview. In 1962, the NAACP filed a complaint with Commissioner Allen, who used Malverne to test his muscle on forcing desegregation. The district took its losing battle all the way to the U.S. Supreme Court. Since reorganization in 1966, Malverne is one of the few success stories of school integration on the Island: the district is about 52 percent Black and 40 percent White.*¹⁷

Events proceeded along much the same lines in other districts on Long Island as well, with similarly mixed results. In 1964, Manhasset was ordered to change its segregative attendance policies by a federal district court.¹⁸ In Westbury, a desegregation lawsuit brought by the NAACP was subsequently withdrawn in favor of a complaint filed with Commissioner Allen. In response, the school board voted to reorganize its

attendance policies in a desegregative manner, and in the years since then the White enrollment of the Westbury school district has steadily declined. In Roosevelt, the school board adopted desegregative student assignment policies in 1963, only to later rescind them. This sparked widespread boycotts of businesses and schools in Roosevelt and ultimately led to reorganization in 1966. As has been the case in other districts, White flight ensued from this and today very few White students remain in the Roosevelt district. Other districts in which desegregation battles were waged include Freeport and Rockville Centre.¹⁹

These highlights are intended merely as a context for the challenges of addressing public school integration on Long Island. They neither represent a comprehensive detailing of all the challenges to school segregation nor do they reflect a comprehensive chronology of the changes in the racial make-up of Long Island’s schools. Current census data reveal, however, that in the decades since the struggles of the 1960s and even since Peggy Brown’s article in 1994, some of the more promising stories of integration reported by Ms. Brown have quickly deteriorated to become highly segregated schools within highly segregated communities. Additionally, there are some currently integrated school districts that are at risk of becoming racially isolated if their community leaders, parents and students are not committed to making integrated schools work and thus breaking this cycle.

DESEGREGATION THROUGH FEDERAL COURTS IS BLOCKED

Over the years, school segregation on Long Island has generally evolved from segregation between schools within districts to segregation between districts. While levels of segregation are no less stark than they were in the 1950’s and 1960’s, the foundation for challenging them through federal law has eroded. A series of Supreme Court decisions passed in the 1970’s, most notably for Long Island the decision of *Milliken v. Bradley*, has significantly weakened Brown’s desegregation mandate. Decided in 1974, *Milliken* held that desegregation remedies could not involve more than one school district unless it could be

¹⁴ “The Long Island School Integration Story,” *Long Island Press*, December 12, 1965

¹⁵ *Branche v. Board of Ed of Hempstead School Dist. No. 1*, 204 F.Supp 150 (D.C.N.Y. 1962).

¹⁶ See Peggy Brown, *supra* note 12.

¹⁷ *Id.*

¹⁸ *Blocker v. Board of Ed. of Manhasset, N.Y.*, 226 F.Supp. 208 (D.C.N.Y. 1964).

¹⁹ For more on desegregation battles in these districts, see the Peggy Brown article referenced above.

proven that each district conspired to create educational segregation.²⁰ As a result, the inter-district school segregation present on Long Island today and in many other suburban areas cannot be successfully attacked through the federal judiciary even though inter-district remedies are critical to any successful desegregative strategy.

POTENTIAL REMEDIES TO SEGREGATION AND INEQUITIES IN PUBLIC SCHOOLS

Quality public school education is viewed by parents and professional educators as essential for individual students to access social, political and economic opportunities as adults. Fifty years ago, the *Brown v. Board of Education (Brown)* decision held out the hope that by desegregating public schools children of all races would be the beneficiaries of a unified system of quality primary and secondary education. Unfortunately, 50 years later racial isolation is the norm for Long Island's residential neighborhoods and racially separate and unequal is the norm for Long Island's public schools. Changing the future of public school education on Long Island is a challenging task that demands the attention of government, business, religious and philanthropic leaders; educators, students and parents; the media; academics, community groups and civic activists from many arenas.

The following briefing papers contain an overview of seven issue areas related to public school segregation and inequity along with insights into potential remedies.

1. Dismantle Racial Isolation in Public School Education

Questions to be answered:

How do you create schools with diverse student bodies? How do you promote within-school integration? How do you ensure high levels of teacher and student performance in the midst of change?

After years of decline following *Brown* and the cases that followed this Supreme Court decision, segregation in America's school is on the rise. All students in America tend to go to school with a disproportionate number of students of their own race/ethnicity. In addition, students of color tend to go to school with a disproportionate number of low-income students. The following discussion overviews these trends, discusses the factors behind them, and discusses the effects that they have on the quality of education our students receive. It also touches on a critical, but often overlooked, aspect of integration, namely measures beyond demographic balance for creating a truly integrated educational environment

Current realities of segregation

Over the last several decades, the racial demographics of America's schools have undergone some significant changes. First, the student body of our school system is increasingly non-White. A recent study by the Harvard Civil Rights Project found that the enrollment of students of color in the nation's schools is approaching forty percent, almost twice the percentage of students of color in our schools in the 1960's. At the same time, as this report observes, our schools are resegregating rapidly and current levels of school segregation are approaching the levels that existed prior to the implementation of *Brown's* desegregation mandate.²¹

Recent statistics indicate that Whites are the most segregated of all public school students. Among students of color, Latinos are the most segregated and Black students also tend to be highly segregated. Asians, on the other hand, are the most integrated students of all major racial/ethnic categories. The Harvard study noted above also found an emergence of a large number of schools that are almost entirely non-White. One-fourth of Black students in the Northeast attend such schools as do one-ninth of Latino students throughout the country.²²

These patterns of segregation are found on Long Island. Overall, approximately one-fourth of Long Island's school children are of color and approximately three-fourths are White. Few of the 125 school districts on Long Island, however, reflect these

²⁰ *Milliken v. Bradley*, 418 U.S. 717 (1974).

²¹ Gary Orfield and Chungmei Lee, "Brown at 50: King's Dream or Plessy's Nightmare?" (January 2004) (<http://www.civilrightsproject.harvard.edu/research/reseg04/brown50.pdf>)

²² *Id.*

proportions. A 2002 report commissioned by ERASE Racism and produced by the Institute on Race and Poverty found:

*Of the 125 Long Island school districts, 76 have 80% or more White students, and 44 are more than 90% White. More than half of Long Island's African American and Hispanic students are concentrated in just thirteen districts, each of which has a student body that is over 60% students of color. In seven of these thirteen districts more than 90% of the students are students of color.*²³

Overlap of racial and economic segregation

Schools and school districts that are racially segregated also tend to be economically segregated. Specifically, schools and districts that have high percentages of students of color also tend to have high percentages of low-income students. This is true nationally and in Long Island. The Harvard Civil Rights Project has found that schools that are over 90% African American and/or Latino are fourteen times more likely than schools that are over 90% White to have a student body that is also predominantly poor. On Long Island, the typical Black child attends a school with a poverty rate two and one-half times higher than that of the typical White child's school. The poverty rate in the typical Hispanic child's school is also more than twice the poverty rate in the typical White child's school. Moreover, the Institute on Race and Poverty found that of the ten Long Island school districts where more than 40% of the students were poor, nine had student bodies that were at least 60% students of color.

Consequences of Racial/Economic School Segregation

Since the mid-Twentieth century, there has been a wealth of research conducted on the negative effects of attending schools that are racially and economically segregated. Some of the more significant findings of this research include:

- A recent report of the National Center for Education Statistics (NCES), which is part of the U.S. Department of Education, noted that "the highest poverty schools had higher rates of student absenteeism and a lower percentage of their students with a "very positive" attitude toward academic achievement than schools with the least poverty (i.e., those with 10 percent or fewer eligible)."²⁴
- Students in racially and economically segregated schools are more likely to fail to graduate from high school than students in integrated and non-poor schools, regardless of whether they are poor themselves.²⁵
- Schools that are segregated tend to provide a less effective learning environment for students that attend them.²⁶
- Schools with the highest poverty rates also tend to have lower rates of parental involvement in school activities such as open houses.²⁷ It is important to note, however, that this does not mean that low-income parents tend to care less about the education of their children than other parents. Low-income parents are more likely to face impediments to attending such events such as lack of transportation and the need to work non-traditional hours.
- Segregated school districts tend to have lower tax bases than other districts and thus less ability to generate revenue to meet the costs of education. Moreover, because of these smaller tax bases, low-income districts must tax their residents at higher rates in order to generate levels of revenue comparable to those of other districts.²⁸
- Segregated schools are more likely than predominantly White schools to have high pupil/teacher ratios and less likely to offer advanced curricula and to have adequate technological resources such as computers and laboratory equipment.²⁹

²³ "Institute on Race and Poverty, Racism and the Opportunity Divide on Long Island" (July 2002) (http://www.eraseracismny.org/downloads/reports/IRP_Full_Report_with_Maps.pdf)

²⁴ National Center for Education Statistics, Condition of Education 2003 (<http://nces.ed.gov/pubs2003/2003067.pdf>)

²⁵ Gary Orfield, Daniel Ioson, Johanna Wald, and Christopher B. Swanson, "Losing Our Future: How Minority Youth are Being Left Behind by the Graduation Rate Crisis" (2004) (http://www.civilrightsproject.harvard.edu/research/dropouts/call_dropout04.php)

²⁶ See, for example, William T. Trent, "Outcomes of School Desegregation: Findings from Longitudinal Research", 66 *Journal of Negro Education* 255 (1997).

²⁷ Center for Education Statistics, Condition of Education 2003 (<http://nces.ed.gov/pubs2003/2003067.pdf>)

²⁸ Myron Orfield, *Metropolitics: A Regional Agenda for Community and Stability*, Revised Edition (1997)

²⁹ Carol Ascher, "Successful Detracking in Middle and Senior High Schools", *ERIC Digest* No. 82 (October 1992)

• All students, whether White or of color, educated in segregated schools are denied the benefits of an integrated educational environment. These include reductions in racial prejudice and stereotyping, and increased ability to function in an increasingly multicultural society and employment market.³⁰

Causes of Racial/Economic Segregation

A number of factors contribute to the racial and economic segregation of our schools. The primary contributor is racial and economic segregation of our communities. When schools and/or school districts are unable to draw from an integrated pool of students, they cannot create integrated schools. On Long Island, there are a very large number of school districts relative to the size of the student body. Recent data indicates that the average district in Nassau County has only 3,638 and the average district in Suffolk County has only 3,505 students. These geographically small districts replicate the residential segregation of Long Island in its schools.

Federal court decisions subsequent to *Brown* have also limited the potential for desegregating schools within and across district boundaries and allowed for the resegregation discussed earlier. In the early 1970's, the Supreme Court held that inter-district remedies are inappropriate, even when necessary to achieve meaningful school desegregation. Similarly, the Court has held that segregation levels should be assessed in relation to the overall demographics of a district. Thus, where segregation exists at the district level, segregated schools within the district are considered desegregated from a legal perspective. These legal developments, combined with a decline in intentionally segregative practices by school districts, have led to the cessation of court-ordered desegregation nation-wide and have created very limited potential for new desegregation lawsuits under federal law.

Strategies for Creating Integrated Schools

The most effective mechanism for desegregating Long Island's schools would be to desegregate Long

Island's neighborhoods. Short of this, achieving widespread school desegregation will require redrawing Long Island's school district boundaries in such a way that individual districts encompass White neighborhoods and neighborhoods of color. Given the large number and small size of districts on Long Island, this would require district mergers. One possible method for merging districts would be for incorporated areas to incorporate adjacent unincorporated areas. Given that most students of color on Long Island live in unincorporated areas, this would create some desegregative potential. The case for merging districts may be strengthened by the fact that several small districts could be combined without creating a single district that requires students to travel burdensome distances to attend a desegregated school. Merger also has its economic benefits. A 1992 report of the New York State Temporary Commission for Tax Relief on Long Island found that per pupil education costs increase by \$1,000 to \$8,000 in districts with fewer than 5,000 students.³¹

Other areas that have merged several school districts to create one desegregated district include Charlotte, North Carolina and Louisville, Kentucky where county-wide districts were created. These mergers succeeded in reducing segregation levels in the schools and also led to decreased residential segregation. In Louisville, pro-integrative housing policies also contributed to desegregation.³²

On a smaller scale, pursuing cross-district desegregation without disturbing district boundaries would allow some students on Long Island to attend desegregated schools. In the Twin Cities of Minneapolis and Saint Paul, Minnesota, inter-district magnet schools have been created to allow students from multiple districts to attend school together. These magnets offer enhanced curriculum in an effort to attract students attending schools in districts that are already successful.

Some regions have also created cross-district attendance policies for students that attend segregated schools. For example, the Chapter 220 program in the Milwaukee region allows some students of color that

³⁰ Institute on Race and Poverty, *Student Voices Across the Spectrum: The Educational Integration Initiatives Project* (2000).

³¹ New York State Temporary Commission for Tax Relief on Long Island, *Financing Government on Long Island*, p. 1-2 (1992).

³² Manuel Pastor, Peter Dreier, J. Eugene Grigsby III, and Marta Lopez-Garza, *Growing Together: Linking Regional and Community Development in a Changing Economy* (April 1997) (Summary Report) (paper of the International & Public Affairs Center, Occidental College); Gary Orfield, *Metropolitan School Desegregation: Impacts on Metropolitan Society*, in *In Pursuit of a Dream Deferred: Linking Housing and Education Policy* (Peter Lang Publishing, 2001)(citing the Kentucky Comm'n on Human Rights, School and Housing Desegregation Are Working Together in Louisville and Jefferson County (1983)).

live in attendance zones of the Milwaukee School District that are greater than 30% minority to attend schools in suburban districts. Studies of the program have found that Milwaukee students able to attend suburban schools outperformed Milwaukee students who applied for, but were denied, transfer.³³ Cross-district strategies such as these may be more easily accomplished than more systemic changes such as district merger. At the same time, by their very nature they are limited in scope and effect. Students that are able to participate in these programs will reap benefits, but most students will continue to attend segregated schools.

Creating an Integrative Environment at the School Level

Successful integration requires more than creating a numerical balance of students at the school level. As is discussed below, discriminatory policies in the areas of tracking/ability grouping, special education, and discipline can create segregation within a school even though it is desegregated in the aggregate. In addition to equitable policies in these areas, creating a truly integrated school requires the creation of an environment that is welcoming and accepting of all students. Gordon Allport has suggested that integration in schools cannot be accomplished unless the following key components are included: 1) personal interaction among all students; 2) student involvement in cooperative action to achieve mutual goals, 3) social norms favoring cross-ethnic contact; and 4) equal-status contact among all students.³⁴ Other studies report the benefits of increased interracial contact, provided students are brought together under conditions of equal status with an emphasis on common goals, rather than individual and intergroup competition.³⁵ One way to accomplish this is to promote extracurricular activities that encourage equitable interracial contact.

Curriculum is also extremely important. To be integrated, a school must teach multicultural curricula. Such curricula are designed to enable students to function in and value the various cultures that exist in the United States. It requires an assessment of the

content of academic programs, and where necessary, amending this content by integrating information about and the perspectives of a variety of cultures.

Issues for consideration:

- What strategies might be pursued in the short- and long-term to create more desegregated learning opportunities on Long Island? What are the potential pitfalls?
- What are the barriers to achieving desegregation on Long Island? What would it take to overcome them and at what cost?
- To what extent do schools on Long Island offer environments that are welcoming and inclusive? If necessary, what can be done to improve this?

For further reading:

Institute on Race and Poverty, *Racism and the Opportunity Divide on Long Island* (http://www.eraseracismny.org/resources/reports_maps.php)

Harvard Civil Rights Project, *A Multiracial Society with Segregated Schools, Are We Losing the Dream?* (<http://www.civilrightsproject.harvard.edu/research/reseg03/AreWeLosingtheDream.pdf>)

Rebecca Gordon, Applied Research Center, *Education & Race: A Journalist's Handbook* (<http://www.arc.org/downloads/RaceandEducation.pdf>)

2. Using the Assets of Communities of Color to Educate Students in De Facto Segregated Schools

Questions to be answered:

What strategies should be pursued (for example, Afro-centric schools)? In segregated schools, how do you draw on assets and strengths that will benefit individual students and the community at large?

In response to rising levels of school segregation, White resistance to integration, and negative experiences with past desegregation efforts, some school districts and communities have pursued alternative educational strategies that aim to draw on the assets that exist in communities of color. Two of these strat-

³³ John F. Witte, *The Effectiveness of School Choice in Milwaukee: A Secondary Analysis of Data from the Program's Evaluation* (1996) (University of Wisconsin-Madison).

³⁴ Gordon W. Allport, *The Nature of Prejudice*, 25th anniversary edition (1979).

³⁵ Stuart W. Cook (1979). *Opportunities for future social science contributions to school desegregation*. Paper presented at the American Psychological Association Annual Convention symposium, "25 Years After *Brown vs. Board of Education*—Perspectives-Prospects." New York, NY, September 1-5, 1979; Janet W. Schofield, Promoting positive peer relations in desegregated schools, *Educational Policy*, 7(3) (1993).

gies are discussed here: community schools and ethnocentric schools.

Community Schools

A number of central city school districts have pursued community school plans. Whereas in the past such districts would often pursue desegregative strategies that required measures such as busing students to schools outside of their neighborhoods, community school plans place a priority on guaranteeing students admission to those schools that exist within their neighborhoods. One example of such a plan is that adopted by the Minneapolis School Board in 1995. Minneapolis' plan created guaranteed attendance zones around the majority of elementary schools in the district and automatically reserved a seat in each school for children who lived within the corresponding zone.

The primary rationale for community school plans is that they will increase parent involvement. The expectation is that parents who send their children to a school near their home will be more active in their children's education and that this in turn will lead to higher student achievement. Research supports the contention that there is a positive relationship between parental involvement in a school and student performance.

Critics of community school plans make several arguments. One is that, in areas where there is residential segregation, a community school plan will increase racial and economic segregation within schools to the primary detriment of low-income students of color. Critics also point out that research on school quality and parental involvement find a positive relationship based on the overall level of parental involvement in a school, not based on the involvement of the parent of a specific child in the school. They also point out that the socioeconomic status of a school's parent is a stronger predictor of overall parental involvement than does the distance between where students live and the school they attend,³⁶ and thus segregated community schools are less likely to have high levels of parental involvement than integrated schools that draw from a broader geographic area.

The experiences of Norfolk, Virginia support these contentions. In the mid-1980's, Norfolk ended its efforts to desegregate schools through busing and instead adopted a community school plan.

Proponents of the plan argued that racial achievement gaps would diminish because of increased parental involvement and because such a plan would reverse ongoing white flight that they attributed, in part, to the unpopularity of busing among Whites. The plan also targeted extra resources to those schools that were the most racially and economically isolated. Research conducted eight years after the adoption of the plan found that the percentage of White students in the district since the adoption of the plan had remained steady, but had not increased. Levels of segregation in schools within the district did increase significantly, however. This research also found that African American students in racially isolated schools performed worse than African American students in more integrated schools on a variety of achievement tests and that the overall achievement gap between White and black students actually increased after the adoption of the community school plan.³⁷

Ethnocentric Schools

Another response to failures of the traditional education system has been the creation of ethnocentric schools designed to meet the educational needs of a particular student body. This discussion will focus primarily on Afrocentric schools (also known as Black immersion schools), but many of the principles and arguments behind Afrocentric schools can also be applied, with some variation, to schools that focus on meeting the needs of other students of color. It should be noted, however, that some argue that the experiences of students of color in a Eurocentric educational environment are significantly shaped by whether the student belongs to a group that voluntarily (as is the case with most immigrants) or involuntarily (as is the case with African Americans and Native Americans) exist within our society.

A common perception of Afrocentric schools is that they seek to supplant the supremacy of European culture with the supremacy of African/ African American culture. While this expression of

³⁶ See, for example, National Center for Education Statistics, Condition of Education 2003 (<http://nces.ed.gov/pubs2003/2003067.pdf>)

³⁷ Christina Meldrum and Susan Eaton, Resegregation in Norfolk, Virginia: "Does Restoring Neighborhood Schools Work?" *Report of the Harvard Project on School Desegregation*. (1994).

Afrocentricity does exist, many proponents of such schools view themselves as integrationists but view such schools as a pragmatic response to the inadequacies of the current educational system. Specifically, some proponents of Afrocentric schools point out that we are in a period of school resegregation and that prospects for integrating schools are diminishing. They emphasize that such Afrocentric schools are a response to the isolation and deprivation experienced by many students of color; they are not a response to deficiencies in the ideal of an integrated, multicultural, adequately funded alternative. Other proponents of such schools assert that issues of segregation and integration are incidental to student performance and educational quality.

Proponents of Afrocentric schools also point to the negative experiences of Black students under desegregation programs that sought to achieve racial balance at the school level while pursuing an assimilationist model for educating these students. As Kevin Brown points out, an assimilationist model may have some legitimacy for immigrant students, but it is harmful for Black students because of the negative ways in which this assimilated culture already defines them. In the absence of integrated, multi-cultural schools, Afrocentric schools are seen as a way to develop teaching strategies and techniques that account for and respond to the culture and experiences of Black children, and situate them in a relationship with dominant American culture that is neither antagonistic nor demeaning. Ideally, such schools acknowledge that Black students must develop an understanding of the dominant American culture and seek to develop their ability to function and succeed within it. Brown describes an Afrocentric curriculum as follows:

An Afrocentric curriculum is an emerging educational concept and educators will determine what passes as truly Afrocentric over the course of time. In a vague sense, an Afrocentric curriculum teaches basic courses by using Africa and the socio-historical experience of Africans and African-Americans as its reference points. An Afrocentric story places Africans and African-Americans at the center of the analysis. It treats them as the subject rather than the object of the discussion. However, this

perspective is not a celebration of black pigmentation. An Afrocentric perspective does not glorify everything blacks have done. It evaluates, explains, and analyzes the actions of individuals and groups with a common yardstick, the liberation and enhancement of the lives of Africans and African-Americans.³⁸

There is no comprehensive data on the effectiveness of Afrocentric schools. Attempts to fairly evaluate student performance within them must account for the fact that these schools generally exist as an alternative to unsuccessful public schools and not as an alternative to well-funded, well-integrated schools. There are success stories among ethnocentric schools indicating that at times such schools do achieve better results than their public school alternatives. The replicability of these successes on a larger scale is unclear. Often these successes seem to be the result of extraordinary efforts by extraordinary educators. In addition, many of these schools have more stringent criteria for selecting and retaining students than do regular public schools. As a result, students in these schools may not be typical of students in the larger district/community.

Issues for discussion:

- Given the size of Long Island's school districts, to what extent does the area have a *de facto* community school plan? What are the benefits and harms of this system? Are the benefits and harms shared evenly between different schools?
- Are ethnocentric schools a legitimate response to the seeming intractability of segregation? Are they a legitimate response to the reality that desegregation often results in students of color being forced to learn in environments that devalue their culture and experiences?
- What is the potential for either community schools or ethnocentric schools as part of a larger effort to more effectively educate students of color on Long Island?

For further reading:

Kevin Brown, "Do African Americans need Immersion Schools? The Paradoxes Created by Legal Conceptualization of Race and Public Education", *Iowa Law Review* 78:813 (May, 1993).

³⁸ Kevin Brown, "Do African Americans need Immersion Schools? The Paradoxes Created by Legal Conceptualization of Race and Public Education", *Iowa Law Review* 78:813 (May, 1993).

John Powell, "Black Immersion Schools", *New York University Review of Law and Social Change* 21:669 (1994-1995).

Institute on Race and Poverty, *Examining the Relationship Between Housing, Education, and Persistent Segregation, Final Report* (<http://www1.umn.edu/irp/publications/McKni>)

3. Compensate for the Inequalities Inherent in Racially and Economically Segregated Schools

Questions to be answered:

How do you address the inequity of resources, the inequality of opportunity and the disparate outcomes for students?

There are a number of factors beyond segregation that contribute to racial disparities in student achievement and a number of measures other than integration that can and should be pursued in order to reduce these disparities and ensure that all students are provided with a quality education. To some extent, the issues and strategies discussed in this section can be viewed as strategies for ameliorating the effects of segregation. Many of them, however, may also be viewed as critical elements of a quality education that also includes integration.

Funding Equity/Equality

As discussed elsewhere, school districts with higher percentages of low-income students of color also tend to have limited funds available for educating students. This is due to state funding systems that require local districts to generate a significant portion of the cost of education despite relatively small tax bases in those districts that need educational funding the most. A 1996 report of the U.S. Department of Education found that the wealthiest school district in the state of New York spent seven times more money per pupil than the state's poorest district.³⁹ Although the size of such disparities are often mitigated to some extent by state and federal programs that provide added funding for teaching high need students, such funding tends to be insufficient to fully address achievement gaps.

In response to funding inequity in New York, a coalition known as the Campaign for Fiscal Equity (CFE) formed in 1993 and brought a class action lawsuit against the state of New York asserting that the state's funding structure creates resource inequities among districts. CFE further asserted that because of this structure, districts with high percentages of low-income students and students of color were unable to provide their students with the sound, basic education guaranteed by the state's constitution. In June 2003, the New York State Court of Appeals ruled that the State's education funding formula did in fact violate the state constitution, although the remedy for this violation has yet to be determined. Funding equity programs in other states provide some insight into what might be accomplished through such a strategy. Two examples are discussed below.

In Michigan, a funding equalization plan known as "Proposal A" was adopted to shift the bulk of educational funding from local districts to the state, to create an adequate level of funding for all districts, and to create disincentives for local districts with disproportionately large tax bases to use this advantage to create funding inequalities. Although the plan did not eliminate disparities across districts, it was successful in reducing these disparities and in increasing the level of per pupil funding available to poorer districts. Critics of the plan have emphasized that some districts continue to spend twice as much per student as others. Related to this, they have also pointed out that Proposal A fails to adequately account for the fact that the cost of education is higher in some districts than others. Specifically, a number of critics argue that meeting the needs of students in the Detroit School District, which is extremely segregated by race and income, would require levels of funding that are much higher than those provided under this plan.⁴⁰ This highlights the difference between funding equality and funding equity.

Wisconsin has also adopted a funding equalization program designed to compensate for limitations in the fiscal capacity of some districts by providing them with greater state aid. Wisconsin's program is designed to ensure that, up to a certain funding ceiling, districts with equal taxation rates are able to generate equal amounts of revenue. Districts are

³⁹ National Center for Education Statistics, *Condition of Education 1996* (U.S. Dept. of Education).

⁴⁰ See, "Commentary: Prop A is a 'Feel Good' Reform That Fails Urban Education", *The Detroit News* (May 20, 1997).

still able to tax above this ceiling, however. Like Michigan, funding inequalities persist in Wisconsin. Moreover, the Wisconsin plan also fails to compensate for the higher cost of educating students in racially and economically segregated districts.⁴¹

Michigan and Wisconsin are typical of funding equity schemes in that they have not fully compensated for inter-district disparities in funding or in student achievement. Although many states have equity plans, none have eliminated racial disparities in educational quality and outcomes through funding. Assuming that this is possible, the level of funding would be necessary to do so is unknown.

Small schools

According to the U.S. Department of Education, teachers in larger schools are more likely to report that “apathy, tardiness, absenteeism, dropping out, and drug use are ‘serious’ problems among students in their school.”⁴² Conversely, the benefits of small schools (generally those with fewer than 400 students) have been touted by a number of researchers. A recent report of the Applied Research Center found that small schools offered the following educational advantages:

- Small schools are better able to achieve rigorous teaching, academic supports for the achievement of all children toward high standards and, often, deep engagements with local communities.
- Small schools are intimate. Educators know your child and work closely with each other and with parents. Students take on leadership roles. And small schools are often willing to engage the “hard conversations” about racism, politics, power and the role of schools in community development.
- Small schools enhance academic achievement of youth, urban youth, youth of color and poor youth in particular; reduce the gap between the “top” and the “bottom” levels of achievement; diminish rates of violence and suspension and reduce rates of dropping out while enhancing persistence and college admission.

- Small schools are economically more efficient than large schools; educationally more productive than large schools; more satisfying to educators; more engaging for parents; and safer than large schools.⁴³ The report emphasizes, however, that creating smaller schools creates the possibility for these gains, but does not make them inevitable.

Small class Size

There is evidence that smaller class sizes can also help educators meet the needs of students in racially and economically segregated schools. For example, Wisconsin’s Student Achievement Guarantee in Education (SAGE) program targets funding to reduce class sizes in first through third grade classes that have high percentages of low-income students. Evidence suggests that this program has been successful in reducing the racial achievement gap for students in SAGE classrooms. Evidence from longitudinal studies of student performance in Tennessee also suggests that students in smaller classes outperform those in larger classes.⁴⁴

Teacher Quality

Another mechanism for addressing racial disparities in student achievement is through programs that provide equal access to quality teachers. Studies have found that students perform better in schools that have higher percentages of fully certified teachers. It has also been found that teacher education and experience are among the most significant predictors of a student’s performance.⁴⁵

Current data indicates that schools with high percentages of students of color and low-income students are less likely to have qualified teachers than other schools. For example, these segregated schools are more likely to have teachers that did not major or minor in, and are not certified in, the subject that they are teaching. These segregated schools are also more likely to have teachers with fewer years of

⁴¹ Andrew Reschovsky, *Fiscal Equalization and School Finance: The Wisconsin Experience*. (Working Paper Series, The Robert M. La Follette Institute of Public Affairs, University of Wisconsin-Madison)(1994).²² Christina Meldrum and Susan Eaton, “Resegregation in Norfolk, Virginia: Does Restoring Neighborhood Schools Work?” *Report of the Harvard Project on School Desegregation*. (1994).

⁴² Center for Education Statistics, *Condition of Education 2003* (<http://nces.ed.gov/pubs2003/2003067.pdf>)

⁴³ Applied Research Center, *Racial Profiling and Punishment in U.S. Public Schools* (<http://www.arc.org/erase/downloads/profiling.pdf>)

⁴⁴ University of Wisconsin-Milwaukee, *1999-2000 Evaluation Results of SAGE* (http://www.asu.edu/educ/eps1/SAGE/annual_reports/1999-2000%20Evaluation/cerai-00-34.htm).

⁴⁵ Linda Darling-Hammond “Doing What Matters Most: Investing in Quality Teaching.” *NY: National Commission on Teaching and America’s Future* (1997).

teaching experience and teachers that were hired on an emergency basis and thus subjected to lessened licensing requirements.⁴⁶

A number of factors contribute to this disparity in teacher quality across districts. One is that teachers in wealthier districts tend to be paid more than teachers in poorer districts. Nationally, there is a 30% difference in maximum salary between wealthy and poor districts. Teaching conditions also tend to be worse in poorer districts. In these districts teachers are more likely to teach overcrowded classes and less likely to have access to quality teaching materials.⁴⁷

States have had some success in attracting quality teachers to high-need schools by offering special incentives such as scholarships and forgivable loans for quality teachers that went to and stayed in these schools. Connecticut has achieved success in this area through a combination of strategies including: ensuring that all teachers know their subject area and know effective methods for teaching a variety of students; ensuring competitive salaries across districts; phasing out programs that allow the hiring of unqualified teachers; making schools that have been hard to staff more attractive by improving classroom conditions and resources, and providing mentoring for all beginning teachers.

Some researchers have also found that teacher diversity is related to teacher effectiveness. Specifically they have found that teachers of color provide students of color with a role model who has succeeded in academia. Research has also found that teachers of color are more likely than White teachers to remain at urban schools that are typically hard to staff. In addition, it has been found that teachers who share culture and life experiences with their students may be more effective at reaching students that are traditionally marginalized and may also be better at involving parents who do not speak English or who face other cultural barriers to participating in their child's education.⁴⁸

Issues for consideration:

- To what extent do these educational conditions exist on Long Island?

⁴⁶ Applied Research Center, *Racial Profiling and Punishment in U.S. Public Schools* (<http://www.arc.org/erase/downloads/profiling.pdf>)

⁴⁷ Id.

⁴⁸ See, for example, J. Stewart, K.J. Meier, R.M. LaFollette, and R.E. England, In quest of role models: "Change in Black Teacher Representation in Urban School Districts". *Journal of Negro Education*, 58 (2) (1989); T.S. Dee, Teachers, race and student achievement in a randomized experiment, National Bureau of Economics Working Paper No. W8432 (August 2001); G.J. Adams and M. Dial Teacher survival: A Cox regression model *Education and Urban Society*, 26 (1) (1993).

- What level of priority should be assigned to each of these issues outlined above?
- Which of these reforms seem more or less achievable at the present or in the foreseeable future? What would it take to achieve them?

For further reading:

Applied Research Center, *Racial Profiling and Punishment in U.S. Public Schools* (<http://www.arc.org/erase/downloads/profiling.pdf>)

National Center for Education Statistics, *The Condition of Education 2003* (<http://nces.ed.gov/pubs2003/2003067.pdf>)

National Center for Schools and Communities, *Equity or Exclusion: The Dynamics of Resources, Demographics, and Behavior in the New York City Public Schools* (2003) (http://www.ncscatfordham.org/binarydata/files/EQUITY_OR_EXCLUSION.pdf)

4. Measure the Effectiveness of Federal and State Policies, Mandates and Standards

Questions to be answered:

What do they measure? Do they help or hinder student achievement? Are they breaking patterns of segregation and inequality?

Consistent with trends in other areas of policymaking, recent trends in education policy at the federal and state level have placed strong emphasis on monitoring and accountability. The following discussion focuses on the No Child Left Behind Act. Enacted in 2001 with bipartisan support, this act continues the federal tradition of targeting federal funds at high need students, but ties these funds to accountability measures for students, schools, and districts predicated on student performance on high stakes tests. In 1995, New York State adopted its own high stakes tests to determine which students will graduate from high school. This is also discussed here.

Federal

In the past, the most significant federal education program for low-income students and students of color has been Title I of the Elementary and Secondary Education Act, a compensatory funding program which sought to help equalize quality among schools by providing aid to schools based on the presence of higher need students within them (e.g. students with language issues, students with learning disabilities). In 2001, Congress significantly revamped Title I in the form of the No Child Left Behind Act (NCLB). NCLB has several major goals including to improve early reading, to increase the quality of teachers in high poverty schools, to create structures for school accountability, and to ensure that all students make significant educational progress every year regardless of their circumstances or the school that they attend.

Like prior Title I legislation, NCLB targets federal dollars to schools with children in poverty. Attached to this funding are accountability requirements that are designed to stimulate effective educational reforms at the state and local level. To monitor progress, states are required to develop reading and math achievement tests to monitor the success of schools and districts. The Act sets the goal that every school should achieve 100% proficiency in reading and math for its students within twelve years and each state is required to set annual benchmarks to ensure that schools make Adequate Yearly Progress (AYP) toward this goal.

Schools that fail to meet AYP goals for two consecutive years are designated as “needing improvement” and are given technical assistance. If this proves ineffective, the state agency overseeing implementation of NCLB funding must intervene and take additional measures. This intervention can take a number of forms. For example, it can lead to consultation and the development of a more effective school improvement plan. On the more punitive side, it can lead to school closings, firing of school personnel, and withdrawal of federal funds. Students attending such schools are also given some options for transferring to other schools that are meeting their AYP goals.

Although the broad goals of NCLB are widely embraced, the details and implementation of the policy have generated significant criticisms:

Unrealistic Goals

A major criticism of NCLB is that it presumes that the reason for school failure is a lack of monitoring and accountability within schools and districts. In doing so, it creates high expectations for schools with large numbers of high need students without creating the kinds of change necessary to meet these expectations. The assumption that schools can create substantial and immediate improvement in the achievement of these students in a short period of time is not supported by past experiences.⁴⁹ As a result, schools are punished for not achieving goals that no one knows how to meet. With the sanctions authorized under NCLB, this can lead to a withdrawal of funding from those schools that need it the most. Indeed, data on the impact of the Act over the last few years has confirmed that low-income schools are facing sanctions at much higher rates than more affluent schools. This problem is exacerbated by the fact that low-income schools tend to be further from achieving complete compliance than more affluent schools and thus must make more rapid annual progress within the allotted twelve year time frame.

Related to this, a number of educators from around the country have complained that the levels of funding offered by NCLB are inadequate to meet its monitoring and performance requirements. Studies in a number of states have found that the cost of complying with the law is very high and comes at a time when many states are in fiscal crisis.⁵⁰

Teaching to the Test

Critics of NCLB, and of high stakes testing policies in general, also argue that using standardized tests as the sole measure of school adequacy and student performance reorients the educational goals of schools and results in teaching to the test. This is particularly true when the livelihood of the school and its staff are tied to student performance on these tests. Under such circumstances it is not uncommon

⁴⁹ Gary Orfield, Daniel Ioson, Johanna Wald, and Christopher B. Swanson, “Losing Our Future: How Minority Youth are Being Left Behind by the Graduation Rate Crisis” (2004) (http://www.civilrightsproject.harvard.edu/research/dropouts/call_dropout04.php)

⁵⁰ Gary Orfield, “Introduction, Inspiring Vision, Disappointing Results: Four Studies on Implementing the No Child Left Behind Act” (2004) (<http://www.civilrightsproject.harvard.edu/research/esea/introduction.pdf>)

for teachers to focus their lessons on narrow drills rather than an effective, well-rounded curriculum. Moreover, high stakes testing also makes it difficult for schools to engage in creative curriculum development and thus stunts their long-term improvement.⁵¹

“Push-outs”

Adopting a single measure for assessing student performance and school success, and tying it to the school’s viability, also creates a strong incentive for schools to manipulate the pool of students eligible to take the test. One way of doing this is for schools to “push out” poorly performing students by forcing them to drop out of school or by forcing them out of mainstream instruction and into programs (e.g. GED programs) whose participants are not required to take such tests or that are located in other schools.⁵²

NCLB requires Adequate Yearly Progress for all students, including typically low achieving students such as those with learning disabilities and those with limited language skills. Although this is an admirable overall goal, assessing this progress on the basis of one standardized test creates a strong incentive for schools to push out those students most in need of quality educational instruction.

Lack of Meaningful Student Choice

As mentioned earlier, one of the more appealing provisions of NCLB is that it offers students in schools that do not make Adequate Yearly Progress the opportunity to transfer to schools that do. In practice, this provision is not as successful in ensuring that all students have access to a quality education as one would hope.

One limitation of this provision is that students are offered limited transfer choices. Unless their district is able to enter into cooperative agreements with neighboring districts, this choice is limited to other schools within the district. Where problems of low performance are district-wide, students will have the opportunity of leaving one low-performing school for another. Where there is district-wide segregation,

students will have the opportunity of leaving one segregated school for another. Where districts are small in size, the range of intra-district options will be limited.

A recent study conducted by the Harvard Civil Rights Project of the implementation of this student choice provision found several limitations in its effectiveness. The study found that a very small percentage of students eligible for transfer actually applied for it and that of the small number that applied, not all had their transfer requests approved because of limited district resources. This was particularly the case in large urban districts with segregated schools where many students were eligible for transfers but limited funds were available to do so. The study also found that students from economically disadvantaged schools were not able to transfer to high achieving low poverty schools. Instead, they were given choices that were not substantially different from the school that they already attended.⁵³

New York State

New York State has also recently placed a greater emphasis on student and teacher accountability and tied this to performance on a standardized test. In 1995, the New York State Board of Regents made passing the state Regents exams the sole state-level criterion for determining whether public school students can graduate from high school. Not surprisingly, this has led to many of the same problems discussed above with respect to the Leave No Child Behind Act. Districts with larger numbers of high-need students have performed worse than other districts, and low-income students have experienced lower pass rates than their more affluent peers and as a result have graduated at lower rates.

Such results should not be surprising given research on the impact of high stakes testing around the country. The National Governors’ Association has cautioned that high stakes exit exams will produce higher failure rates among disadvantaged students. Not surprisingly, a disproportionate number of these students also tend to be students of color who attend substandard schools. A recent study also found that

⁵¹ See, for example, Applied Research Center, *Racial Profiling and Punishment in U.S. Public Schools* (<http://www.arc.org/erase/downloads/profiling.pdf>)

⁵² Gary Orfield, Daniel Ioson, Johanna Wald, and Christopher B. Swanson, “Losing Our Future: How Minority Youth are Being Left Behind by the Graduation Rate Crisis” (2004) (http://www.civilrightsproject.harvard.edu/research/dropouts/call_dropout04.php)

⁵³ Jimmy Kim and Gail Sunderman, “Does NCLB Provide Good Choices for Students in Low Performing Schools?” (2004) (http://www.civilrightsproject.harvard.edu/research/esea/good_choices.pdf)

student dropout rates are higher in states that condition high school diplomas on test scores.⁵⁴

Potential Improvements

Many education experts argue that effectively monitoring student progress and ensuring fair standards requires more comprehensive assessment tools than a single test.⁵⁵ Better student assessments would look at class performance, teachers' assessments of the student, a portfolio of the students work, and other related indicators. Better school assessments would use a broad range of measures that would include measures of student performance, and measures of the quality of the learning environment and the quality of resources available in the school. More nuanced assessment tools such as these would also help orient remedial actions. Ultimately, accountability should also be mutual. Students should only be held accountable for learning when they are offered a high quality education, and districts that are racially and economically segregated should not be held accountable for failing to perform on a par with more affluent districts unless policies are adopted and resources are provided that make bridging this achievement gap a realistic expectation.

To the extent that test-based accountability systems are retained, it is also critical that additional measures are adopted to ensure that schools do not "cook the books" by forcing out low-performing students or employing other methods to achieve success on the tests to the detriment of the quality of education offered students. Additional sets of incentives should be created that compel schools to retain and effectively educate high-need students

Issues for discussion:

- What are Long Island's experiences with the Leave No Child Behind Act? Are there local actions that could be taken to more effectively achieve its overall goals?
- Given current educational inequalities, is it fair to adopt universal accountability standards? If universal standards are inappropriate, what standards of accountability are?

- To what extent do the systems of education on Long Island aid or impede students' ability to meet the standards required under federal and state law?

For further reading:

Harvard Civil Rights Project, *Inspiring Vision, Disappointing Results: Four Studies on Implementing the No Child Left Behind Act* (2004) (<http://www.civilrightsproject.harvard.edu/research/esea/introduction.pdf>)

National Center for Schools and Communities, *Equity or Exclusion: The Dynamics of Resources, Demographics, and Behavior in the New York City Public Schools* (2003) (http://www.ncscatfordham.org/binarydata/files/EQUITY_OR_EXCLUSION.pdf)

Applied Research Center, *Racial Profiling and Punishment in U.S. Public Schools* (<http://www.arc.org/erase/downloads/profiling.pdf>)

5. Examine the Impact of Special Education, Tracking and Discipline Policies on Students of Color

Questions to be answered:

Do they help or hinder student achievement? Are they breaking patterns of segregation and inequality?

As discussed elsewhere, educational policies and practices at the state and federal level can create racial and economic segregation between schools and between districts and harm the educational opportunities of low-income students and students of color. Policies that play out within schools can have a similar effect. Specifically, policies and practices that deal with issues of special education, tracking/ability grouping, and discipline can create dual systems of education within schools and deny students of color the educational opportunities afforded to other students.

Special Education

Special education programs in the United States are designed to provide special need students, such as those with physical or learning disabilities, or language barriers, with access to programs and resources that will further their education. A primary goal of special education programs is to enable these students to enter

⁵⁴ Rebecca Gordon and Libero Della Piana, "No Exit? Testing, Tracking, and Students of Color in U.S. Public Schools" (1999) (<http://www.arc.org/Pages/Estudy.html>)

⁵⁵ Id.

and remain in mainstream educational environments. In the long term, such programs are designed to enable special need students to graduate with their peers and to participate as fully as possible in the larger society.

A growing body of research raises serious questions about whether special education programs are successfully achieving these goals. In particular, critics have pointed to evidence that special education programs can function as a repository for a disproportionate number of students of color, many of whom are improperly assigned to them. Moreover, research raises serious questions about the extent to which students, once assigned to special education, are given the support and opportunity to return to mainstream classrooms. According to one study, approximately 98% of students assigned to special education never return to mainstream classrooms. Research also indicates that special education students graduate at much lower rates than their peers.⁵⁶

A recent study by the National Center for Schools and Communities (NCSC) at Fordham University analyzed special education programs in New York City and found evidence of the problems discussed above.⁵⁷ The study found that during the 1990's, Blacks and Hispanics accounted for as much as 90% of the city's special education students. The study also found that disparities in who is assigned to these programs are greatest where the diagnostic criteria are most subjective. Specifically, the greatest racial disparities were found among students described as "emotionally disturbed." According to the study, this raises concerns over whether special education assignment is being used as a *de facto* disciplinary policy by teachers who are unable to manage their students.

Tracking/Ability Grouping

Tracking is a practice common to many schools whereby students are assigned to different classes, i.e. different educational tracks, based on perceived differences in their academic abilities. Ability grouping functions very similarly and refers to the assignment of students to different groups within the same classroom based on their perceived ability. Examples of different edu-

cational tracks include "gifted and talented," advanced placement, and college preparatory at the more challenging end of the spectrum, and remedial and vocational at the less challenging end. Depending on how they function, special education programs may also be considered an educational track.

Tracking and ability grouping are sometimes implemented as early as second or third grade. Student assignments to tracks or groups are usually based on a combination of factors such as standardized test performance and teacher recommendations, and sometimes parents will also be involved in these decisions. At the seventh grade level, two-thirds of the schools in the U.S. have ability grouping in some classes and one-fifth of all schools have tracking or grouping in every subject.

Proponents of tracking argue that it benefits all students. They assert that higher ability students tend to be bored and unengaged in mixed classes and benefit from the more rigorous and challenging instruction they receive in upper track classes. They also assert that lower ability students avoid the frustration of being unable to keep pace in mixed classes and are more engaged in classes that move at a pace that is realistic for them.⁵⁸

Opponents of tracking/grouping argue that assignment decisions have significant effects on the long-term educational opportunities and life chances of students and that assignment criteria are too often subjective and biased. Research supports the assertion that tracking and grouping have long-term consequences for students. Over time, the gap between low and high ability classes widens as they move forward at different paces. By the time students reach high school, students in lower tracks have little chance of taking the advanced courses preferred by colleges because they have not taken the prerequisites for these courses. Opponents point to the disproportionate representation of Black, Hispanic, and Native American students in lower tracks and the disproportionate representation of White students in high tracks, and argue that such practices create a

⁵⁶ See, for example, E. Lynam, "Setting Higher Standards for Special Education in New York City". New York, NY: *Citizens Budget Commission* (2002).

⁵⁷ National Center for Schools and Communities, *Equity or Exclusion: The Dynamics of Resources, Demographics, and Behavior in the New York City Public Schools* (2003) (http://www.ncscatfordham.org/binarydata/files/EQUITY_OR_EXCLUSION.pdf)

⁵⁸ For a fuller discussion of arguments for and against tracking, and of research findings on the issue, see Rebecca Gordon, Applied Research Center, *Education & Race: A Journalist's Handbook* (<http://www.arc.org/downloads/RaceandEducation.pdf>).

dual, segregated school system for students based on race and ethnicity.

Opponents also point to research that indicates that students perceived as low ability benefit from being in challenging educational environments with high expectations. This research also suggests that higher ability students learn more from being in cooperative learning environments where they assist other students.

A growing body of research on tracking and ability grouping experiences in local districts around the country are finding significant racial disparities and raising question about the effectiveness of these practices pedagogically. There is a growing sense that tracking and ability grouping are not as self-evidently desirable as they were considered in the past.

Discipline

School discipline policies have long been a subject of concern in the civil rights community due to a long-standing awareness that students of color are considerably more likely than their White peers to be subjected to disciplinary actions such as suspension and expulsion.⁵⁹ The level of concern expressed has increased recently as schools have adopted tougher policies with greater punishments. The movement toward stricter disciplinary policies began in the early 1990s with a federal law requiring schools to expel any student found with a handgun in school for at least one year. Echoing trends in the law enforcement community, and in response to high profile school shootings such as Columbine, schools began to adopt a variety of “get tough” and “zero tolerance” disciplinary policies that mandated harsher levels of punishment (such as suspension or expulsion) for various infractions. By the 1996–97 school year, 94% of U.S. public schools had zero tolerance policies with automatic disciplinary sanctions for weapons and firearms, 87% had them for alcohol, 88% had them for drugs, and 79 percent had them for fighting and for tobacco.

Consistent with this larger movement, the New York legislature passed the Safe Schools Against Violence in Education Act (SAVE) in 2000. SAVE increases the

disciplinary authority of teachers and school safety personnel, imposes mandatory penalties for specified infractions, and limits student rights in disciplinary proceedings.

The NCSC study mentioned above evaluated the effect of SAVE on New York City’s schools and made a number of problematic findings. An area of particular focus was the “teacher removal policy” created by SAVE. Under this policy, teachers are authorized to remove students from their classrooms if they believe the students to be “substantially disruptive” or to threaten their authority. Teacher removal can last for up to four days and, if a particular student is subject to teacher removal four times within a semester, the student is automatically placed under “principal suspension” which can last for up to five days.

NCSC reports that many schools in New York have not created alternative in-school settings for students removed by teachers. Many students who have been removed miss school entirely, while others spend their time in the principal’s office or in another classroom, which may be studying different material. This has a significantly disruptive effect on the educational progress of these students. In addition, although the state requires that schools provide alternative schooling to students that are suspended, NCSC found that quality of instruction offered to suspended students, and to students awaiting suspension hearings, is inferior to that offered in their regular schools.

A number of studies have found that stricter disciplinary policies, such as those adopted by New York State, lead to a disproportionate increase in suspensions for Black, Hispanic and low-income students.⁶⁰ This is particularly of concern given that suspension and expulsion are linked to higher rates of dropping out and of juvenile delinquency. There are also questions about whether such policies actually create safer schools and unfortunately there is very little empirical research available to evaluate them. Without resolving this question, a recent report of the U.S. Surgeon General found that preventative approaches such as developing problem-solving curricula, improving classroom management, and developing culturally

⁵⁹ Applied Research Center, *Racial Profiling and Punishment in U.S. Public Schools* (<http://www.arc.org/erase/downloads/profiling.pdf>)

⁶⁰ V. Schiraldi, V. and J. Ziedenberg, J., “Schools and Suspensions: Self-Reported Crime and the Growing Use of Suspensions”. Washington, D.C.: *Justice Policy Institute* (2001).

competent curricula can all lead to reductions in school violence.⁶¹

NCSC also found that in New York City there is a significant relationship between racial disparities in disciplinary action and the quality of schools that students attend. Specifically they found that more qualified teachers were found in schools with greater populations of White, Asian, and non-poor students, and that in these schools disciplinary rates for all students, including Black, Latino, and low-income students were lower than in schools with less qualified teachers.

Issues for consideration:

- To what extent is tracking/ability grouping employed in Long Island's schools? What are the experiences of students and parents in schools where they are in use? What are the experiences of students and parents in schools where they are not in use?
- What special education programs are used in Long Island's schools? Who is selected for them and how are they selected? Are students placed in special education able to use this as a tool for re-entering mainstream classes?
- How has SAVE been implemented in Long Island's schools? Is there evidence that its punitive measures fall more harshly on some students than others? Has its implementation varied across schools/districts that have disparate resources and disparate student bodies? Are Long Island's experiences similar to those for New York City described above?

For further reading:

Applied Research Center, *Racial Profiling and Punishment in U.S. Public Schools* (<http://www.arc.org/erase/downloads/profiling.pdf>)

National Center for Schools and Communities, *Equity or Exclusion: The Dynamics of Resources, Demographics, and Behavior in the New York City Public Schools* (2003) (http://www.ncscatfordham.org/binarydata/files/EQUITY_OR_EXCLUSION.pdf)

United States Surgeon General, *Youth Violence: A Report of the Surgeon General* (<http://www.surgeongeneral.gov/library/youthviolence/toc.html>)

⁶¹ United States Surgeon General, *Youth Violence: A Report of the Surgeon General* (<http://www.surgeongeneral.gov/library/youthviolence/toc.html>)

⁶² Gary Orfield, Daniel Ioson, Johanna Wald, and Christopher B. Swanson, "Losing Our Future: How Minority Youth are Being Left Behind by the Graduation Rate Crisis" (2004) (http://www.civilrightsproject.harvard.edu/research/dropouts/call_dropout04.php)

⁶³ Note that the report also found that due to questionable methods for calculating high school graduation rates, official state numbers were significantly higher.

6. Close the Gaps for Students of Color in accessing Technology, College and Future Employment

Questions to be answered:

If the basics are not enough... How do you address the digital divide? How do you transition more students of color into college and ensure graduation? What does it take to integrate Long Island's workforce at all levels?

A number of the educational disparities discussed in other issue areas do not bode well for the college and employment opportunities of low-income students and students of color. As is discussed in this section, the level of education attained, and the quality of education received, have significant consequences for the likelihood that an individual will be able to attend college and for the likelihood that an individual will be able to find a job, particularly one that pays decent wages. Moreover, disparities in college and job prospects created by educational inequities are compounded by persistent discrimination in the job market and the increasing significance of technological expertise in the employment market.

Critical Educational Inequalities

Several of the educational inequalities discussed elsewhere have critical implications for the college and employment prospects of students. Of particular significance are racial disparities in high school graduation rates as detailed in a recent report by the Harvard Civil Rights Project and The Urban Institute.⁶² This report found that across the nation, high school graduation rates were significantly higher for White students than for Black, Hispanic and Native American students. The report also found graduation rates for these students of color in New York State were among the lowest in the country. Specifically, the report found that only 35% of Black students, 32% of Hispanic students, and 36% of Native American students in New York State graduate from high school.⁶³ The study also found that overall graduation rates were lowest in those districts with high percentages of poor students and in those districts with high percentages of

English language learners. Finally, the report found a 40 point difference in graduation rates between majority White and majority minority school districts in New York State. Even if they do receive a high school diploma, other educational inequalities discussed elsewhere also harm the future prospects of low-income students and students of color. For example, discriminatory practices in areas such as tracking/ability grouping, special education, and discipline impede the educational progress of students of color and prevent them from taking the kinds of coursework that will make them desirable college applicants, successful college students, and viable employment prospects.

The Long-Term Costs of Educational Inequalities

Getting a job is a challenging task for a high school dropout. Data indicate that adults without high school diplomas are twice as likely to be unemployed as adults who possess diplomas and four times as likely to be unemployed as adults with college degrees. Moreover, the job prospects of high school dropouts have been diminishing over time as the economy has become increasingly global in scope, and the pool of prospective employees has expanded.

Not surprisingly, educational attainment also has a significant effect on employment earnings. According to the Harvard report mentioned above, high school dropouts earn only 70% as much as high school graduates. Furthermore, according to the Bureau of Labor Statistics, college graduates over the age of 25 earn nearly twice as much as similarly aged workers with only high school diplomas. And these gaps are widening. In 1975, high school dropouts earned 90% as much as high school graduates and while college graduates have experienced growth in their inflation-adjusted earnings since 1979, high school dropouts have seen their inflation-adjusted earnings decline over this same time period.

The persistence of discrimination in the employment market exacerbates the employment and wage disparities created by educational inequality. Employment statistics indicate that at every educational level unemployment rates are higher and wage rates are lower for African Americans than they are for Whites.

Research suggests that this is not solely a product of differences in the quality of education that prospective employees receive. For example, a recent study conducted by researchers at the University of Chicago and the Massachusetts Institute of Technology found that, based on the submission of identical resumes to advertised job openings, job applicants with distinctively White sounding names were 50% more likely to be called for an interview than applicants with distinctively African American sounding names.⁶⁴

The increasing importance of technology

Technological skills and experiences are increasingly critical in the employment market. According to the Bureau of Labor Statistics, five of the ten fastest growing occupations in the United States are computer-related. It is also estimated that in today's job market 60% of jobs require some kind of technological skill. As a recent report of the Benton Foundation and the National Urban League makes clear, the increased significance of technology is exacerbating the inequalities discussed above for a number of reasons.⁶⁵

According to this report, low-income families and families of color are much less likely than their White and more affluent counterparts to have computers in the home. For example, whereas 80 percent of families with incomes above \$100,000 have home computers, only 25% of families with incomes below \$30,000 do. The likelihood of having a computer in the home also increases as the educational attainment of the heads of household increase.

Low-income children and children of color are also less likely to have access to computers in their schools. For example, schools with minority enrollment of 90% or greater have a student to computer ration of 17 to 1, while the ratio for all schools in the country is 10 to 1. This disparity is even greater when the quality of available computers is taken into account. Schools in low-income neighborhoods are also less likely to have internet access than schools in affluent areas and less likely to have the kinds of infrastructure necessary to maximize computer capabilities. The Benton Foundation/Urban League report also notes that, because of lower teacher quality, low-

⁶⁴ Marianne Bertrand and Sendhil Mullainathan, "Are Emily and Brendan More Employable than Lakisha and Jamal?" (2003).

⁶⁵ The Benton Foundation and the National Urban League, "Losing Ground Bit-by-Bit: Low-Income Communities in the Information Age" (1998) (<http://www.benton.org/publibrary/losing-ground/losing-ground.pdf>)

income schools provide less effective computer instruction than wealthy schools. In poor schools, computers are often used for rote learning and for drill exercises whereas in wealthy schools, computers are integrated more fully into the curriculum and used for complex learning activities and other purposes that translate more directly into skills of higher value in today's economy.

To address the technological divide, the report calls for legislation that will make technological equipment and telecommunications resources available at lower prices in low-income neighborhoods and their schools. The report also notes that this growing inequality places an even greater premium on equalizing school funding so that low-income schools can get the quality equipment, staff, and training that they need. Finally, the report notes that community-based programs for students and for adults have made some important strides in meeting the technological needs of low-income communities.

Issues for consideration:

- To what extent do educational inequalities on Long Island translate to inequalities in postsecondary education and the job market? Which of Long Island's students are attending college and accessing stable, living wage employment?
- To what extent is there a technological divide in Long Island's communities and in Long Island's schools?
- What local, regional, and state programs and policies are in place, or ought to be in place, to ensure that all of Long Island's children are able to participate in the employment market of today and the future?

For further reading:

The Benton Foundation and the National Urban League, *Losing Ground Bit-by-Bit: Low-Income Communities in the Information Age* (1998) (<http://www.benton.org/publibrary/losing-ground/losing-ground.pdf>)

Gary Orfield, Daniel Ioson, Johanna Wald, and Christopher B. Swanson, *Losing Our Future: How Minority Youth are Being Left Behind by the Graduation Rate Crisis* (2004) (http://www.civilrightsproject.harvard.edu/research/dropouts/call_dropout04.php)

7. Address the Challenges for Hispanic Students, where Ethnicity, Language and Residency Status Complicate the Education process

Questions to be answered:

What are the issues facing Long Island's growing, diverse Hispanic population and how do they impact the education of students?

Hispanics represent the fastest growing population in the United States and this demographic trend is having a significant effect on the population of our schools. As is discussed elsewhere in the conference materials, Hispanic students face many of the same educational challenges as African American students. Many Hispanic students also face an additional set of educational challenges because of limited English proficiency. The discussion below notes some of the more significant demographic trends, references the educational issues discussed elsewhere, and then briefly overviews some of the major educational issues facing Hispanic students.

Demographic overview

An increasing number of U.S. residents are recent immigrants and a large portion of these immigrants are Hispanic. According to the U.S. Census Bureau, over 14 million immigrants entered the United States during the 1990's, the largest influx for any decade in the country's history. By 1997 20% of school-age children in the U.S. (10.5 million students in total) had at least one immigrant parent, triple the percentage in 1970, and one-fourth of these students were foreign born. This upward trend will continue into the future and by 2015 it is predicted that 30% of the nation's school age population will be children of immigrants.

Not surprisingly, the percentage of the school population with limited English proficiency (LEP) has also been rising quickly. Between 1990 and 2000, the LEP population grew from 14 million to over 21 million students. Demographic data indicate that a disproportionately large percentage of the LEP population comes from low-income families.

Issues Hispanic students share with other students of color

As discussed elsewhere, Hispanic students share many of the same educational challenges faced by other students of color, particularly African American students. Nationally, Hispanic students are the most racially segregated of all students and they are also segregated on Long Island. With this racial segregation comes economic segregation and on Long Island the poverty rate in the typical Hispanic student's school is twice that in the typical White student's school. Hispanic students confront the same educational disadvantages of other students in poor schools such as lower teacher quality. As discussed elsewhere, they are also likely to be subjected to discriminatory treatment in critical areas such as special education, tracking/ability grouping, and discipline.

Like their African American peers, Hispanic students are also more likely than other students to perform poorly on the high stakes tests required by the state and federal government. They are more likely to drop out of school in New York than receive a high school diploma. Only 32% of Hispanic students in New York graduate from high school, the smallest number of any major racial/ethnic group in the state, and an even smaller percentage of foreign-born Hispanic students graduate from high school.

Issues Particular to Hispanic Students

Educational Issues Related to Language

A recent report from The Urban Institute overviews a number of the major educational challenges faced by LEP students.⁶⁶ First, the report notes that there is a shortage of staff capacity in most schools to provide instruction to LEP students. This shortage applies both to a shortage of teachers specifically trained to teach LEP students, and a shortage of subject-specific teachers (e.g. math, science) who are able to communicate effectively with LEP students.

The second major challenge identified by this report goes to the manner in which schools, particularly middle schools and high schools, are organized. The organization of schools into subject-specific departments makes it difficult to integrate language and

content learning for LEP students and impedes the ability of LEP teachers and content-specific teachers to develop a coordinated plan for educating these students. This structure also diminishes the level of responsibility that subject-specific teachers take for the educational development of LEP students, leaving that to LEP teachers and staff. The organization of the day into a series of relatively short periods was also found to preclude the benefits that LEP students are known to receive from sustained, interactive learning.

Third, the report found that the standards movement in the U.S., which has underserved many students in a number of ways, has been particularly problematic for LEP students. The movement has failed to result in the development of standards specifically targeted towards the needs and challenges of LEP students, and in doing so has not provided incentives for schools and teachers to take serious responsibility for the educational development of LEP students. Moreover, it has subjected these students to a number of unfair and unrealistic progress measures.

The final major challenge identified in this report (which is related to those discussed above) is a general lack of knowledge and consensus among educators about how to properly educate LEP students by properly integrating language instruction with subject-matter instruction. The report notes a lack of commonly accepted theories and strategies on the best methods and curricula for LEP students. Particular areas where knowledge is insufficient include how to teach content to LEP students, and appropriate measures for evaluating learning progress and instructional quality. This has left individual teachers and schools to fend for themselves in developing appropriate content and instructional methods and has too often resulted in teachers providing overly basic lessons that do not prepare LEP students to meet the standards necessary to graduate from high school.

Political Climate

A potential long-term threat that has arisen in California and other southwestern states, and could appear in New York at some time in the future, relates to anti-immigrant bias. There have been several legislative attempts to deny non-citizens access to public benefits in the U.S. In addition, California

⁶⁶ Jorge Ruiz-de-Velasco and Michael Fix with Beatriz Chu Clewell, "Overlooked & Underserved: Immigrant Students in U.S. Secondary Schools" (2000) (<http://www.urban.org/UploadedPDF/overlooked.pdf>)

faced a referendum that, if passed, would have excluded schools from providing bilingual instruction to their students. While the political climate of New York in general, and of Long Island in particular, is different than that of California, there is evidence of anti-immigrant sentiment and even violence towards immigrants on Long Island. Should this sentiment gain political strength, it is quite possible that many Hispanic students will find their education threatened by efforts to restrict allowable forms of instruction and/or efforts to restrict their access to public benefits.

Strategies for meeting the needs of Hispanic students

In addition to the strategies for meeting the needs of students of color discussed in other areas of the conference materials, there are several potential solutions that go to the issues noted above. One is to ensure that efforts to enhance teacher quality include efforts to ensure that subject-specific teachers receive training on how to educate ESL students and are held accountable for their responsibility to do so. Another strategy for meeting the needs of LEP students, particularly those who immigrate to the U.S. as adolescents, is to provide additional hours of language instruction so that they can develop the language skills and school experience necessary to graduate in the relatively short period of time available to them. A glaring long-term need is the development of a richer body of knowledge on how to educate LEP students and how to adequately measure the quality of instruction that they receive and the rate of progress that they achieve. Related to the former, many advocates have called for the greater implementation of dual language education (DLE) programs in which all students, including LEP students, are taught in both English and a foreign language. Proponents of such an approach point to its potential for preparing all students for the increasingly global job market and its potential for getting schools to view LEP students as an educational asset rather than an educational liability.

Issues for Discussion:

- What are the educational needs of Long Island's Hispanic students?
- To what extent are these needs being met? Do Long Island's schools have an adequate number of qualified teachers for these students?

- What strategies are being employed in Long Island's schools to meet the language and content needs of LEP students? To what extent are the different strategies successful or unsuccessful?
- To what extent does anti-immigrant sentiment exist on Long Island? To what extent does it threaten the educational needs of Hispanic students?

For Further Reading:

Jorge Ruiz-de-Velasco and Michael Fix with Beatriz Chu Clewell, *Overlooked & Underserved: Immigrant Students in U.S. Secondary Schools* (2000) (<http://www.urban.org/UploadedPDF/overlooked.pdf>)

Harvard Civil Rights Project and Tomas Rivera Policy Institute, *Research on the Latino Civil Rights Crisis* (1997) (<http://www.civilrightsproject.harvard.edu/research/latino97/latino97.php>)

Mexican American Legal Defense and Education Fund, *California's Latino Students: Continuing Challenges that Cannot be Ignored: Testimony presented to the Senate Education Committee Informational Hearing on the Status of Latino Public School Students* (January 31, 2001) (<http://www.maldef.org/publications/pdf/Testimony.pdf>)

ABOUT ERASE RACISM

Education Research Advocacy and Support to Eliminate Racism

Mission

ERASE Racism develops and promotes policies and initiatives to end the perpetuation of institutional and structural racism in economic and social arenas such as public school education, housing, and health care. Large and small institutions perpetuate segregation and inequities based on race. This marginalizes African Americans and puts many people of color at a disadvantage, while providing White people with benefits and privileges. This is institutional and structural racism.

Overview

ERASE Racism, now nearly four years old, began as an initiative of the Long Island Community Foundation. As planned, ERASE Racism transitioned from an initiative of its parent organization to become an independent not-for-profit corporation in 2004. It operates as an education and networking hub for leaders from nonprofits, local government, businesses, community groups, and health, education, welfare, and philanthropic organizations who are motivated to rid the region of institutional and structural racism. ERASE Racism has engaged over a thousand individuals in educational and problem solving activities designed to increase public awareness of the history and effects of institutional and structural racism and to develop a variety of remedies that address these issues in the region. Staff research, combined with the commissioned research of two national experts on the impacts of the intersection of race and poverty, provided a sound foundation for the organization's work.

This work has already resulted in evolving action plans comprised of (a) identification of key manifestations of institutional racism on Long Island in selected issue areas, and (b) key approaches to addressing institutional and structural racism in areas such as: housing, public school education, health and economic development. A systematic, strategic planning model designed by ERASE

Racism called Study-Action Groups has built a growing constituency of individuals and key organizations that embrace the organization's agenda and continue to contribute to the design and implementation of the action plans.

Additionally, ERASE Racism has convened seventy representatives from a broad cross-section of large and small organizations to explore a process of organizational self-assessment, which identifies behaviors within organizations that contribute to the perpetuation of institutional and structural racism.

Activities

As part of its mission to inform and educate, ERASE Racism engages in a variety of activities including: research, publications, briefing sessions, forums, and specialized training. To promote changes in policies and systems that perpetuate institutional and structural racism, ERASE Racism convenes appropriate leaders, leads strategic investigations and planning, and promulgates specific recommendations and interventions to bring about change. Measurement systems are being developed to assess the progress of these activities.

Undoing institutional and structural racism—the structures, policies and behaviors that create segregation and inequality—is essential to the future health and well being of all communities on Long Island. Increasingly, ERASE Racism is being sought out by off-Islanders to share information about project activities and approaches, and to provide consultation on adapting ERASE Racism's strategies in other locales.

6800 Jericho Turnpike, Suite 109W
Syosset, NY 11791-4401
Website: <http://www.eraseracismny.org>
Email: info@eraseracismny.org
Fax: 516-921-4866
Telephone: 516-921-4863

ERASE Racism Staff

V. Elaine Gross, *President*
Cathryn Harris, *Project Manager*
Kristin Candour, *Project Associate*
Meredith Dunn, *Project Associate*

ERASE Racism Board

Mr. Frederick K. Brewington
Law Offices of Frederick K. Brewington

Ms. Valerie M. Cartright
Attorney at Law
L'Abbate, Balkan, Colavita & Contini, LLP

Dr. Marsha J. Darling
*Director, Center for African American
& Ethnic Studies*
History Professor
Adelphi University

Mr. Howard Glickstein
Professor/Former Dean
Touro Law School

Ms. V. Elaine Gross
President
ERASE Racism

Dr. Aldustus E. Jordan
Associate Dean of Student Affairs
Stony Brook University School of Medicine

Ms. June Keenan
Senior Vice President
Community Health & Public Policy
North Shore-Long Island Jewish Health System

Mr. Abraham Krasnoff, Emeritus
Retired CEO of Fortune 500 Company
(Pall Corporation)

Ms. Christina Vargas Law
Director, Office of Diversity & Affirmative Action
Stony Brook University

Mr. David E. McClean
Principal
David E. McClean & Associates

Mr. Edward J. Pruitt
President
Hauppauge Industrial Association

Ms. Marge Rogatz
President
Community Advocates, Inc.

Ms. Suzy Sonenberg
Executive Director
Long Island Community Foundation

Mr. Peter Visconti
Associate Director
Five Town Community Center

