WITHIN OUR REACH

Segregation in NYC District Elementary Schools and What We Can Do About It

2020 EDITION
Acknowledgements

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About New York Appleseed

New York Appleseed advocates for integrated schools and communities in New York City and New York State. With evidence-based advocacy and close work with stakeholders, we achieve direct impact in the community and beyond. We extend and magnify this impact across North America through participation in the Appleseed network.

Integrated schools and communities are those that:

• Achieve Racial, ethnic, and economic diversity in composition;
• Appoint leadership Representative of this diversity;
• Facilitate Relationships across people of different backgrounds;
• Practice Restorative justice; and
• Share equitable access to Resources and opportunities.¹

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Preface

It is now difficult to imagine, but seven years ago, school integration was a topic rarely discussed in New York City. Mayor Michael Bloomberg’s administration was winding to a close, the hard-nosed ideologies of “education reform” still prevailed, and integration was seen as impossible, undesirable, and even naïve to contemplate in a city as large and complex as New York.

With our 2013 and 2014 *Within Our Reach* policy briefings, New York Appleseed opposed the conventional wisdom. To a school system that seemed oddly fixated in a deficit mindset inherited from the fiscal crisis of the 1970s and inappropriate to a rapidly changing and dynamic city, we argued that meaningful integration was possible.

Based on scores of interviews, research, and successful advocacy, we set out to uncover and demystify those formal structures beyond housing patterns that perpetuated racial and economic segregation in schools. Just as importantly, we provided practical and achievable strategies to overcome those structures. We intended that the briefings would give parents and policy makers the analytic tools they need to understand the incidence of school segregation in their communities and workable strategies to address the underlying causes.

Our hopes were fulfilled, and over the next years, we received positive feedback from parents, elected officials, policy makers, and journalists who appreciated the way that the briefings illuminated a previously opaque, but critical area of City policy making—the means by which seats in public institutions are allocated to students. The two briefings on elementary schools were especially popular, and, in recent years, our findings and observations in those briefings have been corroborated by quantitative analysis.

While much of the analysis in the elementary-school briefings still holds true today, many things have changed. In this document, we have combined and updated the original writings to reflect advocacy victories, modified policies, and other new circumstances. We have also attempted to use the most current citations available where appropriate. In a very few cases, our own thinking has shifted slightly, and we have altered the language accordingly. Even with these revisions, the writing in many ways reflects a 2013 perspective on what might be possible in New York City, and we did not go so far as to completely rewrite the document. In the years since, we have been inspired by the many students and other advocates advancing the cause of integration and anti-racism—and appalled by counter-vailing forces of racism amassing locally and nationally.

We hope readers will agree with us that the observations and recommendations continue to be useful and relevant to discussions of elementary-school segregation in 2020 and beyond.

David Tipson, Executive Director
Preface to the 2013-14 briefings

The legislature shall provide for the maintenance and support of a system of free common schools, wherein all the children of this state may be educated.

New York State Constitution, Article XI, Section 1

This policy briefing is the first in a series addressing the issue of racial and economic segregation in the New York City system—the third most segregated school district in the country according to the New York Times. This series summarizes research and advocacy findings conducted by New York Appleseed and the global law firm Orrick, Herrington & Sutcliffe. From 2011 to the present, while actively engaged in advocacy with community partners, we have separately interviewed scores of experts in New York City and around the country—academics, parents, advocates, principals, teachers, and government officials.

Our series of briefings advances a simple proposition: meaningful school diversity is possible and necessary in large areas of the city comprising multiple community school districts and hundreds of thousands of students. Our belief that school diversity is within our reach both logistically and politically derives from over 50 interviews conducted with experts across the city and also from successful advocacy conducted with parent groups.

It has not always been the case that school diversity was possible in New York City. In the late 1960s and early 1970s, integration efforts stalled in New York City due to large-scale white flight from the city. At the same time, many reasonably asked why integration was even necessary or desirable when merely equalizing resources among schools might accomplish the same goals.

Three things happened in the four decades that followed: First, in all the jurisdictions that have attempted it, achieving resource equity among schools in the absence of integration has proven difficult, if not impossible. We have learned yet again that separate is not equal. Second, social-science researchers have developed a far more sophisticated understanding of the benefits of diverse schools—benefits not easily replicable even under the most equitable conditions. Finally and more recently, in a historic demographic shift, middle class and white populations are returning to New York City in a process that one scholar has dubbed a “reversal of white flight.” In light of these realities, New York Appleseed believes we must return to the fundamental American project of the common school, where children of different backgrounds and income levels may attend school together.
Seizing today’s opportunity for promoting school diversity in New York City, however, requires an understanding of the complex and often surprising ways in which segregation currently plays out in the school system. Yes, housing segregation plays a key and—in some sectors of the city—dispositive role in perpetuating school segregation. The New York City metro region is the second most segregated in the nation, and appropriate policies to affirmatively further fair housing and promote residential inclusion are more important than ever. Residential patterns do not explain much of the school segregation that we see in more diverse and rapidly gentrifying community school districts, however. In some cases, school segregation may be doing more to increase neighborhood segregation than the other way around.

This series is intended to uncover and demystify those formal structures beyond housing patterns that perpetuate racial and economic segregation in schools. We also wish to provide practical and achievable strategies to overcome those structures. Our hope is that this series will give parents and policy makers the analytic tools they need to understand the incidence of school segregation in their communities and workable strategies to address the underlying causes.

Please visit our website ny.appleseednetwork.org for more information about New York Appleseed’s work to promote school diversity and the scholarship demonstrating the educational benefits of diversity for all children.

David Tipson, Director

New York Appleseed
I. School-to-School Segregation

INTRODUCTION

In the heart of Park Slope, Brooklyn, is one of the most sought-after elementary schools in New York City – PS 321. The attendance zone or catchment area for the school covers a cross section of the neighborhood and is predominantly white and upper-income. In the 2017-2018 school year, PS 321 served a student population that was over three-quarters white. Less than 10 percent of the student body received free or reduced-price lunch.

Also in Park Slope, one-third of a mile away, is Park Slope Elementary, PS 282. PS 282’s elementary-school attendance zone is also populated by predominantly white and upper-income families. In the 2017-2018 school year, however, only 13 percent of PS 282’s student population was white. 43.9% of the students received free or reduced price lunch.

These two schools can be said to be segregated. Their presence in the same neighborhood demonstrates rather dramatically that residential segregation does not provide a complete explanation for the levels of racial and economic segregation we see in New York City elementary schools. Although contrasts between nearby schools are not usually so stark, the circumstances leading to these segregated outcomes are unexceptional and repeat themselves all over the city. This briefing will explain what these circumstances are and how they work to perpetuate segregation in our city’s elementary schools.

THE MECHANISMS OF SEGREGATION AMONG ELEMENTARY SCHOOLS

A 2012 *New York Times* article identified the New York City school system as the third most racially segregated in the nation. A year later, New York City’s Independent Budget Office looked at trends under a decade of Mayor Michael Bloomberg’s education reforms and found that the city’s extraordinarily high levels of racial segregation in elementary schools had either changed little or—for African Americans and Asians—become worse. The city’s Independent Budget Office also demonstrated that segregation was most pronounced for all racial groups in elementary schools.

How is it that students become disproportionately grouped in particular schools by their race or socioeconomic status? Housing patterns of course play a major role; the 2012 *New York Times* article noted above showed a correlation between the 100 most segregated schools (of all types) and the “most segregated neighborhoods.” Unnoted in the article, however, was that a significant number of these 100 most segregated schools were not in the most segregated neighborhoods. As is typical in New York City, a number of these most segregated neighborhoods were small and adjacent to other neighborhoods of different racial composition. (In fact, whether a neighborhood appears segregated or diverse in New York City often depends on the size of the area selected for study.)
Some notes on the term segregation

Racial or economic?
This briefing considers both racial and economic segregation and assumes that elementary schools that have higher levels of racial isolation from whites will almost always have higher numbers of lower-income children as well since these categories are closely linked in New York City. There are of course exceptions. This briefing will use the term segregation to refer to the significantly disproportionate grouping of students by race and class (as is the case with PS 282 and PS 321). When referring to only one form of segregation, we will specify racial or economic.

Degrees of segregation.
Schools today are rarely completely segregated—that is homogenous—but are segregated by degree. The levels of segregation found in New York City by the Times and by the Independent Budget Office are considered extremely high by national standards.

Inter-school or intra-school?
Segregation can occur school to school or within individual schools. The first section of this briefing addresses inter-school segregation, while the final sections about Gifted & Talented and Dual Language programs address intra-school segregation.

Neither is school segregation mandated by parent preference and political reality. It is difficult to make generalizations about parents in a school system as large as New York City’s, and many parents undoubtedly prefer to send their child to a school where children of the same race and socioeconomic status predominate. Research that has emerged over the last several years, however, demonstrates that a substantial number of parents would prefer to send their children to diverse schools with demographic balance if they only had the option. Without absolving individual parents of the responsibility to make moral choices, New York Appleseed believes that it is unproductive to lay the blame for elementary-school segregation at the feet of individual parents navigating a complex system and making difficult decisions about where to send their children to school. Rather it is a systemic problem—a failure of the City’s student-assignment policies to resolve the collective action problem of creating and maintaining diverse learning environments. And, we regret to add, responsibility lies heavily with those parents who have chosen to obstruct the creation of such policies since the first edition of this briefing was published.

Although housing patterns and parent fears place real constraints, there are still abundant opportunities for pursuing school diversity in New York City. To understand why this is true and what these opportunities are requires a comprehensive understanding of how children are assigned to elementary school.

New York City: A System of Community School Districts

New York City has 32 “community school districts,” each, on average, comprising a portion of the city’s population equivalent to the population of Buffalo. Students have a right to attend an elementary school within their community school district and receive preference for schools in the district over students applying from outside the district. In most cases, children attend elementary school in their community school district, but significant numbers do not. Either way, the district a child lives in largely determines the range of schools available to them.

The current system of community school districts was established as a final act in the city’s controversial experiment with decentralization of school administration in the late 1960s. The district lines were idiosyncratic and, many believe, may have increased segregation in an attempt to allow individual communities to control their own destiny. To this day, demographics can vary dramatically from district to district: in the 2018-2019 school year, 49 percent of children attending school in District 3 in Manhattan were economically disadvantaged. By contrast, 93 percent of children attending school in District 12 in the Bronx were classified as economically disadvantaged. Community school districts typically comprise multiple neighborhoods, but, in some instances, district lines can divide a neighborhood. In the Park Slope example, PS 321 is in District 15, which covers the middle and southern portion of Park Slope. PS 282 is within a small hook reaching from the bottom of District 13 and grabbing the northern portion of Park Slope.

Despite this history, segregation today is usually starkest within community school districts than between them.
Community School Districts with Attendance Zones

Although there are subtle differences among the community school districts, it is possible to speak generally about student-assignment policies for elementary schools in New York City. All but three community school districts are subdivided into attendance zones or catchment areas for individual elementary schools. Students living within a school’s zone have admission priority over students who live outside the zone, but, importantly, do not have a right to attend that school. For the city’s most popular or otherwise overcrowded schools it is not uncommon every year for some zoned students to be denied admission and placed on a waitlist for their zoned school. In 2020, for example, 205 students were placed on waitlists for kindergarten at 23 zoned schools.

Although some refer to this system of student assignment as one of neighborhood schools, attendance zones are often not the same as neighborhoods, and New York City’s extraordinary population density usually allows for a single neighborhood to have more than one elementary school. Moreover, zone lines change as the population of eligible children changes in relation to school capacity. In the Park Slope example, the attendance zones for both PS 282 and PS 321 make up only a portion of the total Park Slope neighborhood, and both schools had their zones dramatically reconfigured in 2012.

Depending on the district, zones can play an enormous or limited role in where children actually attend school. Although parents often choose to send their children to the “zoned” school, many choose to have their children attend other zoned schools for which their children are not zoned, schools that have no zones (sometimes called choice or unzoned schools), or charter schools. The numbers vary dramatically by district, but substantial numbers of parents in all kinds of zones choose not to send their children to the zoned elementary school. In the 2017-2018 school year, between 75% and 95% of kindergarten children in the PS 321 zone attended PS 321. In all of District 15, just under three-fourths of kindergarten children attended their zoned school. By contrast, only 25–50% of kindergarten children in the PS 282 zone attended PS 282; this is reflective of the percentage of kindergarten children that attend their zoned schools in District 13 as a whole.

Given these numbers, it is accurate to describe elementary-school student assignment in the 29 community school districts with attendance zones as a hybrid system based on both student residence and the exercise of school choice. The interplay between residence and choice is captured in the Department of Education’s Regulations of the Chancellor, which lay out eight levels of priority for students seeking entry to a zoned school, only two of which (the highest priority levels) pertain to zoned students. (See sidebar on righthand side.) Both zoned and unzoned applicants receive higher levels of priority if they already have siblings in the school. None of the listed priorities, however, encourage school diversity. Instead, the Chancellor’s Regulation allows for individual schools to encourage diversity, stating “additional priorities may be added to the admissions priority structure to achieve greater diversity in the student body” as long as those additional priorities are approved by the Office of Student Enrollment and the Office of the General Counsel.

Was NYC ever desegregated?

Many assume that New York City must have undergone a period of court-ordered desegregation like Boston or other northern cities. With the exception of lawsuits around a few individual schools, however, New York City has never been subject to a comprehensive desegregation order, and, to our knowledge, no citywide lawsuit was ever filed. The city experimented with some attempts at voluntary desegregation through its “open enrollment” program offering students of color a chance to attend predominantly white schools. It also experimented with moving zone lines. Ultimately, however, these efforts were overwhelmed by white flight and New York City’s descent into fiscal crisis.
Community School Districts with Pure Choice

Until 2012, District 1 in the Lower East Side was the only district in New York City that did not have attendance zones. In that year, the DOE under Mayor Bloomberg promoted “unzoning” to 10 additional districts, and two of them, District 7 (South Bronx) and 23 (Ocean Hill – Brownsville), accepted. Although each district has different priority schemes, in Districts 1 and 23, all students residing within one of these districts receive the same level of priority to any particular elementary school regardless of where they reside in the district.xxxv

The same is true in District 7 except that the district is divided into northern and southern “priority areas”, and students residing in a priority area receive priority to a school within that priority area over students from the other priority area.xxxvi

HOW CURRENT STUDENT ASSIGNMENT POLICIES LEAD TO SEGREGATION IN ELEMENTARY SCHOOLS

Understanding that student assignment in 29 of the 32 Community School Districts is a hybrid system of assignment by residence and the exercise of school choice by parents is critical to understanding why elementary schools in those districts are segregated to the degree that they are. Both “zone” and “choice” student-assignment schemes tend toward segregation on their own. Fused together as they are in New York City, these systems become even more potent perpetrators of segregation.

Assignment by Zone

Assignment by attendance zone perpetuates segregation in elementary schools because it reproduces residential segregation. In fact, attendance by zone often amplifies residential segregation within schools, because there is a reciprocal relationship between residential segregation and school segregation. That is, not only does neighborhood composition affect school composition, but school composition affects neighborhood composition. The National Association of Realtors estimates that the “quality of the school district” was the sixth most important factor influencing the neighborhood choice of home buyers around the country, and it is easy to see how the rising popularity of a school can lead to cascading residential gentrification within a given zone.xxxvii Park Slope real-estate agents prominently market the fact that homes are within the PS 321 zone, and home values are believed to be higher in that zone than in surrounding zones.xxxviii As an article in the New York Times real estate section noted in 2013, “[m]oving to a particular neighborhood in order to land a seat at a coveted public school has long been the middle-class modus operandi for obtaining a high-quality education in New York.xxxix

Despite all this, because of New York City’s density and because individual pockets of segregation within a district can be relatively small, one could imagine a system of zone lines that would use residential segregation as a means of achieving school diversity. Indeed, Justice Kennedy in the U.S. Supreme Court case, Parents Involved in Community Schools, made clear that it is permissible for school systems to redraw zone lines through segregated neighborhoods to achieve racial and economic diversity.xl

Even zone lines drawn by the best intentioned officials insulated from the political process are unlikely to produce lasting diversity, however. First, families zoned
for a school they do not want their child to attend may simply move. This is especially true in a city where an unusually high number of inhabitants are renters, but even homeowners in New York City have chosen to rent out their home while leasing an apartment in a desired zone. Once their children have gained admission to the school, the location of residence no longer matters. Many have labeled this phenomenon as a form of school choice for people with the means to afford it.

Second, even for parents who don’t or can’t move, being zoned for a school doesn’t mean they will send their child there. Parents with the means will often choose to send their child to private school. At least some of the children living within the PS 282 zone and not attending the school are attending private school instead. Introducing school choice to the zoning scheme facilitates a different form of exit by allowing the additional option of attending a different school while staying within the (free) public school system.

Choice

“If you have choice without civil rights policies, it stratifies the system,” said Gary Orfield, the co-director of the Civil Rights Project at U.C.L.A… “People who have the most power and information get the best choices.”

If assignment by zone tends toward segregation, then a system of pure choice or open enrollment might seem to be the antidote. It is not. Although pure choice may have benefits, integration is not one of them.

Even before the battles over school reform in the 21st century, the concept of school choice had a complicated history. In the 1960s, “freedom of choice” was a principal strategy used by Southern school districts to resist integration while seeming to accommodate it. In practice, these plans did not offer meaningful “freedom of choice” to African American students. “White parents,” according to historian Kevin Kruse, “had a much easier time keeping their children in largely white schools.”

A half century later, even though the intent to segregate may be gone, the mechanisms by which school choice leads to segregation are not altogether different. First, choice, as with any market-based device, allocates resources efficiently only when participants have access to information. Low-income families or families with English Language Learners often do not have the time, resources, or access to inside information to make meaningful distinctions among elementary schools or to negotiate the admissions process to gain entry to the school of their choice. Increasingly, there are reports of parents paying “specialists” to navigate the school-selection process. Despite some limited experiments, the Department of Education has not been able to make the investment required to counteract this problem by ensuring that lower-income parents have access to the information they need to make informed choices. As a result, choice confers an enormous advantage on middle- and upper-income parents seeking the best educational opportunities the city has to offer. These advantages are then compounded over time by preferences for siblings of children already in the school.

Finally, even with the best intentioned and inclusive school administrations, the advantages enjoyed by higher-income parents in the
choice process—and, according to some experts we interviewed, the different educational preferences of parents from different backgrounds—often result in a perception of the school as having a culture tailored toward white or more affluent parents. Once this happens, it is often difficult for a school to convince those who do not seem to fit the school’s mold that the school is “for them” or even a desirable place to receive an education. The cycle perpetuates itself.

For all these reasons, many of the choice elementary schools and charter schools—even some that espouse diversity—do not reflect the demographics of their community school districts. Community School District 1, which was forced by the Department of Education to go to a pure-choice model in 2006 after operating a successful integration program for years, witnessed striking patterns of re-segregation in the years that followed. There is no reason—other than a relative lack of diversity in the two districts—to expect differently for Districts 7 and 23, which began pure-choice admissions in 2013.

**Zoning + Choice: A Perfect Storm**

If zoning and choice tend individually towards segregation, their combination in the hybrid system of student assignment employed in 29 community school districts is a perfect storm of segregation and unequal access. Put starkly, New York City’s hybrid system allows parents with means to flee schools they don’t like even as it excludes others from the schools that affluent parents do like.

Despite the flaws we have described, zoning by itself as a method of student assignment might be said to have the virtue of encouraging school integration (if only briefly) in zones that have diverse demographics (in today’s New York City, almost always neighborhoods that are gentrifying). In other words, if children were forced to attend their zoned school, struggling schools might see an influx of middle-class parents bringing resources.

Because of the hybrid system, however, higher-income parents (who have not already chosen relocation or private school) will send their children to a racially isolated, poverty-concentrated zoned school only when conditions are exactly right—conditions such as a welcoming and motivated principal, “progressive” school climate, and a sense of the school being on the upswing. It is the presence of these factors that will encourage middle-class parents to choose a school, not zone lines. Parents in the “wrong” zone use legal and, if scores of anecdotes are to be believed, illegal methods of getting their child into the “right” school. These parents have the greatest ability to exercise an exit option because they have the greatest residential mobility and the most time, resources, and access to inside information to identify desirable schools and navigate the choice admissions process. Sixty-four percent of school age children in the PS 282 zone travel to other schools in Districts 13, 15, or elsewhere.

On the other hand, choice by itself might appear to have the virtue of allowing at least the most motivated and resourceful low-income parents a shot at the best elementary schools in the district. Under the hybrid system, however, popular zoned schools are almost always enrolled beyond capacity and offer no legal access for those unable to afford the staggering real estate prices found within the zone. Even for the schools with some small number of seats available for out-of-zone students, middle class parents enjoy an advantage in obtaining those seats for all the reasons described above. PS 321 is nearly impossible to get into for out-of-zone students whose parents cannot afford to move into the zone.
Conclusion

Although neighborhood segregation clearly plays a role in segregating New York City elementary schools, it does not explain the extent of school segregation we see in the city’s more diverse community school districts. In these areas, it is not residential segregation but the city’s curious blend of student assignment by geography and by individual choice that explains the otherwise avoidable sorting of children by race and class. With higher-income (predominantly white) parents free to leave zoned schools they don’t like and enabled to exclude others from the zoned schools they do like, racial and economic segregation in New York City’s elementary schools is all but inevitable.

As a result, low-income children and children of color are not receiving the benefits of school integration. They are more likely to attend schools with fewer educational resources or with resources of lower quality. Low-income children and children of color who attended segregated elementary schools are more likely to go on to a segregated middle school. And students from segregated middle schools are more likely to attend segregated high schools.

Middle-class and white children also miss out. Diverse schools improve critical thinking, facilitate cross-racial understanding, reduce racial prejudice, and mitigate housing segregation for all children. Perhaps even more importantly, middle-class children miss out on the opportunity to learn the skills necessary to create and maintain a truly inclusive environment where all are welcome—a vexing problem for private sector employers today. Many children will come to believe that there is something organic or natural about attending school with children only like themselves—even in the heart of New York City. In short, segregated schools will not prepare our children to live and work in a United States that will be majority people of color by 2045.

Even apart from issues of racial and economic segregation, the student assignment system we have described does not provide proportionate or equitable levels of access for low-income students and students of color to the city’s most coveted schools. The city’s best schools are least available to those who need them the most.
SOLUTIONS: DIVERSE SCHOOLS IN DIVERSE DISTRICTS

Solutions to address the problems of segregation in elementary schools we have described are practical, achievable, relatively inexpensive, and can be adopted without disruption to the city’s system of community school districts. New York Appleseed believes that community needs and the range of available strategies will vary from place to place and should be addressed locally. We are committed to the principle that parents and members of local communities need to be the ones to assess local conditions, define what meaningful diversity looks like, and develop strategies for proposals to the Department of Education. We do not believe that one strategy fits every community school district, and we do not believe that there is only one strategy that can work in any particular district. With these principles in mind, we provide broad outlines of solutions here.

The New York City Department of Education

In 2013, we noted that then-emerging evidence from scholarly research and from New York Appleseed’s own work suggested that parents across New York City of all backgrounds wanted diverse schools and craved leadership from the Department of Education. In the years since, we have been inspired by the many parents and students who have stepped up to provide abundant corroboration that parents want more integrated schools, more recent instances of opposition notwithstanding. Most notably, the adoption of district-wide integration plans in Community School Districts 1 and 15 demonstrate what can happen with the right combination of community advocacy and leadership from the Department of Education.

In the 2013 *Within Our Reach* briefing, we offered several recommendations to be adopted unilaterally by the Department and have spent much of the last seven years advocating for them. The two initial recommendations have since been implemented:

- We recommended a policy statement recognizing the importance of diverse learning environments. New York Appleseed’s advocacy led to the Department adopting such a policy statement in 2017.\(^{lxvi}\) No longer do school principals or other Department employees have doubt as to whether school diversity is a permissible and valued objective.

- We recommended removal of a problematic footnote in the Chancellor’s Regulations stating that “Race may be considered as a factor in school enrollment only when required by court order.” In 2016, following advocacy by a diverse group of advocates, the Panel on Educational Policy removed the footnote from the regulations.\(^{lxvii}\)

Most of the other recommendations we made in 2013 are still relevant today. We continue to recommend that the Department commit to work transparently and in good faith with community school districts, city council members, community boards, community groups, and individual schools to develop appropriate student-assignment plans in furtherance of diversity goals. The Department has in many ways followed through on this commitment by initiating a diversity-in-admissions program that established a process for individual schools to request modifications to their admissions programs, by working with communities in CSDs 1 and 15 to develop robust integration plans, and by creating a US$2 million grant program for community school districts to pursue integration strategies.
Writing in 2013, however, we were necessarily focused on the many schools and districts where there was widespread support for integration strategies. Seven years later, after much of this low-hanging fruit has been picked, we would amend our recommendation to emphasize that the Department and the mayor need also to provide strong leadership and vision to advance integration in schools and districts where there is less understanding of the necessity of integrated learning environments. We have emphasized the need for a top-down, bottom-up approach in which the Department sets clear goals and standards for integration while leaving substantial flexibility to the community to meet those goals and standards. While we continue to insist that a plan for elementary-school integration developed unilaterally by the Department and mayor would be unsuccessful and short-lived, the city’s current posture provides insufficient guidance and accountability for schools and school districts. An absence of leadership and parameters from the top has enabled intransigence and open rebellion at the community level—often led by small and unrepresentative, but nevertheless powerful groups of parents. In extreme cases, the Department needs to be crystal clear that, if such parents obstruct community-engagement processes designed to give them meaningful input, the Department will create its own integration plan.

We noted in 2013 that this commitment should extend to federal Magnet School Assistance Program grants. If the Department has made progress in this area, we are not aware of it. Federal magnet grants still appear to be used primarily as a revenue-generating strategy, and we are not aware of any coordination between the Department’s implementation of these grants and its other school-integration strategies.

We also recommended that the Department adopt a policy of evaluating the impact on the diversity of nearby schools for all major actions, including proposals for zone-line changes (including unzonings), co-locations, school closings, opening new elementary schools, and providing space for charter schools. Even at the time of that writing, however, the Department had already started considering the impacts on school diversity in rezoning decisions. This policy should be formalized and should apply to situations beyond rezonings.

We continue to recommend that the Department work with Community School Districts to create parent resource and information centers to ensure that all parents have access to the information they need to make informed choices for their children’s elementary schools and to navigate the application process. Parent centers need to be accessible to all communities and to provide translation services and informational materials translated into common spoken languages in each district. The Department has taken steps in this direction in District 1, 13, and 15, but the success of these initiatives needs to be evaluated, and successful practices need to be extended to all community school districts.

We also recommended more dual-language programs in elementary schools across the city. Such programs must be designed with the needs of nearby English Language Learners in the forefront and must be managed carefully to prevent unnecessary segregation within a school, but they remain an excellent way to attract parents of different backgrounds to a school. Although Chancellor Fariña did expand dual-language programs in elementary schools, we are not aware that the effort proceeded with the sensitivity to integration issues that such programs require (see Part II of this briefing). In any event, more dual-language programs are still needed in our elementary schools.
Community School Districts

Because segregation is a systemic problem, we believe that community-school-district-wide solutions are most likely to be effective in fostering diverse schools. (Although a well-considered admissions plan can promote integration both at a single school and at surrounding schools, a plan that fails to consider the effects of an admissions policy on other schools can increase segregation across a district as a whole (a common problem with charter schools).) As compared to the enormous expense (both public and private) of so many school-reform strategies currently in vogue, creating more equitable methods of admission to elementary schools is likely to be both far more effective in raising student achievement—and far less expensive.

As scholars Allison Roda and Vollman Makris have noted, choice without explicit diversity goals stratifies the system. Such diversity goals are essential mechanisms that counteract the segregating effects of unbridled choice while preserving its benefits. For years, Community School District 1, which has no attendance zones, used a system wherein parents exercised school choice, but within a framework ensuring that rough demographic balance was achieved among all schools in the district. Most parents received their first or second choice of elementary schools, and the program was popular and effective until it was shut down by the Department of Education in 2006. In the years that followed, District 1 elementary schools re-segregated.

In 2017, the Department announced a district-wide integration plan for District 1—a variation on what is often called “controlled choice,” which is a system of managed school selection in which parent preferences are accommodated within a framework of diversity and equity of access. Under the new plan, two-thirds of admissions offers at each school are reserved for students who are learning English, live in temporary housing, or qualify for free and reduced-price lunch. More privileged students who do not fall in any of those categories are given preference for the remaining seats in each school. The goal of this plan is for each school in District 1 to enroll a similar share of underserved students as there is in the district as a whole.

Plans like this exist in scores of jurisdictions across the country and are generally popular. Many plans choose to include a provision ensuring that students are guaranteed admission to at least one school within walking distance. These plans typically require parents to fill out questionnaires providing information on their socioeconomic status, and participation rates are high.
In addition to addressing student-assignment itself, some relatively small gestures can also be important in making diversity a priority in a district:

- Community Education Councils, superintendents, and other community members should demand that the Department of Education study and present the impact of rezoning decisions on the diversity of all schools in the community school district. Community Education Councils should adopt a policy of vetoing any rezoning proposal that increases segregation.

- Community Education Councils, superintendents, and other community members should demand that the Department of Education study and present findings as to the impact of any major decision, including collocations and charter school placements, on the diversity of all schools in the community school district.

- Community Education Councils and superintendents can encourage cooperation and coordination among elementary schools within the district so that schools are not working at cross purposes (competing for children in the same neighborhoods, creating duplicative programs, etc.)

*New York Appleseed and its community partners are available to present in more detail to Community Education Councils, parent and community groups, and other local stakeholders on the legal and practical issues that arise in these various strategies.*

**Individual Schools**

Despite our preference for systemic solutions, some communities may need to begin by promoting diversity at individual schools. In a breakthrough development, a task force of local stakeholders, including New York Appleseed, convinced the Department of Education in 2012 to adopt an unprecedented student assignment plan for diversity at PS 133 in Brooklyn, a now unzoned school. The plan sets aside the first 35 percent of seats for low-income students and English Language Learners. Remaining seats are then available by lottery with priority given as follows: In-district siblings (Districts 13 and 15), out-of-district siblings, in-district current Pre-K students, out-of-district current Pre-K students, other in-district applicants. The plan therefore provides not a quota, but a boost to students in the target categories when demand exceeds capacity—students that research has identified as collectively disadvantaged in New York City’s elementary-school choice process. This boost works to counteract the advantages that upper- and middle-income parents have in the choice process. Importantly, the plan only works to create diversity when there is a critical mass of applicants from the target populations. In most cases, this will require schools to do targeted recruiting of low-income students and English Language Learners.

Regrettably, it was not until late 2015 that the Department finally began allowing other schools to use this model in a newly styled “diversity-in-admissions” program. Individual schools and their communities (principals, School Leadership Teams, PTAs) interested in diversity should consider convening a diversity committee to develop recommendations for a school to foster and maintain diversity under this program.

*New York Appleseed is available to assist school communities in reviewing the operation of the PS 133 plan and in forming a plan to create and maintain diversity over time.*
Community School Districts without Economic Diversity

Although we believe that over half of all school districts already have or are on their way to having sufficient numbers of middle-class or white students to pursue traditional racial and economic diversity strategies, a substantial number do not. In those districts, we believe that pursuing other forms of diversity, including ethnic and (non-white) racial diversity, is a goal worth pursuing. Although there is less available research on these forms of diversity, benefits such as critical thinking, cross-racial understanding, exposure to different cultures and norms, and preparation for a diverse workforce are still likely to be present. Moreover, equitable and transparent student assignment is always a benefit in itself.

Housing Policy

Although there is much that can and should be done immediately to improve access to diverse schools, elementary schools across the city will never be fully integrated so long as residential segregation persists. The city must substantially rewrite its abortive Where We Live NYC Draft Report according to the recommendations made by New York Appleseed, the Fair Housing Justice Center, and the New York City Bar Association, and then develop a robust and aggressive implementation plan.
II. Intra-School Segregation

INTRODUCTION

Without intentional efforts by school leadership, a school that appears to be moving toward greater integration may in fact be “flipping” to become predominantly white and more affluent. Even schools in New York City that appear to be stably integrated from the outside can be deeply segregated within the walls of the building. Other schools may not be internally segregated, but nevertheless fail to foster the kind of school environment where diversity thrives and redounds to the educational benefit of students. All of these schools fail to achieve Real Integration as defined by student leaders at IntegrateNYC.\footnote{xxxii}

The racial and socioeconomic composition of a school is not always reflected in the classroom, cafeteria, or afterschool program.\footnote{xxxiii} David Johnson and Roger Johnson observe, “Once diverse children are brought together in the same school and classroom whether the diversity among students results in positive or negative outcomes depends largely on how student-student interaction within learning situations is structured: competitively, individualistically, or cooperatively.” Without an active and intentional school program that recognizes the importance and value of diverse learning, a school runs the risk of creating a segregated student body even within an ostensibly diverse school.

The first part of this briefing explained the complex mechanisms by which inter-school segregation occurs. This section examines how issues of segregation and school diversity play out within individual elementary schools in New York City and how Gifted & Talented (G&T) and dual-language programs can be what one scholar has called “enclaves” within schools.\footnote{xxxv}

GIFTED & TALENTED PROGRAMS

New York City Gifted and Talented (G&T) programs are a mechanism for sorting students based on measures of their academic abilities and intelligence and were originally intended as a strategy to retain more white and middle-class families in public schools.\footnote{xxxvi} What happens in practice is that these programs divide students of different races and socioeconomic levels.

A national study found that when classes within a school are segregated, it can almost always be traced to a form of academic tracking.\footnote{xxxvii} Tracking, also called ability grouping, is the practice of grouping students according to measures of perceived skill or ability levels.\footnote{xxxviii} Assignments to tracks “tend to be racially biased, making classrooms more segregated than they would have been had assignments been made strictly on ‘objective’ criteria.”\footnote{xxxix} When elementary school students are sorted by ability, these divisions largely reflect and reinforce socioeconomic differences that have shaped children’s experiences and exposure during their earliest years.\footnote{xci}

G&T programs have long been a divisive topic within the New York City education community. They have been the subject of legal and policy challenges as well as investigations internally, by outside groups, and by the United States Department of Education’s Office for Civil Rights. In 2003, the Association of the Bar of the City of New York (ABCNY) published a report detailing documented problems of discrimination within the City G&T program going back to 1995. These individual programs used a wide array of application procedures.
Many relied on IQ tests as the sole point of entry. Others required an application or testing fee. In response to Title VI complaints filed against both an individual community school district and the city program as a whole, Chancellor Rudolph Crew threatened to promulgate citywide regulations, but never followed through. In 1998, the advocacy group ACORN found that New York City G&T programs segregated white students in enclaves within racially diverse general school populations.\textsuperscript{xcii} Reports issued by New York City Department of Education (DOE) found “minimal effort on the part of some districts/schools to familiarize parents with the existence of G&T programs and admission requirements.”\textsuperscript{xcii} In one district, whites were 47 times more likely to both apply and be admitted to the G&T program than African Americans. English Language Learners (then called Limited English Proficiency students) and special education students were vastly underrepresented.\textsuperscript{xciii}

These issues notwithstanding, former Chancellor Joel Klein expanded G&T programs rapidly during his tenure from 2002 to 2011—apparently under the belief that providing such enclaves was the way to keep middle-class families in the public school system.\textsuperscript{xciv} Five years after ABCNY released its report, DOE adopted a single, citywide admission criterion and process for G&T admissions which ended the policy of allowing districts to determine what constituted “giftedness.” Admission to both district-based programs and citywide programs is now based solely on standardized tests.\textsuperscript{xcv} Children who score above the national 90th percentile are eligible for the programs within their school district. Children who score above the national 97th percentile are eligible for both the district and citywide programs, but are not guaranteed a seat in the latter.\textsuperscript{xcvi} Every year far more students qualify than there are available seats for the citywide programs.

In 2008, the new, citywide system of G&T admissions used two standardized tests to identify students who would benefit from placement: the Otis-Lennon School Ability Test (OLSAT) and the Bracken School Readiness Assessment (BSRA). These tests were administered by NYC certified/licensed teachers trained by Pearson Assessments.\textsuperscript{xcvii} DOE took great pains to explain that the tests were fair and accurate as predictors of student intelligence and ability, and race-neutral:

\begin{quote}
Each test question on the OLSAT has been rigorously reviewed by educators, measurement specialists, and psychologists to ensure that it is of high quality and without bias toward any subgroup, including gender and ethnic/racial categories. The questions have also been reviewed for clarity, appropriateness of content, accuracy of correct answers, plausibility of answer options, and appropriateness of vocabulary. All items on the BSRA have been statistically analyzed and evaluated for difficulty, reliability, fit, bias, and effectiveness across each age group and for each subtest. Both tests have proven to be reliable and valid assessments according to official studies. Reliability refers to the accuracy and precision of the test scores. Validity refers to the extent to which the test measures what it is intended to measure.\textsuperscript{xcviii}
\end{quote}
The city G&T program, however, became even less diverse after centralization of the application process, and many of the problems described in the ABCNY report remained. In 2011, even as Black and Latinx students made up 70 percent of all children in the school system, 73 percent of kindergarteners in G&T were white or Asian, up from 68 percent in 2009–2010. Black representation dropped from 15 percent to 11 percent, while Latinx representation remained at 12 percent. Many attributed that trend, and the general low percentage of minority enrollment, to more affluent parents providing their children with professional test preparation and other similar advantages, like persistent advocacy and retesting to secure their child a seat. A data request placed by the *Wall Street Journal* found similar demographics in the 2012-2013 school year.5

In 2012, the DOE modified the application process again with a new test, the Naglieri Nonverbal Ability Test (NNAT). Much as they did with OLSAT and BSRA in 2008, DOE officials claimed that NNAT was a better measure of intelligence, will not prejudice applicants who do not speak English, and is less susceptible to test preparation. Contrary to existing research, they also expressed hope that emphasis on the new test would improve the diversity of G&T programs—although declined to state that diversity was a goal. In any event, substituting one standardized test for another, however, was unlikely to improve equity of access or diversity in the G&T programs. Test results from 2013 revealed an alarming trend of increasing numbers of qualifying scores in the city’s most affluent community school districts and decreasing numbers in the poorest districts. In fact, under the new test, the number of community school districts where less than 25 students qualified—the minimum number required even to have a program in the district—increased from six to nine—nearly a third of the total number of districts. By contrast, over 50 percent of children taking the test in Manhattan Districts 2 and 3 received qualifying scores.5

Little had changed by 2020: Nearly 42% (1905) of testers in District 2 and District 3 qualified for a district or citywide G&T program. Districts 7, 9, and 12 in the Bronx and Districts 23 and 32 in Brooklyn each had no more than 20 qualifying students.

The issue of inequitable access to the city’s G&T program would be alarming enough by itself, but is made even more serious in light of the fact that G&T students are typically separated from general education students. Some schools are split evenly between separate G&T and general education classes, giving the impression of two different schools. The separation can be so extreme that G&T children enter the school through a different door, and have their class schedules staggered from those of the rest of the student body so that the two populations do not meet and interact. These practices tend to have the effect of isolating white and more affluent children from African American and Latinx children. They create the impression that children of color must be kept separate from children in the G&T program and reinforce harmful stereotypes about race and intelligence.
Roda wrote about the G&T/Gen Ed separation in her Teachers College Record article: “White parents...explained that the separation contributes to the feeling that the G&T students are ‘getting something better’ or special. This happens even though technically the G&T and Gen Ed students are receiving the same standardized NYCDOE curriculum, and they are supposed to have access to the same resources.”

Today, G&T programs remain a fixture of the educational landscape in New York—and a major barrier to racially and economically integrated classrooms—perhaps because school officials and principals believe them to be too closely guarded by the most affluent and powerful parents. Research, however, undercut the prevailing view that the existence of G&T programs accurately reflects the preferences of middle-class parents. In her 2012 study, researcher Jennifer Stillman found profound ambivalence and in some cases opposition to the inequity and segregation endemic in the city’s G&T programs among what she calls “gentry” parents. Some research has even found that a substantial number of white and more affluent parents choose private schools precisely to avoid the racial segregation they perceive within public elementary schools. Although Park Slope, Brooklyn, is generally regarded as an upper middle-class stronghold, its extremely popular schools have no G&T programs. PS 9 in Prospect Heights, Brooklyn, recently followed suit. Roda observes the irony that G&T programs and the racial segregation that accompanies them may actually be driving some middle-class parents from the public school system, noting “how uncomfortable parents are with the ongoing segregation between programs and the feelings of superiority and inferiority that the G&T and Gen Ed labels produce for parents and students.”

Whatever the ethics of providing segregated G&T programs in elementary schools to retain middle-class families in the city, such a strategy is outdated and counterproductive. The strategy is outdated because the forces driving the so-called “reversal of white flight” in New York City are social, historical, global, and beyond the ability of targeted education policies to influence in either direction. While the memories of abandonment, disinvestment, and decline are still fresh in the minds of many New Yorkers, the reality today is that many areas of the city are rapidly gentrifying with harmful and destabilizing effects on low-income communities. In fact, the supply of apartments for rent or purchase in large portions of the city is currently at a historic low, and families whose commitment to living in the city is predicated on the hope of their children attending G&T programs would be happily replaced by new middle-class residents who do not place such demands on public schools. Although many white and upper-income families do in fact choose private schools, these schools are largely at capacity. Even assuming the private school sector in the region would grow in proportion to demand, many middle-class families cannot afford private education for their children. (These arguments are as true today as when we first advanced them, and Community School District 15’s middle-school integration plan has offered corroboration. Available data suggests that removing academic screens from all middle schools has not resulted in “flight” of middle-class students.)

And it is counterproductive because the research suggests that the appearance of “apartheid” presented by segregated G&T programs may be repelling as many middle-class parents as the programs are attracting. Many private schools in New York City have made remarkable strides in improving their own racial and economic diversity—often in the face of opposition from privileged persons.
G&T programs are a form of special education. In its 2012 Special Education reform initiative, DOE concluded that “all schools should have the curricular, instructional, and scheduling flexibility needed to meet the diverse needs of students with disabilities with accountability outcomes.” The Department repeats a mantra equally applicable to G&T programs: “Special Education is a service, not a place.” As public school systems around the country are increasingly using integration by achievement level as a strategy to achieve diversity in the classroom, New York City is doing the opposite with its elementary school Gifted & Talented programs.

Recommendations

First, DOE should eliminate separate classrooms for G&T instruction and should instead integrate G&T students and G&T instruction into general-education classrooms as they have already done with other special-needs students. In the meantime, schools that currently offer segregated G&T classrooms should begin phasing them out either through outright elimination of the program where possible or by moving independently to integrate G&T students and curriculum into classrooms open to all students.

Second, challenge all children using the Schoolwide Enrichment Model (SEM), in which children receive enrichment in clusters based on interest in particular subject areas. Some New York City public schools already use SEM. For example, PS/IS 78Q in Long Island City, Queens finds its pool of talent from parent and community volunteers and experts who help to develop curriculum for the entire student population in grades 1–5—special needs, ELL, and G&T. As of 2015, many Washington, D.C., middle schools had implemented SEM programs in place of traditional self-contained gifted classes. Instead of separating children out by test results, a practice that has clearly resulted in classrooms divided along race and socioeconomic status, the SEM provides enrichment to all students. Using SEM, schools can ensure that classrooms retain diversity without sacrificing academic rigor for its higher-achieving students, while also allowing any interested families to enroll their children in gifted education.

Advocates and candidates for office have proposed multiple fixes to the G&T programs in recent years. They fall into the categories of mitigating the impact of test preparation, delaying the testing of children until they are old enough to be tested meaningfully, increasing outreach to parents, and ensuring that more (if not all) students take the admissions tests.

Some of these proposed solutions, if implemented, may serve marginally to increase equity and diversity but will not address the problematic idea at the core of many G&T programs—namely that elementary school children need to be segregated by “ability,” when such “ability” is likely to reflect primarily the privilege and experiences conferred by socioeconomic status. As one G&T parent acknowledged to the New York Times: “I don’t think the fact that G.&T. programs are clearly and disproportionately white … is the result of anyone’s bad intentions … I think it is really the result of people committed to a system that can never work if the objective is diversity.”
History demonstrates that it is impossible to administer G&T admissions in a way that is neither discriminatory towards individuals nor inequitable towards disadvantaged student populations. Even if assessing children’s abilities at age four were not inherently problematic, there appears to be little pedagogical justification for segregating students by ability in elementary school. Several recent studies on elementary school gifted programs have found that separating gifted students does not help their academic achievement. Research also suggests that tracked classes harm lower achievers, while offering a single, de-tracked, rigorous curriculum for all students can improve performance of lower-achieving students without harming higher achievers. Arguments that G&T programs are necessary to retain middle-class parents in the public schools are no longer relevant, at least in New York City. For all of these reasons, we believe that values of equal opportunity, integration, and equitable access to education are fundamentally incompatible with segregated G&T programs in New York City’s elementary schools.

## DUAL-LANGUAGE PROGRAMS

In part I, we recommend expansion of dual-language programs as a strategy for overcoming inter-school segregation—a logical first step in fostering integrated classrooms. Some principals have successfully used dual-language programs to attract parents of all backgrounds to an otherwise segregated school. If not carefully designed and managed, however, dual-language programs can contribute to exclusion and intra-school segregation.

Although good data on dual-language programs has historically been difficult to obtain, bilingual programs in the city (either Transitional Bilingual Education (TBE) or dual language) totaled approximately 571 as of the 2019 school year, and about 262 of those were some kind of dual-language program. Programs identified as dual language in New York City elementary schools in fact comprise a surprisingly broad range of bi-lingual programs with different pedagogical philosophies, admissions policies, and classroom compositions. For better and for worse, elementary schools have enjoyed substantial freedom in addressing these aspects of the program.

Dual-language programs were originally intended to serve the educational needs of English Language Learners (ELLs), but they provide enormous benefits to all children. Rather than approaching limited English as a disadvantage, dual-language programs harness the great strength of ELLs—namely their fluency in their first language—to further the cognitive and linguistic advantages of bilingualism for all of the students in the classroom. Two-way immersion programs, in which two linguistic groups are simultaneously learning in both their own and in another language, are by necessity integrated environments. Properly structured, dual-language programs can serve the needs of the city’s ELL children while providing tremendous benefits to other children who participate; many of the city’s dual-language programs undoubtedly serve this important purpose. But other programs have increasingly functioned more like G&T programs—separating white and more affluent children from other students for academic enrichment and superior resources.
Whatever their educational merits, dual-language programs become vehicles for segregation when they are designed for the educational goals of more affluent parents rather than the needs of ELLs in the community school district. Some schools, for instance, have initiated programs that teach languages appealing to more affluent parents but not spoken by ELLs in the district. In these instances, so long as language-proficiency requirements are met, schools have enjoyed enormous discretion in selecting students and have not been required to respect even a zone preference.

Although parents of Anglophone students do need to make a serious commitment to embracing the second language in the home, excessive emphasis on the program’s rigor and “advance commitment” may discourage some parents of ELLs from applying. Moreover, such warnings betray merit-based admissions priorities that undermine values of inclusion and integration. Under these circumstances, middle- or upper-income children can qualify for the nonnative-speaker slots if their parents are foreigners or they speak a different language with their caretakers, and in some programs may even enjoy an advantage over ELLs if they and their parents are perceived to have more “commitment.”

Ideally, such students would fill the English-dominant seats in a dual-language program rather than ELL seats. The combination of these factors leads some dual-language programs to become vehicles of exclusion and segregation and denies their promise of integrated education.
Recommendations

Dual-language programs should rededicate themselves to the educational needs of English Language Learners in their districts while allowing schools to modify their instructional model based on the actual populations within their schools. Since there are abundant models for dual-language programs with ELLs representing more than half of the class, DOE should adopt a policy that ELL applicants should be given priority admission to a dual-language program over non-ELL applicants. By selecting languages for study appropriate for local ELLs, marketing affirmatively to their communities, and removing admissions preferences that screen out rather than include, dual-language programs can model integrated learning practices.

Parents of ELLs are uniquely positioned to accomplish this goal: In New York City, if there are 15 ELLs who speak the same language in two contiguous grades in the same school, those children are legally entitled to bilingual education—either a dual-language program or transitional bilingual education.\textsuperscript{cxliv} Many community school districts in the city, however, are not in compliance with this requirement, and parents have an opportunity to stand up for their right to bilingual education.\textsuperscript{cxlv} Parents who demand dual-language education in particular can reorient the program to its appropriate goals and to facilitate diverse learning classrooms that will benefit ELLs and Anglophone children alike.

School districts that do not have the required number of ELL students to be mandated to provide bilingual education should nevertheless be encouraged to maintain dual language programs to support bilingualism in languages spoken by ELLs in the district. These schools need flexibility to implement best practices in dual-language education based on the needs of the students in these programs.

Finally, although dual-language programs are, by design, separate from the general-education classes, school administrators and educators should find opportunities to have students in the dual-language program mix with the rest of the student body without undermining the goals of the program. School administrators should be careful to avoid the reality and appearance that dual-language program students are receiving more or better educational resources.
CONCLUSION

New York City is one of the most diverse places on the planet, but its elementary schools largely fail to capitalize on this priceless asset. We wrote seven years ago that meaningful school diversity—what we would now call Real Integration—was within our reach, and the events and findings of the intervening years have only strengthened our conviction.\textsuperscript{cxlvi} We have the tools to reduce segregation and provide diverse learning environments for our children and can no longer hide behind the fiction that segregation in elementary schools is inevitable. Similarly, the expansive exercise of school choice in zoned districts explodes the myth that parents always (or even more often than not) prefer the zoned school.

School-diversity plans work best when communities participate meaningfully in their creation and implementation. Although the Department of Education can and should exercise leadership as suggested in this briefing, community education councils, city council members, community boards, community groups, and individual schools do not need to wait for that to happen. Rather, these community-based actors should begin hosting community conversations to educate parents and—equally important—to learn from them what kinds of diversity strategies are likely to succeed locally.

School integration—at the heart of Dr. Martin Luther King, Jr.’s “beloved community”—lies within our reach in the community school districts of New York City.\textsuperscript{cxlvii} It is hard to imagine any other policy that would so effectively eliminate intra-district resource disparities among schools at such little expense. Unlike so many of the issues afflicting New York City schools, school segregation is a problem we know how to fix.
III. Endnotes

i. We are indebted to the student leaders of IntegrateNYC for developing this framework for Real Integration.


xiii. There are two other “districts” have schools within the 32 geographical districts. “District 75 provides highly specialized instructional support for students with significant challenges, such as Autism Spectrum Disorders, Significant cognitive delays, Emotional disturbances, Sensory impairments, Multiple disabilities.” New York City Department of Education website, District 75 page, https://www.schools.nyc.gov/learning/special-education/school-settings/district-75. “District 79 is New York City’s Alternative Schools District.” New York City Department of Education InfoHub website, District 79 page, https://infohub.nyced.org/in-our-schools/programs/district-79#:~:text=District%2079%20is%20New%20York%2C%20or%20high%20school%20equivalency%20diploma.


xvii. RAVITCH, at 350: “The New York Urban Coalition brought together a new alignment: those who seriously wanted to support the needs of blacks and Puerto Ricans; and those members who never actively supported integration but could unhesitatingly support community control, since it assured the continuation of the all-white neighborhoods where they lived.” Historian Thomas Sugrue writes that “some of the local boards were led by advocates of African-themed curricula, but others fell into the hands of whites who used community control to protect the homogeneity of their neighborhood schools.” THOMAS SUGRUE, SWEET LAND OF LIBERTY: THE FORGOTTEN STRUGGLE FOR CIVIL RIGHTS IN THE NORTH, 476 (2008).


xx. For a summary of the issues pertaining to bringing a city-wide desegregation lawsuit in the 1970s, see GARY ORFIELD, MUST WE BUS? 188-91 (1978).

xxi. SUGRUE, at 190, 463.

xxiii. SUGRUE, at 475-77.


xxviii. Mader, at 3-4.


xxx. Mader, at 19.

xxxi. Where we live nyc: Draft Plan, at 108; Mader, at 19.


Our original version of this briefing noted that these regulations included an infelicitous footnote stating that “Race may be considered as a factor in school enrollment only when required by court order.” We are happy to report that this footnote was removed by the Panel on Educational Policy in 2016. Beth Fertig, How a Legal Footnote Stymied Efforts to Desegregate New York City Schools, WNYC, (Oct. 30, 2015), https://www.wnyc.org/story/efforts-desegregate-new-york-city-schools-linked-legal-footnote/.


32. 2020 NYC Kindergarten Admissions Guide, NYC DOE, at 64.


Higgins.

Higgins.


Our original briefing also included a paragraph here on an atomized elementary-school application process. After that briefing was published, however NYCDOE moved to a centralized kindergarten-application system called Kindergarten Connect that addressed most of the concerns we expressed then. Some advocates claimed at the time that a centralized system would work against school integration, but we have been unable to find support for (or even understand) this argument. As we noted in 2013, “There is widespread belief that, even after the applications are submitted, principals of zoned schools enjoy substantial discretion in selecting out-of-zone applications from the same district. Although some principals might use such discretion to increase access for lower-income students, the financial realities of school administration would undoubtedly lead many principals to favor applicants perceived as likely to boost test scores or bring resources to the school. Whether by excluding low-income students or favoring higher-income parents, such practices provide yet another advantage to more affluent families.”

Centralized kindergarten admissions has been an improvement for equity and integration.


Taylor.

Darville.


See generally JENNIFER BURNS STILLMAN, GENTRIFICATION AND SCHOOLS: THE PROCESS OF INTEGRATION WHEN WHITES REVERSE FLIGHT (2012), for a description of the processes by and the conditions under which “gentry” parents will choose to send their children to a mostly segregated school.

lviii. Harris & Katz.


lx. Harris & Katz; for a documentary on similar trends in Boulder, Colorado, see This Train Productions, *An Elementary Education* (2008), copies available by emailing thistrain@gmail.com.


lxii. Wall.


lxvii. The Panel on Educational Policy voted to remove the footnote at its January 20, 2016 meeting. Meeting minutes were missing from the Department’s website at the time of this writing.

lxviii. See Khin Mai Aung and David Tipson, *Aim for Diverse Schools, But Don’t Leave it Up to Charters*, NEXT CITY (Feb. 28, 2013), [http://nextcity.org/daily/entry/op-ed-aim-for-diverse-schools-but-dont-leave-it-up-to-charters](http://nextcity.org/daily/entry/op-ed-aim-for-diverse-schools-but-dont-leave-it-up-to-charters); for information on how segregated charter schools also affect demographics in the system as a whole see Andre M. Perry, *How
charter schools are prolonging segregation, BROOKINGS (Dec. 11, 2017), https://www.brookings.edu/blog/the-avenue/2017/12/11/how-charter-schools-are-prolonging-segregation/; How New York City’s Charter Schools Affect Achievement, THE NEW YORK CITY CHARTER SCHOOLS EVALUATION PROJECT (Sept. 2009), page II-3: “New York City’s charter school students are disproportionately black and disproportionately not white or Asian. The existence of charter schools in the city therefore leaves the traditional public schools less black, more white, and more Asian;” For further discussion distinguishing between individual-school admissions plans likely to promote integration at surrounding school and those that will not see New York Appleseed, New York Appleseed Statement on Set-Aside Admissions Plans for Individual Schools, New York Appleseed website, https://www.nyappleseed.org/new-york-appleseed-statement-set-aside-admissions-plans-individual-schools/.


lxxi. Darville.


lxv. Potter, et al.


lxvii. Admissions FAQs.

lxviii. Mader, at 5, 12.


lxxxii. IntegrateNYC website, Real Integration page: https://www.integratenyc.org/realintegration.


lxxxix. Clotfelter, 145. See also Roda, 5 (“Choice options designated for gifted students, particularly schools that require certain test scores to enter, will by design re-segregate students by achievement. And because achievement is correlated with race and SES, [G&T] students tend to be disproportionately White, Asian, and middle-class.”); [consider adding a new sentence or additional FN: NYC Education Dept. okays Brooklyn elementary school’s plan to scrap separate ‘Gifted’ courses, NY DAILY NEWS (Jan. 7, 2020), https://www.nydailynews.com/new-york/education.ny-gifted-talented-elementary-brooklyn-20200107-sik5qabkkbdehc33jekqrulggg-story.html (Kirsten Cole, who is head of a Prospect Heights, Brooklyn elementary school’s equity committee, recently stated: “On paper we are very diverse, but when you drill down and look at tracking, it was fairly obvious to a lot of us that Gifted and Talented track was pulling mostly white and Asian students.”)]

xc. New York’s gifted program is at the center of a new round of diversity debates. Here’s how it works., CHALKBEAT (Aug. 28, 2019), https://chalkbeat.org/posts/national/2019/08/28/new-yorks-gifted-program-is-at-the-center-of-a-new-round-of-diversity-debates-heres-how-it-works/ (“[Many experts] say tests for such young children aren’t reliable, and are likely measuring the advantages they’ve had early in life, rather than ability. Some families also have the time and resources to pay for test prep, while other families may not even learn about the entrance requirement until it’s too late.”). See also Letter from New York City Bar Committee on Civil Rights and Committee on Education & the Law to The Honorable Richard A. Carranza, Chancellor and Members of the School Diversity Advisory Group, at 3 (May 1, 2019), https://s3.amazonaws.com/documents.nycbar.org/files/2019521-CompetitiveAdmissionsDOE050119.pdf.


xciii. Id.


cxix. See Otterman.


ci. Communications with Allison Roda, (Apr. 29, 2020). She cites Carman & Taylor, 2009 ([https://journals.sagepub.com/doi/abs/10.1177/0016986209355976](https://journals.sagepub.com/doi/abs/10.1177/0016986209355976)). (The results suggest a significant relationship between ethnicity, SES, and NNAT performance. Even after adjusting for ethnic differences, children from low-SES families were half as likely as other children to be identified). See also Giessman, Jacob & Gambrell, James & Stebbins, Molly. (2013). Minority Performance on the Naglieri Nonverbal Ability Test, Second Edition, Versus the Cognitive Abilities Test, Form 6 One Gifted Program’s Experience. Gifted Child Quarterly. 57. 101-109. 10.1177/0016986213477190 (“These results suggest that gifted programs should not assume that using a figural screening test such as the NNAT2, without other adjustments to selection protocol, will address minority underrepresentation.”)


cvi. Data provided to journalists by the DOE, “Summary of 2020 Testers by Grade, District, and Eligibility (as of Apr. 17, 2020).”

cvii. Allison Roda Where Their Children Belong: Parents’ Perceptions of the Boundaries Separating “Gifted” and “Non-Gifted” Educational Programs, (unpublished dissertation), Columbia University, 2013). 70. *See also New York’s gifted program is at the center of a new round of diversity debates. Here’s how it works.*, CHALKBEAT (Aug. 28, 2019),
[C]urrent programs . . . separate students into whole schools or different classrooms . . . .

Steven Thrasher, “Inside a Divided Upper East Side Public School: Whites in the Front Door, Blacks in the Back Door,” Village Voice (Feb. 23, 2010), available at http://www.villagevoice.com/2010-02-23/news/inside-a-divided-nyc-public-school/. See also Allison Roda & Halley Potter, It’s time to stop putting kids in separate gifted education programs, QUARTZ (Apr. 26, 2016), https://qz.com/666405/its-time-to-stop-putting-kids-in-separate-gifted-education-programs/ (“New York City’s current approach to gifted education is founded on separation. There is no special curriculum or pedagogy required in G&T programs. However, in most cases, G&T students are placed in dedicated classrooms and separated from “general education” students all day long. The students are what distinguish these G&T programs.”).


cx. Jennifer Burns Stillman, Gentrification and Schools: The Process of Integration When Whites Reverse Flight (2012) 36-37. See also Allison Roda & Halley Potter, It’s time to stop putting kids in separate gifted education programs, QUARTZ (Apr. 26, 2016), https://qz.com/666405/its-time-to-stop-putting-kids-in-separate-gifted-education-programs/ (“Even White G&T parents are critical of the segregation, saying that when the programs are “purely divided” by race and class “it creates too much animosity between two groups, or a feeling of being better because one is in the [G&T] program.””).

cxi. Wells and Roda, Why NYC Should Make Diversity a School Choice. See also Allison Roda and Molly Vollman Makris, The segregating effects of school choice policies, THE PHILADELPHIA INQUIRER (Oct. 20, 2019), https://www.inquirer.com/opinion/commentary/school-choice-charters-parents-segregation-20191020.html (“Roda and Wells found that high income, white parents wanted diverse school choices, but their options for these were few and difficult to get into.”).


cxiii. Roda dissertation at 192. See also Allison Roda & Halley Potter.


cxviii. Wells and Roda; Stillman. See also Allison Roda & Halley Potter, *It’s time to stop putting kids in separate gifted education programs*, QUARTZ (Apr. 26, 2016), https://qz.com/666405/its-time-to-stop-putting-kids-in-separate-gifted-education-programs/ (“A White mother with children in both programs said she worried about “singling kids out an early age…I wouldn’t want any kids to think they they’re special or that they’re not good enough. I really struggle with the fact that it’s highlighted at such an early age.””)


Eileen Gale Kugler, Debunking the Middle Class Myth, (2002) at 23. See also, Conor P. Williams, Making Dual-Language Schools Work for English Learners, Too, THE CENTURY FOUNDATION (Feb. 7, 2019), https://tcf.org/content/commentary/making-dual-language-schools-work-english-learners/ (“When done right, DLI programs deliver linguistic (and potentially ethnic, socioeconomic, and/or racial) integration.”).

See, for example, PS 133 in Brooklyn, which, having recently initiated a French dual language program and a Spanish dual language program, has steadily become more integrated economically and has seen its annual applications to the school increase eight-fold or more. See also Janet Adamy, Dual-Language Classes for Kids Grow in Popularity, WALL STREET JOURNAL (Apr. 1, 2016), https://www.wsj.com/articles/dual-language-classes-for-kids-grow-in-popularity-1459535318; Christina Veiga, In the push to extend mayoral control of schools, de Blasio highlights new pre-K dual language programs, Chalkbeat (Feb. 4, 2019), https://chalkbeat.org/posts/ny/2019/02/04/in-the-push-to-extend-mayoral-control-of-schools-de-blasio-highlights-new-pre-k-dual-language-programs/ (“The approach can boost learning for non-native speakers and is often seen as a potent integration tool since many white, middle class families seek out such programs.”).
cxxxii. See English Language Learners Programs and Services, NYC Dep’t of Educ. Info Hub, https://infohub.nyced.org/in-our-schools/programs/english-language-learners-programs-and-services. [this information is based on the spreadsheet I pulled from the previous link; however, here’s another stat from the NY Times: “In total, there will be 107 dual-language programs for the 2019-20 school year, including the city’s first French, Haitian-Creole, Hebrew and Japanese pre-K programs.” Benedicte de Montlaur, Do You Speak My Language? You Should, N.Y. TIMES Opinion (Mar. 26, 2019), https://www.nytimes.com/2019/03/26/opinion/learn-foreign-language.html.]

cxxxiii. Interview with Jennifer Weiss Friedman, (Nov. 18, 2013). Memorandum by David Tipson, New York Appleseed Regarding Dual Language Survey (July 22, 2014) (“Elementary and combined elementary and middle schools used a variety of methods, and many used more than one: eleven programs used dual certified teachers who could provide the ESL services as part of the same class, eight used push-in, three used pull-out, one used “small groups,” and another mentioned afterschool programs. One school, P.S. 58 Carroll, indicated that the DL language program was the ESL programming. One school, P.S. 163 Flushing Heights, responded by saying that there are no separate ESL classes. Another program, P.S. 173 Fresh Meadows, indicated that there was no ESL programming (consistent with its program design as described above).” . . . “For the 23 programs in the elementary and combined elementary and middle schools, seven used a single, bilingual teacher for each class, two used more than one teacher for the same class, seven used both depending on grade level, and six didn’t say.”).

cxxxiv. English Language Learners are “student[s] whose home language is not English and need[] support learning English.” English Language Learners, NYC DEP’T OF EDUC., https://www.schools.nyc.gov/learning/multilingual-learners/english-language-learners.

cxxxv. Friedman. See also Christina Veiga, In the push to extend mayoral control of schools, de Blasio highlights new pre-K dual language programs, Chalkbeat (Feb. 4, 2019), https://chalkbeat.org/posts/ny/2019/02/04/in-the-push-to-extend-mayoral-control-of-schools-de-blasio-highlights-new-pre-k-dual-language-programs/.

cxxxvi. Reema Amin, NYC education officials exploring dual language programs for 3-year-olds, CHALKBEAT (Dec. 6, 2019), https://chalkbeat.org/posts/ny/2019/12/06/nyc-education-officials-exploring-dual-language-programs-for-3-year-olds/ (“Dual-language immersion has been found to have some long-term academic benefits. One study found that kindergartners in a dual-language setting gained the equivalent of one year of reading instruction by eighth grade, compared to students who received English-only instruction.”).

cxxxvii. Amaya Garcia, Why Is Bilingualism Framed As An Asset For Some Students And A Deficit For Others?, PACIFIC STANDARD (Feb. 12, 2019), https://psmag.com/education/the-double-standard-of-bilingualism (“[A]dvocates and researchers have warned that dual-language programs are increasingly becoming a tool of enrichment rather than a mode of serving the needs of ELs.”).


cxl. Remenschneider; New York City DOE, Elementary School Directory: 2012-13 (“In order to fulfill their instructional program model, schools may admit non-zoned students to their dual language classes.”); New York City DOE Regulation of the Chancellor A-101 Sec. II(D)(1)(b), [https://www.schools.nyc.gov/docs/default-source/default-document-library/a101-admissions-readmissions-transfers-english](https://www.schools.nyc.gov/docs/default-source/default-document-library/a101-admissions-readmissions-transfers-english) (“If the Office of Student Enrollment deems appropriate based on space, historical trends, and district needs, offers may be made for the following priority groups, in the order outlined below. Only the Office of Student Enrollment may authorize the admission of non-zoned applicants out of this priority order; for example, for applicants who cannot be accommodated at their zoned school, or for specialized programs, such as dual language programs.”).

cxli. Friedman.

cxlil. Remenschneider.

cxlili. Stillman at 37-38.


cxlv. Jennifer Woodward, *Bilingual Education Provision in New York State: An Assessment of Local Compliance*, NYLARNET, Summer 2009 (unpaginated). Note: this article inexplicably applies the statewide standard of 20 English Language Learners. Applying the NYC-specific rule (15 students) would presumably have uncovered even more instances of noncompliance by the community school districts. See NYC DOE Office of English Language Learners in a previous footnote.

cxlvi. See Mader for an example of quantitative analysis corroborating the core insights of our 2013 briefing.

cxlvii. Greg Groves & Philip Tegeler, “*Dr King’s Unfulfilled Dream of School Integration*,” THEBLACKLIST (Jan. 16, 2013), [https://www.theblacklist.net/m/blogpost?id=2055350%3ABlogPost%3A142099](https://www.theblacklist.net/m/blogpost?id=2055350%3ABlogPost%3A142099).