

**NCS D Comments on Implementing Programs under Title I of the  
Every Student Succeeds Act**  
Department of Education  
Thursday, January 21, 2016

The National Coalition on School Diversity (NCS D) is a network of national civil rights organizations, university-based research centers, and state and local coalitions working to expand support for government policies that promote school diversity and reduce racial isolation. We also support the work of the state and local school diversity practitioners. Our work is informed by an advisory panel of scholars and academic researchers whose work relates to issues of equity, diversity, and desegregation/integration. See [www.school-diversity.org](http://www.school-diversity.org).

The NCS D respectfully submits these comments regarding the implementation of Title I programming under the Every Student Succeeds Act (ESSA), signed into law on December 10, 2015.

The Department Should Encourage Racial and Socioeconomic Integration  
as Evidence-Based Interventions under the ESSA

The resegregation of U.S. schools in recent years has resulted in an unequal distribution of educational opportunity throughout the nation, and evidence indicates the academic performance of low-income and minority students has been suffering as a result of this growing racial and socioeconomic isolation.<sup>1</sup> Fortunately, there is a significant evidence base demonstrating that educational interventions focused on desegregation and deconcentration of poverty in schools can have a profound impact on educational outcomes for disadvantaged students and can help them meet high academic standards like those found in ESSA.<sup>2</sup> Racially and economically

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<sup>1</sup> Gary Orfield, John Kucsera & Genevieve Siegel-Hawley, *E Pluribus... Separation: Deepening Double Segregation for More Students*, Civil Rights Project/Proyecto Derechos Civiles (2012), 21, available at [http://civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/mlk-national/e-pluribus...separation-deepening-double-segregation-for-more-students/orfield\\_epluribus\\_revised\\_omplete\\_2012.pdf](http://civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/mlk-national/e-pluribus...separation-deepening-double-segregation-for-more-students/orfield_epluribus_revised_omplete_2012.pdf). Reardon, S.F. (2015). *School Segregation and Racial Academic Achievement Gaps* (CEPA Working Paper No.15-12). Retrieved from Stanford Center for Education Policy Analysis: <http://cepa.stanford.edu/wp15-12>. See also Johnson, Rucker (2011). *Long-run Impacts of School Desegregation & School Quality on Adult Attainments* (NBER Working Paper No. 16664) Retrieved from <http://www.nber.org/papers/w16664> (illustrating the positive impact of desegregation on student achievement and life outcomes).

<sup>2</sup> See generally National Coalition on School Diversity Research Brief 5, *School Integration and K-12 Educational Outcomes: A Quick Synthesis of Social Science Evidence*, available at <http://www.school-diversity.org/pdf/DiversityResearchBriefNo5.pdf> and Research Brief 9, *Regional Educational Equity Policies: Learning from Inter-district Integration Programs*, available at <http://school-diversity.org/pdf/DiversityResearchBriefNo9.pdf>. See also “Who Graduates? Who Doesn’t?: A Statistical Portrait of Public High School Graduation, Class of 2001,” Christopher B. Swanson, Education Policy Center and The Urban Institute, at 35, available at [http://www.urban.org/UploadedPDF/410934\\_WhoGraduates.pdf](http://www.urban.org/UploadedPDF/410934_WhoGraduates.pdf), (“there is a strong and

diverse schools may also have greater access to fundraising resources, as well as a greater distribution of political influence, which can potentially result in a more equitable distribution of educational resources and greater gains for students.<sup>3</sup> Furthermore, the benefits of diversity in schools are not restricted to minority students, research shows a diverse educational setting can lead to improved critical thinking skills and better academic performance in non-minority students.<sup>4</sup> Even the U.S. Department of Education itself has previously observed that "diverse schools provide incalculable educational and civic benefits by promoting cross-racial understanding, breaking down racial and other stereotypes, and eliminating bias and prejudice."<sup>5</sup>

The Department of Education should issue guidance encouraging states to allow Title I money designated for school improvement to be directed toward decreasing concentrated poverty and racial isolation in public schools, using all of the methods endorsed by the Department in its 2011 Guidance.<sup>6</sup> Since research indicates alleviating concentrated poverty and racial isolation results in improved academic achievement for disadvantaged students, evidence-based educational interventions that focus on fostering greater racial and socioeconomic diversity should be eligible for funding under Title I of ESSA. Such interventions include creating new inter- and intra-district magnet schools using non-MSAP Title I funds targeted to struggling schools, facilitating intra- and inter-district student transfers from high poverty schools to low

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very detrimental linkage between graduation rates and the environmental conditions that go along with factors like poverty and segregation.”); Brief of 553 Social Scientists as *Amici Curiae* in Support of Respondents, *Parents Involved in Community Schools v. Seattle School Dist. No. 1*, 127 S. Ct. 2738 (2007), at App. 39, (“An examination of over 13,000 public high schools across the country in 2004 showed that schools with a higher concentration of blacks and Latinos tend to have lower “promoting power,” which indicates the percentage of students who stay in school and are promoted each year from grades 9 to 12.”). See also Robert Balfanz & Thomas C. West, “Racial Isolation and High School Promoting Power,” *Graduation Gap Policy Brief*, Center for Social Organization of Schools, Johns Hopkins Univ. (2006). 8; Jonathan Guryan, *Desegregation and Black Dropout Rates*, AM. ECON. REV. 94, no. 4 (2004), at 919-43. Racially integrated schools also result in better reading scores for minority students and smaller achievement gaps than racially isolated schools. See “The Race Gap in High School Reading Achievement: Why School Racial Composition Still Matters,” Shelly Brown-Jeffy, (2006), 13 *Race, Gender & Class* 3/4, pp. 268-294, at 290 available at <http://www.jstor.org/stable/41675185>, (“These study results reveal that the Black-White gap in reading achievement in schools with less than 10% Black, Hispanic, or Native American students enrolled is substantial. On the contrary, results show that schools with 25-55% Black, Hispanic, and/or Native American students have average reading achievement scores that are on average almost two points higher than in schools with 55% [or] more Black, Hispanic, and/or native American Students. While these schools do have a Black-White achievement gap, the gap is not as large as in schools where less [than] 10% of the population is Black, Hispanic, and/or Native American.”). For a comprehensive survey of recent research, see the website of the National Coalition on School Diversity, available at <http://school-diversity.org>; see also NY Appleseed, “Key Research Highlights: How Diversity Promotes Better Educational Outcomes,” available at <https://www.appleseednetwork.org/promoting-diversity-in-new-york-city-schools/>.

<sup>3</sup> See generally Richard Kahlenberg, *Turnaround Schools That Work: Moving Beyond Separate but Equal* (2009), available at <https://tcf.org/assets/downloads/tcf-turnaround.pdf>.

<sup>4</sup> Genevieve Siegel-Hawley, *Research Brief 8: How Non-Minority Students Also Benefit from Racially Diverse Schools*, National Coalition on School Diversity (2012), available at <http://www.school-diversity.org/pdf/DiversityResearchBriefNo8.pdf>.

<sup>5</sup> U.S. Departments of Education, Justice, "Guidance on the Voluntary Use of Race to Achieve Diversity and Avoid Racial Isolation in Elementary and Secondary Schools," (2011), available at [www2.ed.gov/about/offices/list/ocr/docs/guidance-ese-201111.html](http://www2.ed.gov/about/offices/list/ocr/docs/guidance-ese-201111.html). See also *Promoting Diversity and Desegregation*, 3(4) *The Magnet Compass* 1, p. 1, available at [http://www.msapcenter.com/doc/MagnetCompass\\_July2014.pdf](http://www.msapcenter.com/doc/MagnetCompass_July2014.pdf) (observing "[t]he benefits of a diverse school environment cannot be overstated").

<sup>6</sup> U.S. Departments of Education, Justice, *supra* note 5.

poverty schools and districts, careful assessment of school zone decisions and school construction and expansion decisions to ensure racial and socioeconomic integration, and implementation of controlled choice student assignment systems.<sup>7</sup>

The Department of Education's guidance should include a hold harmless provision in order to encourage the desegregation of low-performing schools. The hold harmless provision is a crucial element, which should prevent schools currently receiving Title I funds from having those funds reduced when the number of low-income students decreases due to an integration shift between schools. At the same time, the Department should also encourage the use of Title I funds by states to incentivize schools and districts with higher-income student bodies to accept voluntary transfers from higher poverty, struggling schools. Targeted funding for transportation costs, capital improvements, professional development, and student supports could also be used to incentivize districts to accept these transfers and support them adequately once they transfer. New York's Socioeconomic Integration Pilot Program initiated by Acting Secretary John King when he was State Commissioner of Education is an excellent example of the way in which states can use school-improvement funds for integration activities with guidance and support from the Department.<sup>8</sup>

#### The Department Should Encourage Measurement of Racial and Socioeconomic Segregation and Isolation in State Accountability Systems

A significant body of evidence has shown racial and socioeconomic segregation have a profound negative impact on student achievement, and the continued existence of such conditions make success for every student an impossibility.<sup>9</sup> To encourage student success and foster true accountability, the Department should recommend that states include an annual survey of student diversity metrics in their accountability systems as an additional "indicator of school quality or student success."<sup>10</sup> Student diversity metrics would meet all the requirements of this section of the ESSA; it would allow for meaningful differentiation between schools, would be comparable statewide using the same indicators for each grade span, and would fit under the heading of "other indicator."

The Department should encourage States to measure the extent to which individual schools, entire districts, and districts across regions are improving or declining in the racial and socioeconomic isolation and segregation of students over time. Levels of school diversity should

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<sup>7</sup> There is a particularly robust evidence base indicating the effectiveness of the magnet school model in both fostering greater student diversity as well as improving student achievement. See "Research Brief No. 6, Magnet School Outcomes: What the Research Says," Genevieve Siegel-Hawley and Erica Frankenberg, National Coalition on School Diversity, available at <http://prrac.org/pdf/DiversityResearchBriefNo6.pdf>.

<sup>8</sup> For more information see the New York State Education Department press release, "NYS Schools to Receive Grants to Promote Socioeconomic Integration," December 30, 2014, available at <http://www.nysed.gov/news/2015/nys-schools-receive-grants-promote-socioeconomic-integration>.

<sup>9</sup> Supra note 1.

<sup>10</sup> Every Student Succeeds Act, p. 35, available at <https://www.congress.gov/114/bills/s1177/BILLS-114s1177enr.pdf>; see also Amy Stuart Wells, "What Are We Holding Our Public Schools Accountable For? The Gap Between What is Measured and What is Needed to Prepare Children for an Increasingly Diverse Society," *Poverty & Race*, September/October, 2012, available at [http://www.prrac.org/full\\_text.php?text\\_id=1410&item\\_id=13888&newsletter\\_id=125&header=Education&kc=1](http://www.prrac.org/full_text.php?text_id=1410&item_id=13888&newsletter_id=125&header=Education&kc=1).

be measured in comparison to schools' home districts, and to the region as a whole. Since schools already collect information on the race and ethnicity of students, and have access to socioeconomic data through the National School Lunch Program, TANF rolls, and other sources, reporting on the year-over-year change in these numbers would require minimum effort. Furthermore, States could use these metrics and trends to reward districts and schools for becoming more diverse and improving regional equity through a special designation or waiver from other aspects of the accountability system. In addition, the inclusion of this information will provide a great benefit to advocates in determining whether schools and districts are making progress toward improved diversity and reduced isolation for students, or if there is a trend toward greater segregation and isolation in the district, region, and state. Such reporting will help ensure states meet their obligation to minority students under both Title VI and the ESSA, and will assist school administrators and state and municipal officials with both short and long term planning.<sup>11</sup> We would also urge the Department to offer technical assistance to states and LEAs to encourage high quality reporting of state and local trends in racial and economic diversity.

Encouraging greater racial and socioeconomic integration in our nation's schools through the use of Title I funds should be a primary objective as implementation of ESSA moves forward, and this is a goal that many states would support if given encouragement and guidance by the Department. The National Coalition on School Diversity looks forward to working with the Department to realize this goal.

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<sup>11</sup> For an example of reporting legislation at the local level see NYC Local Law 59 of 2015 (part of "The School Diversity Accountability Act") *available at* <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1946653&GUID=7329D54A-4E94-443D-9411-BCF5CC0C65D8&Options=ID%7cText%7c&Search=511>.

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