Within Our Reach

Segregation in NYC District Elementary Schools and What We Can Do About It: School-to-School Diversity
NewYork Appleseed

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About New York Appleseed

New York Appleseed advocates for equity of access and fair allocation of resources to schools and neighborhoods in New York City and its greater metropolitan area. We collaborate with volunteer lawyers, parent groups, demographers, real estate professionals, government officials, and community advocates to uncover regional disparities, develop practical solutions, and advocate for implementation of our recommendations. New York Appleseed is a non-partisan, independent voice for reform. For more information, visit: ny.appleseednetwork.org.

About Appleseed

Appleseed, a nonprofit network of 17 public interest justice centers in the United States and Mexico, uncovers and corrects social injustices through legal, legislative, and market-based structural reform. Appleseed and Appleseed Centers bring together volunteers from the law, business, and academic professions to devise long-term solutions to problems affecting the underprivileged and underrepresented in such areas as education and financial access. For more information, visit: www.appleseednetwork.org.
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About This Series

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, 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
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.

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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 2011-2012 school year, PS 321 served a student population approaching three quarters white. Less than ten percent of the student body received free or reduced-price lunch.

Also in Park Slope one third of a mile away is PS 282 – an elementary and middle school. PS 282’s attendance zone is also populated by predominantly white and upper-income families. In the 2011-2012 school year, however, only eight percent of PS 282’s student population was white, and most of these white students were concentrated in the school’s pre-kindergarten and kindergarten classes. 54.4% 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.¹ A recent analysis by the city’s Independent Budget Office looked at trends over the last decade 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.² The city’s Independent Budget Office also demonstrated that segregation is 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.”³ 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). 4

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. New and emerging research, however, demonstrates that substantial numbers of parents would prefer to send their children to diverse schools with demographic balance if they only had the option. 5 New York Appleseed believes strongly that elementary-school segregation is not the fault 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.

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 Newark, New Jersey. 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 her.

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. 6 The district lines were idiosyncratic and, many believe, may have increased segregation in an attempt to allow individual communities to control their own destiny. 7 To this day, demographics can vary dramatically from district to district: in the 2011-2012 school year, 53 percent of children attending school in District 26 in Queens received free or reduced-price lunch. By contrast, 88 percent of children attending school in District 12 in the Bronx received free or reduced-price lunch. 8 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

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 Times article, the Independent Budget Office and this briefing analyze inter-school segregation or how segregation plays out among schools. A later New York Appleseed briefing will describe how segregation can occur within schools (intra-school segregation).
and grabbing the northern portion of Park Slope. One resident of the area remarked that the lines were so drawn because this portion of Park Slope was lower-income and home to certain ethnic groups at that time.

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 common every year for some zoned students to be denied admission and placed on a waitlist for their zoned school. In 2013, for example, 2,361 students were placed on waitlists for kindergarten at 105 overcrowded zoned schools. The waitlist average of 24.5 children per school was 25 percent longer than in 2012.

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 have had their zones dramatically reconfigured in the last year.

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 zone 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 2011-2012 school year, over 80% of children in the PS 321 zone attended PS 321. In all of District 15, 71% of children attended their zoned school. By contrast, only 37% of children in the PS 282 zone attended PS 282, and only 42% of children in District 13 as a whole attended their zoned school.

Given these numbers, it is accurate to describe elementary-school student assignment in the 29 community school districts with attendance zones.

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**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.
**Text of the Chancellor’s Regulation on School Assignment in Zoned Districts**

1. Zoned schools are obligated to serve all students residing in their zone, space permitting, regardless of when families show up to register. Applicants must be admitted to zoned schools in the following order of priority:
   a. Zoned students whose verified siblings are pre-registered or enrolled at the time of application submission and will be enrolled in grades K-5 in the school at the start of the following school year in September;
   b. Zoned students other than those in (a) above applying to the zoned school;
   If space allows, and if the Office of Student Enrollment deems appropriate based on 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 placement of non-zoned students out of this priority order; for example, for students who cannot be accommodated at their zoned school, or for special programs, such as dual language or inclusion classes for students with Autism Spectrum Disorders.
   c. Students whose verified siblings are pre-registered or enrolled at the time of application submission and will be enrolled in grades K-5 in the school at the start of the following school year in September who are not zoned to the school but are residents of that district;
   d. Students whose verified siblings are pre-registered or enrolled at the time of application submission and will be enrolled in grades K-5 at the start of the following school year in September who are residents of another district;
   e. Students currently attending the school’s pre-kindergarten program who reside outside the school’s zone but in the school’s district, without a sibling who will be in grades K-5 at the school in the following school year;
   f. Students currently attending the school’s pre-kindergarten program who reside outside the school’s zone and district, without a sibling who will be in grades K-5 at the school in the following school year;
   g. Students other than those in (c) and (e) above who are residents of that district;
   h. Students other than those in (d) and (f) who are residents of another district.  

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 the sidebar with the text). 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, and nothing in the Chancellor’s Regulations on elementary-school admissions lists school diversity as a goal. To the contrary, the Regulations contain a footnote stating that “Race may be considered as a factor in school enrollment only when required by court order.” This statement is unclear and appears to be an attempt to summarize U.S. constitutional law. Taken literally, however, the statement is more restrictive than the standard required by the U.S. Supreme Court and represents an unnecessary limitation on the Department of Education.

**Community School Districts with Pure Choice**

Until very recently, District 1 in the Lower East Side was the only district in New York City that did not have attendance zones. Within the last year, however, the DOE has discussed “unzoning” to ten additional districts, and two of them, Districts 7 (South Bronx) and 23 (Ocean Hill – Brownsville) have 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. 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.

**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 tends toward segregation in elementary schools because it reproduces residential segregation. In fact, attendance by zone often amplifies residential segregation within schools, since 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 25% of home buyers nationally listed school quality as a key factor in their selection of a home, and it is easy to see how the rising popularity of a school can lead to cascading residential gentrification within a particular zone.\textsuperscript{20} 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.\textsuperscript{21} As an article in the \textit{New York Times} real estate section noted very recently, “[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.”\textsuperscript{22}

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, \textit{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.\textsuperscript{23}

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.\textsuperscript{24} Many have labeled this phenomenon as a form of school choice for people with the means to afford it.\textsuperscript{25}

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. Lower-income New Yorkers 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. 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.

Second, despite the all the efforts to centralize the administration of the New York City school system over the last decade, the elementary-school application process in the 29 zoned districts remains utterly decentralized and rather primitive. Parents do not receive so much as a letter indicating that they must apply to kindergartens in February and March, and public service announcements on the topic are few, if any. Parents who find out on their own must apply to each school individually and have no ability to rank their preferences in relation to one another. With each school operating its own admissions program, problems inevitably arise. A 2004 study revealed that lower-income parents and parents of color encountered exclusive practices when attempting to gain information about popular schools in District 3 (Upper West Side). 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.

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, has 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 this year.

**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.\textsuperscript{34} 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.\textsuperscript{35} 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-three percent of school age-children in the PS 282 zone (not attending private school) travel to public schools or charter schools in Districts 13, District 15 or elsewhere.\textsuperscript{36}

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.

\textbf{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.\textsuperscript{37}

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. They will not have exposure to middle-class children, whom some scholars believe should be considered educational resources in themselves. Exposure to middle-class peers provides low-income children and parents with the access to social networks and inside information that can be just as important to lifelong success as formal education. (The very student assignment process we have just described shows how important such contacts can be in accessing opportunity). 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.\(^{38}\)

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 2042.

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 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 proposal 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**

Emerging evidence from scholarly research and from New York Appleseed’s own work suggests that parents across New York City of all backgrounds want diverse schools and crave leadership from the Department of Education.\(^{39}\) The Department should take the following steps to signal to parents and community leaders that it is prepared to lead on this issue:

*An unambiguous policy statement:* The Department should immediately adopt and promote an official statement recognizing the importance of diverse learning environments and announcing a policy that all elementary schools must foster an environment in which people of all races, cultures and
economic backgrounds are genuinely welcome. Although the Department has made strides just in the last year, it has often sent mixed messages on diversity. An official, widely circulated statement is essential.

Accordingly, the Department should also remove the ambiguous footnote in the Chancellor’s Regulations stating that “Race may be considered as a factor in school enrollment only when required by court order.” To the extent it attempts to state the standard announced by the U.S. Supreme Court in the *Parents Involved in Community Schools* decisions, the statement is both inaccurate and unnecessary. If, on the other hand, the attempt was to set an even more restrictive standard than that required by the U.S. Supreme Court, it sends the wrong message to New York City and could produce a chilling effect on otherwise legal, race-conscious initiatives.

Pursuant to this official statement, the Department should gradually adopt implementing policies, including:

- Accountability standards for both individual schools and community school districts on progress towards diversity goals. Schools should be encouraged to implement programs that appeal to a wide range of parents in quality and subject matter.

- Consistent with the above, the DOE should authorize more dual-language programs in elementary schools across the city. Such programs must be designed and managed carefully to prevent unnecessary segregation within a school, but they remain an excellent way to attract parents of different backgrounds to a school.

- A commitment 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.

  - This commitment should extend to federal Magnet School Assistance Program grants. Although the purpose of this program is desegregation, the Department of Education has completed these grant applications perfunctorily using professional grant writers and a formulaic template. Failing to include the affected community in the development of the required desegregation plan, the Department repeatedly misses golden opportunities to rally local communities around diversity with the prospect of increased resources for elementary schools.

  - This commitment should also extend to student-assignment policies for all new, unzoned elementary schools (including charter schools) and requires working with stakeholders to
• 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.  

• School admissions should be handled at the level of the Community School District, rather than school-by-school or by DOE’s central office. The school admissions process should be transparent and fair with opportunities for parents to rank their preferences in relation to one another (as with pre-k applications). This may require providing district offices with additional staff.

• The Department needs to 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 should completely overhaul its methods of disseminating information according to the detailed, but relatively costless, suggestions in New York Appleseed’s “Essential Strategies for Equity and Access”.

**Community School Districts**

Because segregation is a systemic problem, we believe that systemic, community-school-district-wide solutions are most likely to be effective in fostering diverse schools. In fact, pursuing diversity in a single school without regard for the effects of the policy on surrounding 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. One of the easiest ways to do this is to through influencing the manner in which students not attending their zoned school are assigned to other schools.

As Professor Orfield noted, choice without civil rights policies stratifies the system. Such civil rights policies are essentially 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. (The Department’s move seems to have reflected the views of the then current Chancellor and do not appear to be representative of the Department’s stance on diversity now.) In the years that have followed, District 1 elementary schools have re-segregated to the horror of local parents.

District 1’s former plan is sometimes referred to as “controlled choice.” Not all plans labeled “controlled choice” are the same, but the phrase typically refers to a system of managed school selection in which parent preferences are accommodated within a framework of diversity and equity of access. 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.

Although these plans work best in the absence of the kind of attendance zones currently used in New York City, even districts with highly popular zoned schools such as District 15 have large numbers of students attending a school other than their zoned school. In District 13 over 55 percent of all students were attending a school other than their zoned school. Even with the problems of zoning, applying a diversity framework to the way in which students are admitted to schools other than their zoned school could go a long way toward addressing elementary-school segregation.

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 nearby schools. 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 nearby schools.
- 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 wish 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 open lottery. The plan therefore provides not a quota, but a boost to students in the target categories when demand exceeds capacity. 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. The Department of Education has stated unambiguously that it wants this plan to serve as a model for other schools across the city.43

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. Diversity committees will want to start with the PS 133 plan as an example of a system the DOE has been willing to adopt. Since the plan was developed for specific community needs, individual schools may wish to change idiosyncratic features (such as the plan’s super priority for English Language Learners) that derived from special circumstances.

Whether under a district-wide or an individual-school student-assignment plan, however, a school will only thrive and maintain its diversity when conditions within a school are right. Schools need to provide a genuinely open, caring and inclusive environment where a variety of norms can be accommodated and all parents and children feel welcome. Schools need to avoid internal segregation or tracking, for which there is little justification at the elementary-school level. Strong and committed leadership from the principal is essential, but teachers, parents and students also play key roles. (Issues of internal segregation and how to avoid it will be the subject of a later briefing).

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

On that note and despite our belief that there is much that can and should be done immediately to improve access to diversity, elementary schools across the city will never be fully integrated so long as residential segregation persists. New York City must continue to support and expand a robust inclusionary housing program to preserve and develop affordable housing in the city’s more affluent or gentrifying areas (Please see New York Appleseed’s guide to the program). Similarly, policy makers must aggressively preserve affordable housing in rapidly gentrifying areas so that they do not flip from one demographic to another, but become stably integrated, mixed-income neighborhoods. (Please see New York Appleseed’s manual on strategies for preserving affordable housing).

Conclusion

New York City is one of the most diverse places on the planet, but its schools largely fail to capitalize on this priceless asset. Meaningful economic diversity in our elementary schools is increasingly within our reach in over half the community school districts in the city. Communities and the Department of Education can and should also be pursuing racial and ethnic diversity in elementary schools of all districts.

We now 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 has exploded 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. It is hard to imagine any other policy that would so effectively eliminate intra-district resource disparities among schools for almost negligible expense. Unlike so many of the issues afflicting New York City schools, school segregation is a problem we know how to fix.


7. 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 Rican; 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.” *Sweet Land of Liberty: The Forgotten Struggle for Civil Rights in the North*, 2008, p. 476.


10. Sugrue, at 190, 463.


17. New York City Chancellor’s Regulation A-101, at Section II(C)(1).


28 Kruse, p.238.

29 Higgins.

30 The Brooklyn New School (PS 146), an unzoned school, provides an example. Although the school was founded on the principle of student diversity, choice and sibling preferences have resulted in a student body in which only 23% of the students in 2011-2012 were eligible for free or reduced price lunch – a percentage completely out of synch with the districts from which it is required to draw. (It should be noted that the school maintains admirable racial diversity).


34 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.


37 For a documentary on similar trends in Boulder, Colorado, see This Train Productions, An Elementary Education, 2008, copies available by emailing thistrain@gmail.com.


39 See Wells and Roda.

40 See, for example, the statement of the Chancellor to the New York Times in summer of 2012: “I am focused on having high-quality schools in all neighborhoods,’ Mr. Walcott said. ‘That’s the ultimate civil rights policy,” in Robbins.

41 Recently, the Department of Education has stated that it will consider effects on school diversity in rezoning decisions (although it is only one of many factors considered). New York City DOE Office of Portfolio Management, Proposal for Rezoning presented to CEC 15, November 13, 2012, p. 6, http://schools.nyc.gov/NR/rdonlyres/267B0CC5-1C37-497E-BA39-836B65B4AD1B/0/D15RezoningPresentation_111312.pdf.

42 See Khin Mai Aung and David Tipson, “Aim for Diverse Schools, But Don’t Leave it Up to Charters,” Next City, February 28, 2013, 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 The New York City Charter Schools Evaluation Project, How New York City’s Charter Schools Affect Achievement, September 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,” http://users.nber.org/~schools/charterschoolseval/how_NYC_charter_schools_affect_achievement_sept2009.pdf.


APPENDIX

Essential Strategies for Equity and Access

Parents in most of the New York City’s community school districts exercise substantial choice in the selection of elementary schools. Ensuring that these choice systems conduce to equity and access is a goal that DOE officials, parents and community advocates can all support. Here we offer practical, readily available and inexpensive strategies toward equity and access in the administration of elementary-school choice.

Background: Currently three community school districts in New York City assign students based on choice, and do not have attendance zones or catchment areas. The other 29 “zoned” districts also offer choice, but give preference to students residing within the delineated school attendance zone. Scholarly literature has shown that unbridled school choice results in racial and economic segregation in the absence of intentional policy to avoid stratification.

New York Appleseed and its community partners support controlled choice, a student-assignment plan used in scores of school districts across the country that helps to prevent segregation by race, class and language status. But every kind of choice-based plan requires that parents have access to the information they need to make appropriate selections for their children. For this reason, equitable choice-based student-assignment plans require a parent resource center – a multi-lingual, one-stop shop that can provide unbiased guidance and one-on-one counseling on how to negotiate the choice process.

Strategies: Both controlled-choice student assignment plans and parent resource centers require political will, community process and extensive planning. By contrast what follows are simple, inexpensive and effective strategies developed by New York Appleseed and Lisa Donlan, President of District 1 Community Education Council. DOE could be employing these strategies right now to advance its goal of making choice work for parents. While nothing here should suggest that these ideas are sufficient in themselves to address pervasive problems of equity and access, these steps are nevertheless minimally necessary if the DOE is serious about using choice as a tool for greater equity. We offer these strategies not as a critique of current DOE policy or to advance our own more expansive vision for diverse schools and equitable student assignment, but simply because they are good practical ideas that will advance goals shared by DOE and most parents:

- **Office of District Family Advocate.** According to the DOE website, District Family Advocates “provide information for the community and support the resolution of family inquiries and concerns. They provide information to families and community members to increase...
awareness about academic standards and school resources and develop helpful connections with schools.” These offices should play a greater role in expanding equitable access to schools by:

- Providing abundant copies of the district’s school directory in any languages spoken by 20% of students in the district;
- Developing relationships with universal pre-k programs and day cares so that directories can be distributed through those channels;
- Providing at least three public computers for families to do school research and to complete online pre-kindergarten and kindergarten applications;
- Providing up-to-date, reliable information on school tours for all schools in the district;
- Developing workshops, trainings and handouts on:
  - How do I apply to schools? (with a flow chart of the different options, timelines and processes for pre-K, kindergarten and middle-school enrollment);
  - How do I complete a school application? (online, 311 assistance (see below), borough enrollment offices and at the school (over the counter));
  - What kinds of schools are available? How do I decide what school is best for my child?
  - What to look for and ask on a school tour? (questions to ask/observations to note/ establishing personal criteria and priorities)
  - What do I do if a school seems unwelcoming? What are my rights?
- Maintaining a website with school tour dates and contact information plus electronic copies of all information listed above.

- **Support for Principals and Schools.** As schools do not have the resources, personnel, expertise or tools required to market themselves to parents effectively, DOE can provide more support inexpensively by developing guidance on:
  - Best practices for school tours so as to be as welcoming and inclusive as possible to parents of all backgrounds;
• How to prepare for and successfully present your school at the annual school fair, including materials, brochures, presentations, participants (teachers, staff, students and parents);

• How to foster and maintain a supportive and inclusive environment for students with disabilities, English Language Learners and other students with high needs;

• How to use parent coordinators to meet equity and diversity goals;

• How to leverage the school community of parents and staff in recruitment efforts;

• How to create a school culture that celebrates and fosters diversity;

• How to help teachers teach to a diverse classroom.

• School Fairs. Choice districts currently hold elementary-school fairs. Choice schools and undersubscribed zoned schools in zoned districts should also have the opportunity to participate in fairs. To use these tools more efficiently, however, DOE needs to:

  • Place advertisements for the fairs in prominent and appropriately targeted local newspapers and social media;

  • Distribute flyers to appropriate locations such as local laundry mats, health clinics, grocery stores, nursery schools, daycare centers, housing complexes, street fairs and other venues suggested by community members;

  • Provide abundant multi-lingual school directories at the fair along with the handouts described above under the Office of District Family Advocate;

  • Collect parent emails for later communication;

  • Keep track of the number of attendees and compare with registry numbers, eligible families and previous year’s attendance;

  • Hold trainings leading up to and during the event (in breakout sessions) on how to choose a school for your child and how to complete the application.

• Pre-Kindergarten. Pre-kindergarten is an obvious, but underused opportunity for getting information to parents:
• Community Based Organization (CBO) pre-k providers. DOE should:
  • Provide kindergarten directories to all CBOs providers;
  • Train CBO providers in the kindergarten admissions process to assist their families;
  • Create CBO communication networks to spread information;
  • Make multiple joint presentations with CBOs to families.

• DOE should also mail at least one letter to every parent who has applied for public pre-k to inform them about:
  • Kindergarten admissions process in February (including the admissions flow chart mentioned above);
  • Where they can get support, information, translation and other assistance.

• DOE Office of Public Affairs. Many divisions of DOE could improve their communications dramatically by following practices used by the Department’s own Office of Public Affairs. In service of all the above strategies, DOE should encourage its divisions to collaborate with its Office of Public Affairs and to borrow its expertise to ensure that information reaches:
  • NYCHA tenant associations;
  • City Council members and citywide elected officials, including community boards and their committees;
  • State legislators;
  • Community Based Organizations;
  • Congregations.

• Public Service Announcements: DOE needs to use public service announcements on subways, buses and on the radio to encourage more parents to participate in the spring kindergarten pre-k and kindergarten admissions process.

• Transparency Around the Admissions Process: So that parents can make realistic selections and optimize their chances of admission
to their school of choice, DOE must offer substantial transparency around:

- The chances that particular categories of students (siblings, returning pre-k, students with disabilities, general applicants, etc.) have in gaining access to each school based on data from prior years and an explanation of the algorithm used to make student assignments;

- The process by which each school’s wait list is administered and the applicant’s position on the wait list;

- The process by which “over the counter” students are admitted and the relationship between wait-list admissions and over-the-counter admissions;

- Data on outcomes for each school (for example, x total students admitted, x% were siblings, x% were returning pre-k students, etc.).

- **DOE’s 311 Pilot.** DOE took an important step last year with the development of a pilot program in choice districts that allows parents to use the city’s 311 system to obtain help in completing the on-line school application process. DOE can ensure the success of this tool by:
  
  - Sharing data on how pilot is working in districts 1, 7 and 23 along with data on the choice systems in general;
  
  - Demonstrating openness to ideas for improvement and feedback from the community.

David Tipson, *Director*

New York Appleseed

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*New York Appleseed is part of the national network of Appleseed centers around the country and Mexico. Appleseed centers have long worked on closing equity gaps, providing parents with necessary information and parental engagement. Please visit [www.appleseednetwork.org](http://www.appleseednetwork.org) for more information.*