

TESTIMONY OF DAVID F. TIPSON, DIRECTOR OF NEW YORK APPLESEED
New York City Council – Committee on Education
“Oversight: Diversity in New York City Schools”
Thursday, December 11, 2014

Chairman Dromm, members of the Committee on Education, thank you for inviting me to testify on the critical issue of segregation in New York City public schools. My name is David Tipson, and I am the director of New York Appleseed. New York Appleseed is one of 17 Appleseed justice centers around the country and in Mexico. Appleseed centers work with pro bono professionals to address structural barriers to opportunity and justice with systemic solutions. New York Appleseed and its pro bono partner Orrick Herrington & Sutcliffe have studied and advocated around the issue of school segregation in New York City for nearly four years. I am also the parent of a first-grader in the school system and serve on the steering committee of the National Coalition on School Diversity, which is separately submitting testimony today. Because of the range of expertise represented in the oral and written testimony for this hearing, my testimony today will focus on the importance of leadership from The New York City Department of Education (DOE) – the subject of Res. 453.

You have received testimony today from community leaders who are facilitating authentic local processes and developing innovative and cutting-edge solutions. New York Appleseed has had the privilege of providing support to some of these efforts. I believe that DOE has an exciting opportunity to collaborate with these communities to generate big wins for everyone involved. New York Appleseed and Orrick were honored to be included in a task force led by Council Members Brad Lander and Stephen Levin on the new PS 133 school building in northern Park

Slope, Brooklyn. What was remarkable about that process was that it resulted in a solution – a pro-diversity admissions plan - that was supported and praised by Chancellor Walcott and the DOE, elected officials, the community education councils, parents, and the school leadership itself. School diversity was the issue that unified all of these stakeholders, and there was almost no opposition to the plan in the community. How often does this happen in the New York City education world? Wouldn't this suggest that DOE should be seizing similar opportunities to collaborate with local communities on this issue?

At the same time, the DOE can and must also adopt citywide policies. That is what the legislation before you is about, and that is where I will focus my testimony today. Over the last four years New York Appleseed and Orrick have interviewed scores of experts across the city and nationally. Our goal was not to prove that city schools were intensely segregated. (*The New York Times* established this fact in a series called "A System Divided" in 2012.) Nor did we set out to demonstrate the harms of segregation and benefits of diversity – both of which (as you will see in today's testimony) are well established in the scholarly literature. Rather we sought to understand how it is that one of the most diverse places on the planet has the third-most segregated urban school system in the country. In a series of three policy briefings we examined *the mechanics* of school segregation in NYC.

What we found ran against some of the conventional wisdom: For example, it is frequently said that schools in NYC are segregated because neighborhoods are segregated. Although we found that housing segregation was a primary driver of school segregation (and continue to insist on

the critical importance of strong neighborhood integration policies), we found that housing segregation alone does not begin to explain the extreme levels of segregation that we see in our schools. Neighborhood segregation does not explain segregation in diverse community school districts, in gifted and talented programs, in middle schools without attendance zones, and in high schools. Our policy choices severely exacerbate the school segregation that neighborhood segregation alone would have caused. If you take nothing else from my testimony today, I hope you will remember as that the persistence of school segregation is a choice that we make and, consequently, a problem we can fix.

Another thing we hear is that our schools are segregated because that's the way most parents want them. What we found in our research and in our advocacy around PS 133, by contrast, is that parents of all backgrounds do want more diversity in their schools. The problem is that the only thing on the menu for most parents is segregation. What we have seen is that when diversity is actually on the menu parents will choose it. In places like Park Slope Brooklyn, where I live, it is in fact parents *choosing* diverse schools that has made them less diverse over time. The problem has been the absence of any intentional, systemic policies to stabilize diversity over time and across schools. That was the theory behind the PS 133 plan – to prevent the flip that occurs when too many parents of one background choose a school, and other parents get crowded out.

So if New York City school segregation isn't determined by neighborhood segregation and if many parents of all backgrounds want more diverse schools, there is a golden opportunity for

leadership from the DOE. One of the things we heard consistently from the people we interviewed was that strong leadership on this issue from the DOE would dramatically improve the situation. What might this leadership look like?

A clear statement of departmental policy favoring diverse schools along with accountability standards will require principals and DOE officials to consider how each of the myriad administrative decisions they make each day lines up against the goal of school diversity. Behind the seemingly rational and objective series of school-admissions priorities laid out in official DOE publications lies a wilderness of discretion in which principals and school officials grapple with questions like whether and how to recruit under-represented populations, when to cap enrollment, how to administer waitlists and “over-the-counter” admissions, how to “market” a school and to whom, how to choose between progressive pedagogies (assumed to be favored by middle-class parents) and those of “rigor” (assumed to be favored by parents who are low-income and of color),¹ whether and how to value parents of all backgrounds, and how to respond to the demands of middle-class parents for more conveniently located schools and programs tailored to their preferences.

Leadership and clarity from DOE on how principals and administrators are expected to achieve diversity will allow DOE officials, superintendents, principals, and educators across the city to move forward with confidence as they innovate towards diversity.

¹ Ginia Bellafonte, “Schools Chancellor Brings Joyful and Fierce Style,” *NY Times*, Jan. 3, 2014, <http://www.nytimes.com/2014/01/05/nyregion/schools-chancellor-brings-joyful-and-fierce-style.html?partner=rssnyt&emc=rss>.

What we have received from the DOE is, unfortunately, the opposite of leadership. To the handful of schools that have made reasonable requests for the innocuous PS 133 plan, the DOE has yet to provide an answer apart from muttering vague and unspecified legal concerns. On the 60th anniversary of *Brown vs. Board of Education*, the DOE released the following lawyerly statement:

“As we mark the 60th anniversary of the landmark Brown vs. the Board of Education ruling, we are disappointed with the findings of the recent UCLA report on segregation in our schools. With a multicultural student body that is 40% Latino, 29% black, 15% Asian, and 15% white, we celebrate the incredible diversity in our schools, and support integrated, culturally-rich environments in which all of our students learn from one another and grow together. We recognize that for our students to achieve success, we must close the achievement gap, not just for high school graduation but for entry into college and careers. This is what we at the Department of Education are committed to delivering.”²

This statement sends a regrettably all-too-familiar message of institutional ambivalence and timidity in the face of one of the great civil rights issues of American history. This statement does not give superintendents the leadership and confidence they need so they will strive aggressively for more diversity in their schools. It is unacceptable in the 21st century. It is unacceptable in New York City. And it is unacceptable particularly as our city continues to

² Geoff Decker, “Fariña responds broadly on school segregation, with few hints of a stand,” *Chalkbeat*, May 16, 2014, <http://ny.chalkbeat.org/2014/05/16/farina-responds-broadly-on-school-segregation-with-few-hints-of-a-stand/#.VIcvc8n4LqN>.

suffer from the legacy of racial and ethnic discrimination, and many city residents perceive that our institutions of government do not view them as full human beings to be served and protected.

This is why Res. 453 is so important. A strong policy statement from DOE represents a simple, practical step that the DOE can take to give principals, educators, department officials, and all members of our school communities the confidence to aggressively pursue strategies to increase and maintain diversity in our schools and to bring the proven educational benefits of diversity to all of our children.

Municipalities receiving federal funds are required to “affirmatively further fair housing” – that is, to affirmatively promote policies with the goal of neighborhood integration. These jurisdictions must undertake fair housing planning consisting of an Analysis of Impediments to fair housing choice and actions to address the effects of the identified impediments. Similarly, we believe that DOE must adopt and promote an official statement to affirmatively further school diversity.

In coordination with Community School District staff, the Department should analyze impediments to school diversity and equitable access in each school, in each community school district, and within the Department’s central office. The Department must develop a menu of specific actions that it expects schools, school districts, and its own central office to use in

addressing the effects of the impediments. Schools should also be encouraged to innovate their own strategies to remove impediments to diversity.

Of course, accountability must run both ways, and the Department must support and partner with schools and districts to implement these actions. Ideally, the Department will report to the public annually on its progress in identifying impediments to diversity at the school, school-district, and departmental levels.

We look forward to the passage of this important resolution by the City Council and we are eager to begin working with officials at the DOE to craft this policy statement with implementing standards and to remove the impediments to school diversity.

We also support Int. 511A, which would require the DOE to release data essential for policy makers and advocates to understand and assess segregation in our public schools. At present we do not have reliable data to answer a question as simple as what is the racial composition of kindergartners in Community School District 13. This bill is therefore essential to advance the conversation around school diversity in New York City.

Thank you again for considering this critical issue. Please know that New York Appleseed is standing by to work with the Education Committee and the Council as a whole.

ATTACHMENTS:

- *Within Our Reach: Segregation in NYC District Elementary Schools and What We Can Do About It: School-to-School Diversity*, July 2013.
- *Within Our Reach: Segregation in NYC District Elementary Schools and What We Can Do About It: Addressing Internal Segregation and Harnessing the Educational Benefits of Diversity*, February 2014.
- *Within Our Reach: Segregation in High Schools and What We Can Do About It: High School Choice*, April 2014.