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U.S. Department of Education
400 Maryland Ave. SW, Room 6W219
Washington, DC 20202

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Comments on Proposed "Race to the Top District" (RTT-D) Guidelines

Dear Ms. Martin and Mr. Yudin:

There is a continuing, clear and compelling need for high-quality, racially and socioeconomically diverse education for all students. Across the country, advocates continue to struggle against the creation of high-needs schools marked by racial isolation and concentrated poverty. Racially and economically diverse learning environments are proven to provide the best chances of success for all students and were most recently recognized as a compelling interest by the U.S. Supreme Court in *Parents Involved in Community Schools v. Seattle School District No. 1*, 551 U.S. 701 (2007) and the Department's December 2012 memoranda, "Guidance on the Voluntary Use of Race to Achieve Diversity and Avoid Racial Isolation in Elementary and Secondary Schools" and "Guidance on the Voluntary Use of Race to Achieve Diversity in Postsecondary Education." By contrast, high-needs schools are inordinately expensive to maintain and improve, due in part to the difficulty of attracting and retaining effective teachers to such environments. It is thus troubling that the RTT-D guidelines entirely omit incentives that promote racially and socioeconomically integrated schools, a core component of a high-quality education.

The Department's proposal emphasizes individual-focused education and improving high-needs schools without the necessary parallel of promoting racial and socioeconomic diversity on a school or system-wide level. This limited approach can encourage districts to concentrate students in high-minority, low-achieving schools and programs, then apply quick-fix remedial resources instead of creating the diverse schools and classrooms that produce the best learning environment for all students. The current proposal incentivizes such a segregative approach, as it allows LEAs to apply for "subject area bands," including lowest performing schools, feeder patterns, and individual subjects and grades.

Rather than undermine RTT-D's own "core educational assurance areas" – all of which require that a district guard against the harms of racial and socioeconomic isolation – and call into question the Department's commitment to achieving diversity, the RTT-D guidelines should be aligned with these absolute priorities to incentivize high-quality, racially and socioeconomically diverse education.

A. Eligibility Criteria

The RTT-D Eligibility Criteria should explicitly require an LEA to demonstrate a system-wide commitment to high-quality, racially and socioeconomically diverse education at the district, school, and classroom level. The Department should also eliminate measures that could bar counties serving the neediest students from accessing Race to the Top funding.

1. Desegregation orders and Title VI Complaints

To further discourage racial isolation, the creation of high-needs schools, and the marginalization of at-risk populations, the Department should carefully scrutinize applications from LEAs with an open desegregation order or a Title VI complaint. Though these districts should not be ineligible from participating in Race to the Top, the Department should ensure that the applicants do not allocate resources in a way that further marginalizes at-risk populations by soliciting comment from Title VI complainants and parties in the desegregation litigation. Especially for dual district applicants, the Department should solicit comments from private or government plaintiffs on the district's record of eliminating the vestiges of segregation and require evidence that the district's RTT-D proposal will be effective in fulfilling its affirmative duty to desegregate.

2. Effect on small high-poverty, high-minority districts

The requirement that LEAs with less than 2,500 students may apply only through a consortium of districts effectively eliminates low-wealth and high-minority LEAs in North Carolina from receiving RTT-D funding. The consortium process adds a serious administrative barrier for these small LEAs, which contain some of the state's most at-risk students. In 2010-2011, 22 of the 23 districts in North Carolina serving less than 2,500 students were income-eligible for RTT-D and were among the poorest in the state, including 17 counties with 60% or more FRL-eligible students. Nine of these districts serve majority minority student populations.

The onerous administrative requirement of inter-county coordination to address the unique needs of these small districts could delay or deprive resources from the state's neediest students. Under the 2010 state-administered Race to the Top model (RttT), these 23 LEAs received a total of \$7.4 million. These and other small districts would now face significant barriers to receiving this assistance. The Department should create a lower budget requirement tier or modify the RttT model to allow small districts to apply for funding directly from their state.

B. Selection Criteria and Competitive Preference Priority

Each RTT-D criteria and priority should incentivize diversity-promoting measures to further the core educational assurance areas, aligning this program with the Department's 2012 Guidelines on the compelling interest in promoting diversity and avoiding racial isolation in K-12 education. Parameters should encourage diverse classrooms and expressly disincentivize concentrating high-needs students into a single school. Areas of specific concern include the following:

- **Criteria A: Vision:** Analysis of the LEA's "comprehensive and coherent reform vision" of "advancing excellence and equity through personalized student and educator support" should include the district's actions to create racially and socioeconomically diverse classrooms

(including students and faculty) and train teachers to promote the benefits of such a diverse learning environment.

- **Criteria B, “District Capacity and Success Factors,”** recognizes the need to close achievement gaps and serve high-needs students, but fails to call for systemic diversity-promoting measures that would prevent concentrating racial minority and low-income students into high-needs schools or programs.
- **Criteria C: “Preparing Students for College and Careers,”** and its subcategories must require that students’ learning environments prepare them for the increasingly diverse world they face in college and beyond. It is particularly concerning that each subcategory calls for creating effective individual learning environments and peer-driven education and teamwork, but does not require an enriching environment of varied perspectives. Teacher and administrator training in analyzing student performance data must also include guidance on how race and income concentrated schools and classrooms inhibit achievement for all students, especially high-needs or at-risk students.
- **Criteria D: “Transition Plan and Continuous Improvement,”** requires a plan to increase student access to highly qualified and effective teachers and principals. The proposal specifically notes this need in “hard-to-staff schools,” but fails to direct districts to avoid concentrating low-income, racial and ethnic minority, high-needs students and creating schools that drive away personnel and financial resources. A district’s application must include the goal of preventing racial and income isolation as well as raising student achievement..

The **Competitive Preference Priority** of integrating public and private resources provides an important incentive for districts to engage community organizations. However, the thematic focus on high-needs schools may again incentivize a district to create (or maintain) concentrations of racial minority and low-income students and rely on federal or private partners to assist them. Instead of this exclusive focus, the Competitive Preference Priority should reward diversity measures such as:

- the extent to which each of the district’s schools reflect district demographics, creating a school population that best prepares students to engage with the increasingly diverse nation.
- the degree to which racial minority and socioeconomically disadvantaged students enroll and succeed in all classes, especially advanced curriculums, creating learning environments of diverse viewpoints.
- the broad implementation of alternate discipline and dispute resolution policies that create a fair discipline process and reduce the disparate impact on racial minorities (consistent with the laudable addition of the discipline assessment Program Requirement).

C. Stakeholder Commentary

The Department must solicit commentary from all stakeholders affected by the district’s RTT-D proposal. While it is helpful that the LEA’s application must include letters of support from key stakeholders, including civil rights organizations, additional input should be required. Community stakeholders must be given an opportunity to comment on the school district’s application packet in order to ensure meaningful public participation in the process. The Department should mandate a comment period for suggestions, cautions, and even criticism from any affected stakeholder concerned with the district’s track record, priorities, and prospects for engaging and serving at-risk populations. Once a district develops FERPA-compliant records, as anticipated by the Program Requirements, they must be open not only to the Department and its research partners but to any interested party through FOIA requests.

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The abbreviated comment period for this proposal exemplifies what appears to be the Department's discounting of meaningful public input. The RTT-D comment period was shortened to two weeks and is limited to online comments only, thereby depriving key stakeholders of adequate notice and opportunity to comment. The Department should have taken every measure to ensure consultation and input from as many affected parties as possible.

These comments are submitted on behalf of education advocates in North Carolina. We hope the Department will give serious consideration to these comments and will open every district's application and results to full public comment.

Thank you for your consideration, and please feel free to contact us with any further information.

Sincerely,



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