

Comments on Socioeconomic Diversity as a School Turnaround Strategy

Department of Education

Tuesday, April 12, 2016

The National Coalition on School Diversity (NCSd) 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 for more information about our work.

The NCSd respectfully submits these comments regarding the use of School Improvement Grant (SIG) funds to foster academic improvement through socioeconomic diversity.

The Department Should Support Socioeconomic and Racial Diversity Simultaneously

NCSd members have long recognized, and been vocal proponents of, the importance of socioeconomic integration and the harmful impact of poverty concentration in schools, particularly for low-income children of color. As such, we are pleased to see the Department committing to support socioeconomic integration through SIG funds.

However, it is equally important for the Department to permit states and local districts to use School Improvement Grants to voluntarily address racial segregation. Socioeconomic and racial segregation have significant independent effects that limit educational opportunities for students, and they often occur in tandem.¹ As we have pointed out in earlier comments, the evidence on the short and long term benefits of racial integration are powerful.² The U.S. Supreme Court, the Department of Education and the Attorney General have recognized the compelling government interest in reducing racial isolation in K-12 public schools,³ and it is important to leave room in the SIG program for both socioeconomic and racial integration.

¹ GARY ORFIELD, JOHN KUCSERA & GENEVIVE SIEGEL-HAWLEY, E PLURIBUS...SEPARATION, DEEPENING DOUBLE SEGREGATION FOR MORE STUDENTS 8 (2012), available at <http://civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/mlk-national>; Roslyn Mickelson, *Twenty-first Century Social Science Research on School Diversity and Educational Outcomes*, 69 Ohio St. L.J. 1173 (2008).

² *Proposal for a Whole-School Magnet Reform Strategy in the School Improvement Grants program*, Nat'l Coalition on Sch. Diversity, (Oct. 31, 2014), available at http://school-diversity.org/pdf/NCSd_SIG_Proposal_withcoverletter_10-31-14.pdf.

³ U.S. DEP'T OF JUSTICE & U.S. DEP'T OF EDUC., GUIDANCE ON THE VOLUNTARY USE OF RACE TO ACHIEVE DIVERSITY AND AVOID RACIAL ISOLATION IN ELEMENTARY AND SECONDARY SCHOOLS (Dec. 2011), available at <http://www2.ed.gov/about/offices/list/ocr/docs/guidance-ese-201111.pdf> (noting that the DOJ/DOE were "issuing

Addressing the Department's Questions

1. *The use of SIG funds to support district-wide socioeconomic diversity strategies aimed at increasing academic outcomes for students in lowest performing schools.*

Because one school's enrollment patterns affect those of other schools in the same district, integration strategies should be crafted with the broadest possible area in mind. In the case of individual schools receiving SIG funds, districts should ensure that one school's integration strategy does not exacerbate segregation in other schools.⁴ In New York City's Community School Districts 1 and 13, which suffer from issues of intra-district segregation, SIG funds available through NYSED's Socioeconomic Integration Pilot program are being used to develop a model for a district-wide integration program that will facilitate long-term integration in the subject school by simultaneously stabilizing enrollment in surrounding schools.

In most parts of the country, however, because significant degrees of segregation occur between—rather than within—districts, district-wide programs will not be sufficient to ensure adequate diversity in many cases.⁵ In order for racially and economically isolated districts to implement successful socioeconomic integration programs, SIG funds should be available to support interdistrict strategies, in order to address the segregation and resource disparities between districts.

2. *Current SIG requirements for states and districts that may restrict the use of SIG funds to increase the socioeconomic diversity of schools, if any.*

The Department's recent changes to the SIG program,⁶ which added the State-determined school improvement intervention models, evidence-based, whole-school reform models, and allowed rural LEAs to modify one SIG intervention model element did much by way of opening up SIG funds to new uses, such as pursuing student diversity. However, due to the significant and growing differences between districts, the Department should explicitly encourage interdistrict interventions through SIG.⁷ To this end, collecting and disseminating best practices, especially with respect to state and local policies that promote interdistrict integration, would be helpful tools for educators working to reduce poverty concentrations using SIG funds.

this guidance to explain how, consistent with existing law, elementary and secondary schools can voluntarily consider race to further compelling interests in achieving diversity and avoiding racial isolation.”)

⁴ See, for example, Grant Information Document, 2015-18 TITLE I SCHOOL IMPROVEMENT SECTION 1003(a) SOCIOECONOMIC INTEGRATION PILOT PROGRAM (2015), <http://www.p12.nysed.gov/funding/2015-18-title-1-ses-integration-grant/home.html> (“[c]oordination across proximate schools to ensure that that increased socioeconomic integration in target schools does not result in increased socio-economic isolation in other schools within the district”).

⁵ ANN OWENS, SEAN F. REARDON & CHRISTOPHER JENCKS, INCOME SEGREGATION BETWEEN SCHOOLS AND DISTRICTS, 1990 TO 2010 (2016), <http://cepa.stanford.edu/sites/default/files/wp16-04-v201602.pdf>

⁶ Final Requirements—School Improvement Grants—Title I of the Elementary and Secondary Education Act of 1965, 80 Fed. Reg. 7223 (Feb. 8, 2015) (to be codified at 34 C.F.R. ch. undef).

⁷ OWENS ET AL., *supra* note 4.

In order to achieve socioeconomic integration in an interdistrict magnet school context, it will usually be necessary to significantly reduce the percentage of low-income students in the school. However, reducing school poverty rates below Title I thresholds may run the risk of losing a portion of Title I funding at the target school. For this reason, we would recommend counting only the poverty rate among students from the high poverty district in calculating Title I eligibility. Additionally, SEAs and LEAs could actively hold back a larger portion of Title I funds and use them solely for schools and districts taking integrative steps, rewarding districts that take more low-SES students with a per pupil bump and holding harmless the schools that lose those low-SES students. These approaches would not penalize a school that is seeking to advance economic integration.

3. *Other policies or conditions that need to be in place for districts to successfully implement a comprehensive socioeconomic diversity plan that increases academic outcomes for students in its lowest performing schools.*

In addition to (again) emphasizing the importance of explicitly encouraging interdistrict and/or regional efforts, the following policies or conditions are important considerations as districts formulate and implement comprehensive integration plans:

- Districts/regions should consider, and SIG funds should support, “two-way” integration strategies⁸ when developing a comprehensive approach to integration.
- Fair and purposeful funding formulas/incentives are fundamentally important in ensuring the success of integration efforts over the long term. State and district funding policies may make it challenging for districts to effectively implement comprehensive integration strategies—particularly ones that garner widespread community support.
- Transportation is an important equity tool in the context of integration. The Department should explicitly authorize SIG funds to be used for transportation, insofar as transportation is reasonable and necessary to facilitate integration. This is consistent with the Department’s position on whether SIG funds could be used to defray transportation costs associated with providing increased learning time.⁹
- The Department should help make high-quality technical assistance and information about best practices available to states and districts, with respect to issues like student assignment and community engagement.
- Districts should be aware of, and take steps to counteract, the problems associated with lottery systems for charters or magnets that don’t take SES into account. The result can

⁸ These are strategies that attract higher income students to lower income schools (through magnet programs, for example) as well as programs that give low-income students access to higher income schools (examples in the racial integration context include the METCO program in Massachusetts, the Voluntary Integration Choice Corporation in Missouri, and the Open Choice program in Connecticut).

⁹ U.S. DEPT. OF EDCU., GUIDANCE ON SCHOOL IMPROVEMENT GRANTS UNDER SECTION 1003(G) OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 3 (2015)(“A-32c. May an LEA use SIG funds to offset transportation costs associated with providing increased learning time? Generally, providing transportation to students in order for them to attend school is a regular responsibility an LEA carries out for all students and, thus, may not be paid for with Federal funds unless specifically authorized. However, an LEA may use SIG funds to cover transportation costs if the costs are directly attributable to implementation of a school intervention model, are reasonable and necessary, and exceed the costs the LEA would have incurred in the absence of its implementation of the model.”)

be either an under or over-enrollment of low-income students in these schools, which leaves some schools less diverse and others more isolated. Districts should also consider the unintended effects of sibling preferences and other neutral factors which can create situations where advantaged families can disproportionately leverage themselves into certain schools.

4. *Methods and measures states and districts could use to demonstrate progress in implementing a comprehensive socioeconomic diversity plan.*

We are pleased to see the Department collecting information about appropriate methods and measures of demonstrating progress. At the same time, we encourage educators to exercise caution and avoid developing expectations of immediate results, both with respect to increased diversity and with respect to student outcomes, as integration efforts take time to build and sustain. The research about the benefits of diversity are clear, however this does not mean that progress is immediate.

- One existing example of diversity tracking can be found in New York, where the New York City Department of Education recently released its first annual school diversity report in compliance with the School Diversity Accountability Act.¹⁰ The law requires the release of demographic data broken down by grade level and programs within schools, capturing statistics related to gifted and talented programs and dual-language instruction in addition to school-wide demographics. SIG recipients should look to this report¹¹ and the authorizing law¹² as examples of how to construct plans for tracking demographic changes occurring as a result of SIG-supported integration efforts.
- States and districts could demonstrate progress in implementing a comprehensive socioeconomic integration plan by counting annual progress in the number and percentage of low-income students who are attending economically and racially integrated schools.
- Socioeconomic diversity goals could be tied to regional percentages of students qualifying for free and reduced price lunch, with an aim of keeping the school level population within a narrow band around the regional average (plus or minus 10%, for example).

Thank you for the opportunity to submit these comments regarding the use of SIG program funds to pursue school diversity. We would welcome an opportunity to meet with you to further discuss ways to ensure SIG recipients are able to pursue meaningful student diversity.

¹⁰ See Patrick Wall, *City took steps to boost academic diversity in 2015, new report shows*, Chalkbeat N.Y., Dec. 31, 2015, <http://ny.chalkbeat.org/2015/12/31/city-took-steps-to-boost-academic-diversity-in-2015-new-report-shows/>

¹¹ Local Law 59 School Diversity Accountability Act, N.Y.C. DEPT. OF EDUC., <http://schools.nyc.gov/NR/ronlyres/377659F2-DB77-4AB5-9CFB-B657FEFC518/191288/ReportonDemographicDatainNYCPublicSchools12312015F.xlsx>

¹² New York City, New York, Local Law 59, <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1946653&GUID=7329D54A-4E94-443D-9411-BCF5CC0C65D8&Options=ID%7CText%7C&Search=511>