



**TO:** P-12 Education Committee

**FROM:** Angélica Infante-Green *A. Infante - Green*

**SUBJECT:** Draft Policy Statement on Promoting Diversity: Integration in New York State

**DATE:** June 7, 2017

**AUTHORIZATION(S):**

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**SUMMARY**

**Issue for Discussion**

Continued Board input on a draft policy statement on Promoting Diversity: Integration in New York State.

**Reason(s) for Consideration**

Development of Policy

**Proposed Handling**

The draft policy statement is being submitted to the P-12 Education Committee for consideration and discussion at the June 2017 meeting of the Board of Regents. The draft statement on Promoting Diversity: Integration in New York State is attached as Attachment A.

**Procedural History**

At the April 2017 Board of Regents Meeting, the Department presented two “high concept ideas” regarding the promotion of socioeconomic and racial integration through its Every Student Succeeds Act (ESSA) Consolidated State Plan. On May 9, 2017, the Board of Regents published its draft ESSA Consolidated State Plan for public comment. This draft plan included provisions implementing these high concept ideas.

**Supporting Background Information**

A rich body of research, including a number of high-quality studies, shows that other factors being equal, schools that are racially and economically segregated

produce lower educational achievement and attainment for students of color and low-income students than schools with less segregation, which in turn limits lifetime opportunities for students.<sup>1</sup> At the same time, the same body of research shows that increased socioeconomic and racial integration leads to higher academic outcomes for students of color and economically disadvantaged students without lowering outcomes for other students; closes the achievement gap between students of different racial and ethnic backgrounds; fosters critical thinking skills and the ability to communicate and work with people of all backgrounds; reduces racial and ethnic prejudice while increasing cross-cultural trust and relationships; decreases the likelihood of teenage pregnancy and interaction with the juvenile justice system; and increases the likelihood of college going and success in college, among students of color and economically disadvantaged students, again, without negatively affecting results for other students.<sup>2</sup> A more detailed description of the benefits of integration and the research validating those benefits can be found in Attachment B, which is a Draft High Concept Idea recently developed by the Department working with the ESSA Think Tank to consider integration as an evidence-based intervention as part of the State's ESSA plan.

There is a gap between the research demonstrating the benefits of integration and the reality of segregation in New York State. A recent study by the UCLA Civil Rights Project concludes that New York State has the most racially and economically segregated schools in the country,<sup>3</sup> and is home to some of the most segregated school districts nationwide.<sup>4</sup> In many schools in the State, segregation is increasing; with the proportion of New York State schools considered intensely segregated doubling between 1989 and 2010.<sup>5</sup>

Historically, the Board of Regents has promoted integration efforts, including ones championed by Dr. Kenneth Clark, who became the first black member of the Board in 1966.<sup>6</sup> Dr. Clark was a life-long integration advocate, whose famous research on children's reaction to black and white dolls in Clarendon County, South Carolina played a pivotal role in the 1954 Supreme Court decision in *Brown v. Board of Education*.

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<sup>1</sup>Kucsera, J., & Orfield, G. (2014). New York State's Extreme School Segregation: Inequality, Inaction and a Damaged Future. p 29, *UCLA Civil Rights Project*, available at: <https://www.civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/ny-norfler-report-placeholder/Kucsera-New-York-Extreme-Segregation-2014.pdf>.

<sup>2</sup> Wells, A.S., Fox, L., & Cordova-Cobo, D. (2016). How Racially Diverse Schools and Classrooms Can Benefit All Students, *The Century Foundation*, available at: <https://tcf.org/content/report/how-racially-diverse-schools-and-classrooms-can-benefit-all-students/>. See also Mickelson, R.A. (2016). School Integration and K-12 Outcomes: An Updated Quick Synthesis of the Social Science Evidence, *The National Coalition on School Diversity*, available at <http://www.school-diversity.org/pdf/DiversityResearchBriefNo5.pdf>.

<sup>3</sup> Kucsera, J., & Orfield, G. (2014). New York State's Extreme School Segregation: Inequality, Inaction and a Damaged Future. *UCLA Civil Rights Project*.

<sup>4</sup> Fessenden, F., A Portrait of Segregation in New York City's Schools, *The New York Times*, May 11, 2012, available at: <http://www.nytimes.com/interactive/2012/05/11/nyregion/segregation-in-new-york-city-public-schools.html>.

<sup>5</sup> Kucsera, J., & Orfield, G. (2014). New York State's Extreme School Segregation: Inequality, Inaction and a Damaged Future. *UCLA Civil Rights Project*.

<sup>6</sup> Severo, R., Kenneth Clark, Who Fought Segregation, Dies, *The New York Times*, May 2, 2005, available at: [http://www.nytimes.com/2005/05/02/nyregion/kenneth-clark-whofought-segregation-dies.html?\\_r=0](http://www.nytimes.com/2005/05/02/nyregion/kenneth-clark-whofought-segregation-dies.html?_r=0).

### **Related Regents Items**

Promoting Diversity: Integration in New York State, April 2017 Presentation to Board of Regents: <http://www.regents.nysed.gov/common/regents/files/FB%20Tuesday%20-%202%20Promoting%20Diversity%20-%20Integration%20in%20New%20York%20State.pdf>

### **Recommendation**

It is recommended that this be a continued discussion at the July Board of Regents Retreat.

### **Timetable for Implementation**

Next steps will be determined at the July Board of Regents Retreat.

## Attachment A

### Draft Board of Regents Statement: Promoting Diversity: Integration in New York State

#### Preface

As of 2016, students in New York State public schools were one percent American Indian, two percent multiracial, nine percent Asian or other Pacific Islander, 18 percent Black, 26 percent Latino, and 45 percent White. Additionally, 8 percent of the State's students are English Language Learners, 17 percent are students with disabilities, and 52 percent are eligible for free or reduced price lunch.<sup>7</sup> Not all children in the State are able to take advantage of this rich diversity. More than sixty years after *Brown v. Board of Education*, New York is the most segregated state in the country.

In 2010, over half of Black and Latino students in the State attended schools with fewer than 10 percent White enrollment, and the typical Asian student in the State attended schools in which a little over 30 percent of their peers were White.<sup>8</sup> In that same year, the average White student attended schools in which close to 80 percent of his or her classmates were White.<sup>9</sup> Further, in 2010, the average White student attended a school in which 30 percent of his or her classmates were low-income, while the average Black and Latino student attended a school where 70 percent of his or her classmates were low-income.<sup>10</sup>

Research shows that schools that are racially and economically segregated produce lower educational achievement and attainment for students of color and low-income students, which in turn limits their lifetime opportunities.<sup>11</sup> At the same time, research also shows that socioeconomic and racial integration leads to higher academic outcomes for all students, closes the achievement gap for students of different racial and economic backgrounds, fosters critical thinking skills and the ability to communicate and work with people of all backgrounds, reduces racial and ethnic prejudice while increasing cross-cultural trust and relationships, decreases the likelihood of teenage pregnancy and interaction with the juvenile justice system, and increases the likelihood of college going and success.<sup>12</sup>

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<sup>7</sup> NYSED's Student Information Repository System (SIRS) 2015-2016 Demographic Data, available at: <https://data.nysed.gov/enrollment.php?year=2016&state=yes>.

<sup>8</sup> Kucsera, J., & Orfield, G. (2014). New York State's Extreme School Segregation: Inequality, Inaction and a Damaged Future. p 35, 48, *UCLA Civil Rights Project*, available at: <https://www.civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/ny-norflet-report-placeholder/Kucsera-New-York-Extreme-Segregation-2014.pdf>.

<sup>9</sup> *Id.* p 41.

<sup>10</sup> *Id.* p vii.

<sup>11</sup> *Id.* p 29.

<sup>12</sup> Wells, A.S., Fox, L., & Cordova-Cobo, D. (2016). How Racially Diverse Schools and Classrooms Can Benefit All Students, *The Century Foundation*, available at: <https://tcf.org/content/report/how-racially-diverse-schools-and-classrooms-can-benefit-all-students/>. See also Mickelson, R.A. (2016). School Integration and K-12 Outcomes: An Updated Quick Synthesis of the Social Science Evidence, *The National Coalition on School Diversity*, available at <http://www.school-diversity.org/pdf/DiversityResearchBriefNo5.pdf>.

## **Statement in Support of Promoting Diversity: Integration in New York State**

To respond to these findings and address the needs of our diverse community, the Board of Regents commits to promoting increased integration within New York State's public schools and embracing the State's racial, ethnic, and socioeconomic, linguistic, and ability diversity as an important educational asset.

The mission of the Board of Regents is to raise the knowledge, skill, and opportunity of all the children and adults in New York State. Goals recently articulated by the Board of Regents as part of the My Brother's Keeper Initiative<sup>13</sup> include ensuring that all students:

1. Enter school ready to learn;
2. Read at grade level by third grade;
3. Graduate from high school ready for college and careers;
4. Complete postsecondary education or training;
5. Successfully enter the workforce; and
6. Grow up in safe communities and get a second chance if a mistake is made.

Promoting socioeconomic and racial integration is a powerful mechanism for achieving these goals. Based on careful consideration of substantial, well-validated, and longstanding social, scientific, and experiential evidence, the Board of Regents finds that integrated schools:

1. Enrich the educational experience of students;
2. Promote higher academic and many other favorable outcomes for all students;
3. Close the achievement gap for students of different socioeconomic and racial backgrounds;
4. Foster critical thinking skills and the ability to communicate and work with people of all backgrounds;
5. Advance postsecondary success and lifetime opportunities for all students; and
6. Graduate students prepared to succeed in an increasingly pluralistic society in which the more perspectives that can be brought to bear, the more problems people are capable of solving.

In order to achieve this integration, the Board of Regents is committed to the development and support of educational programs that promote the values of socioeconomic, racial, cultural, and other kinds of diversity. The Board of Regents encourages districts and schools, to the greatest extent possible, to adopt integration plans that result in schools that reflect a diverse mix of students—of different *races and ethnicities, abilities, home languages, and socioeconomic status*—to ensure that schools, programs, and services reflect—and thus obtain the full educational, instructional, and developmental benefit of—the diversity of the district and/or surrounding districts. Such strategies may include, but are not limited to:

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<sup>13</sup> New York State, My Brother's Keeper Initiative, <http://www.nysed.gov/mbk/schools/my-brothers-keeper>.

- Developing flexible integration targets and enrollment systems to ensure that each school generally reflects the demographic diversity of the district and/or surrounding districts;
- Implementing classroom placement strategies to ensure that each classroom is diverse and that students receive the full educational and other benefits of diversity;
- Publishing data regularly to monitor whether integration goals are being met, and adjusting goals, policies, and practices in light of the evidence of how well they are succeeding and how they can be improved;
- Creating partnerships or regional districts or consolidating with nearby districts to address socioeconomic or racial isolation across districts;
- Re-drawing school zones, strategically selecting new school sites, and creating unzoned schools with weighted enrollment (e.g., enrollment preferences or weighted lottery) to increase integration; and/or
- Providing transportation and other logistical support to ensure that segregated housing patterns do not prevent students from attending integrated schools.

For students to receive the full educational and other benefits of integration and school diversity, not only should students attend integrated schools, but integration should be woven into the fabric of each district's and each school's culture. As such, to the greatest extent possible, districts and schools should consider integration when making decisions about staff recruitment and training, pedagogy and curriculum, parental involvement efforts, and extracurricular activities. Specific strategies may include, but are not limited to:

- Soliciting community and parental feedback through accessible means and in multiple languages, and providing transparency in the development, implementation, and evaluation of integration strategies;
- Developing programs that attract a diverse student body and meet the unique needs of students within each school;
- Encouraging targeted staff recruitment efforts so that school staff reflect the diversity of New York State and that all students receive the educational and other benefits of that diversity;
- Distributing resources within and across schools and programs according to students' needs; and
- Providing professional development focused on culturally and linguistically responsive instruction and strategies to support integrated learning environments within each school.

### **A Call to Action**

The Board of Regents looks forward to working with districts across the State to support their integration efforts. The New York State Education Department (NYSED) has supported such efforts most notably through the Socioeconomic Integration Pilot Program (SIPP) grants,<sup>14</sup> and encourages districts to consider integration as a cost-effective strategy for raising student achievement. Research has shown that integration

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<sup>14</sup> NYSED Press Release, "NYS Schools to Receive Grants to Promote Socioeconomic Integration," Dec 30, 2104, available at <http://www.nysed.gov/news/2015/nys-schools-receive-grants-promote-socioeconomic-integration>.

raises high school graduation rates, which generate “higher individual earnings and public savings to the point of exceeding integration’s costs.”<sup>15</sup> High-quality early childhood education is the only intervention that has shown a higher return on investment than racial and socioeconomic integration.<sup>16</sup>

Several districts in New York State have already made efforts to integrate their schools. For example, the White Plains School District has been implementing a controlled choice enrollment policy for nearly 30 years to integrate schools. The Rochester City School District has made recent efforts to grow its Urban-Suburban Interdistrict Transfer program through a NYSED SIPP grant to work with suburban districts. Other districts are using new strategies, such as Freeport School District, which provides two-way bilingual programs in all its elementary schools to integrate schools. These are only a few examples of integration efforts already underway in New York State. Because the Board of Regents recognizes that there is no “one right way” or single approach to effective integration efforts, the Board encourages all districts and schools to adopt existing or develop new integration strategies that fit the needs of their students and communities.

To support these efforts, the Board of Regents will continue to incorporate integration strategies into its Boys and Young Men of Color initiative and shall seek State funding to support research-based efforts by school districts to integrate their schools. Working together, we can ensure that New York State becomes an integrated school system that provides high quality schools for all students.

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<sup>15</sup> Basile, M. (2012). The Cost-Effectiveness of Socioeconomic School Integration. *The Future of School Integration*, 149.

<sup>16</sup> Kahlenberg, R. (2012). All Walks of Life: New Hope for School Integration. *American Educator*, 36(4),

## Attachment B

### Every Student Succeeds Act: “High Concept Ideas” for Consideration for Inclusion in State Plan Promoting Socioeconomic and Racial Integration

<b>Topic:</b> Promoting Integration and Avoiding Racial and Socioeconomic Isolation
<b>High Concept Idea:</b> To ensure students are prepared for post-secondary success and positive civic engagement and to reduce achievement gaps, we will leverage the diversity of New York students by treating multiple forms of socioeconomic and racial integration of schools and districts as evidence-based interventions.
<b>Additional Information about High Concept Idea:</b> Multiple strategies are available for achieving the demonstrably beneficial effects of socioeconomic and racial integration. LEAs in the state have effectively implemented known strategies and innovated new ones. Without identifying any “one right way,” we will encourage LEAs to adopt existing or develop new integration strategies as evidence-based interventions.
<b>Relevant Requirements of ESSA law and/or draft rulemaking:</b> Section 1003(b)(1)(A) of ESSA provides that SEAs may allocate funds to LEAs on a formula or competitive basis for school improvement as described in § 1111(d). Such funding may extend to "evidence-based" interventions. For an intervention to be considered evidence-based under § 1003, § 8101(21) requires that at least one study support the efficacy of the intervention through strong, moderate, or promising evidence.
<b>Rationale for High Concept Idea:</b> A rich body of research including a number of high-quality studies shows that, everything else equal, schools that are racially and economically segregated produce lower educational achievement and attainment for students of color and low-income students than schools with less segregation, which in turn limits their lifetime opportunities. <sup>17</sup> At the same time, the same body of research shows that increased socioeconomic and racial integration leads to higher academic outcomes for students of color and economically disadvantaged students without lowering outcomes for other students, closes the achievement gap between students of different racial and ethnic backgrounds, fosters critical thinking skills and the ability to communicate and work with people of all backgrounds, decreases the likelihood of teenage pregnancy and interaction with the juvenile justice system, and increases the likelihood of college going and success, among students of color and economically disadvantaged students, again, without negatively affecting results for other students. <sup>18</sup>  Among the high-quality studies demonstrating that students in integrated settings achieve these positive academic and non-academic outcomes are the following. In 2009, Robert Bifulco et al. produced a study that compared academic results in Connecticut between students selected through a blind lottery to attend integrated

<sup>17</sup>John Kuscera and Gary Orfield, “New York State’s Extreme School Segregation: Inequality, Inaction and a Damaged Future,” *School Segregation in the Eastern States*, (Los Angeles, CA: The Civil Rights Project, 2014), 29.

<sup>18</sup> Amy Stuart Wells, Lauren Fox, and Diana Cordova-Cobo. “How Racially Diverse Schools and Classrooms Can Benefit All Students,” *The Century Foundation*, (New York, NY: The Century Foundation, 2016), 9.

magnet schools and those who were not selected and as a result attended highly segregated schools.<sup>19</sup> Included in the study were students from urban areas who were mostly black and Latino. Among these students, the ones randomly selected to attend magnet schools made greater gains and performed significantly better in high school math and reading and on middle school reading tests than the otherwise identical class of urban students who were not selected. The study also included suburban students who were generally more affluent and included a larger percentage of white students. Among this group of students, those selected to attend magnets also outperformed their peers who were not selected for magnet schools and attended traditional suburban schools. As a randomized control trial, Bifulco et al.'s study provides "strong" evidence as defined by ESSA that integration contributes to positive academic outcomes and thus qualifies an evidenced-based intervention under ESSA §§ 1003 and 8101(21).<sup>20</sup>

Several other studies provide strong or moderate evidence, as required by ESSA, that integration improves outcomes for students of color and low-income students. A study of urban, mainly students of color and low-income students selected to participate in inter-district transfers to traditional suburban schools in the greater Hartford, Connecticut area found smaller achievement gaps between students of different racial and ethnic backgrounds in the integrated settings, including no achievement gap on grade 3 reading scores between black, white and Latino students and less than a five percent gap as of grade 10 between low-income students and their peers, compared to a gap of 28% of students at the state level.<sup>21</sup> Another national study found a larger SAT score gap between black and white students in segregated districts than comparable students in integrated school settings, and predicted that switching students from a segregated to an integrated setting had the potential to reduce the score gap by up to 25%.<sup>22</sup> Finally, studies demonstrate that students of color who attend integrated schools are more likely to graduate from high school and attend college than otherwise similarly situated students in segregated schools, while the likelihood that white, middle-class students in integrated settings graduated high school and attended college at the same rate as otherwise similarly situated students in segregated settings.<sup>23</sup> Other studies with strong or moderate evidence, as required by ESSA, demonstrate significant long-term impacts on integration, such as increased civic engagement,<sup>24</sup> increased likelihood of living in an integrated setting,<sup>25</sup> and higher earnings.<sup>26</sup>

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<sup>19</sup> Bifulco, R., Cobb C. D., & Bell C. (2009). Can Interdistrict Choice Boost Student Achievement? The Case of Connecticut's Interdistrict Magnet School Program. *Educational Evaluation and Policy Analysis*, 31(4), 323.

<sup>20</sup> The study also satisfies the requirements that it cover over 350 students at multiple sites and that the intervention has a statistically significant positive effect on student outcomes. U.S. DEP'T OF EDUC., NON-REGULATORY GUIDANCE: USING EVIDENCE TO STRENGTHEN EDUCATION INVESTMENTS 8, n. IX (2016), <https://www2.ed.gov/policy/elsec/leg/essa/guidanceuseseseinvestment.pdf>.

<sup>21</sup> Amy Stuart Wells, Lauren Fox, and Diana Cordova-Cobo. "How Racially Diverse Schools and Classrooms Can Benefit All Students," *The Century Foundation*, (New York, NY: The Century Foundation, 2016), 12.

<sup>22</sup> David Card and Jessie Rothstein. "Racial Segregation And The Black-White Test Score Gap," *National Bureau of Economic Research*, (Massachusetts, MA: National Bureau of Economic Research, 2006), <http://www.nber.org/papers/w12078>.

<sup>23</sup> Roslyn Arlin Mickelson and Mokubung Nkomo, "Integrated schooling, life course outcomes, and social cohesion in multiethnic democratic societies," *Review of Research in Education*, (Davis, CA: SAGE Publishing, 2012), 197-238.

<sup>24</sup> Michal Kurlaender, and John T. Yun, "Fifty Years after Brown: New Evidence of the Impact of School Racial Composition on Student Outcomes," *International Journal of Educational Policy, Research and Practice* (2005), 6(1), 70.

In addition, inclusion of different perspectives within classroom and group settings promotes creativity<sup>27</sup> and develops critical thinking skills.<sup>28</sup> Working cooperatively in racially and economically diverse classrooms and sharing experiences and perspectives with students with different backgrounds leads students to raise their expectations, anticipate and appreciate differences of opinion, and work more effectively to form consensus.<sup>29</sup> A meta-analysis, qualifying under ESSA standards as moderate evidence, examined a variety of studies of school settings demonstrated a positive correlation between integration of groups and the ability to cooperate, understand, and show empathy toward people of diverse backgrounds.<sup>30</sup>

Promoting integrated school environments is a cost-effective strategy for raising student achievement for districts; for instance, a moderately strong research study found that socioeconomic integration raises high school graduation rates, which generate “higher individual earnings and public savings to the point of exceeding integration’s costs.”<sup>31</sup> High-quality early childhood education is the only intervention that has shown a higher return on investment than racial and socioeconomic integration.<sup>32</sup>

**Other Ideas Considered, if any:**

**Topic:** Promoting Integration and Avoiding Racial and Socioeconomic Isolation

**High Concept Idea:** To ensure students are prepared for post-secondary success and positive civic engagement and to reduce achievement gaps, we will leverage the diversity of New York students by developing measures of racial and/or socioeconomic integration of schools and use that measure appropriately to incentivize integration of schools throughout New York State.

**Additional Information about High Concept Idea:** Developing a measure that recognizes the extent to which LEAs and schools achieve racial and/or socioeconomic integration will incentivize integration and provide valuable information to families and the public. There are various ways to measure school integration for this purpose, including Dissimilarity, Interaction/Exposure, Entropy, and Diversity Indices.

<sup>25</sup> Amy Stuart Wells, *How Racially Diverse Schools and Classrooms Can Benefit All Students*, (New York, NY: The Century Foundation, 2016), 28.

<sup>26</sup> John Kucsera, “New York State’s Extreme School Segregation: Inequality, Inaction and a Damaged Future,” (Los Angeles, CA: The Civil Rights Project, 2014), 29.

<sup>27</sup> Phillips, K. (2014). How Diversity Works. *Scientific American*, 311(4).  
<https://www.scientificamerican.com/article/how-diversity-makes-us-smarter/>

<sup>28</sup> Amy Stuart Wells, Lauren Fox, and Diana Cordova-Cobo. “How Racially Diverse Schools and Classrooms Can Benefit All Students” (New York, NY: The Century Foundation, 2016), 8.

<sup>29</sup> Phillips, K. (2014). How Diversity Works. *Scientific American*, 311(4).  
<https://www.scientificamerican.com/article/how-diversity-makes-us-smarter/>

<sup>30</sup> Tropp, L. R., & Prenovost, M. A. (2008). The Role of Intergroup Contact in Predicting Children’s Interethnic Attitudes: Evidence From Meta-Analytic and Field Studies. In S. R. Levy & M. Killen (Eds.), *Intergroup attitudes and relations in childhood through adulthood* (pp. 236–248). New York, NY: Oxford University Press.

<sup>31</sup> Basile, M. (2012). The Cost-Effectiveness of Socioeconomic School Integration. *The Future of School Integration*, 149.

<sup>32</sup> Kahlenberg, R. (2012) All Walks of Life: New Hope for School Integration. *American Educator*, 36(4),

A Dissimilarity Index measures the distribution of groups of students within smaller units, such as schools, to determine the level of segregation in a larger unit, such as a district. The Dissimilarity Index indicates the smallest number of members of each of these groups of students who would need to shift among schools in order to reach the same distribution of students within each school as exists within the district as a whole. An Interaction/Exposure Index measures the likelihood that a person within one group will come into contact with a person of another group in a given setting, such as a school. While the Dissimilarity and Interaction Indices can measure the segregation of only two groups at once, the Entropy and Diversity Indices can measure the distribution of members of multiple groups. The Entropy Index does this by measuring the deviation of each geographical unit, such as a school, from the area's, or district's, "entropy" or racial and ethnic diversity, which is greatest when each group is equally represented in the area. A Diversity Index is a weighted average of the number of students in each group in a given school. A school is "integrated" when the diversity index rating falls within a certain range relative to the proportion of students in those groups in the district as a whole.

Once a method of measuring integration is selected, the measure can be employed in different ways to incentivize schools and districts to integrate. One approach, among many that are possible, is to include the measure in NYSED's data dashboard, to inform the public about the level of integration in the district and encourage districts with high levels of racial and socioeconomic isolation in some schools to address this issue in their improvement plans. Another approach is to incorporate one of these indices into an LEA accountability system, if NYSED continues to identify LEAs.

**Relevant Requirements of ESSA law and/or draft rulemaking:** Section 1111(h)(1)(D) of ESSA requires SEAs to report annually required indicators and allows states to include additional information about all schools that will best provide parents, students, and other members of the public with information regarding the status and progress of each school. Section 1111(c)(4)(B) of ESSA requires SEAs to incorporate into their annual reports on elementary and middle schools and high schools four indicators. The fourth indicator gives states significant flexibility to add their own metrics into their accountability plan. This indicator may include any measure that: 1) allows for meaningful differentiation in school performance; and 2) is valid, reliable, comparable, and statewide.

**Rationale for High Concept Idea:** A rich body of research including a number of high-quality studies shows that, everything else equal, schools that are racially and economically segregated produce lower educational achievement and attainment for students of color and low-income students than schools with less segregation, which in turn limits their lifetime opportunities. At the same time, the same body of research shows that increased socioeconomic and racial integration leads to higher academic outcomes for students of color and economically disadvantaged students without lowering outcomes for other students, closes the achievement gap between students of different racial and ethnic backgrounds, fosters critical thinking skills and the ability to communicate and work with people of all backgrounds, decreases the likelihood of teenage pregnancy and interaction with the juvenile justice system, and increases the likelihood of college going and success, among students of color and economically

disadvantaged students, again, without negatively affecting results for other students.<sup>33</sup>

Developing a measure of integration will allow NYSED to encourage districts to build on the growing number of innovative and sustainable incentive-based strategies being explored by school districts in the state and around the country to increase the integration of schools.<sup>34</sup> These incentive-based strategies allow districts to innovate at the local level and respond to the needs of their own communities. Over 80 school districts nationwide, including several in New York, have been working toward achieving integrated schools with plans that rely on incentives rather than mandates.<sup>35</sup>

Currently, at least one state, and a number of schools districts use socioeconomic and/or racial diversity as a measure of accountability. Connecticut subjects schools that do not reasonably mirror the racial makeup of the communities they serve to intervention and review by the State.<sup>36</sup> Affected districts must fashion plans to mitigate the racial imbalance present in the school. Failure to take corrective action triggers intervention by the State. Several school districts, such as Jefferson County, Kentucky and Berkeley Unified School District in California, divide students into relevant socioeconomic and/or racial demographic categories, and then audit schools to determine if they enroll a representative number of students from each category.<sup>37</sup> Schools that do not enroll representative numbers of students are required to develop plans to reach enrollment goals.<sup>38</sup> In addition, several districts produce annual reports on the diversity of their schools and district. Metropolitan Nashville Public Schools, for example, defines school diversity based on race, socioeconomic status, language, and disability, and produces an annual report on whether schools meet the diversity criteria. The district also includes information on staff diversity in their annual report.<sup>39</sup>

**Other Ideas Considered, if any:**

<sup>33</sup> John Kuscera and Gary Orfield. "New York State's Extreme School Segregation: Inequality, Inaction and a Damaged Future," in *School Segregation in the Eastern States*, (Los Angeles, CA: The Civil Rights Project, 2014), 29; Amy Stuart Wells, Lauren Fox, and Diana Cordova-Cobo. "How Racially Diverse Schools and Classrooms Can Benefit All Students" (New York, NY: The Century Foundation, 2016), 9.

<sup>34</sup> Halley Potter, Kimberly Quick & Elizabeth Davies, A New Wave of School Integration, The Century Foundation (Feb. 9, 2016), <https://tcf.org/content/report/a-new-wave-of-school-integration/> (listing several dozen districts currently implementing an incentive-based integration plan); Richard D. Kahlenberg, School Integration in Practice, Lessons from Nine Districts (Oct. 14, 2016), <https://tcf.org/content/report/school-integration-practice-lessons-nine-districts/> (detailing the integration plans of nine of the over 100 districts with integration plans).

<sup>35</sup> *Id.*

<sup>36</sup> Conn. Gen. Stat. Ann. § 10-226e-2 (West).

<sup>37</sup> See e.g., Jefferson County Public Schools. (2016). Student Assignment Plan (p. 17). Retrieved from <https://www.jefferson.kyschools.us/sites/default/files/Student%20Assignment%20Handbook%202016-17%20%28Updated%20March%209%202016%29.pdf>. Berkeley Unified School District. (2016). BUSD Student Assignment Plan/Policy. Retrieved from <http://www.berkeleyschools.net/information-on-berkeley-unifieds-student-assignment-plan/>;

<sup>38</sup> *Id.*

<sup>39</sup> Metropolitan Nashville Public Schools. (2016). 2015-16 Annual Diversity Report (p. 2). Retrieved from [https://static1.squarespace.com/static/57752cbcd1758e541bdeef6b/t/57927bc1579fb3fb9d306e2f/1469217732838/2015\\_16\\_Annual%2BDiversity%2BReport.pdf](https://static1.squarespace.com/static/57752cbcd1758e541bdeef6b/t/57927bc1579fb3fb9d306e2f/1469217732838/2015_16_Annual%2BDiversity%2BReport.pdf).