TO: The Honorable the Members of the Board of Regents
FROM: Chancellor Lester W. Young, Jr.
SUBJECT: The NYS Board of Regents Framework on Diversity, Equity, and Inclusion in New York’s Schools: A Call to Action - DRAFT
DATE: April 12, 2021 (Revised)

SUMMARY

Issue for Discussion

The Board of Regents will discuss a framework on Diversity, Equity, and Inclusion for New York State Schools which will serve as the basis for adopting a policy statement. It is important for the Board of Regents to establish and communicate to all New Yorkers its beliefs and expectations for all students and all entities under the University of the State of New York umbrella – especially at pivotal moments in history. The nation is at such a moment now. With this framework, the Board is ready to address the long history of racism and bigotry, and the corrosive impact they have had on every facet of American life.

Reason(s) for Consideration

For discussion.

Proposed Handling

The framework will come before the Full Board for discussion at the April 2021 meeting. It is anticipated that a policy statement will come to the Full Board in May 2021 for adoption.

Related Regent’s Items

N/A

Recommendation

It is recommended that the Board of Regents use the framework to develop a policy statement that will advance diversity, equity, and inclusion in New York’s schools.

Timetable for Implementation

It is anticipated that a policy statement will be adopted at the May 2021 Board meeting.
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April 2021
The NYS Board of Regents Framework on Diversity, Equity, and Inclusion in New York’s Schools: A Call to Action

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Introduction

The New York State Constitution authorizes the Board of Regents to oversee the general supervision of all educational activities within the State. The Regents exercise their authority in various ways, including by promulgating rules and regulations, adopting student learning standards, establishing academic and graduation requirements, and providing guidance and best practices to the field. The Board may also exercise its authority by adopting policy positions on issues of significant educational and societal importance.

It is important for the Board of Regents to establish and communicate to all New Yorkers its beliefs and expectations for all students – especially at pivotal moments in history. The nation is at such a moment now. Finally, we appear ready to address our long history of racism and bigotry, and the corrosive impact they have had on every facet of American life.

A confluence of events has brought us to this point of reckoning, including:

- The senseless, brutal killing of Black and Brown men and women at the hands of law enforcement – and the ensuing demands for real and enduring racial justice in the face of this inhumanity;
- A dangerous spike in violence aimed at Asian Americans and Pacific Islanders – fueled in part by lies that attempt to link the Asian community with the creation and spread of the Coronavirus;
- A renewed wave of discrimination and hateful rhetoric directed at those thought to be different or somehow “not quite” American, including (but not limited to) Jewish Americans, Muslim Americans, LGBTQ\(^1\) individuals, individuals with disabilities, immigrants and refugees, especially those arriving at the southern border.
- The terrible toll that COVID-19 has had on all our lives, communities, and school systems. The disproportionate impact of this pandemic has surfaced and further exacerbated long-standing educational inequities, predominantly impacting Black, Latinx, Asian, Indigenous and poor student populations and students with disabilities. Additionally, school closures and the resulting learning loss for our most marginalized students compound existing learning disparities, leading to the potential for poor life outcomes and lingering long-term effects.

These national tragedies have combined to create a perfect storm – a storm that is powerful enough to propel us beyond the systemic racism that has come to define America’s institutions. This systemic racism pervades all aspects of our lives, including policing, education, healthcare, employment, housing, access to capital, and in almost every other conceivable realm. It limits our potential as individuals, as communities, and as a nation. There is no single, isolated answer that will solve these pervasive problems; rather, the approach must be holistic and inclusive – and the State Education

\(^1\) This initialism stands for lesbian, gay, bisexual, transgender, and queer or questioning.
Department and New York’s schools will be an integral part of the solution. The way we educate new generations of students will shape our nation’s course for years to come.

**The Danger of a Single Story**

Nigerian author Chimamanda Ngozi Adichie warned of the dangers inherent in telling a story from only one perspective. She explained that “the single story creates stereotypes, and the problem with stereotypes is not that they are untrue, but that they are incomplete. They make one story become the only story.”

When one story becomes the only story, it becomes the “definitive” story. But when that happens in school, it cheats students of the opportunity to learn the entirety of the nation’s history. And it deprives many of them the chance to see themselves as part of the American story.

How can students fully comprehend Westward Expansion without knowing what it was like for Native Americans to be violently displaced from their homes and forced to walk the Trail of Tears? How can they understand the full import of America’s involvement in World War II without hearing firsthand accounts of Japanese Americans who were interned in concentration camps by their own government?

We must tell the stories of all those who have contributed to the development of this country and all those who continue to make it the diverse and beautiful tapestry it is today: those who are indigenous to the land; those who were taken from their African homes and brought to America’s shores in chains; those who journeyed here as part of the great European migration of the 19th and 20th centuries; those who traveled from Asia and India, the Caribbean, Puerto Rico, Mexico, Central and South America – and those who today seek refuge from poverty, violence, and tyranny.

As Pulitzer Prize-winning journalist Isabel Wilkerson instructs, understanding another’s perspective does not happen easily; it requires hard work, particularly on the part of those in the “dominant caste.” Ms. Wilkerson writes:

Radical empathy, on the other hand, means putting in the work to educate oneself and to listen with a humble heart to understand another’s experience from their perspective, not as we imagine we would feel. Radical empathy is not about you and what you think you would do in a situation you have never been in and perhaps never will. It is the kindred connection from a place of deep knowing that opens your spirit to the pain of another as they perceive it.

The nation’s founders laid the groundwork that established America as a democratic republic. The founding ideals are democracy, rights, liberty, opportunity, and equality. However, our history courses often fail to underscore our nation’s long, often turbulent struggle between the ideals of freedom and equality and, more recently, voting rights.
All students deserve to learn about America’s entire, unvarnished history – even when that complete story casts an unflattering light on historical figures who have long been revered.

Schools must create opportunities for all students to learn from multiple perspectives – perspectives that are just as important and valid as the narrow point of view from which history and other content areas have traditionally been taught. We must always be vigilant to guard against the danger of a single story.

**Impact of Systemic Racism on New York’s Students**

Martin Luther King, Jr. famously reminded us that “the arc of the moral universe is long, but it bends toward justice.” Over time, we have made substantial progress towards fulfilling America’s creed, which declares that all people are created equal. In 2008, we elected the first African American president; in 2020, we elected the first African American and South Asian American woman vice president.

Yet, despite these and other historic milestones, true equality of opportunity is not available to many Americans, in no small part because we have not yet found a way to provide all students with an education that prepares them for success in school and in life.

The statistics are as frightening as they are familiar:

- African American and Latinx students have proficiency rates that range from 16 to 23 percentage points lower than their white peers on New York State’s English language arts and math assessments.\(^2\)
- While 91 percent of the State’s white students graduate from high school on time, only 78 percent of African American and 77 percent of Latinx students do so.\(^3\)
- A [CDC report](http://www.cdc.gov) found mortality rates associated with COVID-19 among American Indian and Alaska Natives to be 1.8 times greater than among non-Hispanic whites while cases among American Indian and Alaska Native persons was 3.5 times greater that among White persons.\(^4\)
- The most underrepresented group receiving in-person instruction in New York City is Asian American students, making up just under 12 percent of students in-person while they represent 18 percent of students overall.\(^5\)

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\(^3\) New York State Education Department, 2021, [State Education Department Releases 2016 Cohort High School Graduation Rates](http://www.nysed.gov/news/2021/state-education-department-releases-2016-cohort-high-school-graduation-rates)


The consequences of these disparities are devastating. For example:

- In 2019, 40 percent of white Americans held a bachelor’s degree, while only 26 percent of African Americans and 19 percent of Hispanic Americans did so, as well.\(^6\)
- While approximately eight percent of white Americans live in poverty, 18 percent of Latinx and 21 percent of African Americans do.\(^7\)
- Perhaps most troubling, “in 2018 African Americans represented 33 percent of the sentenced prison population, nearly triple their 12 percent share of the U.S. adult population. Whites accounted for 64 percent of adults but 30 percent of prisoners. And while Hispanics represented 16 percent of the adult population, they accounted for 23 percent of inmates.”\(^8\)

There are individuals behind each of these data points. Some of them were provided with the educational opportunities and supports they needed to thrive in school; many were not. The data are a stark reminder of the difficult work that remains; they can and should be used to expose the inequities that persist throughout the system.

The Department, and the schools and districts it oversees, must use data to establish clear expectations for students and their families. They must set goals and targets that are connected to academic attainment and growth. The work we do must always focus on outcomes – and the outcome that matters most in our education system is student learning.

However, merely reporting the numbers can cause us to focus on the symptoms of structural, institutional, and systemic inequities, losing sight of what lies beneath the surface, at the deeper policy level. For example, discussions of New York’s “achievement gap” can be misinterpreted if we fail to account for the lack of student opportunities to learn. As New York’s education policymakers, it is our responsibility to go deeper than the numbers might initially reveal; we must also examine and address the root causes of the persistent disparities that impact student and life outcomes. We know that students who attend under-resourced schools do not achieve at the same level as students who attend fully resourced schools. We must stop repeating the same actions that have produced these results.


\(^7\) Stebbins, Samuel and Frohlich, Thomas C., 2019, “The poverty rates for every group in the US: From age and sex to citizenship status,” *USA Today*, https://www.usatoday.com/story/money/2019/11/06/united-states-poverty-rate-for-every-group/40546247/

Diversity, Equity, and Inclusion

The Board of Regents and the New York State Education Department have come to understand that the results we seek for all our children can never be fully achieved unless we re-focus every facet of our work through an equity and inclusion lens (see also New York State’s Every Student Succeeds Act Plan). This understanding has created an urgency around promoting equitable opportunities that help all children thrive. New York State understands that the responsibility of education is not only to prevent the exclusion of historically silenced, erased, and disenfranchised groups, but also to assist in the promotion and perpetuation of cultures, languages and ways of knowing that have been devalued, suppressed, and imperiled by years of educational, social, political, economic neglect and other forms of oppression.  

Definitions

The act of defining is often the direct attempt to make something definite, distinct, or clear. Our purpose is not to restrict, but to provide clarity to the concepts of diversity, equity, and inclusion. These definitions are not intended to be exhaustive. Rather, they are meant to be foundational. The definitions listed below can be credited to the University of California, Berkeley Center for Equity, Inclusion, and Diversity and the University of Houston’s Center for Diversity and Inclusion.

Diversity: Includes but is not limited to race, color, ethnicity, nationality, religion, socioeconomic status, veteran status, education, marital status, language, age, gender, gender expression, gender identity, sexual orientation, mental or physical ability, genetic information, and learning styles.

When thinking about diversity, it is important to note that the terminology has broadened over time. For example, ten years ago, diversity was synonymous with racial and ethnic minorities. Today, people we once referred to as “minorities” are now considered part of the global majority. Also, aspects such as socioeconomic status, gender identity, sexual orientation, and disability may be considered when referring to diverse populations. With this broadened definition, inclusivity of someone’s varied identities are considered.

Equity: The guarantee of fair treatment, access, opportunity, and advancement for all while striving to identify and eliminate barriers that have prevented the full participation of all groups.

The principle of equity acknowledges that there are historically under-served and under-represented populations and that fairness regarding these unbalanced conditions is needed to assist equality in the provision of effective opportunities to all groups.

At its core, equity requires that we create the opportunity for all students to succeed and thrive in school no matter who they are, where they live, where they go to school, or where they come from.

Inclusion: Authentically bringing traditionally excluded individuals and/or groups into processes, activities, and decision/policy making in a way that shares power and ensures equal access to opportunities and resources.

Through this Framework, the Board of Regents asserts its expectation that all school districts will develop policies that advance diversity, equity, and inclusion -- and that they will implement such policies with fidelity and urgency.

Role of the Board of Regents and NYS Education Department

The benefits that derive from creating diverse, equitable, and inclusive environments are certainly not limited to the school setting. It is difficult to imagine any institution that would not benefit from greater diversity, equity, and inclusiveness -- and that includes the New York State Education Department. The Department has, of course, always adhered strictly to all laws and State policies regarding fairness in the workplace. But we must do more, for the good of the Department and its employees and as a model for schools to emulate. We must lead by example.

The Board of Regents will establish a Diversity, Equity, and Inclusion Workgroup of the Board of Regents. The Workgroup will be representative of SED and the University of the State of New York (USNY) and will provide policy direction and recommendations to the full board on matters related to diversity, equity, and inclusion within SED and USNY.

NYSED’s stated mission is “to raise the knowledge, skill, and opportunity of all the people in New York.” In most states, the Education Department deals only with P-12 education. But in New York, we have a comprehensive system — USNY — to help us achieve this ambitious mission.

The Role of School Districts

Districts have a critical role in elevating the issues of diversity, equity and inclusion; setting policies; establishing data targets; reviewing and modifying their curricula; and more.\(^\text{10}\)

We recognize that much of this work is already happening in districts across the State. District and school leaders, teachers, staff, students, and parents are working to create school communities that are more diverse, more equitable, and more inclusive than ever before. Many of New York’s education stakeholders and their organizations have elevated this issue to the very top of their agendas. Their efforts must be recognized and applauded.

\(^{10}\) It is important to remember that in New York State, curricula are adopted locally; they are not mandated by the State.
At the same time, however, some districts have not yet made diversity, equity, and inclusion a priority in their schools. Others may simply be looking for the State to provide the guidance and tools they need to do so.

Suggested Elements of a District’s Diversity, Equity, and Inclusion Policy

This must be a comprehensive approach, taking into account the entirety of the schooling process, including:

- **Governance:** Establishing a district Diversity, Equity and Inclusion Committee representative of all stakeholders, including students.

- **Teaching and learning:** Addressing the need for inclusive and culturally responsive teaching and learning, including but not limited to:
  
  - curricula in all content areas;
  - books and instructional materials;
  - pedagogical practices and professional development;
  - classroom grouping policies and practices;
  - student support systems for all developmental pathways;
  - full and equitable opportunities to learn for all students; and
  - multiple assessment measures.

  As part of this work, districts may consider:

  - Specifically acknowledging the role that racism and bigotry have played, and continue to play, in the American story.
  - Adapting a Culturally Responsive Sustaining (CR-S) Framework that specifically embeds the ideals of diversity, equity, and inclusion by creating student-centered learning environments that affirm cultural identities; fosters positive academic outcomes; develops students’ abilities to connect across lines of difference; elevates historically marginalized voices; empowers students as agents of social change; and contributes to individual student engagement, learning, growth, and achievement through the cultivation of critical thinking.
NYSED’s own CR-S framework is grounded in four principles:

1. Welcoming and Affirming Environment
2. High Expectations and Rigorous Instruction
3. Inclusive Curriculum and Assessment
4. Ongoing Professional Learning

- Ensuring coherent opportunities for students to actively participate in experiences that prepare them for a lifetime of civic engagement and social justice activism, including, for example, completing capstone projects. The materials developed by NYSED’s Civic Readiness Task Force provide a helpful foundation for this work.

- **Family and community engagement**: Ensuring family and community engagement practices are based on mutual trust, confidence and respect.

- **Workforce Diversity**: Practices and policies for the recruitment and retention of a diverse workforce in all areas and levels. A recent report released by the Albert Shanker Institute goes so far as to call teacher diversity a civil right for students. This report argues that exposing students to a diverse range of teachers and school leaders reduces stereotypes and prepares students for an increasingly global society. A 2019 NYSED report is a helpful resource on this topic as well.

- **Diverse schools and learning opportunities**: Take creative steps to enhance the level of socioeconomic and racial diversity within district schools (even if the district’s student population is relatively homogeneous). Ensure coursework, programs, and activities are accessible to all students, regardless of their disability status, native language, income level, or any other basis.

A 2019 compilation of data and research by The Century Foundation details some of the ways that racial and socioeconomic integration benefits students and the wider community, including:

- **Academic and Cognitive Benefits**
  
  *On average, students in socioeconomically and racially diverse schools – regardless of a student’s own economic status – have stronger academic outcomes than students in schools with concentrated poverty.*

- **Civic and Social-Emotional Benefits**
  
  *Racially and socioeconomically diverse schools offer students important social-emotional benefits by exposing them to peers of different backgrounds. The increased tolerance and cross-cultural dialogue that result from these interactions is beneficial for civil society.*
Economic Benefits

Providing more students with integrated school environments is a cost-effective strategy for boosting student achievement and preparing students for work in a diverse global economy.

- Student supports, discipline, and wellness: Districts should consider:
  - Programs and practices that enhance all students’ self-identity, self-confidence and self-esteem.
  - Implementing non-discriminatory discipline policies and practices.
  - Focusing on the well-being of the “whole child” by always considering and addressing the full range of student developmental pathways.

Conclusion

We are at an inflection point in the nation’s history. With great urgency, we must move beyond the rhetoric of a commitment to educational equity and use this moment of societal unrest to reset and reimagine our system of education. We are morally obligated to seize this moment and redefine what is possible for all of New York’s students.

New York’s collective response requires a recommitment to public education and a significant investment in teaching and learning to ensure that every neighborhood school is a place we would want our own children to attend.

The approach we take must always include perspectives that support and build the self-esteem and identity of all children, especially those who have been historically marginalized in school and in society.

We must create an ecosystem of success built upon a foundation of diversity, equity, inclusion, access, opportunity, innovation, trust, respect, caring, relationship-building, and so much more.

This is a call to action.

Together, we will interrupt the practices that for too long have harmed New York’s vulnerable, marginalized students.

Together, we will create environments for learning that reduce the pernicious predictability of who will succeed and who will fail.

Together, we will lift up and support all of New York’s students.