Written Comments of Marian Wright Edelman for
"Educational Apartheid in the U.S.: Tracking Policies and Re-Segregation in America's Schools"
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While public schools still represent our greatest hope to dismantle the cradle to prison pipeline, for children of color, they also play a significant role in perpetuating it. The dual school system *Brown v. Board of Education* intended to abolish continues to this day. Over the last half-century, the educational needs of children of color remain largely unmet, pushing too many of our children into the pipeline to prison.

Inequity and Re-Segregation

One of every three black children attends a school that has 90 percent or more minority enrollment.[1] Forty-seven percent of Black students and 51 percent of Latino students compared with 5 percent of White students are in schools where 75 percent or more of the students are poor.[2] The "instant academies," all White private schools that sprung up in reaction to *Brown*, are alive and well in today's South. For example, in the Lee County School District in South Carolina, White students are almost 900 times more likely to attend private schools than Black students. In some districts, Black children are still offered only what Bob Moses calls a "share cropper education"—education designed to prepare them for manual labor.

It is no surprise that with this segregation, inequality plagues Black school children. Schools with the highest percentages of minority, limited English-proficient and low-income students are more likely to employ beginning teachers,[3] teachers who have less education,[4] and teachers who teach subjects in which they are not certified or in which they did not major in college.[5] High minority schools are nearly twice as likely as low-minority schools to be overcrowded[6] and to have larger class-sizes.[7]

A Black child is more than twice as likely as a White child to be suspended, expelled, or given corporal punishment[8] and is less likely to receive counseling services.[9] A Black child is more likely than a White child to be absent from school,[10] to drop out of school or to be labeled mentally retarded, but is only half as likely to be labeled gifted.[11] A Black child is more than twice as likely to be behind grade level and the longer a Black child is in school, the further he falls behind. A Black child is only half as likely as a White child to grow up in a family with parents who graduated from college.[12]

Ending Discriminatory School Policies to Better Help Black Children Succeed in School

At the same time that they have refused to remedy these brutal inequalities, politicians and educators have cynically advanced "one-size-fits-all," politically saleable education policies that discriminate against poor and minority students and play a significant role in the construction of the cradle to prison pipeline. If the education system is to do its part in rerouting the pipeline, we must end the current system where children who are given less are asked to do more and are punished when they cannot.

A massive effort on all levels of government is needed to ensure that Black children and children of color receive adequate resources so that they have a fair chance to stay in school and perform at the highest levels. Further, our leaders must abandon blanket, destructive policies and empower teachers and schools to educate students as individuals, to develop their unique abilities and to transform them into thoughtful adults who have not just mastered certain content but who have gained the skills they need to more constructively understand and become engaged in their communities.

High Stakes Tests

To begin with, we must move away from imposing a system of high stakes tests on schools and children and calling it, in and of itself, education reform. Assessment should follow reform, not shape it. Yet, at the same time that President Bush has proposed 25 times more in tax cuts for the wealthy than he did for increases in education funding, he is proposing to expand testing under the No Child Left Behind Act and mandate high school exit exams in every state in the country. This is backwards.

Accountability and assessment are essential to ensure that children who have been traditionally neglected by schools are not forgotten. But they are only a piece of what needs to be done. Without significant investments in educational resources so that all children have the opportunity to learn and to succeed on assessments, what could be substantive education reform will be reduced merely to a system of measurement and punishment, leaving America's most vulnerable children on the margins.

Significant concerns have been raised that under high stakes-low budget accountability systems, an overemphasis and in some cases, abuse of testing has characterized reform in many high-minority, low-income schools. For example, a study in New Jersey found that teachers from high-poverty schools "reported substantially more time devoted explicitly to test preparation activities than those in wealthy districts."[13] These non-substantive educational practices have reduced student learning, motivation and engagement,[14] putting poor children and children of color at even greater risk of failure and dropout.

In no case have schools betrayed the hopes and potential of students more cynically than when they disguise school failure at the expense of low performing, at-risk students. A study of the New York City Public Schools found that in response to growing pressure to raise test scores, some schools inappropriately placed young people in GED and alternative education programs so their scores would not drag down the school's overall performance.[15] Another recent study showed that a large increase in children being retained in ninth grade corresponds with the rapid growth in high stakes accountability systems in the 1990s. These results have been interpreted by some to indicate that children are being unfairly retained to avoid having their scores included in high schools' overall scores.[16]

The unfairness of one-size-fits-all testing is most evident when a single, standardized test is used to make life-defining decisions about individual students, such as graduation, grade promotion or ability tracking. Yet if things go as they are, by 2009, seven out of 10 public school students and eight out of 10 minority public school students will be denied high school diplomas if they do not pass a standardized exit exam.[17] If President Bush has his way, these tests will be imposed on all students in all states.

It defies sense to demand the same academic results on the same assessments from all students without providing the same educational opportunities to all students. It defies fairness to punish students because they did not succeed when competing on a vastly unequal playing field. Given the inequalities we know exist, it is no surprise that Black students are passing exit exams at significantly lower rates than their White peers.[18]

To improve student outcomes and respond most effectively to all students' needs, accountability systems must:

- hold the federal government, states and districts accountable to ensure equity and adequacy of educational resources for all children;
- never use a single test to make high stakes decisions about schools and students. Instead, examine success in the most comprehensive, fair way by considering a variety of collateral academic indicators of student performance in addition to tests;
- use only high quality assessments that employ multiple measures of student achievement that assess higher order thinking skills and understanding, not just rote memorization and test taking skills;

- ensure that there is an accurate measure of and accountability for dropout rates, disaggregated by race, ethnicity, income, disability and limited English-proficiency status; and
- investigate and punish schools and districts for unfairly and inappropriately placing students at risk of failure outside the accountability system in low track programs and classes.

Automatic Grade Retention

While "ending social promotion" has become a popular slogan, the automatic grade retention policy that generally accompanies it has further disadvantaged struggling students and has disproportionately affected Black students. In fact, the National Research Council found that simply repeating a grade does not improve achievement over the long-term and can actually result in negative outcomes for those retained compared to those with similar academic problems who are not retained. Among those negative outcomes is a significantly increased dropout rate.[19]

Most recent data show that twice as many Black students as White students have been retained at least once.[20] While there are certain circumstances when grade retention is appropriate, those decisions are complex and should be made on a case by case basis, in the best interests of the child. Yet because of high-stakes testing policies, many students are retained based solely on the results of a single test, increasing the risk that children will be wrongly placed and their school paths will be jeopardized. Most at-risk are Black children. Black eighth-grade students are almost 2.5 times more likely than White students to be subject to high stakes tests to determine promotion.[21]

Schools should only retain a student after a careful evaluation of the student's social, emotional and cognitive needs. In general, academically failing students should be provided high quality extra support as needed as they move from grade to grade.

Zero Tolerance

Black youths also have been disproportionately affected by the recent rise in Zero Tolerance discipline policies, which require automatic and often disproportionate punishment for a variety of school "code of conduct" violations. Nationally, Black youth are more than twice as likely as White youth to be suspended or expelled from school. While such punishments are appropriate in many contexts, it is clear that too often they are used thoughtlessly, in response to minor offenses, and to the detriment of Black children. Disproportionate and arbitrary punishment impairs children's development by disrupting their trusting relationships with adults and by distorting their sense of fairness and justice. Such policies accelerate the path to the juvenile and criminal justice systems by giving children more unsupervised time and more time with peers who are engaged in delinquency.[22] Numerous studies have shown that students who are suspended or expelled are more likely to drop out of school.

Decisions about suspension and expulsion should be made individually, after careful consideration of their efficacy for school safety and for each child. Rather than focusing on school-wide systems of punishment that wait for children to fail, schools should focus on school wide systems of prevention and individual student support.

There is a tremendous need to proactively keep students in school and out of trouble and to help them academically, emotionally and socially. Schools must provide:

- high quality mental health services for students;
- increased parent involvement so parents can reinforce student learning at home and schools can better understand students' individual needs;

- expanded community collaboration between schools and other service providers so students' health, mental health, housing and child welfare needs do not overwhelm their ability to learn and stay in school;
- smaller, more responsive learning environments where students feel respected, valued and receive more individual attention;
- challenging, relevant curricula that includes service and other experiential learning; and
- a higher quality teaching force that better represents the population of students in public schools.

Until we creatively and aggressively meet children's individual needs and abandon unimaginative and politically expedient policies that have proven time and again to perpetuate the segregation and failure of poor and minority students, we will see the pipeline to dropout and prison expand.

[1] Children's Defense Fund analysis of U.S. Department of Education, Office of Civil Rights unpublished tabulations.
[2] National Center for Education Statistics. *Condition of Education 2004.* U.S. Department of Education: Washington, DC.
[3] U.S. Department of Education. National Center on Education Statistics. *Condition of Education 2003*. Washington, DC.
[4] U.S. Department of Education. National Center on Education Statistics. *Condition of Education 2002*. Washington, DC.
[5] U.S. Department of Education. National Center on Education Statistics. *Condition of Education 2004*. Washington, DC.
[6] U.S. Department of Education. National Center on Education Statistics. *Condition of Education 2001*. Washington, DC.
[7] U.S. Department of Education. National Center for Education Statistics. *School and Staffing Survey (SASS),* 1999-2000. As cited in Barton, Paul E. *Parsing the Achievement Gap: Baselines for Tracking Progress.* Educational Testing Service. Princeton, New Jersey. October 2003.
[8] Children's Defense Fund analysis of U.S. Department of Education, Office of Civil Rights unpublished tabulations.
[9] National Research Council Institute of Medicine. *Engaging Schools.* National Academies Press: Washington, DC. 2004. p. 152.
[10] Calculations by the Children's Defense Fund based on data from U.S. Department of Education. National Center on Education Statistics as cited in *Status and Trends in the Education of Blacks.* Washington, DC. September, 2003.
[11] Children's Defense Fund analysis of U.S. Department of Education, Office of Civil Rights, unpublished tabulations.
[12] Children's Defense Fund analysis of U.S. Census Bureau, Current Population Survey.
[13] Herman, Joan. *"Instructional Effects in Elementary Schools."* Center for the Study of Evaluation. National Center for Research on Evaluation, Standards, and Student Testing. University of California, Los Angeles. September, 2002. p. 9.
[14] National Research Council Institute of Medicine. *Engaging Schools.* National Academies Press: Washington, DC. 2004. p. 216.
[15] Advocates for Children and the Public Advocate for the City of New York. *Pushing Out High School Students: An Analysis of High School Discharge Figures.* New York City. November 21, 2002. p. 5.
[16] Haney, Walt et al. *The Education Pipeline in the United States 1970-2000.* January 2004.
[17] Center on Education Policy. *State High School Exit Exams: A Maturing Reform.* Washington, DC. 2004. p. 5.
[18] Center on Education Policy. *State High School Exit Exams: A Maturing Reform.* Washington, DC. 2004. p. 37.
[19] United States General Accounting Office. *School Dropouts: Education Could Play a Stronger Role in Identifying and Disseminating Promising Prevention Strategies. GAO-02-240.* Washington, DC. February, 2002. p. 3.
[20] U.S. Department of Education, National Center for Education Statistics, National Household Education Survey (NHES), (Parent Interview Component). Washington, DC. 1999.
[21] Reardon, S. *Eighth Grade Minimum Competency Testing and Early High School Dropout Patterns.* Paper presented at the annual meeting of the American Educational Research Association. New York: April, 1996. As cited in National Research Council. Heubert, J. P. and Hauser, R. Eds. *High Stakes: Testing for Tracking, Promotion and Graduation.* National Academies Press: Washington, DC. 1999. (p. 130).
[22] The Advancement Project and the Civil Rights Project at Harvard University. *Opportunities Suspended: The Devastating Consequences of Zero Tolerance and School Discipline Policies.* June 2000.

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