



NYC City Council Hearing on Proposed Specialized High School Diversity Measures

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Good morning. My name is Liliana Zaragoza. I am Assistant Counsel at the NAACP Legal Defense and Educational Fund (“LDF”). I would like to thank the City Council for providing us with the opportunity to address the proposed initiative and resolutions to address the longstanding lack of diversity at the City’s Specialized High Schools and the role of the Specialized High School Admissions Test—the “SHSAT”—in contributing to that lack of racial diversity.

LDF is the nation’s premier human rights and civil rights organization. LDF was founded in 1940 to assist African Americans in securing their constitutional and statutory rights, as well as to provide legal services to persons suffering injustice due to racial discrimination. Through litigation, advocacy, public education, and outreach, LDF continually works to secure equal justice under law for all Americans, and to break down the barriers that prevent communities of color from realizing their basic civil and human rights.

In its education work, LDF brings together attorneys and grassroots advocates around key educational equity issues such as diversity in K-12 and higher education, desegregation and school discipline. We fight to ensure racial equity in education for Black students and other students of color and to secure a safe, inclusive, and high-quality education for all students.

LDF supports each of the proposed measures under consideration today: one calling for the creation of a specialized high school task force focused on addressing the racial and ethnic inequities of the Specialized High Schools’ student bodies; several intended to increase transparency, data-collection, and community input regarding the Specialized High Schools admissions process and segregation in the City’s public schools broadly; one creating a school diversity monitor within the human rights commission, to address

the racial segregation that plagues public schools citywide; and another which calls on the State Legislature to eliminate the single-test admissions process for the Specialized High Schools and, instead, adopt a new system that admits the top 5 to 7 % of students in eighth grade classes across the entire City to the Specialized High Schools.

The urgency of addressing and remedying the stark racial disparities and racial isolation in New York City's most prestigious public schools, the Specialized High Schools, is more apparent today than ever before. Indeed, our city has become a central part of the nationwide conversation regarding the meaning of merit, race, power, and the harms of segregation and discrimination in public schools and in school admissions at every level of education. By making access to its specialized high schools more equitable, New York City has an opportunity to begin to reverse the trends in its public school system that make it the most segregated in the country.

LDF, along with LatinoJustice and the Center for Law and Social Justice at Medgar Evers College, first called for a change in the State law that governs admissions to NYC's Specialized High Schools in a 2012 federal civil rights complaint filed with the United States Department of Education's Office of Civil Rights. The 2012 complaint was filed on behalf of a broad coalition of education, civil rights, and social justice organizations challenging the admissions process at New York City's elite public Specialized High Schools, which is currently mandated for at least three of the schools by New York State Law. The complaint alleges that, in addition to being bad education policy, the single-test admissions policy has an unlawful racially disparate impact.

In addition, LDF, together with LatinoJustice, the ACLU, and the New York Civil Liberties Union, has recently moved to intervene on behalf of students, families, and organizations in a federal lawsuit in order to defend a legal challenge to the recent expansion of the Discovery Program and advocate for increased diversity in the Specialized High Schools. This Discovery expansion is a small but welcome measure undertaken by Mayor de Blasio and Chancellor Carranza to address the lack of diversity at the Specialized High Schools. The changes made to the program are race-neutral and legal, yet instantly came under attack from those who seek to retain the unacceptable status quo. Our clients stand to benefit from the modest increase in diversity that the changes to the Discovery Program are likely to engender at the Specialized High Schools. But they, along with students of all races across the City, would benefit even more from a complete overhaul of the admissions process to these competitive schools, one which we hope will follow from the measures under consideration today.

Currently, even under the expanded Discovery Program, admission into the Specialized High Schools is based exclusively on the results of a single test, known as the SHSAT. Education experts agree that this test is an arbitrary, inaccurate, and unfair measure of merit. Yet, no matter their academic achievements or promise, a student's score on this single test remains the only factor in determining whether they will be admitted to one of these eight public high schools.

This admissions policy has a particularly devastating impact on Black and Latinx students, who have low admissions rates regardless of their otherwise stellar academic qualifications. Of the nearly 5,500 Black students who took the Fall 2018 SHSAT exam, 190 were offered admission to any of the high schools based solely on their exam scores. Out of the 895 slots available in the Stuyvesant High School freshman class this year, 7 were extended to Black students and 33 were offered to Latinx students. Of the 803 eighth graders who were admitted to the Bronx High School of Science, 12 are Black and 43 are Latinx. These stark racial disparities illustrate a grossly unjust use of public resources, paid for by all New York City taxpayers, in a city where Black and Latinx students make up nearly 70% of the public school student population.

Importantly, many Asian Pacific American (“APA”) ethnicities, nationalities, and subgroups likewise have been shut out of the Specialized High Schools, although we do not know the precise extent of this problem because the City does not keep disaggregated data.

The current admissions policy, which has no educational justification, locks too many academically strong New York City students out of an important pipeline to opportunity. Not only is this unfair to individual students, it also tells a false story about the intelligence and promise of those Black, Latinx, and underrepresented APA students who have persevered and pursued excellence despite difficult circumstances in elementary and middle school. Indeed, the very students disadvantaged by the SHSAT are the same ones who face significant barriers to educational opportunity and would greatly benefit from a Specialized High School education.

Finally, diverse learning environments benefit students of all races and ethnicities, promote cultural understanding and critical thinking skills, and enrich learning. Amending the single-test admissions policy to allow for additional measures of academic measures, therefore, will make the process better for *all* students, regardless of their race or ethnicity, and better prepare students for a diverse and dynamic workforce.

Resolution No. 196 calls on the State to adopt Assembly bill A.10427A and its companion Senate bill S.8503A, which would change New York State law to allow all of the Specialized High Schools to open up their admissions policies to include multiple measures of merit. The measures of merit employed by the proposed legislation – including a rank in the top 5 to 7 % of one’s school and in the top 25% of students citywide – are significantly better predictors of academic success than arbitrary, standardized test results, and more accurately evaluate an applicant’s merit despite the disadvantages attendant to a school system plagued by unequal resources and longstanding segregation.

While opposition groups have argued for addressing the pervasive inequality in New York City’s elementary and middle schools in lieu of eliminating the SHSAT, these steps

are not mutually exclusive. The City can and should address the unacceptable inequality in the City's grade and intermediate public schools while also adopting the 5 to 7% plan.

The City Council resolution does not however, on its face, recognize that Mayor de Blasio and the New York City Department of Education can immediately change the admissions process for five of the eight Specialized High Schools that are not named in the State law. We ask that the City Council amend Resolution 196 to include a call for change at the City level and to urge the Mayor to use his authority to immediately change the admissions policy for the five newest Specialized High Schools that are not statutorily required to use the SHSAT.

We applaud the introduction of resolutions and legislation that seek to take the first step towards reversing the hyper-segregation and racial isolation so prevalent in our City's schools. We are hopeful that this Council, the City Department of Education, and the de Blasio administration continue to work together and with the State government to advocate for more racial diversity in New York City public schools, remedy the harms of racial isolation, and expand educational opportunities for all.