

Capacity Committee

Diversity Strategies Policy Development

Background

The State Board of Education obtained a grant from the Martha Holden Jennings Foundation to support the Board's revision of its 1980 Equal Educational Opportunity Policy. During the July Board meeting, the OSU Kirwan Institute presented to the full Board membership ten (10) concepts for possible inclusion in the Board's new Diversity Strategies Policy. Board members and ODE leadership provided feedback, and the Kirwan Institute has now prepared for Committee review an Interim Report that incorporates the feedback and includes eleven (11) concept recommendations.

Upcoming Action Items

November: Capacity Committee work session - discussion and vote-out
December: Full Board presentation on selected recommendations
January: [Tentative] Full Board Intent resolution
February: [Tentative] Full Board Adopt resolution

Kirwan Institute Executive Summary

Diversity Strategy Recommendations

The following recommendations are aligned with the state constitution's mandate to provide a 'thorough and efficient' school system, reasonable, predicated upon quality research, and compliant with law. Thus, the following recommendations are valid, constitutional, and defensibly in the best interest of Ohio school children.

Recommendation 1: Reaffirm the Commitment to Promoting Diversity & Reducing Racial Isolation

In the 1980 Policy Forward and 1978 "Resolution on Equal Educational Opportunities," this Board asserted, in the strongest possible terms, its support for student diversity and the alleviation of racial isolation in Ohio schools. We recommend that this Board once again reaffirm its commitment to the goal of promoting diversity and reducing racial isolation in Ohio schools. A majority of Justices on the Supreme Court have affirmed that goal of promoting student diversity and reducing racial isolation as compelling government interests.

Educators and administrators throughout Ohio have unequivocally affirmed the value and importance of diversity in relationship to a variety of pedagogical goals, including preparing students to succeed in contemporary society, staying competitive in a global economy, and to citizenship. As the United States becomes a "majority-minority" nation, cultural fluency, competency, and familiarity with persons of different backgrounds and experiences will be an increasingly vital life skill. Diverse educational settings promote positive intergroup contact and reduce prejudice and stereotyping. Educators and administrators also underscored the importance of diverse social settings in the development of critical thinking skills, problem solving capacity, and analytic ability, which translates into academic achievement.

Both in terms of the challenges to educational achievement and in terms of the benefits that accrue from diversity, educators and researchers recognize that race is merely one important component of diversity. Diversity is a fluid concept and varies by region/district/school. We recommend that the State Board should define diversity broadly—to include race, ethnicity, sex, ability/disability, sexual orientation, socioeconomic status, and religion.

Recommendation 2: Continue the Policy of Obligating Districts with 'Substantial Variation' to take 'Reasonable' Actions to Reduce It as are Consistent with Federal Law

The 1980 Policy required all districts to take "reasonable action" to alleviate substantial racial or ethnic isolation in their districts. The policy defined 'substantial' racial or ethnic variation in reference to the demographics of a district as a whole. Specifically, any district with a building in which the minority student body was ± 15 percent from the district average was deemed a 'substantial variation.'¹ Once identified, the district was then required to take 'reasonable action' to alleviate such variation. Both the policy of monitoring and identifying buildings exhibiting 'substantial variation' and the requirement that

districts to take “reasonable” action to alleviate such racial isolation are permissible under state and federal law. The United States Supreme Court has clearly affirmed the permissibility of this practice. In his controlling opinion, Justice Kennedy wrote that school boards are permitted to “track[] enrollments, performance, and other statistics by race.”

We recommend that the Board continue to obligate districts with substantial variation to take “reasonable” actions to alleviate such variation as are consistent with federal law. As described in the full report, patterns of residential segregation, both by race and SES, remain pronounced throughout the State of Ohio. These patterns manifest in schools both through attendance boundaries, transportation policies, which tend to send children to schools closer to their homes, and other race-neutral policies. Monitoring patterns of enrollment by race will foster greater awareness and understanding of the role that these policies play in reducing diversity within the district. In addition, since the demographics and circumstances of each district are unique, a policy of requiring ‘reasonable action’ to address racial isolation allows for district-level tailoring, and does not impose a ‘one size fits all’ mandate. Solutions can be fashioned for the circumstances of each district by administrators who are best able to understand the causes of racial isolation and propose solutions to redress it. Such actions are a vital step to the promotion of student diversity throughout the state.

Recommendation 3: Support and Encourage Voluntary Student Assignment Policies that Promote Diversity

The assignment of pupils was one of the principal mechanisms for alleviating racial isolation and promoting racial diversity under the 1980 Policy. While the use of student assignment policies to promote racial diversity remains a permissible goal under law, and within the power of the board to address, individual racial classifications are not permitted except under very limited circumstances. Consequently, assignment policies that seek to approximate a particular numerical target, either a ceiling or a floor, by admitting or denying a particular student admission in order to meet that target are not permitted.

Although individual racial classifications are generally not permitted, school districts may nonetheless pursue student diversity through student assignment policies. Specifically, districts may consider race-neutral criteria in individual student assignment, including the socio-economic status of students in the district, their free and reduced lunch status, the educational attainment of the parent, and other non-race factors. When such factors correlate to race, they may be used to achieve racial diversity in lieu of explicit racial classifications. Alternatively, race may be used as an explicit factor at the neighborhood level in drawing student assignment zones. For example, a district may draw a particular attendance zone to encompass two racially identifiable neighborhoods for the purpose of creating an integrated school building. In developing an integrative student assignment policy, districts are free develop assignment boundaries with a recognition of ‘general neighborhood demographics’ or to recruit students in a targeted fashion. Both practices were explicitly condoned in Justice Kennedy’s plurality opinion in *Parents Involved*. We recommend that this Board encourage the use of voluntary assignment policies that promote diversity and reduce racial isolation using either race-neutral criteria or race indicators at the neighborhood level.

Recommendation 4: Require Districts to Assess the Diversity Impact of a New School Site or School Closing

The 1980 Policy addressed new school site selection, attendance boundaries, projected additions, and school closures as means to promote greater racial diversity. The location of a school and its attendance boundaries is a chief determinant of the degree of student diversity within that school, as well as a major driver of the level of diversity throughout the district. A school sited in a racially isolated area will not only produce a racially homogenous student body, but may reduce the overall diversity within the district by drawing off students from other, more integrated schools. Conversely, a school strategically sited to promote diversity can draw students from two or more racially isolated neighborhoods into a diverse school environment. Like school openings, school closures may exacerbate patterns of racial isolation by dispersing students to less diverse schools, and may contribute to making other schools less diverse. For example, a school closure of a relatively well-integrated school may result in sending the white children from that school to a predominantly white school, and the minority children to the majority-minority school.

Aside from integrative student assignment plans or redrawing attendance zones, strategic site selection for new schools or school closures may have the most significant and lasting influence on student body diversity. We therefore recommend that the board retain its 1980 policy guidance in this regard, and further recommend that the Board require that all school closures, school additions, and new school sites throughout the State include a diversity impact assessment. In the case of school openings, this can be done by forecasting the student body of the new school based upon the demographics of likely enrollees, the proposed attendance zone, and any other relevant information. In the case of school closings, the Board should continue its previous policy of advising that “school closures are strategically planned to minimize racial isolation in the remaining school.”

We do not intimate that the Board can override the judgment of a local school district or supplant its decision regarding site selections or school building closures. Rather, the State Board of Education can require school districts to assess the impact on diversity of a new school site or school closing. The assessment alone would not be determinative of the final result; local districts would decide how much weight should be given to the assessment, if any. We do not express a view as to how such an assessment would be used, whether it would be a criteria in determining a new school location, or how much weight such a criteria, if used, might be given. In theory, as between more than one proposed new school sites, the Board could recommend that the diversity impact of the new school be an explicit criterion in determining a new school location. Alternatively, such an assessment could simply provide information to the Board or to local districts regarding the potential impact of a new school site. Ideally, such information would be used by districts to promote diversity and, at a minimum, foster greater awareness of the issue within the district and its respective community.

Not only are these consistent with federal law, and explicitly mentioned as a permissible means of promoting student body diversity in *Parents Involved*, but it is the least disruptive to individual students. Integrative student assignment plans and redrawing attendance zones or boundaries are more likely to directly impact students who are channeled into a different school as a result of the policy, sometimes

further from their home. This can lead to parental complaints about long bus rides and other inconveniences. Moreover, integrative student assignment policies, such as modifying feeder patterns or redrawing attendance zones, will have to work harder and be more elaborate to reduce any racial isolation produced by school sitings and closures. Strategic site selection of new schools or school closures with a recognition of residential patterns obviate these concerns, and will have the most lasting impact for the least amount of effort (a one-time analysis), minimizing the need for more elaborate, extensive, and costly student assignment policies.

Recommendation 5: Continue the Policy Commitment to Equal Employment Opportunities and Staff Diversity

Research demonstrates the importance of a diverse educational workforce. Studies have shown that a diverse teaching staff has a positive impact on student achievement, including a direct relation to closing the achievement gap.ⁱⁱ A diverse teaching staff carries a number of academic and psychological benefits including: providing role models, having higher expectations, encouraging academic performance, understanding cultural difference, and breaking down all students' stereotypes.ⁱⁱⁱ In October 2004, the Collaborative on Diversity in the Teaching Force^{iv} reported that a diverse staff would:

- increase the number of role models for students of color;
- provide opportunities for all students to learn about ethnic, racial, and cultural diversity;
- be able to enrich diverse students' learning because of shared racial, ethnic, and cultural identities; and
- serve as cultural brokers, able not only to help students navigate their school environment and culture, but also to increase the involvement of other teachers and their students' parents.^v

Unfortunately, Ohio's teaching force does not reflect its diversity. Nationally, while 60% of public school students were white, 90% of teachers were white. Black students constitute 17% of the national population yet only 5% of teachers are black.^{vi} According to ODE data as of 2008-09, of the more than 111,000 teachers employed throughout the State of Ohio,

93.8% (104,468) identified as white, 5% (5,520) black, 0.6% (659) Latino, 0.4% (416) Asian or Pacific Islander, 0.1% (57) American Indian or Alaskan Native, and 0.2% multiracial or did not specify. These figures have remained virtually constant over the past ten years.^{vii}

Administrators and educators throughout the state emphasized and recognize the value for diversity among staff, and the need for staff recruitment and hiring as a strategy to promoting diversity and as a challenge. We, therefore, recommend the continuation of 1980 Policy regarding the assignment, recruitment, and employment practices of staff, with the exception of any effort to achieve racial balance. We, furthermore, recommend that each local board of education be required to adopt and implement strategies to recruit, hire, and retain staff as part of a comprehensive plan to promote diversity.

Recommendation 6: Support and Expand Diversity Training for Teachers and Administrators

Increasing the diversity of the teaching force is a critical component of ensuring a more culturally relevant educational experience for students, however, deliberate efforts must also be made to increase the cultural competency of teachers and administrators already placed in schools. While enrolled in teacher education programs many students assume they are going to be employed in a suburban district and thus do not seek out opportunities to gain cultural competency. Many of the racial disparities occurring in schools, from tracking to disparate discipline rates, can be remedied in part by teachers and administrators who are trained to understand cultural nuances and can develop appropriate responses. Instead, we have teachers and administrators who are becoming overwhelmed and fleeing, creating a cycle of high teacher turnover and an unstable school environment. Lower income, urban schools have more teachers on average with fewer years of teaching experience, and more teachers who are teaching outside their field of expertise. In Ohio, approximately 20% of teachers in urban schools left their positions as compared to 11% statewide.^{viii} The primary reason teachers cite leaving their school is stressful working conditions including discipline issues, lack of resources and a lack of administrator support. While cultural competency training is not a silver bullet, it can provide teachers and administrators with the tools necessary to more effectively manage and teach their students, and can result in lower turnover and greater job satisfaction.^{ix}

Often the immediate fix schools and districts seek in increasing cultural competency are stand-alone professional development opportunities. Unfortunately, in and of themselves, these have little long-term impact without significant follow-through or support. We recommend a coordinated sharing of existing practices to better understand teachers' needs and to uncover what is already in place to address deficiencies in professional development. In addition, we recommend that the Board encourage districts to monitor teacher turnover rate, their teachers' comfort level with their student population, and their need for professional development. There must be an explicit focus on increasing cultural competency for all existing school personnel, and working closely with teacher and administrator education programs to ensure that they are gaining the skills and knowledge needed to thrive in diverse school environments.

Recommendation 7: Limit the Application of Zero Tolerance Policies to Serious Offenses Only and Support Effective Interventions Measures that Reduce Push-Out

Disparate use of disciplinary policies results in the effective denial of educational opportunities for students of color through increased use of suspension and expulsion. Large disparities exist between discipline for white students and students of color. Black students were disciplined more times than white students in 2008-09, even though Ohio's public schools had more than four times as many white students as black.^x In 2006-07, in Ohio, 3.2 black students were suspended for every one white student.^{xi}

[F]rom 2004-05 to 2007-08, the number of out-of-school suspensions per black student increased by 34%. During the same period, out-of-school suspensions per white student decreased by 3%. The resulting difference is that by 2007-08, black students were

nearly five-and-a-half times more likely to be suspended out-of-school than white students.^{xii}

Ohio law requires local boards of education to adopt policies of zero tolerance for violent, disruptive, or inappropriate behavior.^{xiii} Section 3313.534 of the Ohio Revised Code requires the boards of education of each school district to adopt “a policy of zero tolerance for violent, disruptive, or inappropriate behavior. . . .” However, the Code does not provide a definition of “zero tolerance” or provide guidelines or standards to be included within the policy. Consequently, local school boards have broad discretion to define and implement student disciplinary policy, with the exception for gun possession, which requires a mandatory one-year expulsion if a student is found on school property with a firearm. Additionally, many school boards adopt expansive policies, which allow for broad interpretation and application by district administrators.

We strongly recommend that the Board specifically restrict zero tolerance policies to truly serious offenses. Alternatively, the Board could simply identify the offenses or violations it considers worthy of zero tolerance policies, and promulgate its determination as a model for districts, in their discretion to emulate. In addition, we recommend that the Board implement effective interventions to address the racially disparate effects of disciplinary policies.

Data is already being collected which reports statistics by student characteristics, including race, socioeconomic status, gender, etc., the type of discipline imposed and occurrences, and the reasons for the discipline. However, data does not indicate police referrals or arrests made on site. Nor does the data indicate the severity of the discipline imposed. The data reports the number of disciplinary actions per 100 students and discipline occurrences, but does not disclose, for example, the amount of time a student is expelled or suspended. We recommend for the continued collection of discipline statistics, but to include: the severity of punishment, police referrals, and on-site arrests.

Recommendation 8: Expand and Replicate Successful Magnet School Programs

Ohio has been a leader in developing magnet programs that generate diversity and reduce racial isolation while achieving academic excellence. The Cincinnati School for the Creative and Performing Arts was founded in 1973 as part of a court-ordered desegregation mandate, and it quickly grew into one of the most prestigious arts schools in the nation. The school was recognized as a “Blue Ribbon School” by the U.S. Department of Education in 1984–85, and has been cited for “excellence in integration.” More recent Magnet schools have been using a STEM (Science, Technology, Engineering, and Math) focus, and have shown great promise. The Metro school, located in Columbus, Ohio, is a regional magnet and Ohio’s first STEM school that draws representative students from the Columbus metropolitan region, Columbus Public Schools and Suburban schools alike. Each of the 76 students in the first graduating class has been accepted to college, and many have enrolled in elite private universities.^{xiv} It has been so successful that eight STEM schools are opening up throughout the State.^{xv} In addition to being a successful model of student achievement, diversity, and parental choice, STEM and other magnet schools help produce workforce development, particularly in STEM areas.

Because racial isolation in school settings is primarily a function of residential housing patterns that feed schools, magnet schools remain an excellent and attractive integrative mechanism for promoting K-12 diversity. They are attractive because they represent individual choice yet produce diverse outcomes. Importantly, whites, the most racially isolated group, are well represented in predominantly minority magnet schools. According to one study, 40% of white students in magnet schools are in predominantly minority schools.^{xvi} Magnet schools are a disincentive to white flight. However, while intra-district magnets should be encouraged and supported by the State Board, we also recommend that the State Board support other successful regional magnet models in Ohio, such as the Metro School, and the Dayton Regional STEM. Regional magnets are perhaps the most successful and most attractive mechanism for producing integrated schools in segregated regions.

Recommendation 9: Maintain Rigorous Standards of Achievement While Focusing on Students Needs

Tracking is one of the most pervasive and pernicious ways of sorting students by race within schools. On its face, the practice seems logical. By sorting students by their ability level, teachers can provide differentiated education at a level that matches the students' needs. In practice, however, it is sorting students of color into the lowest ability tracks where they fail to gain the skills or credentials necessary to further them in their educational endeavors. Lower-income students of color are seven times as likely to be in lower-track classes as middle-income White students.^{xvii} Further, they are half as likely to be in gifted classes.^{xviii} Tracking students into different classrooms by race is a pervasive phenomenon, even within racially diverse school buildings. Greater monitoring of the way in which tracking, either in advanced or remedial classes, correlates to race within a district is needed, and greater attention to these patterns by administrators and teachers is required.

Recommendation 10: Replicate Successful Comprehensive Counseling Programs to Support Diversity

A comprehensive approach to counseling was addressed in the 1980 Policy. However, over the last 25 years, school counselors working in Ohio have had limited assistance with effectively addressing intergroup relations in schools despite demographic shifts within the State and mandates related to *No Child Left Behind*. Today, school counselors are attempting to meet the needs of students based on policies that were enacted over two decades ago, thus creating a disconnect between the cultural realities of modern schools and the systems that serve them. While the 1980 Policy enabled districts to develop policies to meet the needs of their students, the previous policies were too vague and allowed schools to minimize the role of school counselors when addressing issues of diversity and racial isolation within the school or community.

Since the 1980 Policy was developed, the Ohio School Counselors Association (OSCA) adopted a transformative model^{xix} for counseling in Ohio that includes language to help counselors engage in needs assessments for groups that experience inequities within the school/district. Historically, some schools have been successful in their efforts to reduce racial isolation, however, many fail to capture data related to the outcomes of such programs and miss opportunities to access external funding or recognition that may enhance or improve programming geared at improving intergroup relations within schools. Employing a Comprehensive Counseling program will ensure that Ohio counselors are able to

effectively implement and manage programs with the use of data, action plans, and an advisory council (i.e., combination of students, parents, and colleagues in the school and community). Meaningful integration plans or diversity policies should address the role of counselors within the school/district. In addition, the adoption of Comprehensive School Counseling Programs will provide additional insight into school climate and culture that can be evaluated over time as opportunities change and demographics shift.

Recommendation 11: Encourage Community Involvement/Relations

Experience as well as good educational practice supports the use of community relations initiatives as a way of addressing issues pertaining to diversity and race. One of the most important goals of public education is the development of good citizens. Many high schools feature citizen’s initiatives, often in the form of public service requirements. Community members and parents especially, often seek involvement in the education of their citizens and future community members, and justifiably so. To the extent that tensions around diversity or race exist in the community at large, they will often manifest in subtle and not-so-subtle ways in the educational setting.

Many educators and administrators report racial incidents in their building or in their district. Children and teenagers will sometimes repeat remarks heard outside of the school or by peers, and inevitably conflicts triggered by epithets or other remarks will arise. While there is often a tendency to address these as isolated incidents, there is evidence that broader approaches, such as community-wide dialogues or programmatic initiatives, are more effective at reducing the incidence of these behaviors and at reducing their impact. With many successful models to draw from based upon the experience of districts throughout the State, this board can highlight and encourage districts to adopt similar initiatives tailored to their community.

ⁱ If a district was determined to have produced such ‘substantial variation’ as a result of segregative intent or practices, then the district had an ‘affirmative obligation’ to eliminate the variation, not merely an obligation to take ‘reasonable action’. (see p. 16)

ⁱⁱ *Id.*

ⁱⁱⁱ Salinas, J.P. (2002). The Effectiveness of Minority Teachers on Minority Student Success. In National Association of African American Studies & National Association of Hispanic and Latino Studies: 2000 Literature Monograph Series. Proceedings (Education Section).

^{iv} *Assessment of Diversity in America’s Teaching Force: A Call to Action*, available at <http://www.nea.org/assets/docs/diversityreport.pdf> (Oct. 2004).

^v *Id.* at 6.

^{vi} *Assessment of Diversity in America’s Teaching Force: A Call to Action*. Presented By National Collaborative on Diversity in the Teaching Force. Washington, D.C. October 2004. Available online at: <http://www.nea.org/teacherquality/images/diversityreport.pdf>

^{vii} Ohio Dept. of Education.

^{viii} Opfer, V. Darleen, and Swan Robinson. “Beyond the Numbers: Conditions of Teaching in Charter/Community Schools in Ohio.” The Ohio Collaborative, 2005. Available online at <http://www.ohiocollaborative.org/downloads/policy-brief-charter-schools.pdf>.

^{ix} Hanushek, Eric and Rivkin, Steven G. “The Revolving Door.” *Education Next* 4:1. Available online at http://media.hoover.org/documents/ednext20041_76.pdf.

^x http://www.dispatch.com/live/content/local_news/stories/2010/06/29/blacks-disciplined-most-often-in-schools.html?sid=101

^{xi} Jim Freeman, Advancement Project, Presentation at the U.S. Social Forum (June 23, 2010) (power point presentation on file with author) (citing U.S. Department of Education).

^{xii} Advancement Project, *Test, Punish, and Push Out: How “Zero Tolerance” and High-Stakes Testing Funnel Youth into the School-to-Prison Pipeline*, http://www.advancementproject.org/sites/default/files/publications/rev_fin.pdf (Mar. 2010) (citing Ohio Department of Education).

^{xiii} The law itself reads: “[T]he board of education of each city, exempted village, and local school district shall adopt a policy of zero tolerance for violent, disruptive, or inappropriate behavior, including excessive truancy, and establish strategies to address such behavior that range from prevention to intervention.” Ohio Revised Code § 3313.534.

^{xiv} http://www.dispatch.com/live/content/local_news/stories/2010/05/03/first-stem-class-shows-promise.html

^{xv} There are currently 10 STEM schools including 5 regional magnets in the state of Ohio. The only school in Northwestern Ohio, Perkins STEM School, is a single district institution accepting students from grades 6-12. Northeastern Ohio is home to three STEM schools: North East Ohio Design Lab Early College High School, MC2 Stem High School, and National Inventors Hall of Fame School. All three schools are regional magnets. The Design Lab and MC2 schools are available to High School students who live in the Cleveland Metropolitan School District and within the 15 First Ring School Districts. The Hall of Fame School accepts students in grades 5-8 from the Akron region.

Central Ohio is home to Metro Early College High School (grades 9-12), Reynoldsburg STEM Academy (grades 9-12), and Linden-McKinley STEM Academy (grades 7-12). The Metro School is a regional magnet operated by a confederation of 16 public school districts in Franklin County; however, Linden and Reynoldsburg are single district institutions serving Columbus City Schools and Reynoldsburg City Schools respectively.

There currently are 3 STEM schools in Southwestern Ohio: Dayton Regional STEM School (grades 6-12), Hughes STEM High School (grades 9-12), and New Miami STEM school (6-12).^{xv} The Dayton School is the only regional magnet as it accepts students from Clark, Greene and Montgomery Counties.

^{xvi} http://www.civilrightsproject.ucla.edu/research/magnet/the_forgotten_choice_rethinking_magnet_schools.pdf p. 16

^{xvii} Rand Corporation Study as cited by Sanders, R. & Holt, W. (1997, October 20). Still separate and unequal: Public education more than 40 years after Brown. *In Motion Magazine*. Available online at: <http://www.inmotionmagazine.com/forty.html>

^{xviii} Ford, D. Y., & Harris, J. J., III. (1996). Perceptions and attitudes of Black students toward school, achievement and other educational variables. *Child Development*, 67, 1141-1152.

^{xix} Ohio School Counselor Association. (2007). *The Ohio Comprehensive School Counseling Program*, November 2007. Doylestown, OH: Author. This program was based on the American School Counselor Association National Model.