

Diversity Strategies for Successful Schools Policy

Empowering School Districts to Promote Diversity and Reduce Racial Isolation in Ohio's Schools



I. Introduction

Promoting diversity and alleviating racial isolation has long been a goal of the State Board of Education of Ohio. In 1980, the State Board affirmed this goal once more, and implemented an Equal Educational Opportunity Policy guide for school districts in Ohio. Following the 2007 Supreme Court decisions,ⁱ this Policy was suspended,ⁱⁱ pending the development of a new Policy that would reflect contemporary law, but more importantly, confront the demographic realities and educational challenges of the 21st Century. This Policy is responsive to those needs and a clearly stated desire among local administrators and state leaders to accomplish these goals.ⁱⁱⁱ

In this Policy, the State Board once more reaffirms its longstanding commitment to diversity and alleviating racial isolation within Ohio. The goal of this Policy is to empower districts with the tools, resources, and knowledge to promote diversity and reduce racial isolation. This is to be accomplished by creating the infrastructure to allow existing diversity best practices to be lifted up and shared, and by providing careful guidance and available resources to districts.^{iv}

This Policy has also been adopted with recognition of limitations of the current budget environment and the need for flexibility in implementation. The Board understands that one size does not fit all. Therefore, the guidance provided in this Policy is intended to provide local administrators and school board members with the resources, information, and knowledge to design practical and reasonable solutions tailored to their unique circumstances. Moreover, this guidance has been designed to minimize long-term costs associated with diversity initiatives and without imposing unfunded mandates. Finally, the guidance offered by this Policy is consistent with parameters of law and federal guidance issued jointly by the U.S. Departments of Justice and Education.^v

This Policy offers direction for districts and administrators to proactively address many of the current and looming challenges facing Ohio's schools, setting forth a wide array of options to improve diversity, reduce racial isolation, and improve academic performance. Accordingly, the guidance provided by this Policy takes several forms: principles announced by the State Board, identification and elaboration of activities consistent with those principles, encouragement to pursue activities embodying those principles, specific requirements to take "reasonable" actions consistent with those principles, and reporting requirements to the Superintendent of Public Instruction. Specifically, this Policy directs that:

- 1) Individual School Districts Develop a Statement on Diversity

- 2) School Districts take Reasonable Action to Improve Diversity and Reduce Racial Isolation
- 3) Voluntary Assignment Policies that Promote Student Diversity are encouraged as Permitted by Law
- 4) Districts are required to Continue to Promote Equal Employment Opportunities for Staff and Encouraged to Develop Strategies to Recruit, Hire and Retain Diverse Staff
- 5) Districts are encouraged to Support, Expand, and Improve Diversity Training for Teachers, Administrators, and School Board Members
- 6) Districts are to Report to the Superintendent of Public Instruction the Diversity Impact of a Potential School Site or School Closing
- 7) Districts are to Develop Reasonable Disciplinary Policies and to Support Interventions that Reduce Student Push-Out
- 8) Districts are encouraged to Develop Magnet Programs and to Participate in Regional Magnets
- 9) Districts are to monitor the Racial and Ethnic Representation of Students in Advanced Placement, International Baccalaureate and Special Education Classrooms
- 10) Districts are Strongly Encouraged to Adopt the Ohio Comprehensive Counseling Program in Recognition of the Vital Role of Counselors in Support of Diversity, Meaningful Integration, and Improving Academic Achievement for All Students
- 11) Districts are encouraged to Support Structured Community Involvement in Schools and Improve Community Relations
- 12) Districts are encouraged to use Curricula, Instructional Materials, and Educational Methodologies that Support Diversity and Achieve the Benefits of Diversity

This guidance has been derived from the *RECOMMENDATIONS REPORT ON DIVERSITY STRATEGIES FOR SUCCESSFUL SCHOOLS* adopted by the State Board of Education on September, 13, 2011.^{vi} for background on the Diversity Strategies for Successful Schools Project and more information on the development of the recommendations that informed this Policy, please refer to the Recommendations Report.

II. Statement on Diversity in Ohio

A. Challenges

As is true nationwide, the racial composition of Ohio's student population has changed dramatically since the late 1970s. In particular, Latino and Asian enrollment has grown substantially relative to other groups. Nationally, students of color comprise over 40% of all public school students. In 1980, Ohio's schools were 86% white, 13% African-American, 1% Latino, and less than one-half of 1% Asian-American.^{vii} In 2010, Ohio's schools were 75% white, 16% African-American, 4% multi-racial, 3% Latino, 2% Asian-American, and .1% Native American. These trends are predicted to continue. In addition to growing racial diversity, Ohio is geographically diverse, with large urban and rural areas, and a substantial number of children from socioeconomically and linguistically diverse backgrounds.

While some groups in Ohio are seeing a numerical or proportional decline, other subgroups are steadily increasing. In 2008, there were 113,751 Hispanic or Latino students compared to only 95,085 in 2004. In

2008, there were more than 175,000 children from immigrant families, up from 124,000 in 2000-2002. One challenge this poses for schools and districts is the need to serve those students who are limited English proficient. Schools are a vital place to provide these students with language acquisition skills and meaningful opportunities to interact with native English models.

In 2007, more than 35,000 limited English proficient (LEP) students were enrolled in Ohio elementary and secondary public schools.^{viii} While these numbers may appear to be a small percentage of any district's overall student population, ESL students are often concentrated in the same classrooms, neighborhoods and learning environments.^{ix} It is estimated that in some schools more than 60% of the student body are English Language Learners (ELL). As a consequence of such isolation, many students have limited exposure to English with a direct impact on testing proficiency. Furthermore, the high correlation between ELL and poverty places many of these students at even greater risk.

When discussing English Language Learners or immigrant populations, it is often assumed those students are primarily of Hispanic or Latino/a descent. However, more than 12,000 refugees have settled in Ohio since 1999 from such countries as Somalia, Burma, Vietnam, Russia, Uzbekistan, Cuba, Burundi, Ethiopia, Ukraine, Eritrea, Liberia, Iran and Sudan.^x There are not only language and cultural considerations that must be taken into account for refugee populations, but other supplemental services may be needed as well. For example, resettled refugees are ten times more likely to suffer from post-traumatic stress disorder than the general population and schools may not have adequate mental health resources to assist those children.^{xi} Despite these challenges, schools are expected to ensure all members of their student body are performing at grade level, and the schools may be penalized for failing to achieve this goal for all of their student subgroups.

Beyond racial and ethnic diversity, Ohio is home to a rich religious and cultural heritage. Students of diverse faiths and faith traditions engage each other and learn together across the state. Although student-level data on religious affiliation is not collected by ODE, Ohio is home to individuals representing more than 113 different religious denominations.^{xii} Students may not receive formal instruction on religion, but informal, unstructured conversations that occur in school environments and beyond prompt students to confront difference and build community through social learning and tolerance.

Particular attention is warranted to the educational welfare of ethnic and religious minorities. Students from certain religious minorities may be disproportionately targeted by bullies because of their conspicuity, religious garb or dress. Administrators, teachers, and counselors may wish to address incidents of verbal harassment or mitigate their impact and reduce their frequency within a broader context of understanding difference and appreciating diversity.

One student subgroup that receives less attention in Ohio due to the large number of urban regions in the State is the Appalachian population. It is important to recognize and address some of the unique challenges that the 127 Appalachian school districts face. The Appalachian region of the State is one of the most fiscally depressed areas of Ohio. The 29 counties designated by the U.S. government as Appalachian consistently have the highest poverty rates in the State. The Appalachian region is

Struggling to educate a higher-need population with fewer resources. Students living in this region experience a number of conditions that are highly correlated with depressed academic performance. For example, high poverty students experience greater rates of student mobility, which has shown to lower academic performance and increase risk for school failure and dropout.^{xiii} The Appalachian region has a drop-out/push-out rate 7% higher than the State average.^{xiv}

The socio-economic diversity of Ohio's residential neighborhoods poses clear challenges for many of Ohio's school districts beyond the Appalachian region as Ohio's neighborhoods become increasingly segregated by income. Between 1970 and 2009, income segregation grew dramatically in the vast majority of metropolitan regions.^{xv} Critically, mixed income neighborhoods have grown less common, while affluent and poor neighborhoods have grown much more common.^{xvi} Specifically, the share of the population in large and moderate-sized metropolitan areas who live in the poorest and most affluent neighborhoods has more than doubled since 1970, while the share of families living in middle-income neighborhoods dropped from 65 percent to 44 percent.^{xvii} Because of the linkages between income, property values, and school funding, as well as the various neighborhood factors that shape educational outcomes, these trends pose stark challenges for Ohio schools in coming decades.

Unfortunately, many of these trends exacerbate patterns of racial residential segregation extant throughout the state. While the absolute number of African American children has been steadily declining in recent years, racial segregation in education is unfortunately on the rise. Roughly two of every five black or Latinos students in the United States attend 'intensely segregated schools' (in which 90-100% of the students are minorities), up from one-third in 1988. Meanwhile, the average white student attends a school that is nearly 80% white, a considerably higher percentage than the overall public school enrollment. Ohio is leading the nation in the increase in African American hyper-segregation in education with the percent of black students in nearly all minority schools (those where the student body is <5% white) increasing 18 percentile points to 28 percent from 1993-1994 to 2005-2006.^{xviii} Ohio's school systems remain segregated by race, which has a byproduct of concentrating non-white youth into high poverty environments.

In 2000, the neighborhood poverty rate for the average African American household in Ohio's largest metropolitan areas was double to triple the neighborhood poverty rate found in the average White household's neighborhood.^{xix} The socioeconomic composition of the student body has a substantial influence on learning and the academic achievement of the average student.^{xx} Peer and neighborhood influences shape not only educational attainment, but influence educational aspirations. Poverty rates for black and Hispanic populations are consistently higher than those of white families.^{xxi} In Ohio, while African American children constitute 15% of the population, 44% of black children are in poverty and 67% of black children live in a family where no parent had full-time, year-round employment. Similarly, Hispanic children constitute 4% of the population, 32% of children in poverty, and 45% do not have a parent with full-time employment.^{xxii} It is not simply patterns of *de facto* residential segregation manifesting in school buildings that is driving these patterns. Income segregation among African Americans and Hispanics grew more rapidly than among non-Hispanic whites, especially since 2000. In addition, the growth of charter schools may reduce the efficacy of district-wide or regional diversity

policies.^{xxiii} The challenge for public schools based on residential proximity is that residential segregation – by race and SES – is entrenched.

B. The Role of Diversity

Ohio’s educators and school leaders have long understood and continue to appreciate the important role of diversity in promoting educational achievement.^{xxiv} In particular, Ohio’s education leaders understand the value and importance of diversity in relationship to a variety of pedagogical goals, including preparing students to succeed in diverse society, staying competitive in a global economy, and to citizenship.^{xxv} As the United States becomes a “majority-minority” nation, cultural fluency and familiarity with persons of different backgrounds and experiences is an increasingly vital life skill. While these skills may be incubated in the home, educational environments play a vital role in developing them in practice and for each community’s next generation of parents.^{xxvi}

Diverse educational settings provide critical opportunities for students to interact with students from different backgrounds or different races and ethnicities. Such settings promote positive, peaceful and collaborative intergroup contact and reduce prejudice and stereotyping. Educators and administrators underscored the importance of diverse social settings in the development of critical thinking skills, problem solving capacity, communication skills, and analytic ability, which translate into academic aspiration and achievement. In short, preparing students for civic, cultural, and economic life requires exposure to diverse educational settings and curricula and engagement with students from different backgrounds and life experiences. Diversity is not a concern distinct from student achievement, but an integral component of it.

What is diversity? Diversity is a multi-dimensional concept that acknowledges and embraces the richness of human differences. When recognized and embraced as a community and school asset, diversity can provide a rich, academically stimulating and socially engaging experience for children and young adults. Given that the interests in promoting diversity are wide ranging, and that forms of diversity that serve these interests are equally broad, this Policy encourages districts to define diversity expansively to include a range of individual, familial, and community characteristics. Specifically, diversity encompasses, but is not limited to, race and ethnicity, national origin, gender, religion, sexual orientation, socio-economic status, familial status, (dis)ability, and linguistic diversity. These categories are not mutually exclusive and often interact. Their particular salience depends upon the educational and community context.

III. Guidance for Promoting Diversity

The following pieces of guidance are designed to be complementary. They are intended to reinforce and support each other within a broader framework of promoting diversity and reducing racial isolation to improve student achievement and promote successful schools throughout the state of Ohio.

A. School Districts are to Develop a Statement on Diversity

Through this guidance the State Board of Education of Ohio affirms its long-standing commitment to promoting diversity within Ohio's schools for the reasons set forth in Part II of this Policy. To serve that goal, local districts are asked to develop a statement on diversity tailored to their community and educational goals. Diversity takes many forms throughout the state and varies by region and community. Although the forms of diversity are as varied as the communities they serve, individual districts are encouraged to identify the elements of diversity that enrich their communities, and to develop a statement setting forth district level policy with respect to diversity.

Ohio's educational leaders recognize the value of diversity in service of many pedagogical purposes and educational goals. These ends may vary with the kinds of diversity that exist within each community. The Board encourages districts to identify these goals, and explicitly connect them to the role that diversity that may play in their district and community. Such a statement will provide the foundation for diversity programming, activities, outreach, and educational policy and ensure the calibration of such activities with pedagogical goals. Districts are also encouraged, as part of such a statement, to describe their experience and expertise with diversity initiatives. Such a statement will provide a record supportive of diversity policies and programming against any possible adverse legal action.^{xxvii}

Consistent with section (K) of this guidance, districts are encouraged to seek input from community stakeholders, parents, business leaders in formulating their diversity policy. Although school boards and district administrators should be clear about the educational goals of the diversity policy, community perspectives strengthen such policies and will improve community support. Public engagement is an important component of a meaningful diversity policy.

B. Districts are to take "Reasonable Action" to Improve Diversity and Reduce Racial Isolation

The 1980 EEO Policy required all districts to monitor the racial and ethnic composition of pupils and staff, and to take "reasonable action" to alleviate substantial racial or ethnic isolation in their districts even though this isolation was not the result of school district actions. The policy defined "substantial" racial or ethnic variation in reference to the demographic composition of the district as a whole. This Policy reaffirms the obligation on behalf of districts to monitor these patterns and to take reasonable action to alleviate substantial racial and ethnic isolation as it may exist within districts and promote diversity.

Patterns of residential segregation, both by race and SES, manifest in schools through attendance boundaries, transportation practices, and other race-neutral policies which tend to send children to schools near their residence. 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. While this information is currently being compiled and reported to ODE under federal and state law, local districts are encouraged to provide a diversity overview of their student bodies and staff on their websites as well.^{xxviii}

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 local administrators

who understand the causes of substantial racial isolation and are best positioned to propose effective solutions to redress it. Such actions are a vital step to the promotion of student diversity throughout the State, and specific regions within the state. ODE will facilitate the development of district-level solutions by disseminating proven and research-based practices that will advance diversity strategies and build capacity for continuing commitment and action. Likewise, districts are encouraged to communicate and report to ODE and to the State Board on challenges they face in promoting diversity, and resources that might help improve district or regional-level outcomes.

C. Voluntary Assignment Policies that Promote Student Diversity Are Encouraged As Permitted by Law

This Policy encourages districts to devise student assignment policies that promote diversity generally and reduce racial isolation specifically as permitted by law. For reference, the U.S. Department of Education and Department of Justice issued guidance in late 2011 on the promotion of diversity and avoidance of racial isolation setting forth not only the parameters of law, but a range of permissible approaches.^{xxx} Districts are further encouraged to seek out technical assistance, modeling and other capacity as needed.

While the use of student assignment policies to promote the goal of racial diversity remains permissible under law, individual racial classifications are not permitted except under very limited circumstances.^{xxx} Nonetheless, school districts may pursue the goal of student diversity through a variety of student assignment policies. For example, adjusting feeder patterns from elementary to middle schools or middle schools to high schools can improve racial diversity and reduce racial isolation within school buildings. Similarly, realigning grade levels or creating school clusters are examples of assignment policies designed to promote diversity that are cited as permissible under the federal guidance.^{xxxii} Part IV of the federal guidance provides many additional specific examples of how districts may pursue student body diversity and reduce racial isolation without employing individual racial classifications.^{xxxii}

Alternatively, districts may also rely on demographic data, including the racial composition of neighborhoods, to draw attendance boundaries to promote racial diversity within school buildings. In that respect, race may be used as an explicit factor at the neighborhood level in drawing student assignment zones.^{xxxiii} 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.^{xxxiv} Such an approach does not rely on individual racial classifications to reduce racial isolation and improve student-body diversity. In developing an integrative student assignment policy, districts are permitted under law to develop assignment boundaries with recognition of “general neighborhood demographics,” recruit students in a targeted fashion, or use race-neutral assignment criteria that correlate with race.^{xxxv}

Districts may also 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 parents, and other non-race factors. These policies have the direct effect of reducing concentrated poverty, perhaps the single greatest predictor of poor academic performance.^{xxxvi} When

such factors correlate with race, they may be used to achieve racial diversity in lieu of explicit racial classifications. It is important to emphasize the unique and important value of SES diversity for educational outcomes.^{xxxvii} Policies that promote SES diversity and reduce concentrated poverty in school environments, such as capping the number of students on free and reduced per school building, are strongly encouraged.

D. Districts Are Required to Continue to Promote Equal Employment Opportunities for Staff and Encouraged to Develop Strategies to Recruit, Hire, and Retain Diverse Staff.

Under state law, school districts are required to provide equal employment opportunities for staff. In addition, districts report staff assignments by race and gender to ODE. This Policy affirms the soundness of those policies, and further encourages districts to adopt affirmative strategies to recruit, hire, assign, and retain diverse staff as permitted by law.

Ohio's teaching force does not reflect its diversity. 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.^{xxxviii}

Administrators and educators across the state of Ohio appreciate the value and importance of staff diversity in connection with student achievement. Diverse staff serves as role models for students, help students navigate complex social environments, and improve staff cultural competency. Ohio's educational leaders have consistently emphasized the need for staff recruitment and hiring strategies to promote diversity and as an ongoing challenge for their districts.^{xxxix} This goal is further complicated by the growing evidence that racial and economic segregation contributes to teacher turnover, especially among the most qualified teachers.^{xl} Pursuing quotas or attempting to achieve numerical targets in making staff employment decisions is not permissible, but school districts may consider race as one of many factors in making hiring decisions, or, more generally, may target certain institutions or geographic regions for recruitment of staff with a recognition of underlying racial demographics. Districts are encouraged to learn from the best practices already in place in Ohio, and to seek out technical assistance in promoting staff diversity from ODE.^{xli}

E. Districts are Encouraged to Support, Expand, and Improve Diversity Training for Teachers, Administrators, and Board Members.

Increasing educator diversity is a critical component of ensuring a more culturally relevant educational experience for students and improving student achievement. However, given the underrepresentation of many minority groups in the teaching force and in the educator pipeline, equal attention must be given to efforts to improve the cultural competency of teachers and administrators already placed in schools. Teacher stability and experience is crucial to student performance and school improvement. A lack of cultural competency contributes to teacher turnover and ultimately harms student achievement.

Many of the racial disparities occurring in schools, from proficiency scores to disparate discipline rates, can be remedied in part by teachers and administrators who are trained to recognize cultural nuance and develop appropriate responses. While cultural competency training is not a panacea, 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.^{xlii}

Many of Ohio's districts have implemented teacher preparation or staff development programs designed to improve cultural competency and multicultural fluency among staff and administrators. Ohio's school districts utilize a variety of different programs and strategies to work towards a more diverse, culturally competent, and effective teaching force. This Policy encourages districts to model, adopt and emulate these programs where they have proven successful. This Policy encourages districts to implement staff development strategies that are connected to student achievement, embedded in curricula, and are financially sustainable. Too often, staff development in the form of diversity training takes the form of a one-time speaker or orientation. Unfortunately, these programs have minimal long-term impact without significant follow-through or sustained support. In contrast, teacher induction programs, which pair new teachers with more experienced teachers, have demonstrated success in transmitting cultural competency skills and retaining new teachers in challenging environments. By establishing a long-term, ongoing, supportive relationship, new teachers (or teachers new to diverse environments) can develop the skills necessary to be successful, including knowledge of the school's community.

Under this Policy, local districts are encouraged to collect data and share existing practices to better understand teachers' needs and to uncover what is already in place to address deficiencies in professional development. The ODE will facilitate this sharing by creating a repository database and website on proven, research-based practices. Schools are encouraged to monitor their teacher turnover rate, their teachers' comfort level of working with their student population, and their need for professional development. The goal is to improve the cultural competence of all existing school personnel, including school board members, and to develop, implement, and improve teacher and administrator education programs to ensure that students are gaining the skills and knowledge needed to thrive in diverse school environments. To facilitate the collection of data on teacher turnover, districts are to submit records of teacher turnover by student and teacher subgroups to the Superintendent of Public Instruction for further analysis. The ODE will continue and expand data collection on teacher quality, explicitly focusing on increasing cultural competency for all existing school personnel, and working closely with teacher and administrator education programs to ensure that students are gaining the skills and knowledge needed to thrive in diverse school environments.

In order to ensure the successful implementation of sustained diversity and cultural competency training, it is necessary that districts also provide such training to administrators and their boards of education. These educational actors play a vital role in formulating district level policy, and the sustainability and impact of meaningful diversity training will often hinge upon administrator support. Therefore, this Policy encourages school districts to provide such training to administrators and members of their boards of education.

F. Districts Are to Report to the Superintendent of Public Instruction the Diversity Impact of a Potential School Site or School Closing

The location of a school is the chief determinant of the degree of student diversity within that school, as well as a major determinant of the level of diversity throughout the district. 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. Districts are to consider the diversity impact of a school or program site opening or closing, and are to report such information to the Superintendent of Public Instruction.

When deciding whether to close a school and which school to close, districts consider many factors such as the age of the school, the cost of maintaining or rehabilitating the physical structure, the rate of population change in the attendance area, and the performance of the school. A new 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 educational environment.^{xliii} Integrative school site selection will also serve as a deterrent to white flight within a district, and increase the degree of diversity within the district as a whole. 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, the school closure of a relatively well-integrated school may result in sending white children from that school to the predominantly white school, and the minority children to the majority-minority school.

Compared to other activities or policies designed to promote diversity and reduce racial isolation, strategic site selection is among the least disruptive and most cost effective. 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. 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 openings and closures. This can lead to increased transportation costs and parental complaints about long bus rides and other inconveniences, such as not being admitted to the school of one's choice. Strategic site selection of new schools or school closures with a recognition of residential demographic patterns helps address these concerns proactively, 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.

As part of each district's routine reporting obligations, districts are to report to the Superintendent of Public Instruction the diversity impact of a potential school site opening or closing in comparison to the alternatives being considered by the district. This Policy does not prescribe a manner or method for such an assessment. In the case of school openings, this could 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 data. Geographic Information System (GIS) software can be employed to aid this process. In the case of school closings, this Policy encourages districts to continue to follow the guidance from the 1980 Policy that “school closures are strategically planned to minimize racial isolation in the remaining school.”

Nor does this Policy direct how much weight, if any, such a diversity assessment might have in terms of the final determination regarding a particular school site. The goal is that conducting such an assessment would bring to the attention of the local school board, the local Superintendent and other administrators, or the local community the potential impact of a new school site. Such information will foster greater awareness of the issue within the district and its respective community. Therefore, this Policy encourages local districts, administrators, and community members to use such information to promote diversity. For example, this Policy strongly discourages a new school site that would draw students from other schools and reduce the diversity of those schools, and thereby increase racial isolation throughout the district as a whole.

G. Districts are to Develop Reasonable Disciplinary Policies and to Support Interventions that Reduce Student Push-Out

Ohio law requires local boards of education to adopt policies of zero tolerance for violent, disruptive, or inappropriate behavior.^{xliv} 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 define “zero tolerance” or establish guidelines or standards for devising or applying such a policy. Thus, “zero tolerance” policies and discipline standards are left largely in the hands of local boards of education. Local school boards have broad discretion to define and implement student disciplinary policy, with the exception of gun possession, which requires a mandatory one-year expulsion if a student is found on school property with a firearm. Accordingly, many school boards adopt expansive policies, which allow for broad interpretation and application by district administrators.

Unfortunately, large disparities exist between discipline rates for white students and students of color.^{xlv} A study of Ohio found that black students were disciplined more than white students in 2008-9 despite there being four times as many whites as black students.^{xlvi} Nationally, black students with disabilities are three times more likely to receive suspensions than their white counterparts.^{xlvii} Students of color are also more likely to receive longer and harsher punishments for the same behavior as their white peers.^{xlviii} Disparate use of disciplinary policies results in the effective denial of educational opportunities for students of color through disproportionate use of suspension and expulsion. Zero tolerance policies have increasingly been identified as a contributory mechanism. The problem is that zero tolerance policies are being used to punish students for minor or innocuous offenses, ones that zero tolerance was never intended to remedy.

This Policy emphasizes the need for reasonable disciplinary measures, and the need to keep students in the school setting. Consequently, this Policy requires that zero tolerance policies apply only to truly serious offenses, and that zero tolerance be sensibly and reasonably applied.^{xlix} To that end, this Policy

encourages the development of uniform, district-wide application of disciplinary policies as a direct means of reducing the disparate impact of disciplinary measures. To facilitate improved monitoring of the sources of disparate disciplinary impacts, this Policy encourages districts to include in their disciplinary reporting the severity of the punishment, police referrals, and on-site arrests.¹

In addition, this Policy encourages the development and implementation of strategies designed to reduce student 'push-out.' The role of law enforcement, such as when arrests or arrest referrals may be made should be clearly prescribed for teachers and administrators within districts to reduce the incidence of racially disparate impacts. Cultural competency training, mentorship programs, more effective parental involvement efforts, and support of student needs that contribute to misbehavior can all reduce the racially disparate impact of disciplinary policies. ODE will facilitate sharing of solutions to these problems as part of the *Diversity Strategies for Successful Schools* initiative repository.

H. Districts are Encouraged to Develop Magnet Programs and to Participate in Regional Magnets

Magnet schools or magnet programs within schools emphasize a particular subject area or discipline, and are thus attractive choices to parents and students. Because racial isolation in school settings is primarily a function of residential housing patterns that channel students into schools, magnet schools remain an efficient and effective mechanism for promoting K-12 diversity. They are attractive because they represent individual choice yet produce diverse outcomes. Arts-based magnets and STEM magnets in particular have proven successful within Ohio given the interest in the subject matter and focus on university matriculation. Magnet and other specialized programming may offer more highly skilled instructors in more stimulating educational environments which contribute to improved academic performance and increased academic aspirations. These programs should be replicated, with proper supports, wherever possible.

Districts are encouraged to adopt magnet programs within school buildings as a way of promoting student body diversity, and to participate in district-wide or regional magnet program initiatives. Specifically, districts are encouraged to pursue magnet programming within traditional schools that promotes diverse educational environments by drawing students from more racially isolated environments. The federal diversity guidance offers the example of creating a specialized academic program designed to improve educational attainment and to draw students from across the districts into more diverse learning environments. In deciding which building to site the specialized program, a district might choose a low-performing or high-poverty school if the program would promote racial diversity or reduce racial isolation.^{li}

Today, the greatest degree of racial segregation is between districts, not within them. Regional magnets are perhaps the most successful and most attractive mechanism for producing integrated schools in segregated regions. Districts are encouraged to participate in the development of regional-magnets, which often use a lottery system to determine admittance, and are given seats proportional to the participant districts size. Provision for transportation costs must be made in developing such programs.

I. Districts are to Monitor the Racial and Ethnic Representation of Students in Advanced Placement, International Baccalaureate and Special Education Classrooms

As part of this Policy, districts are further encouraged to foster diverse classrooms. Careful instructional grouping can have a positive educational impact on all ability levels.^{lii} However, inflexible tracking where students are never able to move from one instructional setting to another can have a negative impact on racial, gender, and other forms of diversity. Tracking students has a well-established racial impact, as students of color tend to be disproportionately tracked into less advanced courses, where they fail to gain the skills or credentials necessary to further educational attainments.

Lower-income students of color are seven times as likely to be in lower-track classes as middle-income White students.^{liii} Further, they are half as likely to be in gifted classes.^{liiv} Gifted programming can provide academic rigor, highly skilled teachers, and stimulating environments which contribute to improved academic aspirations and achievement.^{liiv} Districts should cast a wider net to ensure they are identifying students with high academic potential from diverse populations. Increased classroom teacher and school counselor training in gifted student identification and service is essential to assist this effort.^{livi} The activities encouraged in Part III(E) of this Policy can help improve teacher sensitivity to race- or gender-specific stereotypes in relation to teacher expectations and increase opportunities for underrepresented youth in such programming. Moreover, studies show that many students, especially African-American youth, may choose not to participate in advanced, accelerated or gifted programs even when they meet minimum qualifications and obtain strong referrals to conform to peer-group expectations.^{liiii} School counselors play a critical role in identifying students with high potential, and should be proactive about alerting students, parents, and administrators about the benefits of gifted education to reduce the stigma associated with giftedness among student subgroups, and should advocate for increased interactions between gifted and non-gifted minority students.

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. This Policy requires districts to monitor the racial and ethnic representation of students in ability grouped courses and their level of performance, and to report that data to the Superintendent of Instruction. In addition, districts are required to monitor the referral rates of special and gifted education by race and by referrer. The hope is that greater local monitoring will raise awareness of the phenomenon and spur administrators and educators to develop interventions that correct for it. Districts are encouraged to provide selection criteria as part of the reporting process.

J. Districts Are Strongly Encouraged to Adopt the Ohio Comprehensive Counseling Program in Recognition of the Vital Role of Counselors in Support of Diversity, Meaningful Integration, and Improving Academic Achievement for All Students.

Counselors play a vital role in promoting diversity and educational success of all students. The 1980 EEO Policy recognized this role, and encouraged the development of a comprehensive program for preparing counselors to work effectively with special problems relating to intergroup relations. Counselors are often best positioned to work with students to navigate diverse environments, encouraging academic

aspirations against peer group conformity.^{lviii} Research also establishes the link between counselors and reducing ‘push out’ and alleviating disparate use of disciplinary policies.^{lix} Employing a Comprehensive Counseling program will ensure that Ohio’s counselors are able to effectively address issues of diversity while implementing programs that support academic achievement for all students.

Counselors are allowed and encouraged to disaggregate school achievement data to illuminate achievement gaps based on demographic variables, thus creating an opportunity for the counselor to inform administration about inequities within the school based on data.^{lx} Moreover, counselors play a critical role coordinating and facilitating collaboration between district administrators, teachers, and community groups to enhance the districts’ ability to make informed decisions across schools and the state’s ability to make decisions across districts regarding diversity, diversity programming, and resolving extant problems. Counselors working within the *Ohio Comprehensive School Counseling Program* are better able to address issues related to effective integration in classrooms, ‘push out’ through disciplinary policies, working with teachers and parents, facilitating school-community relations, and improving school climate with respect to diversity.

To accomplish these goals, districts are encouraged to adhere to *Ohio’s Comprehensive Counseling* program, diversify counseling staff, reduce counselor-student ratios, and seek external funding to assist schools with budgetary constraints related to recruiting, hiring and training of school counselors. Despite efforts in some districts within Ohio, many school counselors are overwhelmed by the number of students they are responsible for and are resistant to take on additional work outside of their job description. However, research has found that reducing counselor-student ratios not only allows counselors to have more time working one-on-one or in small groups with students; it also decreases the number of suspensions and expulsions, thus improving school climate, culture, and graduation rates.^{lxi}

K. Districts are Encouraged to Support Structured Community Involvement in Schools and Improve Community 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. The 1980 EEO Policy recognized the role of community in the education of children and emphasized responsiveness and clear communication with the community, as well as structured community involvement. This Policy affirms the need to utilize community councils, programs, and alliance groups as a way to address issues relating to diversity. In particular, districts are encouraged to engage community actors in developing a diversity policy as described in section (A).

Parent associations specifically empowered by the school district to facilitate diversity programming initiatives or to generate input or feedback as a response to various incidents can have a powerful salutary effect within a community. Structured involvement from business leaders and educational institutions such as local colleges and universities can also have a positive influence. These alliance groups, and others like them, will provide administrators and counselors with the community support they often feel is lacking to address these incidents in a more systematic way. These practices

strengthen community relations and improve the practice of diversity in a way that is responsive to local needs. Districts are encouraged to reach out to ODE and other districts for assistance on what has proven effect. ODE will highlight such practices as part of the *Diversity Strategies for Successful Schools* initiative.

L. Districts are Encouraged to use Curricula, Instructional Materials, and Educational Methodologies that Support Diversity and Achieve the Benefits of Diversity

Many of Ohio’s educators identify curriculum as an important strategy for promoting diversity and achieving the benefits of diversity. New curriculum and instructional materials can expose students to other cultures, develop the ability to consider others’ perspectives, build appreciation of differences, foster creative curiosity, and increase self-esteem. Having students of diverse backgrounds sitting next to each other does not, by itself, result in the benefits of viewpoint diversity nor result in cultural fluency or break down racial stereotypes.^{lxii} Accomplishing this goal generally requires mechanisms by which different viewpoints, experiences, and ideas may be exchanged and explored. It is here that curricula, instructional materials, lesson plans, teacher training, and administrator training and support all play a role. Curricula, instructional materials, teaching methods, and lesson plans each have the potential to provide a context for discussion on diversity and a space to have conversations about other cultures, experiences, and express different viewpoints. They can also provide optimal intergroup conditions that are needed for prejudice reduction.^{lxiii}

Recent social science research supports the idea that multicultural curricula and instructional materials can help support student body diversity, break down stereotypes, improve student achievement and student aspirations, generate cultural fluency and reduce intergroup anxiety.^{lxiv} Too often, however, these materials are viewed as superficial, lacking depth or rigor, not sufficiently embedded in the educational context, and do not provide sufficient positive images of racial or ethnic minority groups. Another concern is that there is often not enough knowledge about proven resources and effective materials, lesson plans, units and curricula.

Districts are encouraged to reach out to ODE and other districts for expertise regarding proven and effective educational methodologies that promote diversity and achieve the benefits of diversity. In addition, the ODE will provide lesson plans, units, and curriculum guides as part of the resource clearinghouse. Although a focus on learning objectives for standardized testing can marginalize diversity curriculum, there are areas of overlap that can be accented or generated within the curriculum to enhance diversity learning. Preparing such materials and learning such methodologies should be a part of teacher preparedness programs and professional development.

Endnotes

ⁱ See *Parents Involved in Community Schools v. Seattle School Dist. No. 1*, et. al., 551 U.S. 701 (2007).

ⁱⁱ See OSBE Resolution 21, December, 2008.

ⁱⁱⁱ See compiled workgroup feedback in the ODE & Kirwan Institute *Diversity Strategies for Successful Schools Recommendations Report 21*, Appendix (Sept., 12, 2011). Workgroups were predominantly district-level administrators

such as Superintendents. See also table labeled “Summary of Solicited Comments on Diversity Strategies Recommendations,” compiled in response to letter April 25, 2011 to districts.

^{iv} This policy defines “school district” to mean a city, local, exempted village, cooperative education, or joint vocational school district as described in section 3311.01 of the Ohio Revised Code, a community school as described in section 3314.01 of the Ohio Revised Code, an educational service center as described in section 3311.05 of the Ohio Revised Code and any nonpublic school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code.

^v See U.S. Depts. Of Justice & Ed. *Guidance on the Voluntary use of Race to Achieve Diversity and Avoid Racial Isolation in Elementary and Secondary Schools* available at <http://www.justice.gov/crt/about/edu/documents/guidancepost.pdf> See also Part II of the *Diversity Strategies for Successful Schools Recommendations Report* 5-14 (Sept., 12, 2011) for a legal analysis of the parameters of federal law.

^{vi} Available at

<http://education.ohio.gov/GD/Templates/Pages/ODE/ODEDetail.aspx?page=3&TopicRelationID=1427&ContentID=103843&Content=105174> This Policy has been drafted by the Kirwan Institute in coordination with ODE and the oversight of the State Board of Education of Ohio. The lead author is Stephen Menendian, with contributions from Rebecca Reno, Nikol Bowen, and Erica Frankenberg.

^{vii} Ohio Department of Education (ODE), available at

<http://education.ohio.gov/GD/Templates/Pages/ODE/ODEDetail.aspx?page=3&TopicRelationID=3&ContentID=12261&Content=117789> Native Americans were not separately counted.

^{viii} (Carlos-ODE 2007). This shift is not occurring uniformly across Ohio. Most of the Hispanic population is concentrated in the Northeast and Northwest parts of Ohio, with 51% of the Latino population concentrated in just four counties: Cuyahoga, Franklin, Lorain and Lucas (Carlos).

^{ix} See Brief for 553 Social Scientists as Amici Curiae Supporting Respondents, *Parents Involved and Meredith*, 127 S. Ct. 2738 (2006) (Nos. 05-908, 05-915) p. 35.

^x According to the Ohio Department of Education, 129 school districts reported serving 11,356 immigrant students who have been enrolled in U.S. schools less than three years (CT-ODE 2007). In Columbus City Schools, district personnel report 1,312 students whose native language is Somali, and the district consistently struggles with finding an adequate number of ESL teachers with a knowledge of the Somali language (CRP data byte-CT). This has a direct impact on student achievement as it takes the “typical” young immigrant student who is taught entirely in English, 7-10 years to reach the 50th Normal Curve Equivalent (NCE), which is to say it takes them 7-10 years to be performing within the normal academic range. Unfortunately, the majority of immigrant students will not ever make it to this achievement level (ODE, 2005).

^{xi} (CT-Cole, 2008)

^{xii} The Association of Religious Data Archives, available at

http://www.thearda.com/mapsReports/reports/state/39_2000.asp

^{xiii} CT-NCREL 2002

^{xiv} CT-CORAS

^{xv} See [Growth in the Residential Segregation of Families by Income, 1970-2009](#), by Sean Reardon, et. al., available at

<http://www.s4.brown.edu/us2010/Data/Report/report111111.pdf>

^{xvi} *id*

^{xvii} *Id.*

^{xviii} See Kirwan Institute, *State of Black Ohio: Crossroads on the Pathway to Opportunity* 188, pew Hispanic trust. (March, 2010).

^{xix} “Separate and Unequal 2000 Data.” Lewis Mumford Center for Comparative Urban and Regional Research. Available online at <http://mumford.albany.edu/census/SepUneq/PublicSeparateUnequal.htm>

^{xx} See James Coleman et. al., *Equality of Educational Opportunity* (1966), and Geoffrey Borman & Maritza Dowling, *Schools and Inequality: A Multilevel Analysis of Coleman’s Equality of Educational Opportunity Data*, 112 TCHRS. COLL. REC. (2010). More generally, see Roslyn Mickelson, *Twenty-first Century Social Science on School Racial Diversity and Educational Outcomes*. 69 OHIO ST. L.J. 1173,1203-4 (2008).

^{xxi} See Kirwan Institute, *State of Black Ohio: Crossroads on the Pathway to Opportunity* 36, Fig. 1 & Fig. 2 (March, 2010).

^{xxii} See *Profiles by Geographical Area: Ohio*, The Annie E. Casey Kids Count Data Center. Available online at <http://www.kidscount.org/>

^{xxiii} Charters not only draw students out of public schools, often within residentially isolated areas, but charter schools tend to be more segregated by race than their surrounding districts. See Frankenberg, E., Siegel-Hawley, G., & Wang, J.

Choice without Diversity: Charter School Segregation and the Need for Civil Rights Standards. UCLA: Civil Rights Project (2010). See also Miron, G., Urschel, J., Mathis W., and Tornquist, E. (2010) *Schools Without Diversity: Education Management Organizations, Charter Schools, and the Demographic Stratification of the American School System*.

EPIC/EPRU, available online at <http://epicpolicy.org/files/EMO-Seg.pdf>

^{xxxiv} For a detailed description and analysis of Ohio’s educational leaders workgroup feedback, please review part IV of the *Diversity Strategies for Successful Schools Recommendations Report 21*, Appendix (Sept., 12, 2011). Workgroups were predominantly district-level administrators such as Superintendents. See also table labeled “Summary of Solicited Comments on Diversity Strategies Recommendations,” compiled in response to letter April 25, 2011 to districts.

^{xxxv} “Integrated Schooling and Preparation for Citizenship in Plural Democratic Societies: Evidence from Social and Behavioral Science, 1980-2010.” in David Garcia, Arnold Danzig, and Kathryn Borman (Eds) *Review of Research in Education*, AERA, with Mokubung Nkomo (2011).

^{xxxvi} In response to the April 25, 2011 letter from Board Vice President Thomas Gunlock to districts, an Ohio district’s board of education member indicated that “the foundation for [celebrating diversity and appreciating difference] comes from the home. [I]f this foundation doesn’t exist, a policy encouraging diversity won’t be successful.” See table labeled “Summary of Solicited Comments on Diversity Strategies Recommendations,” row 2, column 2. While we agree, this underscores the need for such efforts so that the next generation of parents might reinforce these values in the homes of each community.

^{xxxvii} The Court in *Parents Involved* emphasized the need for a detailed record in support of diversity initiatives. Such a record would provide a basis for supporting a ‘compelling government interest’ in promoting diversity. See Part II of the *Diversity Strategies for Successful Schools Recommendations Report* and the Federal Guidance, supra note iv, for more.

^{xxxviii} Connecticut is a state that currently compiles and discloses this information.

^{xxxix} See U.S. Depts. Of Justice & Ed. *Guidance on the Voluntary use of Race to Achieve Diversity and Avoid Racial Isolation in Elementary and Secondary Schools* available at <http://www.justice.gov/crt/about/edu/documents/guidancepost.pdf>

^{xxx} Consequently, individual students may generally not be assigned – either admitted or denied into a particular school – because of their race, even in the furtherance of racial diversity. In other words, assignment policies that seeks to approximate a particular numerical target, either a ceiling or floor, by admitting or denying a particular student admission in order to meet that target are impermissible.

^{xxxii} See U.S. Depts. Of Justice & Ed. *Guidance on the Voluntary use of Race to Achieve Diversity and Avoid Racial Isolation in Elementary and Secondary Schools* available at <http://www.justice.gov/crt/about/edu/documents/guidancepost.pdf>

^{xxxiii} *Id.*

^{xxxiii} See U.S. Depts. Of Justice & Ed. *Guidance on the Voluntary use of Race to Achieve Diversity and Avoid Racial Isolation in Elementary and Secondary Schools* available at <http://www.justice.gov/crt/about/edu/documents/guidancepost.pdf>

^{xxxiv} A similar example was provided in the federal guidance. *Id.*

^{xxxv} See *Parents Involved*, 551 U.S. at 783 (Kennedy, J., concurring).

^{xxxvi} See Roslyn Mickelson, *Twenty-first Century Social Science on School Racial Diversity and Educational Outcomes*. 69 OHIO ST. L.J. 1173,1203-4 (2008).

^{xxxvii} *Id.*

^{xxxviii} Ohio Dept. of Education.

^{xxxix} See ODE & Kirwan Institute *Diversity Strategies for Successful Schools Recommendations Report 24*, Appendix (Sept., 12, 2011).

^{xl} Roslyn Arlin Mickelson, Research Brief 7, NCSD.

^{xli} ODE is providing a clearinghouse of resources for school districts who wish to adopt best practices.

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

^{xliii} In 2010, just over 1,000 new K-12 buildings were constructed throughout the nation, and their location will affect the educational experience of generations of students. National Clearinghouse for Educational Facilities, *McGraw-Hill Construction Monthly, Historical, and Forecast Data*, available at: <http://www.ncef.org/ds/index.cfm> The importance of school site selection, either in context of school openings or school closures, for the degree of diversity and racial isolation throughout a district cannot be overstated. Decades of research have clearly established the reciprocal link between housing patterns and schools. See Gregory Jacobs, *Getting Around Brown* (1998), and *In Pursuit of a Dream Deferred: Linking Housing and Education Policy* (2001).

^{xliv} 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.

^{xlv}[F]rom 2002-03 to 2006-07, out-of-school suspensions increased nationwide 14% for Latino students, 8% for black students, and decreased 3% for white students. During that same period, expulsions increased 6% for Latino students, 33% for black students, and decreased 2% for white students. In 2006-07, in Ohio, 3.2 black students were suspended for every one white student. In Ohio, from 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. 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).

^{xlvi} See “Blacks More Often Disciplined in School,” retrieved at <http://www.dispatch.com/content/stories/local/2010/06/29/blacks-disciplined-most-often-in-schools.html>

^{xlvii} See Catherine Kim, et. al., *The School-to-Prison Pipeline: Structural Legal Reform* (2010).

^{xlviii} *Id.*

^{xlix} Although we do not define “truly serious offenses,” the problem is that zero tolerance policies are being used to punish students for minor or innocuous offenses, ones that zero tolerance was never intended to remedy. For examples and a more detailed account of this problem, see the full *Recommendations Report* p. 53.

^l For an explanation of these recommendations, please refer to the full Recommendations Report, Part VI (7) p. 52.

^{li} There are similar examples in the federal guidance.

^{lii} Kulik, J. A. (1992). An analysis of the research on ability grouping: Historical and contemporary perspectives Storrs: University of Connecticut, the National Research Center on the Gifted and Talented.

^{liii} See J. Oakes 2005 *Keeping Track*, Samuel R. Lucas 1999 *Tracking Inequality*, and 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>

^{liv} 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.

^{lv} Malik S. Henfield, James L. Moore III, & Chris Wood (2008). Inside and Outside Gifted Education Programming: Hidden Challenges for African American Students. *Council for Exceptional Children*, 74:4, 433-450.

^{lvi} *Id.* The authors recommend professional development activities that “increase their awareness of personal beliefs regarding the potential of African-American students.” *Id.* at 446. This recommendation is applicable to other groups as well. Implicit biases, stereotypes, and cultural differences may also limit identification of high potential minority students.

^{lvii} *Id.* at 433.

^{lviii} Tarek C. Grantham & Donna Y. Ford (1998): A case study of the social needs of Danisha: An underachieving gifted African-American female, *Roeper Review*, 21:2, 96-101 The case study in this article also relates to the guidance discussed in III(I) pertaining to ability groupings and gifted education programming.

^{lix} Carrell, S. & Carrell, S. (2006). Do Lower Student-to-Counselor Ratios Reduce School Disciplinary Problems? *Contributions to Economic Analysis & Policy*: Vol. 5: Iss. 1, Article 11.

^{lx} 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.

^{lxi} Carrell, S. & Carrell, S. (2006). Do Lower Student-to-Counselor Ratios Reduce School Disciplinary Problems? *Contributions to Economic Analysis & Policy*: Vol. 5: Iss. 1, Article 11.

^{lxii} Pettigrew, T. F. (1998). Intergroup contact theory. *Annual Review of Psychology*, 49, 65-85.

^{lxiii} See Brief for 553 Social Scientists as Amici Curiae Supporting Respondents, *Parents Involved and Meredith*, 127 S. Ct. 2738 (2006) (Nos. 05-908, 05-915) Appendix. p.10

^{lxiv} Pettigrew, T. F., & Tropp, L. R. (2008). How does intergroup contact reduce prejudice? Meta-analytic tests of three mediators. *European Journal of Social Psychology*, 38, 922-934.

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