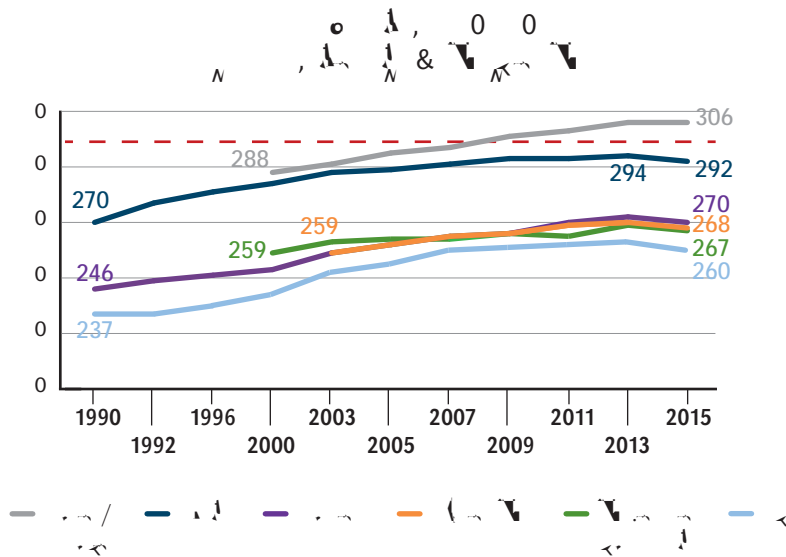




Chart 1: Achievement gaps between student groups have narrowed under



Distressingly, after decades of progress in integrating schools, we have begun to witness their re-segregation by race and poverty. Gary Orfeld and his team at UCLA’s Civil Rights Project report that:

- Three-quarters of black and Latino students attend majority-minority schools; about two in five are in schools where the white population is less than 10 percent.
- The typical white student attends a school that is three quarters white.
- Minority students are also subject to “double segregation” by race and poverty.

The typical black student, for example, attends a school with a two-thirds poverty rate (Civil Rights Project, 2012).

Achievement gaps: Public schools have been steadily improving the performance of all student groups, most notably in math achievement and high school graduation, yet gaps remain. (See Charts 1 and 2)

In the U.S. today, our poorest students are nearly four times as likely to fail in math than their wealthiest peers (OECD, 2008). If we are to close the achievement gap completely, we must address current inequities in funding, access to high-level curriculum, access to good teachers, and how school discipline is imposed.

FUNDING

Money is the clearest indicator of educational equity between districts. The

largest share of school revenue comes from state and local dollars. Combined, they support about 90 percent of the total budget. How these dollars are distributed within states can manifest in sizable revenue gaps between districts based on the poverty rates of the students they serve.

The Education Trust reports that in 2012, the poorest districts in the nation – those in the bottom quartile – received \$1,200 less per pupil than the wealthiest, top quartile districts. The national figure conceals large differences by state. The poorest districts in six states received at least 5 percent less than their wealthy counterparts; in one state, Illinois, they received nearly 20 percent less. However, the opposite pattern was seen in 17 states where the poorest districts actually receive at least 5 percent *more* per pupil dollars compared to those with lowest poverty rates; poor districts in Ohio, Minnesota and South Dakota received about 20 percent more.

Note that funding inequities may be understated. Most experts agree that an equitable distribution of education dollars would take into account the extra costs involved in districts with high proportions of low-income students or students with special needs such as disabilities or English language learners (Augenblick et al, 1997). “Weighted funding formulas” count pupils based on need in order to achieve equity. The federal Title 1 formula, for example, is based on a calculation that assumes educating students in poverty costs 40 percent more than the basic per pupil allocation.

Nonetheless, data from the Office of Civil Rights in the U.S. Department of Education shows that we still have schools that are not providing courses students need to succeed after high school. I 9high

schools had any practical teaching experience as part of their training prior to taking charge of their classrooms: 39.3 percent had student teaching credits compared to 51.1 percent in wealthier schools. Similar gaps are present in schools based on the enrollment of students of color (NCES, 2012).

“Effective teachers” – that is, teachers whose impact on student learning is above the average – also tend to disproportionately serve in wealthier schools. In one southern state, highly effective teachers comprised 15 percent of the staff in high-poverty, high-minority schools, but were 20 percent in low-poverty, low-minority schools (Reform Support Network, 2015).

In July 2014, the U.S. Department of Education announced its Excellent Educators for All Initiative in order to help assure students have equal access to good teachers. The three part initiative includes the development of state Comprehensive Educator Equity Plans that will “put in place locally-developed solutions to ensure every student has effective educators”

According to NSBA’s policy guide on out-of-school suspensions, “African American, Latino and Native American students, in particular, are far more likely suspended, expelled, and arrested than their white peers, even when accused of similar behavior” (NSBA, 2013).

An in-depth study of discipline in Texas schools examined referral rates of students by race between seventh and twelfth grades (Chart 7). The researchers discovered that black students were far more likely than their white or Hispanic classmates to be given an out-of-school suspension for a first disciplinary referral. This finding calls in question any suggestion that students of color are suspended more often because they are breaking more rules than white students. At the very least, it should prompt school leaders to look more closely at their policies and the students they affect.

TO ACHIEVE AN EQUITY PLAN FOR ALL STUDENTS

The equity issues addressed in this brief – funding, high-level curriculum, good teachers, and discipline policies – by no means represent an exhaustive list. Unmentioned but also important resources for assuring equity include

extra academic supports for low-performing students; access to technology both in school and at home; comprehensive family services; mentorships and trained counselors, and more. Nonetheless we have attempted to present those elements of education that research shows have the most impact on student learning and therefore deserve close attention when developing equity plans.

School leaders who want to make sure their schools are equitable should first look at their data:

- What is our performance by school and by student group?
- Do all schools have adequate funding? Do funds flow to schools according to need?

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- Do we provide high-level curriculum in all of our schools? Do our high schools offer course sequences in high-level math from Algebra I to calculus, and science from biology to physics? Do we offer AP courses and is access open to all? Do we provide extra supports to struggling students and have policies in place to make sure they get the benefit of these supports?
 - What are the qualifications of our teaching staff? Is teacher quality distributed equitably among schools as well as within the school building? Do all student groups have fair access to the best teachers? Are teachers well-supported? Do we reward teachers who serve the neediest students?
 - How do our overall discipline rates compare to other districts? Do we suspend students more often than others? Are discipline rates similar for all student groups? Do we have enough school counselors and trained mentors to support students and work in partnership with families?
 - Finally, do we monitor our progress? Do we make adjustments when needed? Are all of our students learning, engaged and on track to graduate college- and career-ready?

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Amicus Briefs: Whether the Fifth Circuit's re-endorsement of the University of Texas at Austin's use of racial preferences in undergraduate admissions decisions can be sustained under this Court's decisions interpreting the Equal Protection Clause of the Fourteenth Amendment, including *Fisher v. University of Texas at Austin*, 133 S. Ct. 2411 (2013)

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