

# ***Better Choices for Buffalo's Students:***

## **Expanding & Reforming the Criteria Schools System**

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A Report to Buffalo Public Schools

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**The Civil Rights Project**



*Proyecto Derechos Civiles*



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## Foreword

This report examines educational opportunity in Buffalo's system of criteria-based schools of choice, which offer their admitted students special opportunities not available in the regular schools. This system is a direct descendant of the nationally famous system of magnet schools which Buffalo Public Schools created in the 1970s and 1980s under the court-ordered desegregation plan, following the ruling that the school district and the city government had discriminated for many years against students of color and had contributed directly to the housing conditions that made Buffalo one of the nation's most segregated cities. School choice has been a central element of educational policy in Buffalo for 40 years. In contrast to cities like Boston, which experienced major conflicts in the civil rights era, Buffalo achieved a high level of diversity and created a number of very desirable public schools with little overt conflict. In 1995, however, the federal court ended the plan and cut off the funding from the city that had been essential to the success. The idea of widespread school choice remained, although many of the tools for creating high quality diverse schools disappeared, and a reduced choice system came to rely on a number of standards or criteria for selecting their students. Among those schools was the famous City Honors school, one of the first two magnets created in the desegregation plan whose opportunities produced strong competition and struggle in a city still divided by race and poverty and with a great many intensely segregated and deeply impoverished schools branded as failures by the state government's rating system.

Over the years, the city schools developed methods of selecting students that ignored issues of race and poverty and tried to find neutral and fair ways to admit students. As the white population declined sharply and the most desirable schools admitted few students from some parts of the poor nonwhite areas, there was criticism and conflict which eventually produced a civil rights complaint to the U.S. Department of Education's Office for Civil Rights (OCR). After an OCR investigation produced evidence of racial inequality, OCR and the Buffalo Public Schools agreed to jointly sponsor this study with the hope of developing a stronger, fairer choice system. We were given a broad assignment to do that. To answer the questions, we obtained and analyzed a great deal of data from the school district and elsewhere, visited and talked with many people across the city, and conducted surveys of parents, teachers, administrators, staff, and students about the issues. We are now proposing a set of changes that we believe would offer better choices in a more equitable way to many more students and, we hope, could help the city school district, its teachers and its staff to compete more effectively and be a vital part of turning around a city that has suffered from a very long decline.

As families and educators know, access to a strong school with motivated faculty and students and a challenging educational program can be a life-changing experience. Buffalo has a small number of excellent schools, but its families need more such opportunities and people in all parts of the city need to have confidence that their children have a fair chance to experience them. That confidence does not currently exist.

We believe that there is a win-win solution that is not about dividing scarcity but increasing the offerings and fostering positive diversity, not taking the scarce seats in the schools that many want to attend from one group and giving to others but creating more winners, working together, in all parts of town. Fixing this system cannot address other educational reforms that the city

clearly needs in non-criteria-based schools but it can be a solid step forward, creating momentum for future reforms and building confidence in the system's ability to do some very important things very well.

We recommend the kind of changes most Buffalo teachers and parents favor. This report was triggered by resolving civil rights problems, but we believe that the solutions we propose would be significant steps toward the creation of a more vibrant and competitive public school system. This is not a proposal to undermine existing successes, but to expand and create more. Nothing in it calls for lowering academic standards, only creating more choices and a better, fairer system for families to access them.

Buffalo has many resources and an earlier history of success. What gives a school its magical powers is shared excitement of teachers and students about working together at challenging levels to achieve shared interests with the support of parents. Good criteria-based schools operating under positive policies and strong leadership can create these opportunities. We propose to expand them.

We propose expanding the criteria-based schools, adding a new City Honors II to create another world-class school, and starting another very strong elementary school with a demanding curriculum open to lottery admissions to create another pathway to the best schools. We recommend changing the criteria for City Honors and Olmsted to lower the relative importance of tests and increase the role of grade averages but to do nothing to lower the academic standards, rather just give students from more backgrounds a chance to try to meet those standards that lead straight to college and adult success.

We find the system of parent and student information sadly lacking and call for the creation of a central parent information office and a new procedure for enrolling in the district. It is essential to provide information in Spanish and, when possible, other languages for the large number of non-English speaking adults in the city now. These ideas and other proposals are spelled out in the final section of this report.

When I drive through Buffalo I see neighborhoods with beautiful old homes and parks located in a Great Lakes city on an international border with a myriad of possibilities but little demand for homes built to last for generations. Older cities have many charms and assets that cannot be equaled in new suburbs, to say nothing of declining older inner suburbs. A fundamental reason why families are not competing for these neighborhoods is that the public schools are not competing effectively for their children by offering them what parents recognize as a clear path to college and a better life. If the city can revive and expand the kinds of successes it had with the magnet schools of the last generation, it can begin to reverse the momentum. I have lived and sent my children to public schools in neighborhoods that were reviving in Washington, Chicago, and Cambridge, and, in each case, viable public schools made vast differences in deeply connecting families to neighborhoods who support the public school systems rather than fleeing to suburbia. Having participated in many civil rights issues in cities across the country, I have seen vast differences in the outcomes between the cities that took civil rights crises as an opportunity to make long-needed changes and those that wasted energy in battles and ended up fighting change, wasting time and opportunities, and losing on many dimensions.

Because our study has received considerable publicity in the city and we have reached out in so many ways for information, many people have the idea or the hope that we can address many of the long-term problems of the city and its schools outside of the school choice system. As educational researchers who have been examining a great deal of data from the city, we recognize that there are long-standing problems that require action beyond fixing the criteria system. But that was not our charge and that is not what this report is about. We do believe that the criteria-based schools are precious resources for a city with many schools that need help. Improving and gradually expanding the system will be a major benefit but that will not address issues such as preschool preparation, long-term school level reform in non-criteria-based and most charter schools, improving the transition into high school, addressing the dropout crisis, dealing with state issues of testing and school funding, and other key issues. Because of the depth of the problems as well as the instability and divisiveness of the governance system, we hope that the idea of bringing in outside experts, perhaps from the local universities, to present some research-based options to the new district leadership will be applied to those issues. To all those parents and citizens who wrote or called us about other systemic issues we greatly appreciate your interest and ideas and hope that school authorities, the universities, community groups and the press demand the best possible information and answers backed by serious evidence. We believe that effectively addressing the choice system, creating powerful new schools, and resolving the civil rights issues in a positive way will create momentum for addressing other issues that will require long-term leadership and serious work.

Before we begin the detailed sections, there is one final word. State and federal policies fostering charter schools have expanded that sector rapidly while the public school district has stagnated. Without much more money coming in to a city with a declining population, there will be less and less money for public schools if this trend continues and more and more effort to convince their students to transfer. If the public schools are passive or continue with old ways that have not been working well for some time, they risk further serious decline. In some of our cities, we are now seeing an end-game where the public schools are reduced to a residual, many of their teachers lose their jobs, and communities lose their schools. In the extreme case of New Orleans, the public schools have disappeared. If public schools in poor central cities are to survive and prosper, they must, as the great majority of the Buffalo teachers told us, compete more effectively with better options for students and families and for teachers. To make that happen, there will have to be changes.

I know Buffalo can do much better because I have seen Buffalo do much better. I had the opportunity to visit the schools with Supt. Reville and to look at the city's data back in the 1980s when I received a "Bell Ringer" award from the school board. School people from across the country were looking to Buffalo as a true leader with excellent results. I hope this report helps make that happen again.

Gary Orfield, May 2, 2015

## Executive Summary

Today, the Buffalo Public Schools, which were national leaders in combining school choice and academic excellence in the 1980s, retain only limited and very stratified public school choice. In the 1980s, a very high level of diversity and academic excellence was achieved in the city. In the early 1990s, the state department of education and national experts recognized the district's high performance.

Double segregation by race and poverty are now dominant in the city and this is directly related to academic achievement both in BPS and charter schools, as is particularly evident among the criteria-based schools. City Honors, Olmsted 64 and Olmsted 156 rank far above the city averages in student achievement and have the lowest proportions of students living in poverty. The district has been losing ground in competition for students with the growing charter school sector.

School inequality in Buffalo and the surrounding metropolitan area are built on extreme residential segregation of black families. Buffalo and its metropolitan area have been among the nation's most hyper-segregated for seven decades. This produces schools segregated by race and class that are systematically unequal because of the problems linked directly to poverty and isolation.

The city's outstanding criteria schools are successful but draw from a limited part of the city school district and the most competitive charter and Catholic schools. Most schools prepare very few, if any, students for City Honors.

Our study of the criteria-based schools draws the following conclusions:

- The demand for seats in criteria-based schools, especially in City Honors, greatly exceeds the supply. Less than half of the applicants to the criteria-based schools are admitted, and many other interested parents do not apply because they do not have good information about the system and the application process.
- Black students are much less likely to get the best choices or any choice in the criteria system than students of other races. Two-thirds of the criteria school applicants who were rejected were black.
- Although less than half of all applicants were admitted to criteria-based schools, more than nine-tenths of students who had been prepared by attending an elementary criteria-based school were accepted to a criteria-based high school as were 70% of those applying from charter schools.
- Non-English speaking households have been largely ignored in the criteria-based schools. Although they account for 12% of BPS students not in criteria-based schools, they comprise only 1.5% of criteria-based school students.
- Buffalo parents overwhelmingly favor school choice. Almost all parents want to have choices about the schools their children attend.

- There is a broad desire among parents, students, and teachers for more criteria schools. By a large majority, parents said that in selecting schools, academic quality was their primary motivation, followed by the quality of the teachers. Two-thirds of students surveyed also pointed to academic quality as influencing their school choices.
- Students have a broad interest in several additional criteria school themes, indicating future possibilities.
- Buffalo’s teachers and staff understand the need for BPS to compete more effectively and 78% favor expansion of criteria schools. Three-fifths are very or somewhat interested in teaching there.
- Only one-fourth of the teachers and staff who were surveyed supported selecting teachers for criteria-based schools, with their distinctive needs, on the basis of seniority.
- The criteria schools’ faculties have very few teachers of color—less than one twentieth black teachers—impeding their ability to attract and effectively serve those students.
- The parent information system is not effective and the schools are not doing sufficient outreach and marketing. Less than 5% of parents relied on the BPS website for information.
- Many BPS students are in schools that do not adequately prepare students for criteria-based high schools.
- There is serious overreliance on a single test in making decisions for the most desirable schools. Teachers, parents and students see the testing as creating a considerable barrier.

We make the following recommendations, spelled out in detail in the final section:

- The report suggests creating three new BPS criteria schools, two high schools and one elementary, for the 2016-17 school year, including a second City Honors, and initiating a plan for a metropolitan magnet school.
- It proposes new parent information processes.
- It outlines a new approach to selecting teachers for criteria-based schools.
- It suggests truly multidimensional criteria to avoid excessive reliance on a single test.
- It calls for a major outreach to English language learners who could benefit from criteria schools.

The report concludes that the city’s choice system has declined. After the great educational success of the magnet school program, both resources and commitment to diversity declined. The student and faculty populations in some schools have resegregated, and the system has not been strong enough to compete with the new charter schools or to adapt to the city’s changing population. In spite of this, the city retains a few very attractive and successful schools and the

capacity to create more. This report calls for a new vision and a systematic plan to expand, improve and integrate the system of school choice in Buffalo and its region. The report concludes that successfully carrying out this plan would contribute substantially to the revival of the city and its public schools and address the civil rights concerns investigated by the Office for Civil Rights.

## **Better Educational Choices for Buffalo’s Students: Expanding Opportunity & Equalizing Access to Criteria-Based Schools**

This study was initiated as part of the settlement of a civil rights complaint against the contemporary operation of the choice system. The current system of choice is extensive and with few exceptions, there are not neighborhood schools in the city. However, the complaint to the U.S. Office for Civil Rights of the U.S. Department of Education claimed that there was an unfair process and unequal access to schools of choice that are part of the criteria-based schools of the city. The investigation by OCR found that there were serious civil rights issues, particularly related to the most competitive school. Rather than instituting a battle over cutting off federal funds, the ultimate sanction for civil rights violations, the OCR and the Buffalo school board negotiated an agreement that called for the appointment of independent researchers to investigate the issues and to propose solutions which, if accepted by both parties, could resolve the violations by reforming the school choice system in the city.

This report synthesizes the findings from that independent research study. Part One describes the history of segregation in the city of Buffalo, the larger metropolitan area, and Buffalo Public Schools (BPS). In Part Two, we analyze data from the New York State Department of Education and BPS in order to describe the current demographics of students (and teachers) and related academic performance of students in BPS, including comparisons of criteria-based and non-criteria-based schools, individual criteria-based schools, and charter schools. Part Three presents our findings from discussions and surveys of educators, parents, and students in BPS. We conclude with Part Four, which offers recommendations for reforming the school choice system in BPS in order to expand and create more choices and a better, fairer system for families to access them.

### **PART ONE: BUFFALO HISTORY AND THE CURRENT CIVIL RIGHTS CHALLENGE FOR THE SCHOOLS**

Part One describes the history and context of segregation in the city of Buffalo, the larger metropolitan area, and the Buffalo Public Schools. First, we provide an overview of the city’s development, including challenges associated with a history of high levels of neighborhood segregation, the lack of suburbanization of families of color, and a now declining population. We then describe early desegregation efforts and Buffalo’s model desegregation plan. In the next section, we describe the return to increasingly segregated schools and ongoing interactions with the Office for Civil Rights. Finally, we present the more recent concerns over a two-tiered system of education.

#### **Challenges and the City’s Future**

Buffalo is a poor central city that was once a great center of American industry and commerce. It is one of the “big five” urban districts in New York state, an old big city that shows all the impacts of long-term segregation, massive suburbanization of whites and the middle class, political division, fragmentation produced by a rapidly expanding charter school system, lack of funds to maintain and upgrade the school system, administrative instability, and intense poverty in the communities of color. It reflects classic problems of the older metropolitan areas of the

East and Midwest. As was typical during the post-World-War II era, many northern cities—including Buffalo—experienced an increase in the black population due to the economic growth resulting from the war industry.<sup>1</sup> Blacks moved to segregated neighborhoods in the center of the city, while many whites relocated to the all-white suburban areas in the post-war baby boom, often with the help of very favorable Veterans Administration guaranteed mortgages,<sup>2</sup> exacerbating the issue of segregated schools across the city. To a very unusual extent families of color in the Buffalo metro are now confined to the central cities and segregated within the public and charter schools of the city.

Buffalo has struggled with high levels of segregation for at least three quarters of a century. In 1940, when the economy was based largely on the transnational shipment of iron and steel, the city's still-small black population was extremely segregated. Almost 90% of black residents in 1940 would have needed to move to a different neighborhood in order to achieve full integration, according to one common measure. Over the next two decades, as substantial numbers of African Americans moved into Buffalo during and after World War II, segregation remained extremely high. The 1960 census showed that on a scale where "0" meant no segregation and "100" meant that each neighborhood was totally one-race, virtual apartheid, Buffalo rated a staggering 87.<sup>3</sup> In 1976, when the federal court examined the evidence on housing segregation, the city was found guilty of intentional public actions fostering residential separation. In 1993, when Douglas Massey and Nancy Denton published their classic book, *American Apartheid*, Buffalo was still listed as one of the nation's most hyper-segregated residential metropolitan areas.<sup>4</sup> The 2010 Census showed that metro Buffalo remained one of the most segregated housing markets for African Americans in the United States. In Buffalo, the time period between 1940 and 2000 was also defined by dramatic overall population decline and increasing levels of poverty.<sup>5</sup> By 2010, at the end of a massive economic shift from heavy metals to service, technology, and information,<sup>6</sup> Buffalo was still one of the nation's most segregated cities for black residents.<sup>7</sup> At that time, although the Hispanic population of the region was still small (but growing), the metro segregation index for Hispanics was a significant 51.<sup>8</sup> The federal court in Buffalo found the city government guilty of intentionally fostering residential segregation in 1976, which is why the city and the school district were under court orders to support school diversity until 1995.

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<sup>1</sup> Henry Louis Taylor, Jr. "Black in Buffalo: A Late Century Progress Report." *Buffalo, Magazine of the Buffalo News*, February 25, 1996.

<sup>2</sup> Li Yin, "The Dynamics of Residential Segregation in Buffalo: An Agent-Based Simulation." *Urban Studies* 46(13) (2009): 2749-2770.

<sup>3</sup> Karl E. Taeuber and Alma F. Taeuber, *Negroes in Cities: Residential Segregation and Neighborhood Change* (New York: Anthenum, 1969), 39.

<sup>4</sup> Douglas S. Massey and Nancy A. Denton: *American Apartheid: Segregation and the Making of the Underclass* (Cambridge: Harvard Univ. Press, 1993).

<sup>5</sup> City of Buffalo, 2004.

<sup>6</sup> Henry Taylor, ed., *African Americans and the Rise of Buffalo's Post-Industrial City, 1940 to Present* (Buffalo: Buffalo Urban League, 1990).

<sup>7</sup> Population Studies Center, Univ. of Michigan, *New Racial Segregation Measures for Large Metropolitan Areas: Analysis of The 1990-2010 Decennial Censuses, Race Segregation for Largest Metro Areas (Population Over 500,000)*.

<sup>8</sup> *Ibid.*

The spatial dimensions of segregation in Buffalo are relatively clear. Main Street divides the city both geographically and racially. The eastern side of Main Street contains numerous neighborhoods where black residents constitute 90% or more of the population. The reverse is true for the western side of Main Street where many neighborhoods are more than 90% white.<sup>9</sup>

The metro has a substantial white majority and the suburbs are 90.4% white with only 3.5% African Americans and 2.2% Latinos. One reason why the city schools are so segregated and impoverished is that the major suburbanization of families of color that has taken place in recent decades in most large metros simply has not occurred in Buffalo. Black families represent 10 times the share of the population in the city than in the suburbs and Hispanics represent five times as high a share. This pattern is very different from the national picture. The share of blacks in large U.S. metro areas living in suburbs rose from 37% in 1990, to 44% in 2000, to 51% in 2010.<sup>10</sup> A majority of blacks in Hartford, Connecticut, for example, now live in the suburbs.<sup>11</sup> Buffalo's segregated suburbs are distinctive.

For many decades, Buffalo's segregated neighborhoods were attached to segregated schools. In 1961, 81% of Buffalo's black students attended schools that were 90-100% black, a figure that had declined slightly to 77% by 1965. About nine-tenths of Buffalo black students were attending majority nonwhite schools during both years.<sup>12</sup> Thus, at the height of the civil rights movement, Buffalo schools remained deeply segregated.

The link between segregated neighborhoods and segregated schools in Buffalo began to unravel during the initial round of school desegregation. In 1977, under federal court order, the school district introduced an array of magnet schools, each of which was located in a segregated black neighborhood.<sup>13</sup> These specialized schools were designed to promote voluntary desegregation, with the intent of attracting a racially diverse group of families from across the city. School officials supplemented Buffalo's pioneering magnet school system in the early 1980s with mandatory transportation policies that sought to more dramatically disconnect patterns of neighborhood segregation from patterns of school segregation. With the backing of the courts, and under strong, visionary leadership, both policies were implemented peacefully.<sup>14</sup>

The city's population peaked in 1950, two-thirds of a century ago. The metro reached its peak back in 1970. Buffalo metropolitan area is one of only eight among the 100 largest metros whose population declined significantly in the last decade, and the declines are projected to continue unless major changes occur.<sup>15</sup> Certainly any serious plan for revival of the city and its metro area has to include educational preparation. The process of continually building new white middle-

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<sup>9</sup> U.S. Census, 2000; Li Yin, "The Dynamics of Residential Segregation in Buffalo: An Agent-Based Simulation." *Urban Studies* 46(13) (2009): 2749-2770.

<sup>10</sup> William H. Frey, *Melting Pot Cities and Suburbs: Racial and Ethnic Change in Metro America in the 2000s Metropolitan Studies Program* (Washington, DC: Brookings Inst., May, 2011).

<sup>11</sup> *A Snapshot of Our Communities* (Hartford: Metro Hartford Progress Points, 2014).

[http://metrohartfordprogresspoints.org/downloads/Metro\\_Hartford\\_Progress\\_Points\\_2014.pdf](http://metrohartfordprogresspoints.org/downloads/Metro_Hartford_Progress_Points_2014.pdf)

<sup>12</sup> U.S. Commission on Civil Rights, *Racial Isolation in the Public Schools* (Govt. Printing Office, 1967), 9.

<sup>13</sup> Steven Taylor, *Desegregation in Boston and Buffalo: The Influence of Local Leaders* (Albany: State University of New York, 1998).

<sup>14</sup> Ibid.

<sup>15</sup> Ramon Garcia, *Population Trends in Buffalo-Niagara* (Buffalo: Partnership for the Public Good, October 2012).

class suburban developments in a metro with declining population produces lower density. A new suburban infrastructure in a declining metro cannot afford to continuously draw out the more successful families with resources further and further away from the city center and declining suburbs, which is left with a poor, poorly educated and heavily nonwhite population and a weak core to handle the central functions of a major metro. Without an ability to work together and to successfully train the young people who make up the future workforce, the area will continue its long decline. Buffalo and its metropolitan area have been in decline for a long time but have major assets that should be developed; a better set of educational opportunities in the core of the metro is certainly a prerequisite.

This study was initiated as part of the settlement of a civil rights complaint against the contemporary option of the choice system. The current system of choice is extensive, and there are no neighborhood schools in the city with few exceptions, but the complaint to the U.S. Office for Civil Rights (OCR) of the U.S. Department of Education claimed that there was an unfair process and unequal access to schools of choice that are part of the criteria-based schools of the city. The investigation by OCR found that there were serious civil rights issues, particularly in the most competitive schools. Rather than instituting a battle over cutting off federal funds, the ultimate sanction for civil rights violations, the OCR and the Buffalo school board negotiated an agreement that called for the appointment of independent researchers to investigate the issues and to propose solutions which, if accepted by both parties, could resolve the violations by reforming the school choice system in the city.

### **A Long History of Struggle for Racial Equity**

Buffalo has a long history of battles over access to the city's stronger schools. A half century ago, a young researcher reported on the bitter battles in the city over school zoning, the demand from the state department of education that the city do something about its extreme segregation, the ethnic and racial divisions on the school board, and the intense competition between advocates of public and Catholic schools, competition that affected the politics of the school board and the city and kept school funding low since many taxpayers were attending Catholic schools.<sup>16</sup> There were unstable and shifting majorities on the school board at that time, serious racial divisions over school policy, and external pressure from civil rights groups versus mobilizations in white areas.<sup>17</sup> Supporters of minority students appealed to the state education authorities and ultimately to the federal courts for support. In this 1968 study, the author noted that "the presence of a single person who chooses to harass the superintendent and the other board members by taking campaigns to the public can almost immobilize the board."<sup>18</sup> Apart from the period of leadership by Supt. Eugene Reville under the court-ordered magnet plan, issues of access to schools have produced recurring and deep divisions.

After *Brown vs. Board of Education* (1954), the Board of Regents and the New York State Department of Education led by James Allen and Ewald Nyquist, sought to desegregate New

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<sup>16</sup> The Buffalo diocese had one of the nation's largest Catholic school systems, enrolling 57,400 students in 1974. Chris Ganley, ed., *Catholic Schools in America* (Denver: Curriculum Information Center, 1975), xiii.

<sup>17</sup> Robert L. Crain, "Buffalo," in Robert L. Crain, *The Politics of School Desegregation* (Chicago: Aldine, 1968), Chapter 6.

<sup>18</sup> *Ibid.*, 69.

York's school systems. Desegregated public school systems became the official policy in the state by 1960.<sup>19</sup> In early 1963, Allen instructed each district with a school enrolling more than 50% black students to report how it planned to eliminate racial imbalance; this became known as the “Allen directive.”<sup>20</sup> While all school districts across the state were responsible for adhering to the Allen directive, emphasis was placed on the “Big Five” school districts: Buffalo, New York City, Rochester, Syracuse, and Yonkers.<sup>21</sup> Desegregating these school systems was especially salient because more than 40% of the public school enrollment in the state and the vast majority of poor, minority, and limited English proficient students attended these five districts.<sup>22</sup> The Buffalo district resisted the state effort.

On February 15, 1965, New York Commissioner James Allen entered an order directing the Buffalo Board of Education to submit a plan for eliminating racial imbalance, which would begin in the 1965-1966 school year. In response, the Board of Education established a voluntary desegregation program, which primarily relied on busing some black students into majority white schools.<sup>23</sup> The plan transferred 2,600 inner-city youth to peripheral schools, but it allowed 2,000 to 4,000 white students to transfer from desegregated schools to predominately white schools, effectively undermining the desegregated neighborhoods and schools.<sup>24</sup> The plan was quickly appealed to the federal courts and the court’s decision requiring a comprehensive plan emphasizing choice was upheld by the Federal Second Circuit Court of Appeals in 1967.<sup>25</sup>

### **The Road to the Model Magnet Plan**

Toward the end of the 1960s, 67 out of 96 schools in Buffalo Public Schools enrolled student populations that were either 80-100% majority or 80-100% minority. Twenty of the schools had a student enrollment that was at least 90% black while 29 schools had a white student enrollment of at least 90%.<sup>26</sup> This severe segregation led to a 1972 lawsuit filed by a coalition of black and white parents, the NAACP, and the Citizens Council on Human Relations claiming *de facto* and *de jure* segregation. Furthermore it was alleged that the city officials intentionally ran a segregated system and therefore violated the civil rights of minority students. During the same time period, Congress enacted the 1964 Civil Rights Act, and in its 1973 *Keyes* decision, the U.S. Supreme Court clarified desegregation rights outside the South.

Federal Judge John Curtin issued the first desegregation order for Buffalo in 1976; eventually there would be four. In the first court order, magnet schools were opened; in the last, the judge ordered busing to complete the desegregation.<sup>27</sup> Through a process of developing extensive

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<sup>19</sup> University of the State of New York, “Regents Statement on Intercultural Relations in Education,” *Journal of Regents Meeting* (New York: The University of the State of New York January 27-28, 1960): 28-29.

<sup>20</sup> Douglas Dales, “State Calling on Schools to End Racial Imbalance,” *New York Times*, June 19, 1963, A1.

<sup>21</sup> John Kucsera with Gary Orfield, *New York State’s Extreme School Segregation: Inequality, Inaction and a Damaged Future* (Los Angeles: The Civil Rights Project/Proyecto Derechos Civiles, March 2014), 14.

<sup>22</sup> *Ibid.*

<sup>23</sup> *Ibid.*, 15.

<sup>24</sup> *Arthur v. Nyquist*, 415 F.Supp. 904 (1976)

<sup>25</sup> *Offerman v. Nitkowski*, 248 F.Supp. 149 (W.D. N.Y. 1965), 378 F. 2d 22 (2d Cir, 1967).

<sup>26</sup> Kucsera with Orfield, 15.

<sup>27</sup> Michael Winerip, “School Integration in Buffalo Hailed as a Model for US,” *The New York Times*, March 13, 1985.

(<http://www.nytimes.com/1985/05/13/nyregion/school-integration-in-buffalo-is-hailed-as-a-model-for-us.html>)

magnet schools, enacting some mandatory busing, and adopting a synthesis of varying education philosophies, Buffalo became what *The New York Times* called a “national model of school integration.”<sup>28</sup>

In his first desegregation order, Judge Curtin found both the school district and the Buffalo city government guilty of intentional unconstitutional actions producing segregation of schools and housing in Buffalo. The school district was found guilty of intentionally segregating teachers and staff and manipulating boundaries and transfer policies to preserve access to white schools for white students who might otherwise have had to attend schools with African Americans.<sup>29</sup> In 1983, the Federal Court of Appeals approved what it described as a successful and creative plan built around school choice and strong magnet schools, much different from many of the mandatory student transfer plans of the 1970s, as described by the Court of Appeals:

The plan, which went into effect in September 1981, included a combination of magnet schools, early childhood centers, and special academies; pairing and clustering of schools; and a general upgrading of the school system to provide appropriate educational opportunities for disadvantaged minority students and to retain White students in the school system.

The Buffalo school system has now completed the second year of the implementation of Phase IIIx. In the view of Chief Judge Curtin the plan is achieving notable success in reaching the goal of a completely desegregated school system, and it is doing so with a minimum of mandatory pupil assignments or bussing. The Board chose to meet the targeted minority enrollment percentages by establishing innovative programs throughout the system and creating special schools so that a desegregated student population would be distributed throughout Buffalo's schools primarily as a result of the parents' preference for the schools and programs that the Board was providing. Though a plan of this sort has obvious advantages to a program that depends largely on extensive bussing, the implementation of such a plan requires considerable amounts of money.<sup>30</sup>

The Buffalo plan was executed in three phrases. The first phase, which began in 1976, involved redrawing attendance zones, which led to the closure of 10 schools (five majority black and five majority white) and the opening of two magnet schools.<sup>31</sup>

The second phase, implemented in 1977, established eight additional magnet schools, and the Quality Integrated Education program (QIE) was expanded. A few years later, the majority of the magnet schools achieved racial balance, while three of the schools were close to a 50/50 black-white racial composition.<sup>32</sup> On June 6, 1979, the Court mandated that the district expand its plan in order to eliminate all imbalanced schools. Consequently, the two remaining predominately black high schools were converted into a desegregated city-wide magnet school called Buffalo

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<sup>28</sup> Ibid.

<sup>29</sup> *Arthur v. Nyquist*, 415 F.Supp. 904 (1976)

<sup>30</sup> *Arthur v. Nyquist*, 712 F2d 809 (1983).

<sup>31</sup> Christine H. Rossell, “The Buffalo Controlled Choice Plan” *Urban Education* 22(3), (1987): 335.

<sup>32</sup> Ibid., 336.

Vocational Tech Center. Additionally, middle schools and junior highs were phased out so that all schools were either preschool through eighth grade or high school.<sup>33</sup>

The system of magnet schools was so appealing that of the 30,000 students who were bused, 85% of families chose their own desegregated schools and only one in seven faced mandatory desegregation. Nearly one of every three Buffalo schools was a magnet school, and from 1980 to 1985, 300-400 white children left private and parochial school to attend Buffalo's desegregated public schools in each year.<sup>34</sup> Admission to magnet schools was determined by lottery rather than academic skill, which did not compromise student achievement. In fact, the average Buffalo third grader's score on the mathematics state exam increased from 45<sup>th</sup> percentile in 1976, to 69<sup>th</sup> percentile in 1981. In 1985, Buffalo was the only district in New York to have two schools on the State Education Commissioner's list of 20 top secondary schools. One of these was the Zoo School, a science magnet with a curriculum centered on zoo animals.<sup>35</sup>

The third phase of the Buffalo desegregation plan was implemented in 1980 and included the opening of early childhood centers (ECC) from preschool through second grade at six inner-city sites. Two of the ECCs were paired with other schools and students, who were provided mandated assignments. In the other four ECCs, there were no fixed assignments. Furthermore, the ECC's programs were all day for prekindergarten and kindergartners, thus serving as an extended day setting that aided working parents.<sup>36</sup>

By the early 1980s the Buffalo school system was one of the most desegregated districts in the nation.<sup>37</sup> Proponents of Buffalo's desegregation plan maintained that the district's success was a result of the collaboration and input of parents and teachers in the design of magnet schools, federal funding to support magnet schools, and the federal desegregation order.<sup>38</sup> The district's magnet schools and full-day pre-kindergarten programs encouraged parents to keep their children in public schools.<sup>39</sup> This success began to go downhill in the 1990s, however, when court supervision ended and Buffalo experienced severe fiscal problems. The magnet schools that had been so popular were scaled back, alienating middle-class families once again.<sup>40</sup>

### **Reverting Back to Segregated Schools and Changing the Choice Process**

The decline of desegregation in BPS began as early as the Reagan Administration when federal magnet funding was radically reduced. In 1981, Buffalo received \$7.4 million in federal desegregation funds, the most per student of any system in the country. The success of the Buffalo magnet strategy attracted wide attention across the United States and helped stimulate the creation of the federal Magnet Schools Assistance Act, strongly supported by New York Senator Daniel Moynihan. The federal desegregation aid program provided up to a billion dollars

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<sup>33</sup> Ibid., 336.

<sup>34</sup> Winerip.

<sup>35</sup> Ibid.

<sup>36</sup> Rossell, 340.

<sup>37</sup> Ibid.

<sup>38</sup> Winerip.

<sup>39</sup> Ibid.

<sup>40</sup> "Racial Isolation in Public Schools" *The New York Times*, January 9, 2015

([http://www.nytimes.com/2015/01/10/opinion/racial-isolation-in-public-schools.html?\\_r=0](http://www.nytimes.com/2015/01/10/opinion/racial-isolation-in-public-schools.html?_r=0))

a year to help districts that requested aid in implementing the educational components of desegregation orders. This, however, became the largest federal aid program eliminated in President Reagan's first budget, leaving much less aid available to school districts. Within a year, the Reagan administration decreased the funding by 87%, to \$950,000 directly undermining a successful program.<sup>41</sup> Following the Reagan administration's 1983 *A Nation at Risk* report, the focus on desegregation ended and the era of high-stakes testing began.

During the 1980s and early 1990s, there was a struggle in the federal courts over the future of desegregation. In both the Reagan and Bush administrations, the Department of Justice argued that desegregation plans should be temporary and should subsequently be terminated by the federal courts. Along with changes on the Supreme Court, the 1991 *Dowell* decision and the 1992 *Freeman v. Pitts* decision gave judges broad latitude to end desegregation plans.<sup>42</sup> The unclear standards in these decisions included vague criteria such as "good faith" compliance, "vestiges of discrimination," and "maximum practicable desegregation."<sup>43</sup> The judges were left to interpret these standards.<sup>44</sup> Desegregation orders were lifted when a school system had achieved "unitary status," indicating that problems of racial segregation had been solved to the extent the judge thought "practicable." These actions ended the rights of minority communities to pursue further or continuing remedies to historic patterns of discrimination.

In October 1995, Judge Curtin declared that BPS had achieved "unitary status." Prior to the ending of federal oversight, the Buffalo Board of Education faced serious fiscal problems and severe white flight, while simultaneously struggling to maintain its magnet schools, which had been the centerpiece of the desegregation plan and a very strong positive asset for the district and the city. The city was experiencing fiscal problems and wanted to cut funding for the school plan. The plan approved by the Appeals Court in 1983 was dissolved in 1995 when Judge Curtin issued a decision finding that the school district and the city had complied sufficiently with the court order and had achieved substantial desegregation. The decision acknowledged that the plan depended on funding to maintain strong magnet schools and that the city budget was the only source of those funds; under the desegregation order, the court directed the city to pay these costs. By the mid-1990s, the city was in court urging the dissolution of this requirement. In a 1995 decision, relying on the Supreme Court's 1992 decision in *Freeman v. Pitts*, the court ordered the city to provide some funds for four more years but stated that the obligation would then be ended.<sup>45</sup> In his decision, Judge Curtin noted: "That the system provides appropriate quality education is borne out by reports such as the New York State of Learning Report. Item 2032. For the year 1994, for example, the Buffalo schools compared favorably to other large city schools in New York State."<sup>46</sup> He felt unable, however, to do anything to assure that either the desegregation or the magnet schools would continue to exist. In dissolving the court order, he created the conditions for ending the success that he had cited as the reason court supervision was no longer needed. Ironically, the judicial system, which played a key role in initiating

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<sup>41</sup> Winerip.

<sup>42</sup> *Board of Education v. Dowell*, 498 U.S. 237 (1991); *Freeman v. Pitts*, 112 S. Ct 1430 (1992).

<sup>43</sup> Gary Orfield, "Conservatives and the Rush Toward Resegregation." in Jay Heubert, ed. *Law and School Reform* (New Haven, NJ: Yale University, 1995), 51.

<sup>44</sup> *Ibid.*, 52

<sup>45</sup> *Arthur v. Nyquist*, 904 F. Supp. 112 (1995)

<sup>46</sup> *Ibid.*

Buffalo's school desegregation, also helped undermine it. In 1995, despite pleas from city school officials, the courts terminated Buffalo's desegregation order. At the time, school board members pointed to the incomplete status of desegregation in Buffalo's schools amid worries over the loss of city funding for what would have to be voluntary efforts going forward.<sup>47</sup> Advocates for Latino students and students with disabilities also pointed to unfulfilled legal obligations. The end of court-ordered desegregation in Buffalo occurred as part of a broader rollback of judicial oversight in similar cases around the country.<sup>48</sup>

The predictable impact of these changes was the dismantling of much of what had been accomplished and an abandonment of efforts to desegregate all the schools and increase the enrollment of students of color in the most desirable of the surviving magnet schools. In the aftermath of lifting the court order, funds were cut, programs were closed, desegregation goals were abandoned, and segregation deepened. The district's fiscal troubles, intensified by the unitary status decision, resulted in the elimination of many of the special features of magnet programs that enabled Buffalo to maintain considerable desegregation without coercion over a long period of years during a serious downturn in the city's economy.<sup>49</sup>

In 2012, 70% of the city's schools were segregated. As the magnet plan, which had set specific desegregation goals and recruitment strategies to ensure school-level diversity, and the policies pioneered by Buffalo Supt. Gene Reville dissolved, segregation in the Buffalo metro area increased notably. In 1989, the typical black student in metropolitan Buffalo attended a school with 45% white students, but by 2010, this figure had declined to less than 30% white classmates, even though the metro still had 72% white enrollment. In 1989, only one in 20 black students attended an intensely segregated school—a school with 90-100% nonwhite enrollment—but this figure had shot up to 45% in 2010.<sup>50</sup> At the same time, the average white student attended a school that was 85% white and was far more isolated from students of color than was typical across the United States.<sup>51</sup> In 2010 in Buffalo, the typical black and Latino students attended schools in which 83% of students were living in poverty, while the average white student in the city attended a school that was 71% poor.<sup>52</sup>

Across the United States, very high poverty schools, most of which are also segregated nonwhite schools, rarely have equal educational outcomes. As a later part of this report will demonstrate, that is true for the city's charter schools as well. Concentrated poverty is linked to many factors that produce inequality including less stable enrollments, more untreated student health problems, more family and neighborhood challenges, many fewer educational resources in the home, lower parental education levels, negative peer groups and gangs, less experienced teachers, higher dropout rates, and fewer pre-collegiate courses.

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<sup>47</sup> Orfield, "Conservatives and the Rush Toward Resegregation."

<sup>48</sup> Ibid.

<sup>49</sup> Orfield, "Conservatives and the Rush Toward Resegregation," 69.

<sup>50</sup> John Kucsera with Gary Orfield, 102.

<sup>51</sup> Ibid., 102, 105.

<sup>52</sup> Ibid., 150.

## A History with the Office for Civil Rights

Following the declaration of unitary status, some white parents viewed the racial quotas in place at schools with criteria-based admissions as a primary challenge to access quality schools. In 1997, Frank and Patricia Zagare filed a lawsuit against BPS claiming that their daughter was the victim of reverse discrimination when she was denied admission to the sixth grade at City Honors; they contended that the district policies (specifically the racial quota) at City Honors discriminated against white students. Despite having a high qualifying score, Elizabeth Zagare was denied admission while three minority students with lower qualifications were admitted.<sup>53</sup> Eventually BPS agreed to admit Elizabeth Zagare to City Honors.

Following the lawsuit, the U.S. Office for Civil Rights recommended that an outside consultant on gifted education be hired to determine how the admissions procedures could be refined.<sup>54</sup> The lawsuit sparked debate among city leaders about potentially dropping the racial quotas and broadening the criteria used to judge academic qualifications, specifically for City Honors and Olmsted.<sup>55</sup> Additionally, the district held a seminar with eight national experts, who discussed appropriate policies to promote and maintain diversity post-federal court oversight. While some city leaders purported that ending racial quotas would lead to the resegregation of magnet schools, other city leaders asserted that continuing to use race as a factor would lead to additional lawsuits. Dr. Gary Orfield, who was part of the 1997 debate, maintained that the best viable solution was to expand the criteria of schools beyond test scores.<sup>56</sup> Others argued that by altering the admissions process, the requirements would be “dumbed” down. By the late 1990s, the BPS board voted on placement procedures which included: (1) a citywide lottery and racial quotas to be used to assign students to the magnet programs that did not consider academic qualifications; (2) the continued use of tests to be administered to kindergarten and first grade applicants, and the discontinuation of a “prep program” that had been used to admit promising minorities who did not qualify as gifted; and (3) the stipulation that although racial quotas would no longer be used to determine student placements, race would still be considered to maintain diversity, especially at City Honors and Olmsted.<sup>57</sup> By January 2000, all consideration of race and poverty in determining access to the examination-based schools ended.

## Concerns of a Two-Tiered School System

In 2000, city officials became concerned about the hierarchy that was being created within the resegregating BPS. The non-magnet or neighborhood schools lacked the “cachet,” as one school official described. Moreover, even among the magnet schools, certain schools were highly sought after while others were not. In the fall of 1999, school officials administered a survey

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<sup>53</sup> James Heaney, “Board Defends Admissions Policy at City Honors,” *The Buffalo News*, October, 11 1997. (<http://www.buffalonews.com/article/19971011/CITYANDREGION/310119924>)

<sup>54</sup> “New Rules Must Still Blend Merit, Diversity” *The Buffalo News*, September 8, 1998. (<http://www.buffalonews.com/article/19980908/OPINION/309089872>)

<sup>55</sup> James Heaney, “Nonracial Admissions Procedure Proposed for City Honors, Olmsted” *The Buffalo News*, November 20, 1997. (<http://www.buffalonews.com/article/19971120/CITYANDREGION/311209890>)

<sup>56</sup> James Heaney, “Seminar Airs Issues of Admission, White Flight,” *The Buffalo News*, October 30, 1997. (<http://www.buffalonews.com/article/19971030/CITYANDREGION/310309989>)

<sup>57</sup> James Heaney, “Most Policies on Admission to Magnets Will Remain,” *The Buffalo News*, March 19, 1998. (<http://www.buffalonews.com/article/19980319/CITYANDREGION/303199877>)

exploring ways to make non-magnet schools more attractive. The findings revealed that parents considered five elements when selecting a school for their children: (1) the quality of the education, (2) the general atmosphere of the school, (3) discipline, (4) class size, and (5) school location.<sup>58</sup> By 2001, soon after administering the surveys, BPS began a threefold plan which included: (1) phasing out busing, (2) adopting a goal of improving neighborhood elementary schools, and (3) providing parents with greater choice regarding where they could send their children to school.<sup>59</sup> Neighborhood schools were not restored and there was an extensive choice process that had no diversity requirements.

The academic crisis deepened. By 2013 BPS's graduation rates were 47%, which was the second lowest graduation rate among the five major urban school districts in New York. Six of the 16 high schools had graduation rates lower than 40%; these schools also had the highest number of students with special needs and the most language barriers.<sup>60</sup> Conversely, City Honors had the highest 2012 graduation rate, 96%. Various stakeholders within the city were concerned about the stark differences in academic achievement levels. Parents, specifically those who had children in failing schools, expressed the need to have an opportunity to leave "failing schools" and attend schools that were in "good standing."

Moreover, members of organizations such as the District Parent Coordinating Council called attention to the need to increase the capacity for underrepresented students to gain admittance into criteria-based schools. White students were a minority in the district; however, at 11 schools in the district, including City Honors and Olmsted 64, they were in the majority. These numbers made it appear that certain students had the ability to access particular schools, while other students were not afforded that opportunity.

In July 2014, three district parents filed a complaint with the federal government about the underrepresentation of minority students at the district's eight criteria-based schools, reviving the district's history with the Office of Civil Rights. The question at hand was whether the application process was posing impediments to students based on race, a question that ultimately led to this study.

### **The Evolution of Choice in Buffalo**

During the height of the successful "Buffalo model," there were three types of magnet school choices in BPS which included: (1) regional magnets, (2) city-wide magnets with a neighborhood guarantee, and (3) city-wide magnets with no neighborhood guarantee. Students from the entire city could apply to regional magnets; however, if a student lived in the attendance zone, that student was guaranteed a spot.<sup>61</sup> Citywide magnets were available to students from all

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<sup>58</sup> Darryl Campagna, "Officials Studying Ways To attract Students to Non-Magnet Schools," *The Buffalo News*, February 22, 2000. (<http://www.highbeam.com/doc/1P2-23164262.html>)

<sup>59</sup> Peter Simon, "Schools To End Forced Busing Plan Stresses Neighborhood Schools, More Choice for Parents," *The Buffalo News*, August, 22, 2001. (<http://www.buffalonews.com/article/20010422/CITYANDREGION/304229949>)

<sup>60</sup> Sandra Tan, "Stacking the Deck against Buffalo's Six 'Failing Schools'," *The Buffalo News*, July 24, 2013. (<http://www.buffalonews.com/city-region/buffalo-public-schools/stacking-the-deck-against-buffalox2019s-six-x2018failing-schoolsx2019-20130724>)

<sup>61</sup> Rossell, 342.

over the city, depending on the availability of space. Some citywide magnets guaranteed admission to students who lived in the geographic zone, while others did not. If parents wanted to enroll their children in a magnet school, early childhood center preschool program, or gifted and talented program, they had to register through the central office during the preceding year. Additionally, parents could choose up to three options, with applications being categorized by grade, race, sibling preference, and neighborhood residence. If a school received more applications than available spaces, a public lottery would be held. If a student was not accepted into a magnet school, that student was placed on a wait list.<sup>62</sup>

In 2012, BPS still assigned most students outside the criteria-based schools to a school through a lottery system. On the student application parents could indicate up to five schools they would like their child to attend and then a computerized lottery was run to place students. This process has faced scrutiny from parents, as many have questioned whether the student placement results in the creation of low-achieving schools. Additionally, parents have expressed concern that the admissions process for criteria-based schools is complex.<sup>63</sup>

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<sup>62</sup> Ibid., 343.

<sup>63</sup> Mary Pasciak, "City Families Await School Placement Letters; 5-Week Delay Caused by Expected Changes in Admission Criteria," *The Buffalo News*, May 22, 2011. (<http://buffalonews.com/article/20110522/CITYANDREGION/305229894>)

## PART TWO: THE CURRENT STATUS OF BUFFALO PUBLIC SCHOOLS

In Part Two, we use data from the New York State Education Department and Buffalo Public Schools to describe the current status of BPS and criteria-based schools in particular. We analyze demographic characteristics of the schools and their relationship with academic performance. We examine the larger context of choice in Buffalo by analyzing charter school data. We also explore the demographic characteristics of teachers in criteria-based schools. Finally, we examine the options available to students who request to transfer schools.

### BPS and Criteria-Based Schools

#### Demographics of BPS

BPS is one of New York’s largest districts and has a large black majority. In 2013, the district’s total enrollment was close to 37,000, and over half of the district’s students were black (54%). The next largest groups were whites and Latinos, accounting for 21% and 16% of the district’s enrollment, respectively. In terms of demographic changes, the white and black student populations have slightly decreased over time, as the Latino and Asian groups increased gradually. The proportion of English Language Learners (ELLs) also has grown to 10.3%, reflecting an influx of Latino and Asian students. Four in five students in the district are from low-income families.

Table 1: BPS Enrollment

	Number of Schools	Total Enrollment
2011	70	36,967
2012	70	36,683
2013	72	36,994

Table 2: Student Characteristics, BPS

	White	Black	Asian	Latino	AI	Multiracial	Low-Income	ELLs	SWD
2011	22.0%	57.1%	4.0%	13.8%	1.3%	1.8%	79.1%	9.1%	
2012	21.5%	55.6%	4.9%	15.1%	1.2%	1.8%	78.1%	9.6%	
2013	21.1%	54.1%	5.7%	15.7%	1.1%	2.3%	81.0%	10.3%	19.6%

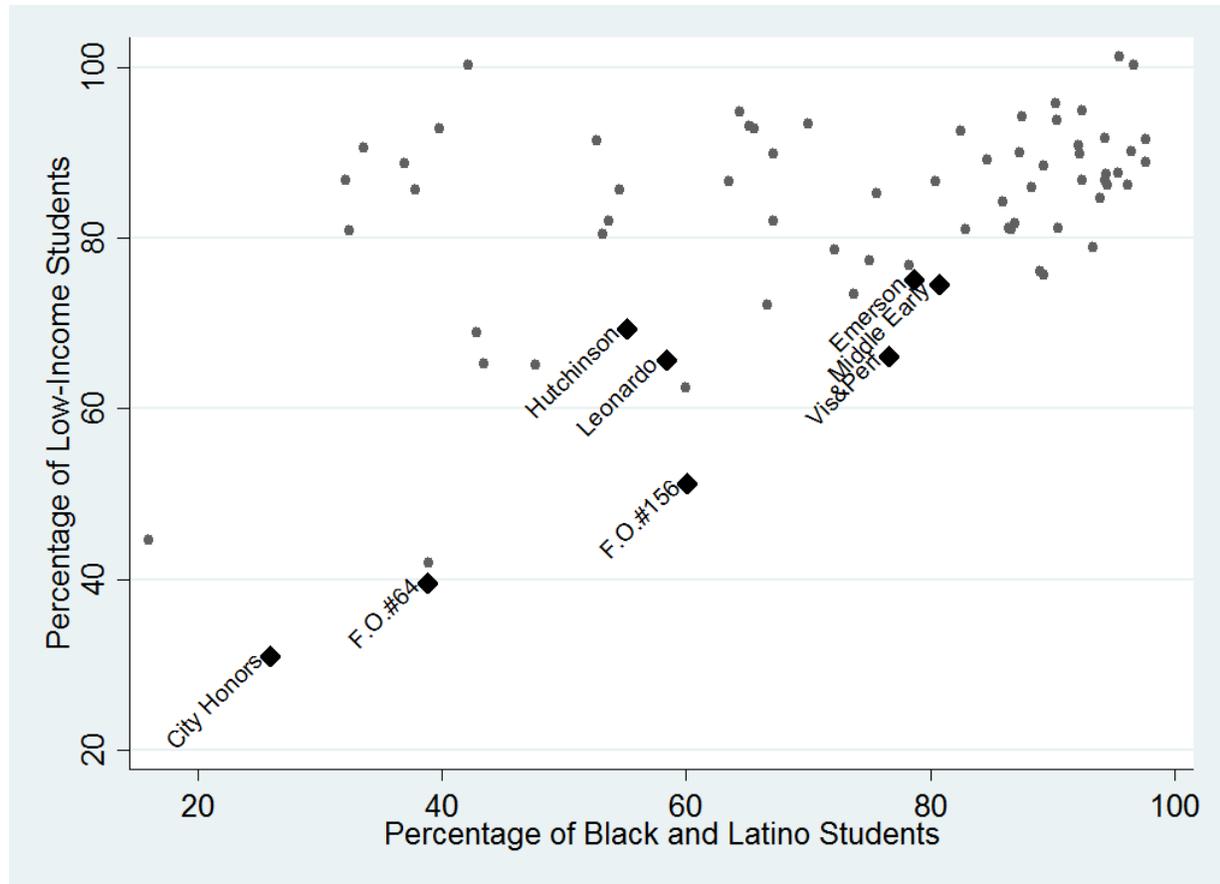
*Source:* New York State Education Department, Demographic Factors, 2011-2012, 2012-2013, and 2013-2014

*Note:* AI=American Indian, ELLs=English Language Learners, and SWD=Students with Disabilities

Black students are concentrated in high poverty schools. We found a very strong and positive correlation ( $r=0.501$ ,  $p<0.001$ ) between poverty and the proportion of students of color. Specifically, the major cluster at the top-right corner in Figure 1 clearly shows that schools with a larger percentage of non-white students had a higher percentage of low-income students. Criteria-based schools also followed this pattern but varied considerably. While Emerson School of Hospitality and Middle Early College High School are near the cluster of non-white and poor schools, some criteria-based schools (e.g., City Honors, Frederick Olmsted #64, and Frederick Olmsted #156) are extreme outliers given the distribution of schools in the district. As the top-

left corner of the graph shows, the district also has a significant number of largely white schools with a high percentage of poor students and a small proportion of non-white students.

Figure 1: Relationship between the Share of Low-Income Students and the Share of Black and Latino Students in BPS (criteria-based schools identified)



Source: New York State Education Department Demographic Factors, 2012-2013

### Demographics of Criteria-Based Schools and Non-Criteria-Based Schools

Although the size of BPS’s total enrollment has hardly changed recently, the total enrollment of non-criteria-based schools has slightly declined by 1% as criteria-based schools’ enrollment has increased by 8% during the same period examined. In 2013, only 13% of the district’s students attended criteria-based schools, and the rest of the students were enrolled in non-criteria-based schools. The comparison of criteria-based schools to non-criteria-based schools indicates that the two types of schools are quite dissimilar, especially in terms of the white and black shares of enrollment. In 2013, criteria-based schools enrolled almost 40% white students while the white share in non-criteria-based schools was 18.5%, which was smaller than the district’s overall white percentage (21%). Despite the fact that the overall share of black enrollment in the district was 54% in 2013, the black proportion of criteria-based schools was 43%, and nearly 56% of students who attended non-criteria-based schools were black students.

Table 3: Student Characteristics, Criteria-Based Schools

	<b>White</b>	<b>Black</b>	<b>Asian</b>	<b>Latino</b>	<b>AI</b>	<b>Multiracial</b>	<b>Low-Income</b>	<b>ELLs</b>	<b>SWD</b>
2011	39.9%	43.7%	3.5%	10.7%	1.3%	0.9%	53.9%	1.4%	
2012	39.6%	42.5%	3.5%	12.0%	1.2%	1.1%	52.8%	1.6%	
2013	38.1%	42.9%	3.3%	13.1%	1.0%	1.6%	57.3%	1.5%	12.3%

*Source:* New York State Education Department, Demographic Factors, 2011-2012, 2012-2013, and 2013-2014

*Note:* AI=American Indian, ELLs=English Language Learners, and SWD=Students with Disabilities

Table 4: Student Characteristics, Non-Criteria-Based Schools

	<b>White</b>	<b>Black</b>	<b>Asian</b>	<b>Latino</b>	<b>AI</b>	<b>Multiracial</b>	<b>Low-Income</b>	<b>ELLs</b>	<b>SWD</b>
2011	19.5%	59.0%	4.1%	14.2%	1.3%	1.9%	82.7%	10.1%	
2012	18.9%	57.5%	5.1%	15.5%	1.2%	1.8%	81.7%	10.7%	
2013	18.5%	55.8%	6.1%	16.1%	1.1%	2.4%	84.7%	11.7%	20.7%

*Source:* New York State Education Department, Demographic Factors, 2011-2012, 2012-2013, and 2013-2014

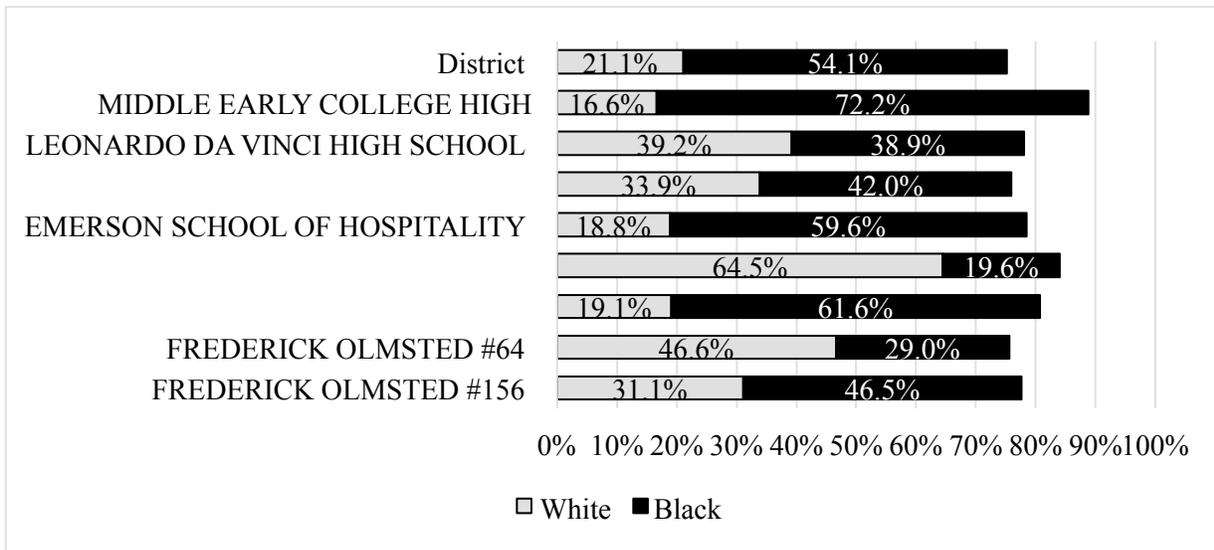
*Note:* AI=American Indian, ELLs=English Language Learners, and SWD=Students with Disabilities

Criteria-based schools have significantly fewer low-income students, ELLs, and students with disabilities. Almost 85% of the students who attended non-criteria-based schools in 2013 were from low-income families, but the share of students living in poverty was less than 60% in criteria-based schools. The tiny percentage of ELLs (1.5%) in criteria-based schools was one-twelfth of the ELL share of non-criteria-based schools (11.7%). Similar to ELLs, the share of students with disabilities in criteria-based schools (12%) was far lower than the district’s average (20%). Some of the differences in outcomes obviously relate to different shares of students with serious learning challenges. ELL students, often from immigrant families, have been a growing share of the city’s population and are not well served in these special schools.

### Demographics of Individual Criteria-Based Schools

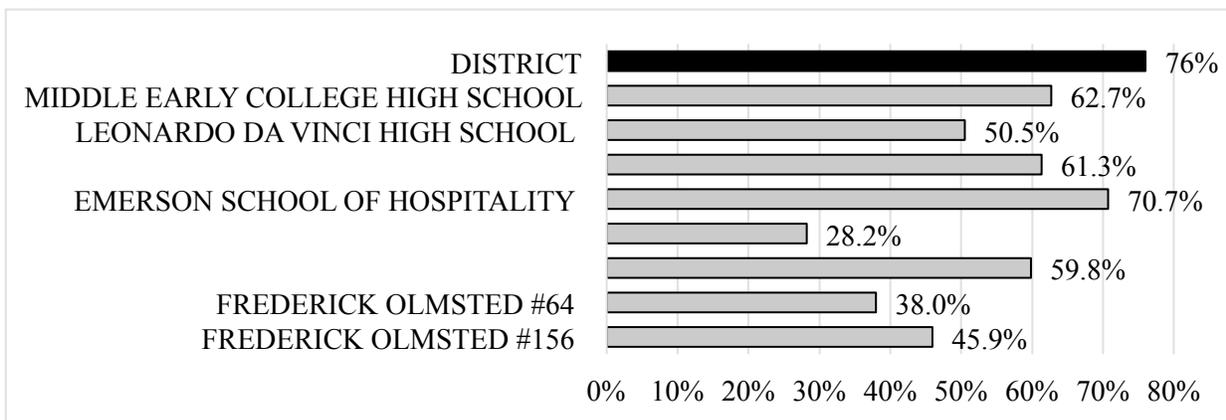
Criteria-based schools vary substantially. In the four years we examined, overall enrollment increased at some schools, such as Frederick Olmsted #64, Frederick Olmsted #156, City Honors School, and Hutchison Central Technical High. However, the total enrollment of Buffalo Academy for the Visual and Performing Arts modestly declined, and the other criteria-based schools did not experience changes in total enrollment. In 2013, the primary student population of Middle Early College High, Buffalo Academy for the Visual and Performing Arts, and Emerson School of Hospitality was black, accounting for 72%, 62%, and 60% of each school’s total enrollment, respectively. However, except these three schools, the white share of the other criteria-based schools exceeded the district’s overall white percentage (21%). For example, almost two in three students at City Honors School were white, and the share of white students at Frederick Olmsted #64 was 47%, which was larger than the combined shares of black and Latino students who attended the school. Low-income students were the most underrepresented at City Honors School and Frederick Olmsted #64. The ELL population was literally invisible at some criteria-based schools (e.g., City Honors and Hutchinson Central Technical) and did not exceed 5% of the total student enrollment at all criteria-based schools.

Figure 2: Percentage of Black and White Students in Criteria-Based Schools, 2013-2014



Source: 2013-2014 New York State Education Department Database

Figure 3: Share of Low-Income Students in Criteria-Based Schools, 2013-2014



Source: New York State Education Department, Demographic Factors, 2013-2014

Most criteria-based schools experienced a decrease of the white student population between 2011 and 2014 though the white share at City Honors School and Buffalo Academy for the Visual and Performing Arts School remained unchanged. The proportion of whites at Frederick Olmsted #156, however, rose by 3.3% for the same period examined. The black share declined at three schools (Frederick Olmsted #156, Buffalo Academy for the Visual and Performing Arts, and City Honors) and grew only at Frederick Olmsted #64. There was no significant trend related to the black student proportion at the other criteria-based schools. On average, the percentage of Latino students for all criteria-based schools except Leonardo da Vinci High remained very low. Between 2011 and 2014, the Asian proportion doubled at Frederick Olmsted #156 and Leonardo da Vinci but decreased at Emerson and Frederick Olmsted #64 during the same period. The Asian population slightly increased or was stable at Buffalo Academy for the Visual and Performing Arts, City Honors, and Hutchinson Central Technical High.

Table 5: Racial Composition of Individual Criteria-Based Schools

<b>FREDERICK OLMSTED #156</b>											
	<b>Grade Range</b>	<b>Total Enrollment</b>	<b>White</b>	<b>Black</b>	<b>Asian</b>	<b>Latino</b>	<b>AI</b>	<b>Multiracial</b>	<b>Low-Income</b>	<b>ELLs</b>	<b>SWD</b>
2011	5-11	490	27.8%	59.6%	3.3%	7.3%	1.4%	0.6%	57.3%	0.4%	.
2012	5-12	562	28.5%	55.5%	4.8%	8.5%	1.4%	1.2%	55.7%	1.1%	.
2013	5-12	589	31.6%	50.1%	5.1%	10.0%	1.4%	1.9%	51.3%	1.2%	15.4%
2014	5-12	666	31.1%	46.5%	6.5%	12.8%	1.2%	2.0%	45.9%	2.1%	16.2%

<b>FREDERICK OLMSTED #64</b>											
	<b>Grade Range</b>	<b>Total Enrollment</b>	<b>White</b>	<b>Black</b>	<b>Asian</b>	<b>Latino</b>	<b>AI</b>	<b>Multiracial</b>	<b>Low-Income</b>	<b>ELLs</b>	<b>SWD</b>
2011	PK-4	477	58.3%	23.3%	2.5%	12.8%	0.6%	2.5%	33.1%	5.5%	.
2012	K-4	462	56.5%	21.6%	1.9%	16.2%	0.6%	3.0%	32.5%	6.7%	.
2013	PK-4	490	54.7%	22.2%	1.6%	16.5%	0.4%	4.5%	39.6%	6.5%	12.4%
2014	PK-4	545	46.6%	29.0%	1.8%	16.7%	0.0%	5.9%	38.0%	4.2%	12.5%

<b>BUFFALO ACADEMY FOR THE VISUAL &amp; PERFORMING ARTS</b>											
	<b>Grade Range</b>	<b>Total Enrollment</b>	<b>White</b>	<b>Black</b>	<b>Asian</b>	<b>Latino</b>	<b>AI</b>	<b>Multiracial</b>	<b>Low-Income</b>	<b>ELLs</b>	<b>SWD</b>
2011	5-12	837	18.4%	65.6%	1.2%	13.1%	1.1%	0.6%	68.0%	1.3%	.
2012	5-12	830	19.0%	65.2%	1.2%	13.3%	0.8%	0.5%	68.0%	1.1%	.
2013	5-12	804	20.0%	62.1%	1.2%	14.6%	1.1%	1.0%	66.2%	0.9%	15.2%
2014	5-12	797	19.1%	61.6%	1.1%	16.1%	1.1%	1.0%	59.8%	1.1%	15.9%

<b>CITY HONORS SCHOOL AT FOSDICK MASTEN PARK</b>											
	<b>Grade Range</b>	<b>Total Enrollment</b>	<b>White</b>	<b>Black</b>	<b>Asian</b>	<b>Latino</b>	<b>AI</b>	<b>Multiracial</b>	<b>Low-Income</b>	<b>ELLs</b>	<b>SWD</b>
2011	5-12	887	64.5%	22.8%	5.0%	5.6%	0.2%	1.9%	27.7%	0.0%	.
2012	5-12	881	65.8%	21.0%	4.9%	5.9%	0.3%	2.0%	26.8%	0.0%	.
2013	5-12	909	65.7%	19.1%	5.0%	6.8%	0.3%	3.1%	31.0%	0.0%	10.0%
2014	5-12	971	64.5%	19.6%	5.7%	7.0%	0.5%	2.8%	28.2%	0.0%	10.7%

Table 5: Racial Composition of Individual Criteria-Based Schools (Continued)

<b>EMERSON SCHOOL OF HOSPITALITY</b>											
	<b>Grade Range</b>	<b>Total Enrollment</b>	<b>White</b>	<b>Black</b>	<b>Asian</b>	<b>Latino</b>	<b>AI</b>	<b>Multiracial</b>	<b>Low-Income</b>	<b>ELLs</b>	<b>SWD</b>
2011	9-12	461	21.7%	60.5%	2.4%	13.4%	1.5%	0.4%	67.5%	2.2%	.
2012	9-12	442	20.4%	60.4%	1.4%	15.8%	1.4%	0.7%	72.6%	2.3%	.
2013	9-12	427	18.3%	59.5%	0.7%	19.2%	1.4%	0.9%	75.2%	2.6%	23.2%
2014	9-12	451	18.8%	59.6%	0.7%	18.0%	1.1%	1.8%	70.7%	1.8%	25.5%
<b>HUTCHINSON CENTRAL TECHNICAL HIGH SCHOOL</b>											
	<b>Grade Range</b>	<b>Total Enrollment</b>	<b>White</b>	<b>Black</b>	<b>Asian</b>	<b>Latino</b>	<b>AI</b>	<b>Multiracial</b>	<b>Low-Income</b>	<b>ELLs</b>	<b>SWD</b>
2011	9-12	1,069	39.8%	41.8%	5.5%	10.1%	2.5%	0.3%	65.9%	0.7%	.
2012	9-12	1,052	40.6%	39.2%	5.5%	12.1%	2.3%	0.4%	60.7%	0.8%	.
2013	9-12	1,073	37.5%	40.8%	5.3%	14.4%	1.7%	0.4%	69.3%	0.7%	5.2%
2014	9-12	1,097	33.9%	42.0%	6.1%	15.7%	1.8%	0.5%	61.3%	0.7%	6.5%
<b>LEONARDO DA VINCI HIGH SCHOOL</b>											
	<b>Grade Range</b>	<b>Total Enrollment</b>	<b>White</b>	<b>Black</b>	<b>Asian</b>	<b>Latino</b>	<b>AI</b>	<b>Multiracial</b>	<b>Low-Income</b>	<b>ELLs</b>	<b>SWD</b>
2011	9-12	384	45.1%	34.6%	2.1%	17.2%	0.8%	0.3%	55.2%	2.3%	.
2012	9-12	388	39.7%	37.6%	2.3%	19.1%	0.8%	0.5%	55.7%	2.6%	.
2013	9-12	387	37.7%	40.3%	2.8%	18.1%	0.5%	0.5%	65.6%	1.6%	12.4%
2014	9-12	388	39.2%	38.9%	4.6%	15.2%	0.5%	1.5%	50.5%	2.1%	12.4%
<b>MIDDLE EARLY COLLEGE HIGH SCHOOL</b>											
	<b>Grade Range</b>	<b>Total Enrollment</b>	<b>White</b>	<b>Black</b>	<b>Asian</b>	<b>Latino</b>	<b>AI</b>	<b>Multiracial</b>	<b>Low-Income</b>	<b>ELLs</b>	<b>SWD</b>
2013	9-12	295	18.6%	71.2%	0.0%	9.5%	0.3%	0.3%	74.6%	1.4%	14.6%
2014	9-12	295	16.6%	72.2%	0.0%	10.5%	0.3%	0.3%	62.7%	.	15.3%

Source: New York State Education Department, Demographic Factors, 2011-2014;

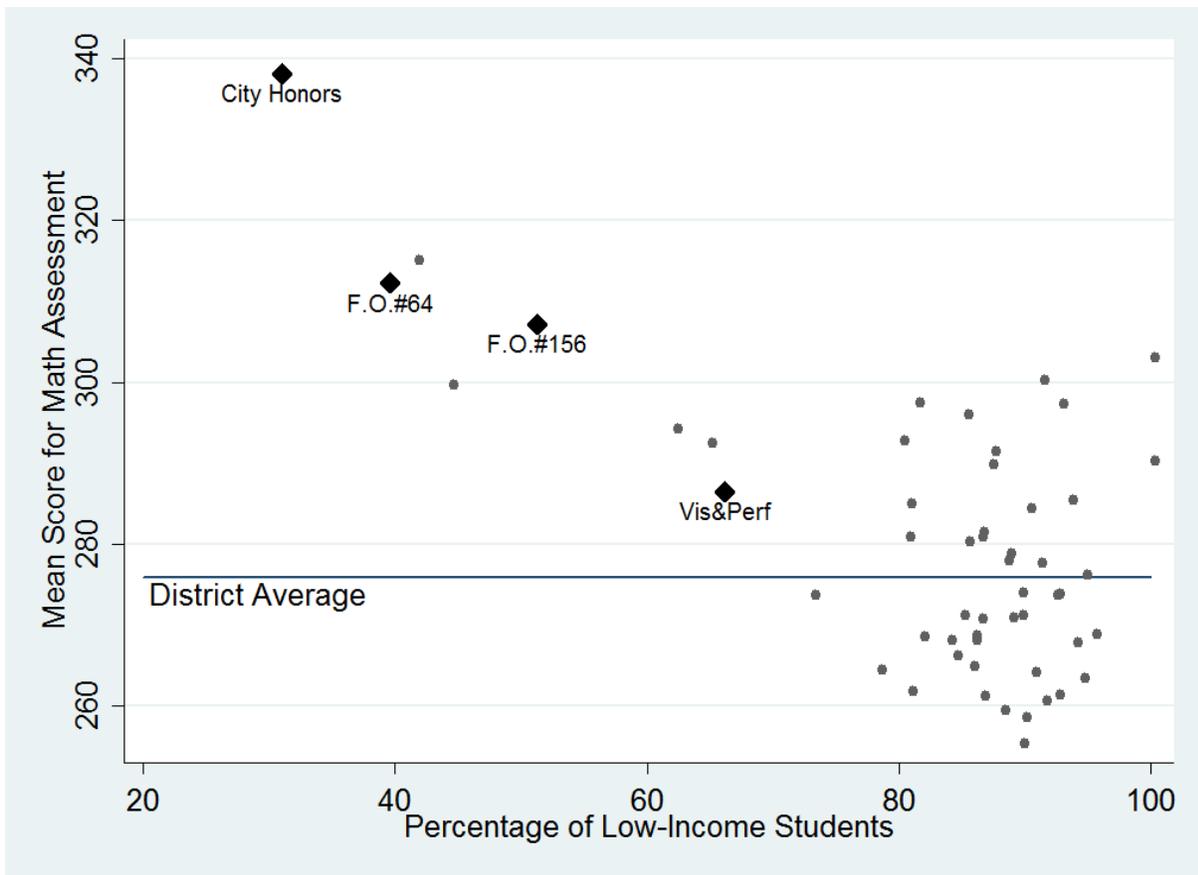
Note: AI=American Indian, ELLs=English Language Learners, and SWD=Students with Disabilities

## Academic Performance of Criteria-Based Schools

We examined academic performance of criteria-based schools and its relationships with poverty and race. To investigate academic performance, we focused on the results of New York State’s mathematics assessment, which is administered to students in kindergarten through twelfth grade who are enrolled in public, nonpublic, and charter schools throughout the state. Mathematics is often used for such comparisons because it is less skewed by non-school differences in language development. We found a dramatic relationship, something that is common in research on educational achievement across the United States.

### Elementary schools.

Figure 4: Relationship between the Share of Low-Income Students and the Average Score of Mathematics Assessment



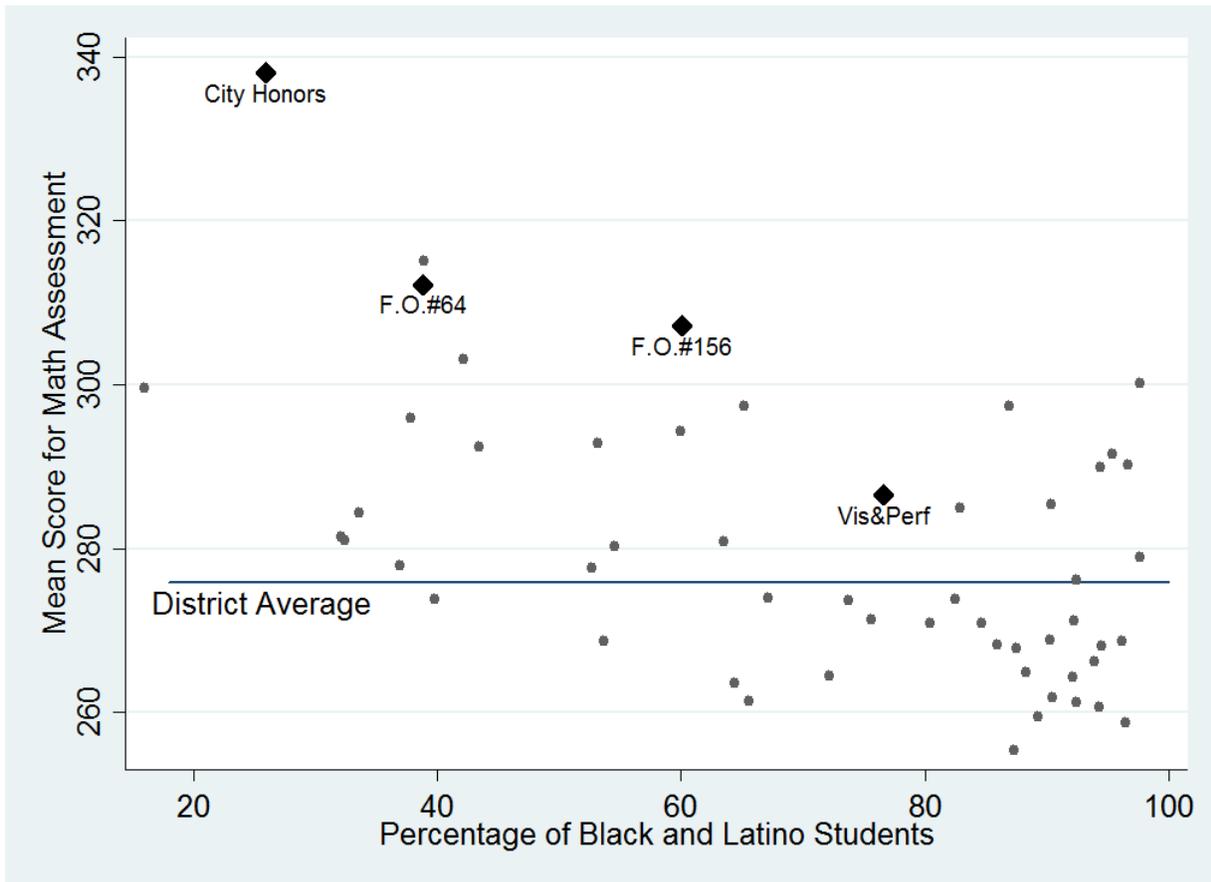
Source: 2013-14 New York State Education Department 3-8 Assessment Database

Note: This plot includes public and non-public schools in BPS, which enroll students in Grades 3-8.

First, we explored the relationship between mathematics assessment results and the proportion of students living in poverty. The graph above shows that mean scores for statewide mathematics assessment of the schools in BPS were much lower as the the low-income share of students increased ( $r=-0.651$ ,  $p<0.001$ ). A large number of Buffalo schools were concentrated in the lower right corner of the graph, indicating that schools with a high share of low-income students also

tended to lag far behind in mathematics assessment results. The graph shows that criteria-based schools outperformed their district peers on the statewide mathematics test. For instance, compared to the other schools in the district, City Honors, Frederick Olmsted #64, and Frederick Olmsted #156 ranked significantly higher than the district average and had a small percentage of poor students.

Figure 5: Relationship between the Share of Black and Latino Students and the Average Score of Mathematics Assessment



Source: 2013-14 New York State Education Department 3-8 Assessment Database

Note: This plot includes public and non-public schools in BPS, which enroll students in Grades 3-8.

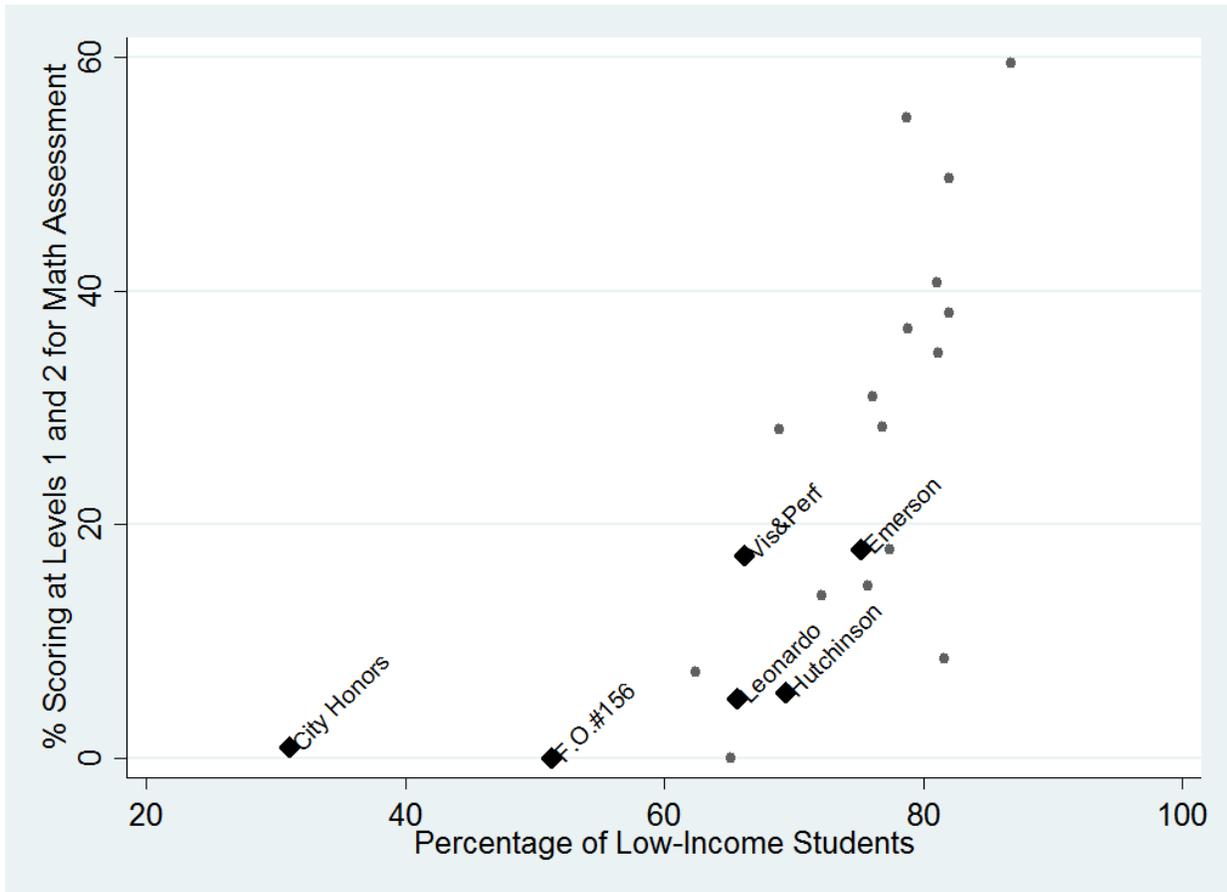
In addition to the relationship between mathematics assessment scores and poverty, we investigated the extent to which mathematics assessment results were correlated with race—specifically, the percentage of black and Latino students in a school. The graph above demonstrates that there was also a strong and negative correlation ( $r=-0.534$ ,  $p<0.001$ ) between the share of non-white students and statewide mathematics scores.

### High schools.

We then examined the relationship between the proportion of economically disadvantaged students and academic performance of high schools in BPS. According to the New York State’s definitions of performance levels, students at Level 1 demonstrate limited knowledge, skills, and

practices embodied by the New York State P-12 Common Core Learning Standards (CCLS) for Mathematics; students at Level 2 are considered below or well below proficient in standards for their grade level.

Figure 6: Relationship between the Share of Low-Income Students and the Share of Students at Levels 1 and 2 for Mathematics Assessment

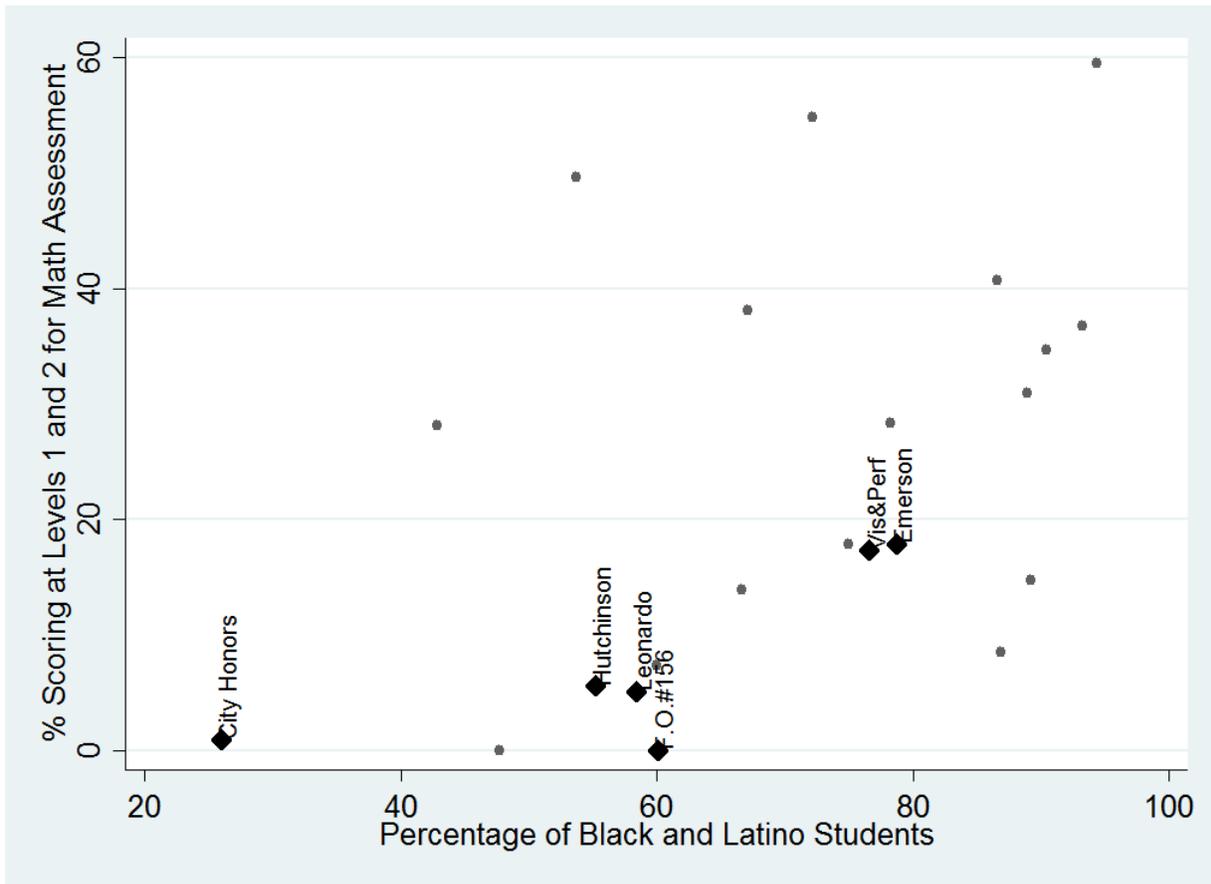


Source: 2012-2013 New York State Education Department Database

Notes: Level 1 – students are well below proficient in standards for their grade. Level 2 – students are below proficient in standards for their grade. This plot includes public and non-public schools in BPS.

As the plot above indicates, there was a very strong 0.69 correlation between the share of students living in poverty and the combined share of students at Levels 1 and 2 on the statewide mathematics assessment results. This correlation means that schools with a larger share of poor students tended to have more students who were below or well below in standards for their grade. All criteria-based schools had less than 20% students at Levels 1 and 2, but some schools in the district had over half of students who were below proficient in the mathematics assessment.

Figure 7: Relationship between the Share of Black and Latino Students and the Share of Students at Levels 1 and 2 for Mathematics Assessment



Source: 2012-2013 New York State Education Department Database

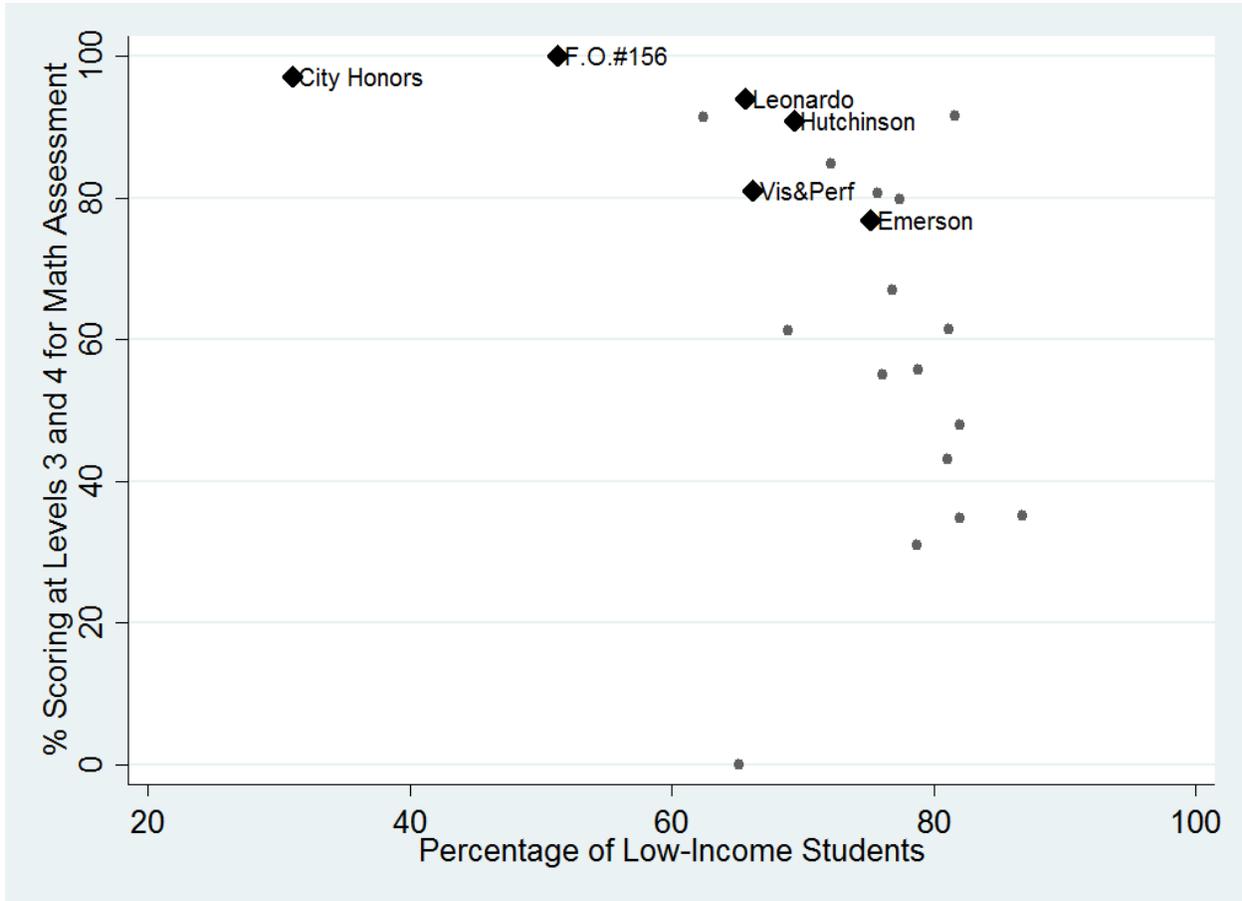
Notes: Level 1 – students are well below proficient in standards for their grade. Level 2 – students are below proficient in standards for their grade. This plot includes public and non-public schools in BPS.

Besides the correlation between academic performance and the share of low-income students, we investigated the extent to which BPS high schools’ academic performance was correlated with the proportion of black and Latino students in the school. Compared to the previous figure, the plot above was spread in terms of the black and Latino share. However, there was a still strong and positive correlation ( $r=0.464$ ,  $p=0.03$ ) between the percentage of non-white students and the share of students at Levels 1 and 2 for high schools in the district. Although there were some schools with a significant share of students of color and a small percentage of students at Levels 1 and 2, on average, most schools with more black and Latino students had a higher proportion of students at Levels 1 and 2.

Next, we explored the share of students at Levels 3 and 4 for their statewide mathematics assessment. According to the New York State’s definition of performance levels, students at Level 3 are considered proficient in CCLS for their grade level; students at Level 4 excel in CCLS for their grade level. In the plot below, we found a clear pattern that schools with a larger proportion of non-poor students tended to have more students who performed well. Yet, students

who attended criteria-based schools outperformed their district’s peers, and four in five criteria-based school students were at Levels 3 and 4 in the statewide mathematics assessment.

Figure 8: Relationship between the Share of Low-Income Students and the Share of Students at Levels 3 and 4 for Mathematics Assessment

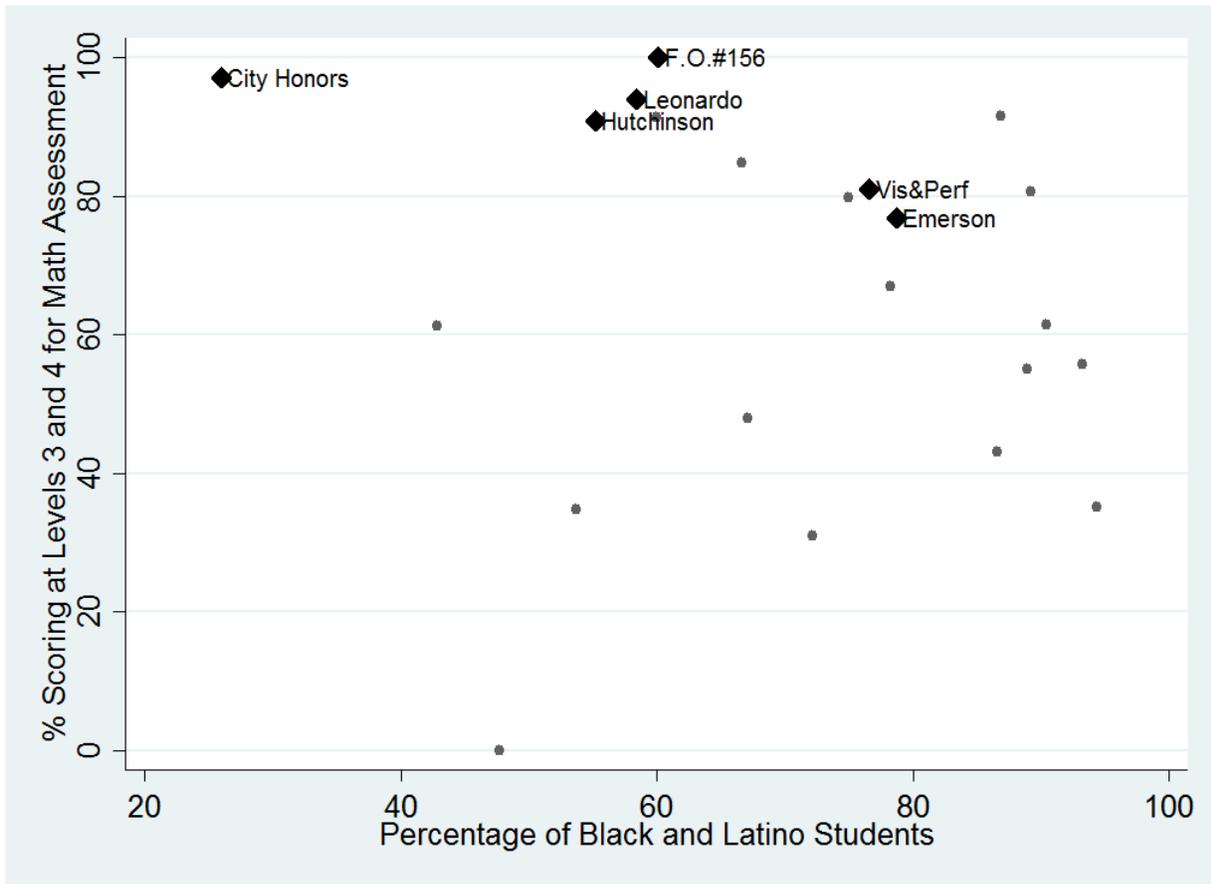


Source: 2012-2013 New York State Education Department Database

Notes: Level 3 – students are proficient in standards for their grade. Level 4 – students excel in standards for their grade. This plot includes public and non-public schools in BPS.

We then examined the relationship between the black and Latino share of students and the percentage of students scoring at Levels 3 and 4 in New York State’s mathematics assessment. Unlike the previous plot regarding poverty, the scatterplot below was spread in terms of the percentage of black and Latino students, ranging from 30% to nearly 100%. The share of students at Levels 3 and 4 was spread as well between close to 0% and 100%. The correlation between the share of non-white students and the proportion of students at Levels 3 and 4 was -0.1307, which was weak and non-significant ( $p=0.562$ ).

Figure 9: Relationship between the Share of Black and Latino Students and the Share of Students at Levels 3 and 4 for Mathematics Assessment



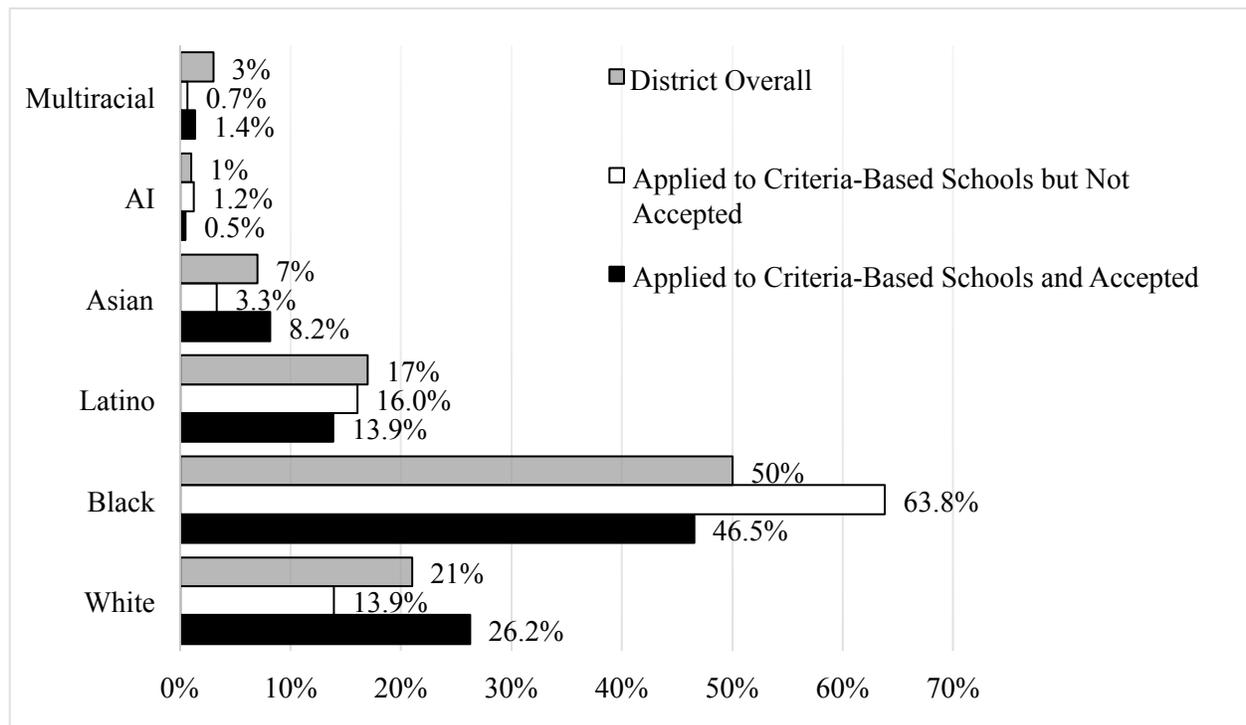
Source: 2012-2013 New York State Education Department Database

Notes: Level 3 – students are proficient in standards for their grade. Level 4 – students excel in standards for their grade. This plot includes public and non-public schools in BPS.

### Students Who Applied to and Were Admitted to Criteria-Based Schools

A central issue in the OCR complaint was the unequal access by race to some criteria-based schools. We examined the 1,706 ninth-grade students who applied to criteria-based schools. We analyzed the racial composition of the admitted group as well as the rejected group and then examined acceptance rates depending on the types of schools that applicants were attending.

Figure 10: Racial Composition of Students Who Were and Were Not Accepted to Criteria-Based Schools



	White	Black	Latino	Asian	AI	Multiracial	Unknown	Total
Applied to Criteria-Based Schools and Accepted	212	376	112	66	4	11	27	808
Applied to Criteria-Based Schools but Not Accepted	125	573	144	30	11	6	9	898

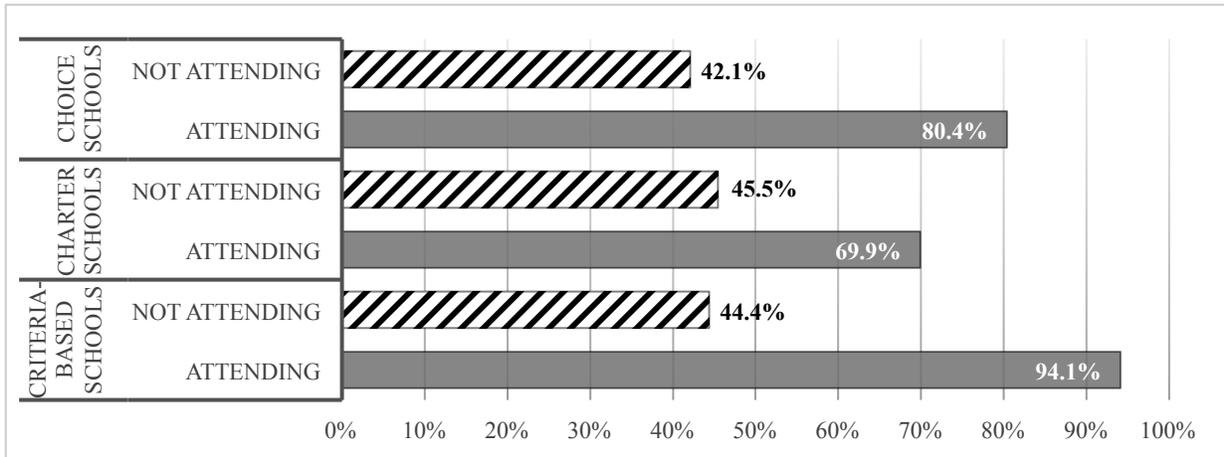
Source: Buffalo Public Schools database and 2013-2014 New York State Education Department database

Note: AI=American Indian

Of 1,706 applicants, only 47% were admitted. Considering BPS’s overall racial composition in which one in two students were black and one in five students were white, white and Asian students were overrepresented while black and Latino students were underrepresented in comparison to the district’s overall demographics. Of the rejected applicants, two-thirds were black students and one-sixth were Latino students, while white and Asian students accounted for 13.9% and 3.3% of those turned down.

We then examined acceptance rates of applicants who had attended criteria-based schools and charter schools. Even though students from these schools comprised less than 6% of the total applicants, their acceptance rates were outstanding. For instance, almost all applicants who had attended criteria-based schools (94%) and 70% of students who had attended charter schools were admitted to criteria-based schools; their acceptance rates were far higher compared to their counterparts who had attended non-criteria-based schools.

Figure 11: Acceptance Rates by Types of Schools Applicants Attended



Source: Buffalo Public Schools database and 2013-2014 New York State Education Department database

Note: Choice schools include criteria-based schools and charter schools only.

### The Broader Context of School Choice: Are Charter Schools Solving the Need for High Quality and Diverse Education?

The criteria-based schools are linked with the charter schools as the two major choice alternatives in the public sector. Some claim that charter schools are solving the problem of inadequate choices for excellent education. In any case, many families considering criteria-based schools are also considering charters and many students in charters apply for criteria-based schools. Teachers also move between the sectors. To understand the situation, we compared the systems in terms of composition and some outcomes.

#### Demographics of Charter Schools

BPS's total enrollment remained fairly consistent for the past three years. However, the district's charter schools show a 16% increase in total enrollment for the same period of time. Although the schools vary substantially, the overall pattern did not show disproportionate enrollment of white or middle-class students between the two types of schools. Overall, the charters have a substantially larger share of black students, accounting for 70% of the total enrollment compared to the district's black share (54%). The percentage of economically disadvantaged students in charter schools was also larger than the low-income share of the district. Charter schools also experienced notable recent changes with an increase in Latino and Asian students and a slight decrease in black students. The overall share of students living in poverty and ELLs increased as well. Similar to the city's public schools, there are a handful of clearly successful charters which serve a much less segregated and impoverished population, but many are profoundly isolated by race and poverty and perform much more poorly.

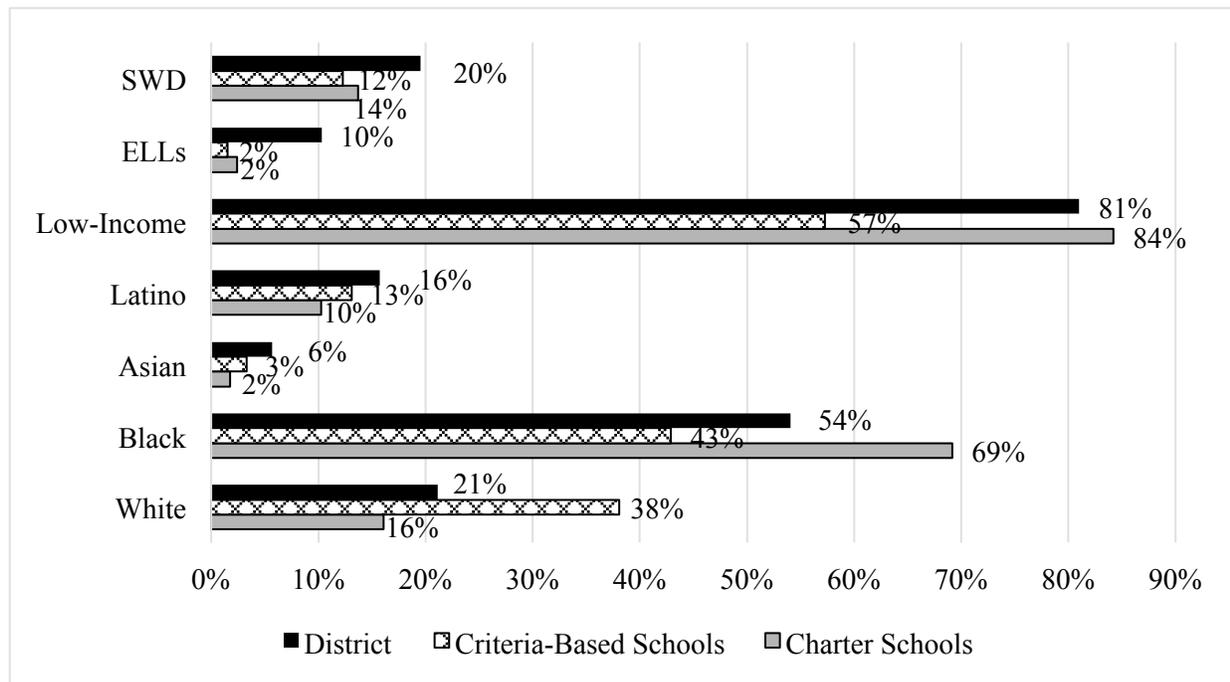
Table 6: Racial Composition of Charter Schools in Buffalo

Schools	Total Enrollment	White	Black	Asian	Latino	AI	Multiracial	Low-Income			
								Income	ELLs	SWD	
2011	13	5,377	16.8%	71.4%	0.9%	6.9%	0.6%	3.3%	79.3%	1.7%	
2012	14	5,852	16.7%	70.8%	0.9%	9.9%	0.4%	1.3%	83.4%	1.6%	
2013	15	6,244	16.1%	69.2%	1.8%	10.3%	0.3%	2.3%	84.2%	2.4%	13.7%

Source: New York State Education Department, Demographic Factors, 2011-2013

The percentage of black students in charter schools was 1.6 times higher than the black share in criteria-based schools. In contrast, the white share of enrollment in charter schools was less than half of the white proportion of criteria-based schools and was smaller than the district’s overall white percentage as well. The shares of Latino and Asian enrollment in charter schools were lower than the district’s average as well as the Latino and Asian proportions in criteria-based schools. The ELL share in both charter schools was far lower than the average ELL share of the district. As for economically disadvantaged students, charter schools included a higher percentage of students living in poverty compared to the district.

Figure 12: Demographic Comparison of Charter Schools, Criteria-Based Schools, and District



Source: New York State Education Department, Demographic Factors, 2013

Although overall the charter student bodies were less white and even poorer than the Buffalo district, a few charter schools attracted a great number of white and Asian students (e.g., South Buffalo, Elmwood Village, and Tapestry). There are severe disparities in terms of student demographics across charter schools. South Buffalo was the only charter school with a clear white majority. Most charter schools in the district were extremely segregated, enrolling over 90% students of color with very high poverty.

Table 7: Racial Composition of Individual Charter Schools

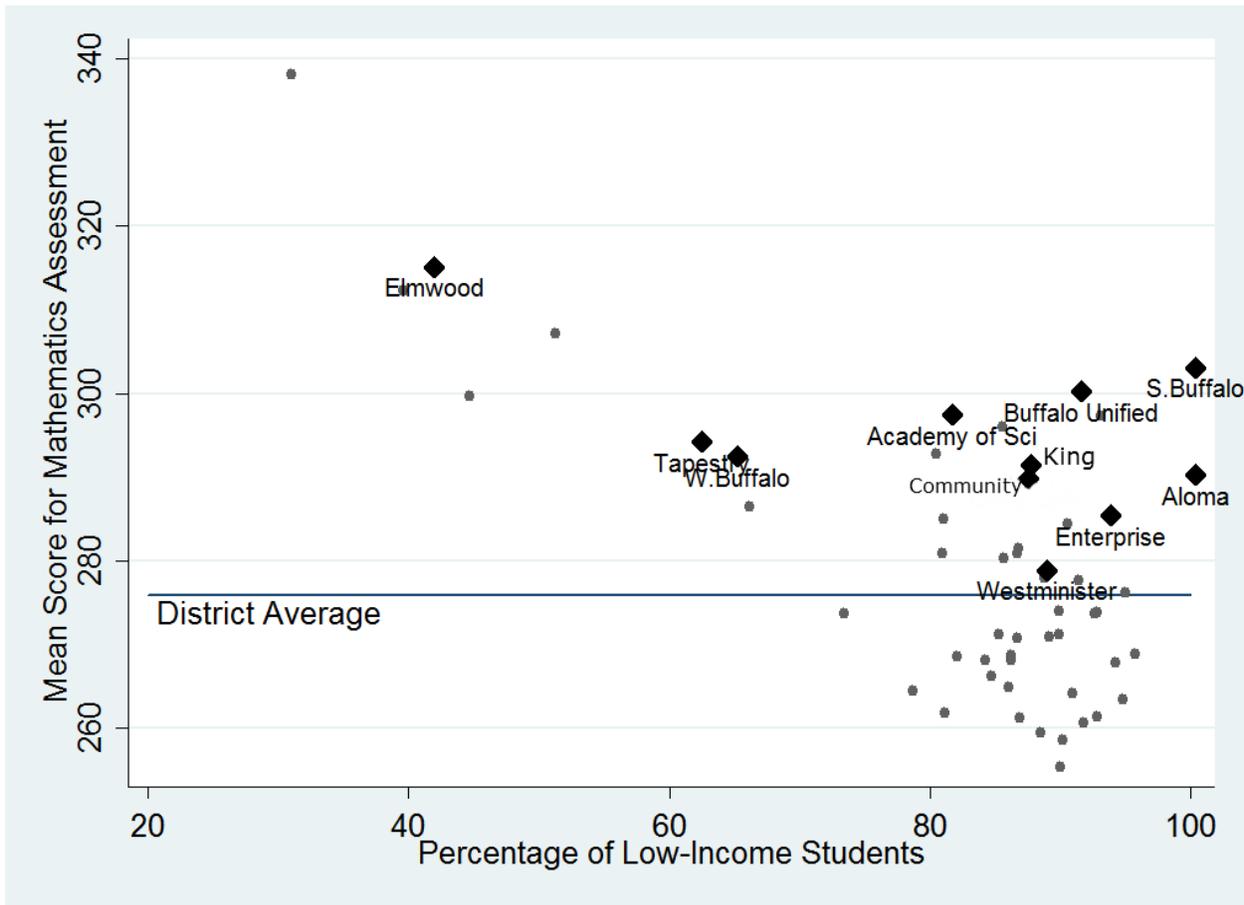
Charter School Name	Total Enrollment	White	Black	Asian	Latino	AI	Multiracial
Buffalo Academy Of Science	404	9.9%	82.2%	3.2%	4.7%		
Enterprise	404	3.5%	55.4%	3.7%	34.9%	0.5%	2.0%
Elmwood Village	298	48.0%	22.5%	3.4%	16.4%	2.3%	7.4%
West Buffalo	138	20.3%	30.4%	29.0%	13.0%		7.2%
Community	321	0.9%	89.4%	0.9%	5.0%		3.7%
Aloma D Johnson Community	295		89.2%	0.3%	7.5%		3.1%
King Center	260	1.2%	94.6%	0.8%	0.8%		2.7%
Western New York Maritime	292	20.5%	58.9%	0.7%	16.1%		3.8%
Pinnacle	550	1.1%	85.5%	0.5%	10.0%		2.9%
Oracle	354	8.5%	80.2%	0.3%	9.0%	0.3%	1.7%
Health Sciences	325	10.8%	80.3%	0.0%	6.2%		2.8%
South Buffalo	673	55.0%	24.7%	1.2%	17.5%	1.5%	0.1%
Tapestry	735	35.5%	51.7%	1.0%	8.3%		3.5%
Buffalo United	643	1.9%	91.4%	0.3%	6.2%	0.2%	0.0%
Westminster Community	552	0.2%	97.3%	0.5%	0.4%		1.6%

Source: New York State Education Department, Demographic Factors, 2013

### Academic Performance of Charter Schools

Similar to the BPS criteria-based and non-criteria-based schools, for charters, highly impoverished schools produced lower average test scores. All charter schools performed above the district's average. Elmwood, in particular, was distinct from the other charter schools in terms of the low-income share, high white share, and academic performance. It is, of course, difficult to compare schools of choice with regular school assignments since parents have to take a more active role to enroll and charters have more control over their enrollment and transfers.

Figure 13: Relationship between the Share of Low-Income Students at Charter Schools and the Average Score of Mathematics Assessment

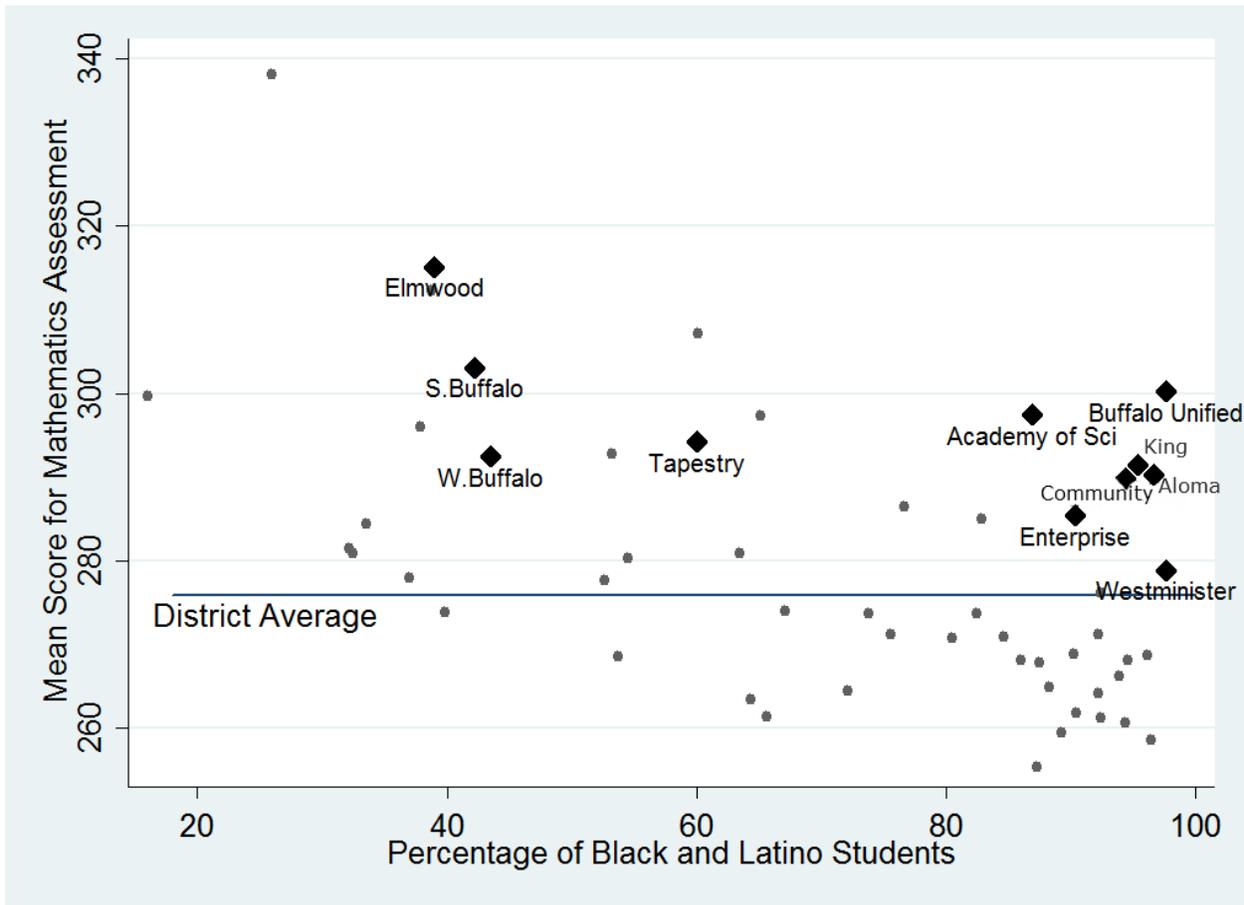


Source: 2013-2014 New York State Education Department, 3-8 Assessment Database

Note: Public and non-public schools in BPS, which enroll students in Grades 3-8.

In addition to the relationship with academic performance and poverty, we explored the correlation between the proportion of black and Latino students and academic performance. As the plot below shows, academic performance was linked to the share of students of color. Specifically, minority-segregated schools tended to underperform compared to their peers in the district. Regarding charter schools, except four charter schools (e.g., Elmwood, South Buffalo, West Buffalo, and Tapestry) most charter schools had nearly 90% or a higher percentage of black and Latino students.

Figure 14: Relationship between the Share of Black and Latino Students at Charter Schools and the Average Score of Mathematics Assessment



Source: 2013-2014 New York State Education Department, 3-8 Assessment Database

### Impoverished White and Asian Schools within BPS

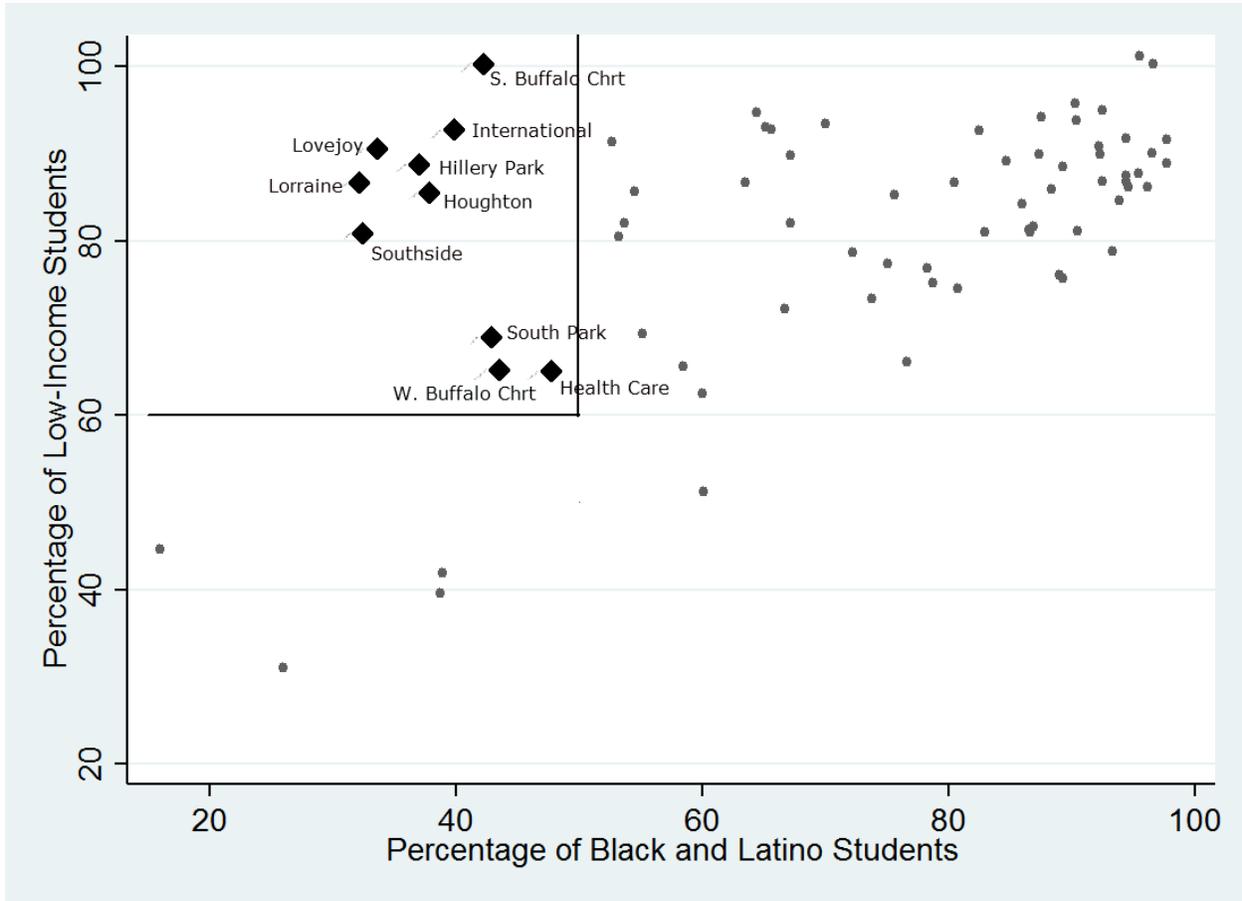
Although this report focuses on issues of Black and Hispanic students, we also found ten impoverished schools in the district with relatively high white enrollments.

### Demographics of Impoverished White and Asian Schools

Among the ten schools, two were charter schools, and eight were the district’s public schools. As shown in the top left corner of the chart below, these schools were predominantly white and Asian with 60% or a higher proportion of poor students. Specifically, at least half of their students were white and Asian; International School and West Buffalo Charter, in particular, enrolled a large share of Asians, comprising 41% and 29% of the total enrollment, respectively. Given the fact that the district had only 6% Asian students in 2013, these figures were exceptional. These two schools also had a higher proportion of ELLs compared to the district’s overall ELL share (10.3%). For example, approximately 55% of students at International School were identified as ELLs, and West Buffalo had 28% ELLs. Future planning for expansion of criteria-based schools might well include this part of the city which offers, among other things, a

notable concentration of fluent native speakers of other languages who could greatly contribute to powerful dual language immersion schools.

Figure 15: Schools with a Large Percentage of Low-Income Students and White and Asian Students



School	Type	White	Asian	Black	Latino	AI	Mixed	Low-Income	SWD	ELL
Hillery Park	Public	55.6%	0.2%	24.8%	12.1%	3.4%	3.8%	88.8%	27.7%	0.2%
Lovejoy Discovery	Public	59.2%	0.9%	22.9%	10.7%	0.0%	6.4%	90.6%	24.5%	0.2%
International School	Public	15.9%	41.4%	32.2%	7.6%	0.3%	2.7%	92.8%	11.0%	54.6%
Houghton Academy	Public	55.8%	0.2%	30.7%	7.2%	0.2%	6.0%	85.6%	23.7%	0.0%
Lorraine Elementary	Public	61.1%	2.0%	19.6%	12.5%	2.4%	2.4%	86.7%	26.5%	0.4%
Health Care Center	Public	42.2%	8.3%	33.9%	13.8%	0.9%	0.9%	65.1%	89.9%	12.8%
Southside Elementary	Public	59.0%	3.3%	17.8%	14.6%	1.2%	4.1%	80.9%	28.4%	1.8%
South Park High	Public	51.6%	2.7%	24.6%	18.2%	0.8%	2.1%	68.9%	27.5%	6.3%
S. Buffalo Charter	Charter	55.0%	1.2%	24.7%	17.5%	1.5%	0.1%	100%	13.8%	0.9%
W. Buffalo Charter	Charter	20.3%	29.0%	30.4%	13.0%	0.0%	7.2%	65.2%	21.7%	28.3%

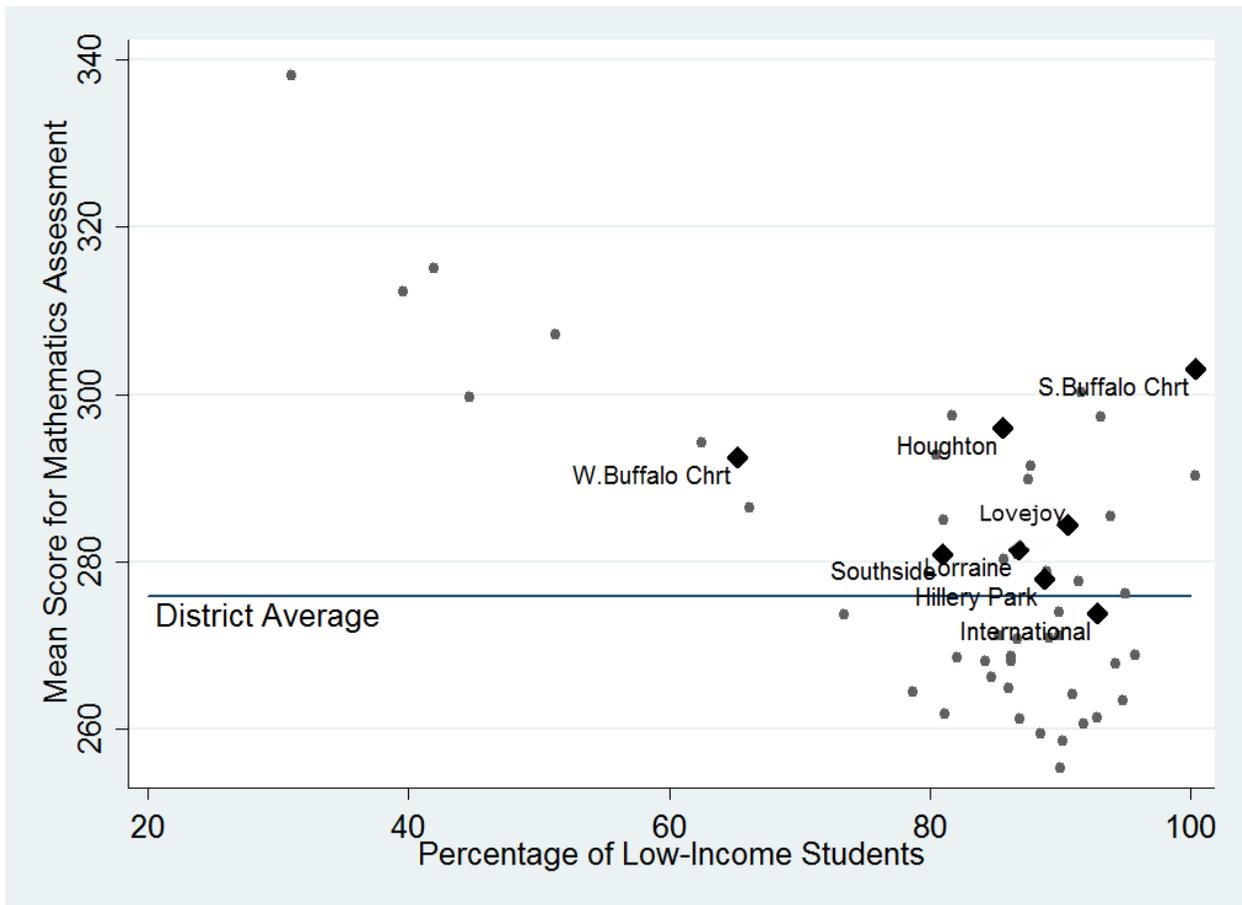
Source: New York State Education Department Demographic Factors, 2012-2013

Of the ten schools, seven schools were concentrated near the Kaisertown and South Buffalo neighborhoods. West Buffalo Charter and International School were located near the Canada-U.S. border in the West Side neighborhood.

## Academic Performance of the Impoverished White/Asian Schools

Of the ten schools with a high share of low-income students and white/Asian students, all schools, except International School, produced higher educational achievement than the district average. This is likely a reflection of, in part, the fact that new Asian immigrants tend to have higher parent education even though the families have temporarily low incomes. The ten schools, on average, performed better, especially in comparison to the other schools with a similar proportion of students living in poverty. The two charter schools (West Buffalo and South Buffalo) and Houghton Academy, were distinct from the other schools in the assessment results.

Figure 16: Relationship between the Share of Low-Income Students and the Average Score of Mathematics Assessment in Impoverished White/Asian Schools



Source: 2013-2014 New York State Education Department, 3-8 Assessment Database

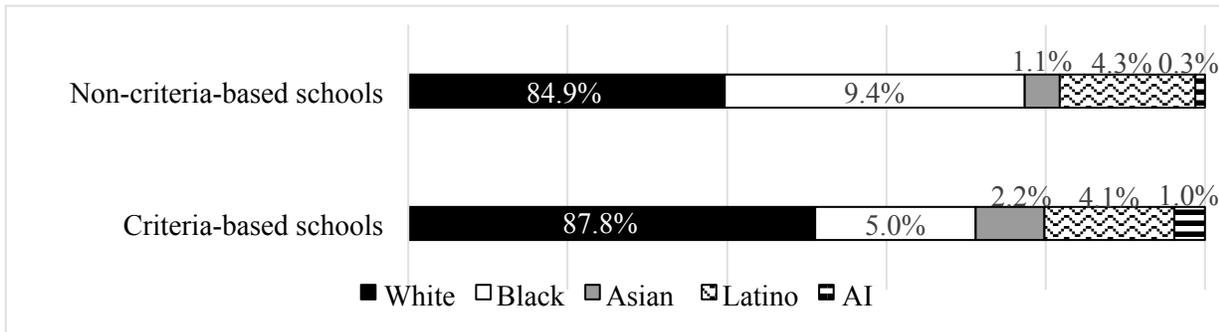
Note: This plot includes public and non-public schools in BPS, which enroll students in Grades 3-8.

## Teacher Demographics of Criteria-Based Schools

Besides student populations, we explored racial composition of teachers in criteria-based schools. It reveals a dismal situation that students in BPS are becoming more diverse but the district's teachers are not. On average, seven-eighths of the teachers at criteria-based schools were whites, followed by 5% black teachers and 4% Hispanic teachers. Like criteria-based

schools, the primary group of teaching staff at non-criteria-based schools was white, accounting for 85% of the total teacher population. Interestingly, the share of black teachers at non-criteria-based schools was almost twice as large as the percentage of black teachers at criteria-based schools. Nevertheless, given that the district has over 50% black students, it is evident that most students in the district are not likely to have teachers who look like themselves.

Figure 17: Racial Composition of Teachers in Non-Criteria-Based Schools and Criteria-Based Schools, 2014

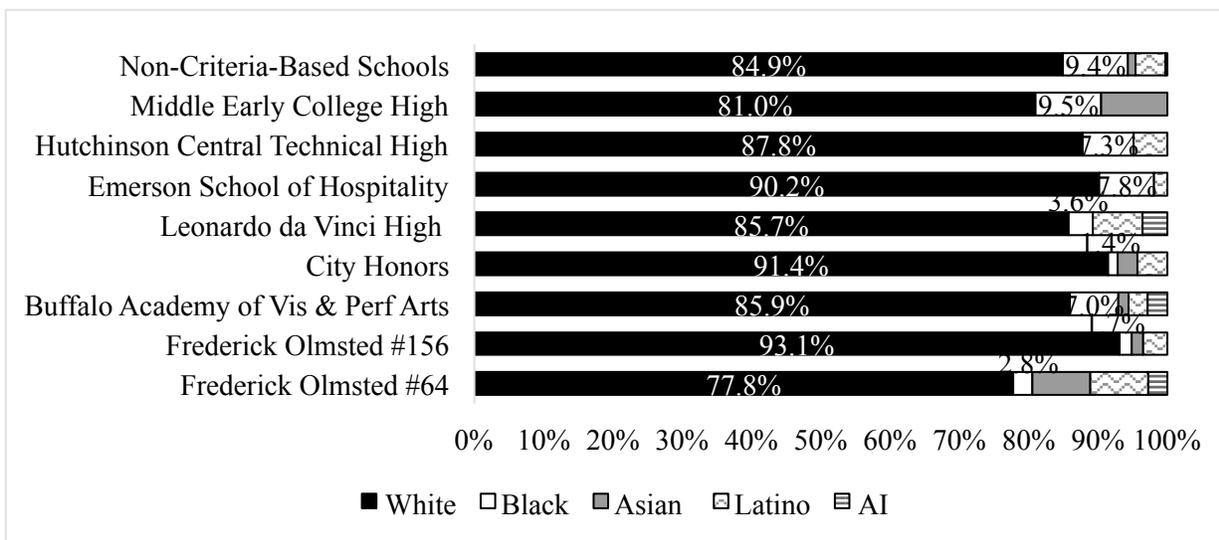


Source: Buffalo School District Database, 2014

Note: Data include elementary, secondary, and other classroom teachers only.

The examination of individual criteria-based schools shows more extreme cases. Over 90% of teachers at some criteria-based schools, including Emerson, City Honors, and Frederick Olmsted #156, were white. Furthermore, the share of black teachers at every criteria-based school was smaller than 10%. Shares of Asian and Latino teachers did not exceed 10% for all criteria-based schools either.

Figure 18: Racial Composition of Teachers in Individual Criteria-Based Schools



Source: Buffalo School District Database, 2014

Note: Data include elementary, secondary, and other classroom teachers only.

## Providing Real Options for Students Who Have a Right to Transfer

Since No Child Left Behind was enacted in 2002, there has been a right for a student assigned to or enrolled in a school that is officially defined as failing to transfer to another school. In our research on that issue under NCLB we found that the right was often an illusion since there were few places in good schools where the students could transfer to. In Buffalo, where half of the families who go through the considerable process of applying to the criteria-based schools are not accepted, and only a handful of criteria-based schools are very strong academically, there is certainly a serious shortage of spaces. Since it is fundamentally unfair to students to announce to the public and the community that their school is a failure and offer no worthwhile alternative, a substantial expansion of strong criteria-based schools could help address this serious problem. Transfers and the costs of transporting students are justified when a student gains access to a clearly better school but not when the student moves to an equal or worse school. The expensive and depressing process of offering a right to transfer without better alternatives to choose among is, in educational terms, a waste of resources.

Buffalo has many students attending what the state defines as failing schools and they have a right to transfer elsewhere but often face limited opportunities. In 2014-2015, 1171 students requested transfers in spite of efforts by the schools to discourage transfer requests. Of those requests, 1,090 students were eligible to transfer. About 100 eligible students at each grade until high school and smaller numbers later made these requests. About nine-tenths of those eligible were black or Hispanic. Of the students who requested transfers and were eligible to do so, 368 actually transferred to another city or charter school, 240 declined offers to transfer, 376 did not respond to letters on their opportunities, and 85 moved away. 114 transferred to charter schools and 254 to BPS schools rated in “good standing” by the state government. Several of the good standing schools reported that they had no seats available to receive any transfers. If the transfer right is to mean something, there have to be more opportunities to transfer to strong schools. These students had no special consideration in accessing criteria-based schools.

Table 8: Student Characteristics, Eligible Transfer Applicants

<b>Ethnicity</b>	<b>Number of Applicants</b>
Hispanic	147
<b>Race</b>	<b>Number of Applicants</b>
American Indian or Alaska Native	17
Asian	52
Black	760
Multi-Race	53
Native Hawaiian or Other Pacific Islander	5
White	203
<b>Total</b>	<b>1,090</b>

A fundamental limit on the transfer process was the lack of space in successful schools to which students could transfer.

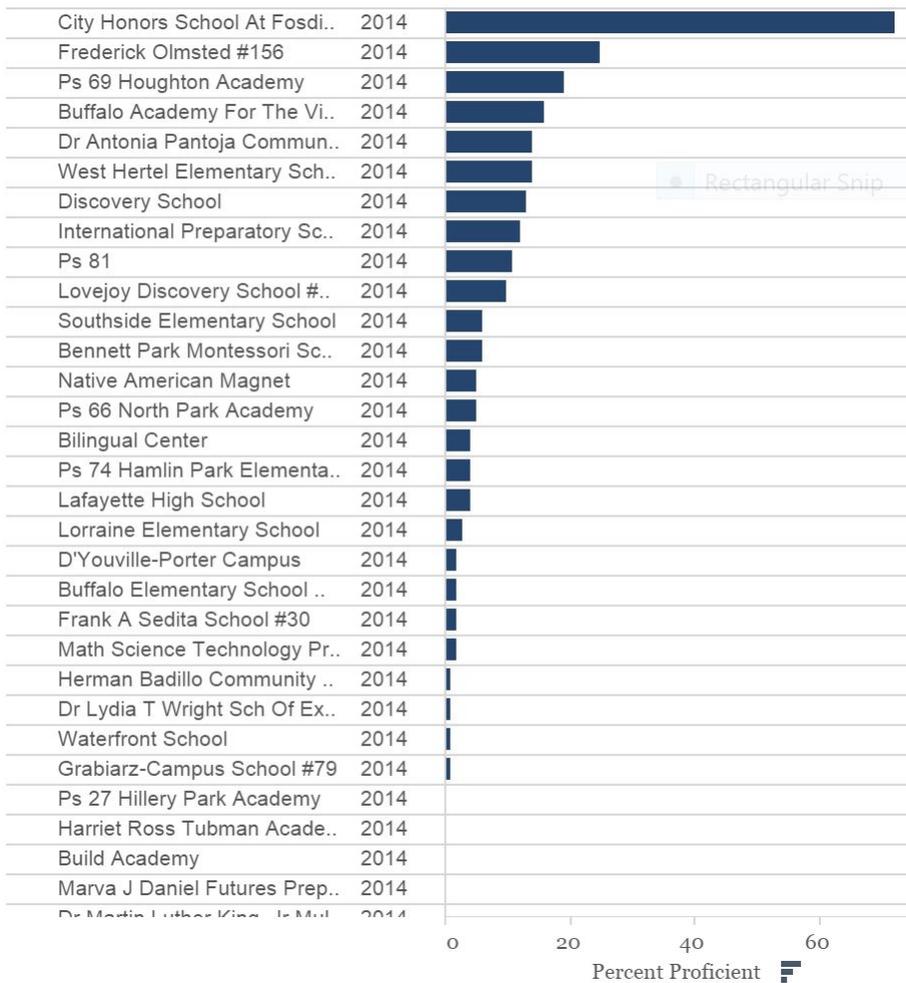
Table 9: BPS Seat Availability

Grade	BPS Seat Availability											Total
	27	45	64	67	72	81	156	195	212	302	304	
K	7	0	0	0	3	0						<b>10</b>
1	13	0	0	0	0	0						<b>13</b>
2	2	20	0	0	0	4						<b>26</b>
3	1	13	0	0	13	0						<b>27</b>
4	9	33	0	1	0	1						<b>44</b>
5	0	21		0	9	0	0	0				<b>30</b>
6	0	15		0	0	0	0	0				<b>15</b>
7	0			0	0	0	0	0				<b>0</b>
8	5			0	4	0	0	0				<b>9</b>
9							0	0	0	0	0	<b>0</b>
10							0	0	0	0	0	<b>0</b>
11							0	0	0	0	0	<b>0</b>
12							0	0	0	0	0	<b>0</b>
<b>Total</b>	<b>37</b>	<b>102</b>	<b>0</b>	<b>1</b>	<b>29</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>174</b>

New York state schools have now had two years of results from testing on the far more demanding Common Core standards. Since a scientific study of the new test shows that it doubled the level of knowledge required to be considered “proficient,” it produced a very high level of school “failure,” which was particularly apparent in New York City and the four high poverty large urban systems: Buffalo, Rochester, Yonkers and Syracuse. In Buffalo, as shown in the following table from the *Buffalo News*, only a handful of schools showed a significant level of proficiency in the eighth grade testing. Sharply raising the standards without increasing the capacity of schools and resolving other barriers to learning guarantees a large apparent increase in school and student failures. The vast majority, in the terms of the altered state standards, were dismal failures. That failure opened the way for closing the schools under state and federal policy.

Figure 19: Math Proficiency, Grade 8, BPS

**Grade 8 Math: Erie County, Buffalo City School District**



Source: Adapted from Denise Jewell Gee and Mary Pasciak, “Your Schools: English and Math” *The Buffalo News*.” (<http://data.buffalonews.com/databuff/education/schools-math-english-scores/>)

## **PART THREE: PERSPECTIVES OF PARENTS, EDUCATORS, AND STUDENTS**

The district's statistics show that there is a shortage of good school opportunities in the city, many families who do not get good choices, and serious racial inequality in the results, but the statistics do not provide all of the answers. It is clear that we needed to understand the views of the Buffalo residents, teachers, students and educational leaders and policy makers in considering remedies. To do this we visited the city, had many meetings, created an email address where anyone interested could write to us about any issue, and had many conversations on the phone. To work more systematically to try to reach a cross section of the city and to understand what might be the most viable solutions, we designed and implemented surveys of parents, teachers, staff, administrators, and students. Part Three is about what we found out. We begin with a summary of the small group discussions and interviews we conducted with administrators, teachers, counselors, parents, students, and district staff members. We then describe the results of three surveys, which were administered to parents, teachers and staff members, and students. We conclude with a comparison of the findings from all three surveys.

### **Interviews and Focus Groups**

During December 2014, our research team conducted two site visits to Buffalo in order to hold individual and small group discussions.<sup>64</sup> The purpose of our discussions was to learn about the recruitment, application, and enrollment process for criteria-based schools in BPS. Our goal was to obtain as many perspectives as possible from a wide range of participants so that we could understand how the processes are currently working and what barriers exist to accessing criteria-based schools.

We had open discussions with participants. We began with a set of predetermined questions but also allowed the conversations to develop naturally, depending on the participants' responses.<sup>65</sup> This format allowed us to ask a similar set of questions to all participants but to follow-up on participants' responses by probing deeper and exploring topics that we had not anticipated prior to the sessions. Discussions centered around the following topics related to criteria-based schools: the number, location, and theme of criteria-based schools, transportation, course offerings to prepare students for enrollment in criteria-based schools, enrollment and registration policies and procedures, communication and outreach, advertisement, school reputations and peer pressure, early awareness of the relationship between academic performance and enrollment in criteria-based schools, guidance counselors, support services available at criteria-based schools, and any other potential barriers to accessing criteria-based schools.

Sessions were conducted by phone and in person. Individual phone interviews were conducted with criteria-based school principals prior to our site visits. Face-to-face interviews and focus groups were held at Central Registration, the Makowski Early Childhood Center, and multiple schools in BPS, including Emerson School of Hospitality, East High School, Futures Academy, Olmsted #64, and Hutchinson Central Technical High School. The study director also conducted an open public meeting to which all parents were invited at the Makowski Early Childhood

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<sup>64</sup> We used interview and focus group formats.

<sup>65</sup> We used a semi-structured interview protocol to guide our discussions with participants.

Center. With participants' permission, most sessions were audio-recorded; sessions with students were not recorded. There was also a note-taker and a facilitator for every session.

Participants included high school students, parents, teachers, counselors, administrators, district staff members, school board members, the superintendent, the editorial board of the newspaper, and community members.

A total of 62 students participated in small group discussions, ranging from thirty to sixty minutes in length. Student participants represent the following criteria-based and non-criteria-based schools: Buffalo Academy for Visual and Performing Arts, City Honors, East High School, Emerson School of Hospitality, Hutchinson Central Technical High School, Leonardo da Vinci, Math Science Technology Preparatory School, McKinley High School, Middle Early College High School, Riverside High School, and South Park High School. Participants included 23 males and 23 females; the observed race/ethnicity of participants was 4 Latino participants, 29 black participants, 11 white participants, 1 Asian participant, and 1 other/unknown races.<sup>66</sup>

Approximately 117 parents participated in individual, small group, and town hall-style discussions, ranging from fifteen minutes to one and a half hours in length. The majority of the parents represented in these findings are parents of students who attend City Honors and Olmsted, which limits our understanding of the barriers to accessing criteria-based schools from the parent perspective. Representatives from the following groups also participated: District Parent Coordinating Council, Special Education Parent Advisory Committee, Multilingual Education Advisory Committee, and Buffalo Parent Teacher Organization. The approximate gender and racial/ethnic composition of parent groups was difficult to track and thus is not included in this report.

A total of 8 counselors participated in a two-hour group discussion. These counselors represented four preK-8 schools, one 5-8 school, and four 9-12 schools, including both criteria-based and non-criteria-based schools. Participants included 2 males and 6 females.<sup>67</sup>

School staff, including teachers, counselors, and instructional coaches from four schools, participated in one-hour small group discussions at their respective schools: East High School, Futures Academy, Hutchinson Central Technical High School, and Olmsted 64. These discussions included a total of 10 teachers, 8 counselors, and 1 instructional coach. Participants included 7 males and 12 females; the observed race/ethnicity of participants was 1 Latino participant, 5 black participants, and 13 white participants.

Administrators from all criteria-based schools, including Buffalo Academy for Visual and Performing Arts, City Honors, Hutchinson Central Technical High School, Leonardo da Vinci, Middle Early College High School, Olmsted 64, and Olmsted 156, participated in this study. Principals from all of these schools participated in individual one-hour phone interviews as well as a two-hour group conversation. The vice principal from City Honors also participated in the group conversation. In addition, 2 administrators from Futures Academy participated in 30-60

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<sup>66</sup> Gender and race were not recorded for two of the student groups and are not included in this data.

<sup>67</sup> Race was not recorded for this group of participants.

minute discussions. Participants included 2 males and 7 females; the observed race/ethnicity of participants was 3 black participants and 6 white participants.

A total of 6 district staff members participated in individual or small group discussions, lasting approximately one hour. District staff who participated included the director of student placement and registration, director of multilingual education, director of special education, supervisor of clerical staff, supervisor of student placement, and supervisor of the front office at Central Registration. Participants included 1 male and 5 females; the observed race/ethnicity of participants was 1 Latino participant, 2 black participants, and 3 white participants.

Dr. Orfield later visited several schools and talked with their staff. He also met with the Interim Superintendent, all interested Board members, and a number of central office staff officials.

Participants were very open in discussing the current recruitment, application, and admissions processes for criteria-based schools. Their comments and insights allowed us to better understand the current process and the barriers that students face during various phases of the process. Across all participant groups, the following themes were salient, and a number of these issues were later included in surveys that reached many more people: 1. There are an insufficient number of high-quality choices in BPS. 2. The themes and locations of criteria-based schools are not a major concern. 3. Transportation, while generally unsatisfactory at the elementary level, does not create a unique barrier to enrolling in criteria-based schools. 4. Beliefs are mixed about course offerings to prepare students at elementary and middle schools. Most parents believe elementary schools adequately prepare their children for criteria-based schools, but students describe disparities between elementary schools and do not believe they all offer adequate preparation. 5. Many barriers are associated with district enrollment, registration, and other policies related to admissions and enrollment. The complexity and lack of clarity surrounding the application process, negative interactions with Central Registration, and the application timeline create barriers for applying to criteria-based schools. 6. Communication, outreach, and advertisement has improved, but most students and parents rely on peer networks for information rather than information provided by the district or school. 7. Schools' reputations are widely known, but students do not feel peer pressure to attend schools because of related reputations. 8. Early awareness about success in elementary school and enrollment in criteria-based schools is generally present but not a major focus. 9. Guidance counselors' role in the application process is interpreted in very different ways. Despite guidance counselors' and principals' belief that guidance counselors are the primary person responsible for supporting students with the application process, some parents and students believe guidance counselors offer limited assistance and other parents find guidance counselors to be overly involved. 10. Support services for students at criteria-based schools are lacking, especially for English Language Learners (ELLs). 11. Faculty diversity is needed. 12. Political corruption and an ineffective school board raise concerns. 13. The role of charter schools and suburban students accessing BPS schools is controversial. Some participants view charter schools as contributing to inequalities in Buffalo and others view charters as one of the few acceptable alternatives that are comparable to City Honors and Olmsted. Suburban students limit city students' opportunities to attend criteria-based schools. 14. There are conflicting opinions about the OCR complaint. Some participants contend the OCR complaint is not warranted because they believe criteria-based schools are racially diverse while others believe the complaint to be justified.

## **Insufficient Number of High-Quality Choices in BPS**

Principals, parents, teachers, counselors, and district staff consistently shared the viewpoint that the number of seats available for students in high quality criteria-based schools, particularly City Honors and Olmsted, is insufficient. One parent very succinctly stated:

*“There aren’t enough desirable schools in the area.”*

A counselor we spoke with explained that the limited number of seats is a problem because qualified students are not able to access their desired schools:

*“You can be qualified for a criteria school and not be accepted because there’s not enough space.”*

Across sessions, participants were in agreement that the most fundamental barrier to accessing the criteria-based schools is the limited capacity of such schools. A counselor explained:

*“The fact that we have so many schools with small enrollment is the access problem.”*

Echoing the same frustration, a parent explained that before thinking about how to make access to criteria-based schools more equitable, there must be more seats available:

*“We don’t have equally weighted choices...There are not enough seats to talk about equal opportunity.”*

In discussing the concern over the limited number of high-quality options, many parents urged the adoption of honors or more advanced course offerings in all BPS schools. Participants suggested that new criteria-based schools with programs similar to the existing ones be created in other buildings. For example, one parent asked:

*“Where’s City Honors number two?”*

While there was agreement among the principals that it would be challenging to expand the existing programs within the confines of their current buildings, some modest expansion is possible in some schools and they believe that their programs could be recreated and additional criteria-based schools could be developed. One principal commented:

*“I think the programs can be replicated, maybe in another location. I think that would take major resources and that would take major planning and that would take a location, but I have some ideas for that and how that could happen. It would take people to be patient and dedicated to it, but I think we could do it if we did it right... You gotta get good people in place that will share the vision, share that passion for kids and for kids learning and for the program and the opportunities that this can give for kids, and I think we could make it happen.”*

This shared concern makes it clear that the space available for students in criteria-based schools is too limited and expanded programming is needed to accommodate more students.

## **Themes and Locations of Criteria-Based Schools Are Not a Major Concern**

The subject matter and location of criteria-based schools was not a major concern for any of the participant groups. Overall, parents were satisfied with the school themes and locations and students were generally happy with their schools and would choose to attend the same school again in the future. For example, when asked to envision a new school, one student affirmed his current school by asserting:

*“I would duplicate Hutch Tech.”*

Given the need to expand programming and create new high-quality schools, participants generated many ideas of new themes that might be of interest to students, including medical, environmental studies, graphic arts, and dual languages, perhaps with a focus on French. Some participants also thought there should be a renewed focus on vocational education in the district.

The location of criteria-based schools does not seem to create a barrier to accessing these schools. Participants generally felt that criteria-based schools are spread throughout the city. Some participants suggest that if new criteria-based schools were developed, they should be distributed across the four quadrants of the city—north, south, east, and west—so that they are equally accessible by residents of all neighborhoods.

## **Transportation, While Generally Unsatisfactory at the Elementary Level, Does Not Create a Unique Barrier to Enrolling in Criteria-Based Schools**

Transportation on a daily basis was not a central concern. However, transportation to one-time events, such as testing sites and open houses, created more barriers for participants and will be discussed later in this report.

At the elementary level, parents were in agreement that the district-provided transportation is poor and the company that the district has subcontracted with is inadequate; however, this is a general concern that is not specific to criteria-based schools. The buses are frequently late, which is particularly problematic when it is cold outside. Buses also fail to pick up students altogether, causing them to miss school. Parents are concerned that some buses have a bus monitor and others do not. Parents also expressed frustration that a parent must be present at the bus stop for a child to be released from the bus. This is difficult for parents who are working because they have to rely on other parents/adults in the neighborhood in order to allow their child to get off the bus. These concerns with transportation made some parents believe that transportation might prevent some parents from wanting to enroll their child at schools that are further away from their homes.

At the high school level, students are satisfied with the city bus but offered suggestions for improvement. Students explained the process for high school students using bus passes, which grants them access to public transportation between home and school until 4pm. Overall, students were satisfied with the public transportation. Several students raised concerns with having to ride the bus within a specified time during the day (until 4pm) and would prefer being able to use the bus pass later in the day and evening. Students are able to get an activity pass,

which gives them access later in the day, but some reported having problems with using the activity pass. The bus pass also restricts students to travelling a certain route, between home and school, and some students would like more flexibility in being able to use the bus pass to go to other locations.

### **Beliefs Are Mixed about Course Offerings to Prepare Students at Elementary and Middle Schools**

For the most part, parents who participated in our sessions did not generally express a concern over a lack of course offerings available to students in elementary or middle school. It is important to note that the majority of these parents have children who attend City Honors and Olmsted and were thus well prepared for enrollment at these two criteria-based schools. Without adequate representation of parents of children attending other schools, it is difficult to conclude whether this sentiment would be shared among all parents or not. Some students agreed with parents that the preparation they received in earlier grades was good preparation for their high school experiences.

However, other students commented on the disparities in elementary and middle schools and identified the relationship between inadequate preparation and the consequences of not being able to enroll in a criteria-based school for high school. In reflecting on their middle school experiences, two different students commented:

*“What we need to do is raise regular public schools up rather than raise these schools for kids who are going at a faster pace . . . If I had better circumstances in my middle school years, I could have gone to a school like City Honors or Hutch.”*

*“I always heard that I didn’t come from the best school...When you come from a school with a not-so-great background you think, ‘Oh, I might not be able to get in.’”*

In an effort to address the disparities in elementary and middle schools, some participants suggested that there could be a summer preparatory program for students to prepare for applying to criteria-based schools.

### **Many Barriers Are Associated with District Enrollment, Registration, and Other Policies Related to Admissions and Enrollment**

Across all participant groups, there was a general consensus that multiple aspects of the application and admissions process pose barriers for families attempting to apply to and enroll in criteria-based schools. These barriers are grouped into four main categories: general application process, specific aspects of the application process, interacting with Central Registration, and the overall timeline.

#### **The general application process is too complex and unclear.**

**Overall process.** In general, parents, counselors, teachers, principals, and district staff who participated in our sessions are in agreement that the overall application process is too complex.

Parents are unclear on the actual application process and the enrollment criteria. They generally feel frustrated by the lack of clarity surrounding the process. Multiple parents expressed this concern:

*“The process isn’t clear. No one knows the process.”*

*“Parents are in the dark. Parents don’t know the facts.”*

*“It was very confusing, and I have a PhD.”*

A teacher who often hears about the challenges parents face during the application process expressed that it can be a daunting task for many parents:

*“The process isn’t easy. You really have to know what’s going on, and just because you don’t know, doesn’t mean you don’t care about your kid.”*

District staff are in agreement that the application process is complex and needs to be streamlined. However, unlike parents and teachers, they believe that recent efforts to make the process more transparent have helped to address this concern. Over the past few years, the process has been put into writing and made available to parents. However, they acknowledge that this information is difficult for non-English speaking parents to access because currently it is only available in English.

***Selection criteria.*** Despite these improvements in making the overall process more clear, district staff agree with parents and teachers that other aspects of the process, such as the specific selection criteria, are unclear. This is due, in part, to the fact that this information is not available on the district website. District staff believe the selection process at the criteria-based schools contains “*too many mysteries.*”

***Waitlist process.*** There is also a lack of clarity surrounding the waitlist process. Parents are not clear about how the waitlist process works after applying to criteria-based schools. They expressed anxiety over having their child placed on a waitlist and not understanding how or when they would be notified of next steps.

**Three specific aspects of the application process, including the application forms, parent inventories, and testing, are particularly problematic.**

***Application form.*** In terms of the actual application form, participants raised two main concerns: the ranking process and the paper-and-pencil nature of the form. First, parents do not understand the requirements for ranking schools on the application forms and think the codes are unclear. Some parents think that if you do not rank a school as your child’s first choice, your child will not be considered for enrollment at the school while other parents think this varies by school. Some parents expressed that the coding/ranking system is confusing but think the actual codes might have changed recently so there could be some improvement occurring in this regard.

Second, there are a variety of opinions about the paper-and-pencil nature of the applications. For one school year, BPS attempted to use an online application system, but it failed because the system that the district purchased did not meet the district’s needs. Some parents think an option

to complete the application online would be helpful and are frustrated that they have to physically go to Central Registration to complete the application process. Other participants advocated for providing parents with options about how to complete the application—either online or paper-and-pencil. Teachers, counselors, and district staff highlighted the high poverty in Buffalo, emphasizing that parents and students in poverty have limited access to the internet to complete an application, thus a complete switch to an online application would create additional barriers for low-income families.

**Parent inventories.** In addition to the application forms, the parent inventories also raise multiple concerns. There are different parent inventories for different schools, creating a complicated process for completing and submitting parent inventories. Some parents who participated in our sessions feel that the parent inventories were straight-forward and simple. However, other parents, as well as district staff, believe that the parent inventories required by some schools are ambiguous; the language is complex and culturally biased.

**Testing.** There are a range of views regarding the testing required for admission to City Honors and Olmsted. Some students and most parents who participated in our sessions are satisfied with the testing requirements and are committed to the tests as part of the process for gaining admission to City Honors and Olmsted. Some participants feel the testing is necessary to ensure a fair, objective process for applying to City Honors and Olmsted. However, other participants, including a small faction of parents, expressed concern over the test and did not think it should be part of the admissions criteria. These parents thought the testing was not fair because students could prepare for it, it is culturally biased, or especially in the case of Olmsted 64, testing a child at four years old to determine the future of their academic path was inappropriate. As one parent stated about applying to Olmsted 64:

*“I found the process for applying to Olmsted with my four year old to be incredibly awful... These kids are babies, so I found that really daunting.”*

In addition to general disapproval of the testing requirements, participants noted a variety of ways in which the testing creates barriers for students, including timing, awareness, frequency, location, accommodations for ELLs and special education students, and lack of residency requirements for testing.

In terms of timing, some parents are concerned that the testing occurs too early in the school year (October). Parents expressed that they did not know when the testing was going to occur and might have missed the test date, in part because it was so early in the school year and they were not yet thinking about options for the following school year. District staff and some parents acknowledge that this early testing timeline is unfair to ELLs, who learn a lot of English during the course of a school year and might test better at the end of the year than in the fall. Related to timing, other parents felt that they did not receive the test results far enough in advance of when the applications were actually due; they felt they had to scramble at the last minute to complete the application form because they did not know how their child performed on the test.

Parents also expressed disagreement with the limited number of options for testing—one regular testing date and one make-up date.

Some parents suggested that the location of the testing (rotating annually between City Honors or Olmsted) was inadequate and might be inaccessible for some parents. In several cases, the students' counselors drove them to the exam. Students were in agreement with this concern, and as one student explained:

*"The most difficult part was getting to your exam if you had to take one."*

District staff raised concerns with testing, particularly as a barrier to access to criteria-based schools for ELLs and students in special education. Testing makes it very difficult for ELLs to gain access to City Honors and Olmsted because the test is language heavy, evidenced by the fact that there are no ELLs at City Honors. One principal commented:

*"I do not have the test in another language...I will be honest I have never been posed with that issue."*

Staff suggest that criteria-based schools consider the benefits of bilingualism as part of the criteria for admission rather than relying so heavily on the tests. District staff also believe that testing is a barrier for students in special education because students in special education do not receive appropriate testing accommodations and the tests are language heavy and lots of the students have language disabilities.

Finally, parents suspect that numerous students who take the test to attend City Honors or Olmsted are suburban residents who are not currently attending BPS. They feel it is unfair for these students to be taking seats, at City Honors in particular, and thought that students should be required to prove they are residents of the city of Buffalo prior to taking the admissions test for City Honors and Olmsted.

Participants suggested a variety of ways in which these barriers could be addressed. Principals and parents suggested that all students in BPS could be tested at their home schools:

*"I really think that Buffalo might consider making this access to our building happen easier by offering families the opportunity to take this cognitive ability assessment right in the home building of the Buffalo public schools."*

Some principals recommended that all of the students in BPS be tested for schools that require this as a part of their admissions process. Alternatively one principal questioned whether testing for admissions was necessary altogether.

Some students suggested that admissions should not be based on a test but rather on an essay; one student specified that students should write an essay to describe their talents. Essays were part of the application process at City Honors and Olmsted in the past, but the requirement was removed because of the high correlation between the essay and test scores. Students suggested an interview as an alternative to testing so that schools can actually learn about the students and make the application process more personal.

### **Interacting with central registration is difficult.**

Both parents and staff who work at Central Registration agree that interactions at Central Registration can be challenging. Parents are extremely dissatisfied with multiple aspects of Central Registration, including the location, hours, personnel, and phone communications involved with Central Registration. Central Registration staff raise additional concerns related to understaffing and limited ability to communicate in languages other than English.

Parents think the location of Central Registration is not easily accessible and some expressed concern that it is not accessible by public transportation. Parents felt that the hours that Central Registration is open are inadequate and that it closes too early. Parent also believe that the staff at Central Registration are not knowledgeable about the different school options, do not know what programs each school offers, and do not provide consistent responses to the same questions. Parents are also frustrated that when they call Central Registration, no one answers the phone. One parent commented:

*“The process is very convoluted and no one seems to have full authority to speak about it downtown.”*

Central Registration staff are generally in agreement with the negative perception held by others of Central Registration and attribute this reputation, in part, to long lines and unpleasant interactions with staff at Central Registration. In making an effort to address this, Central Registration staff have participated in customer relations training. Staff also expressed a concern that they are understaffed in multiple areas. First, they need more clerical staff to effectively complete tasks at Central Registration. They spend a lot of time calling parents about errors or missing information on applications, which is labor intensive; they do not have enough staff to support these efforts adequately. Second, other than English, Spanish is the only language spoken by anyone at Central Registration. They express a desire to have multilingual staff who are able to communicate in at least the top five languages spoken in the district.

Despite these concerns with Central Registration, some parents acknowledged that Central Registration has been improving recently and specifically attributed this progress to Mark Frazier.

**The overall timeline for applying to schools is problematic because applications are due so early in the school year.**

The timeline for submitting an application is a concern for many participants because the applications are due in the fall. Staff at Central Registration report that minority parents, in particular, do not submit applications on time. Late applications are problematic because students whose applications are submitted on time get placed first. In addition, once the school year begins, some schools no longer accept new students transferring in; therefore, students who move into the district later in the year are at a disadvantage because seats have already been taken for the next year. District staff are concerned that not all students fit neatly into this timeline and believe schools should be more flexible in accepting students throughout the school year.

## **Communication, Outreach, and Advertisement Has Improved, but Most Students and Parents Rely on Peer Networks for Information Rather than Information Provided by the District or School**

At both the district and school levels, district staff, principals, counselors, and teachers implement various forms of outreach and advertisement, but these efforts do not seem to be received by parents or students as important sources of information.

### **District staff make a variety of efforts at outreach and advertisement, but the efforts might not be reaching the target audience.**

At the district level, district staff express conflicting views about outreach. Some district staff describe a recent, strong effort to increase outreach, including many presentations by district staff in cooperation with community partners about the application process and timeline. Outreach and advertising have been conducted by way of parent meetings, the radio, fliers, Business First, open houses, and robocalls. Other participants note the many ways in which outreach and advertisement have been limited. For example, the school visits that were formally run to recruit students have stopped. Jamborees and road shows, which were common forms of outreach and recruitment in the past, no longer occur. In place of these events, open houses are conducted, but counselors and students contend that transportation can create a barrier for students to attend these open houses outside of the regular school day.

Some district staff express that while outreach is occurring, they are skeptical that it is occurring at the right time and in the right places. In particular, they highlighted the need to improve outreach to “*less savvy, less sophisticated parents*” as well as to parents who do not speak English. They believe they could improve outreach by providing information in the top five languages of the district and would benefit from hiring interpreters to attend parent and community events. Currently, there is not any targeted outreach to encourage special education students or ELLs to apply to criteria-based schools.

Further, there is disagreement about whether all schools are promoted and advertised equally by the district. One counselor commented:

*“I think there has been a concerted effort on the part of the district to push all of the non criteria schools.”*

On the other hand, some counselors and teachers expressed the belief that there are disparities in advertising and outreach. In some cases, teachers and counselors feel that criteria-based schools as a group are promoted more than non-criteria-based schools, as one teacher explained:

*“The problem is the promotion of the criteria schools that leaves schools like us (non criteria schools) in the shadows.”*

A principal from a criteria-based school agreed:

*“The district doesn’t do a good job of promoting others schools with good programs.”*

Even within criteria-based schools, some participants expressed that City Honors and Olmsted are promoted and discussed more than other criteria-based schools. One teacher acknowledged this occurring within her own school:

*“We talk up City Honors and Olmsted.”*

Despite all of the various opinions about how outreach and advertisement occur, all participant groups acknowledge that there is a lack of outreach and advertisement to parents and students who do not speak English, as all of this outreach occurs in English only.

### **School efforts at outreach and advertisement are disparate.**

At the school level, a number of principals noted that they utilized the services the district provides and while these services are helpful, some principals and teachers feel that the majority of outreach efforts are relegated to the individual schools. One principal remarked:

*“There is piecemeal outreach—the district leaves outreach to us (individual schools) outside of the Buffalo news ads and connect ed. calls.”*

Different schools implement different outreach strategies and principals suggest that it would be helpful for advertisement to be more centralized. In part, due to the lack of centralization, schools have different budgets allocated for advertisement and therefore some schools have higher quality materials than other schools.

### **Parents and students rely on peer networks and self-initiative to gather information.**

Even with various school and district level efforts at outreach and advertisement, both parents and students who participated in our study cite peer networks as their key source of information. Parents generally learn about school options by gathering their own information through peer networks and personal contact with schools. Parents talk with other parents to obtain information. One parent explained:

*“[I] found out through hearsay about the criteria to get in to City Honors.”*

Similarly, students reported that they get most of their information about schooling options from peer networks—by talking to friends and family members who attend/have attended BPS and from Facebook.

In addition to peer networks, parents also call schools and speak with principals and guidance counselors to obtain information. Some parents also visit the schools. Another parent stated:

*“As a parent you have to be active to find out all of the information. There could be a better system of letting parents know what the schools are and what the specialties are.”*

Parents generally expressed the sentiment that the responsibility for obtaining information really relies on the parents themselves, and many did not see this as a problem, stating:

*“If you put in the effort, you create your own opportunities.”*

### **The district’s website is an inadequate source of information.**

Parents and students generally do not rely on the district’s website for learning about schools. They find that the website is often outdated and not user friendly. District staff also discussed a similar concern with the district website. They acknowledge that the website needs improvement, which is currently a priority for district staff. However, other district staff mentioned the high level of poverty in Buffalo and the limited utility of this approach because computer and internet access is not readily available to low-income families.

### **Schools’ Reputations Are Widely Known, but Students Do Not Feel Peer Pressure to Attend Schools because of Related Reputations**

There is quite a bit of variation in reputation and selectivity among the criteria-based schools. The majority of the criteria-based schools are not extremely selective, aside from City Honors and Olmsted, and some strive not to be. For example, one principal commented that she places emphasis on the “middle of the road student,” thus their students have a grade average of 65-85. This particular principal stated:

*“I know some of the schools tend to target the higher average kid because that is the kind of school they are, but I think that we are the only one unique to the 65-85 (grade average).”*

All participants' groups are well aware of the reputations associated with each school, both criteria-based and non-criteria-based schools. Students believe that there is a stereotype associated with every school and that within criteria-based schools, the schools are not equal. For example,

*Middle Early College “is a ratchet school” and “When people think of City Honors, they think of preppy, uppity, stuck-up kids.”*

Another student commented:

*“I heard about City Honors . . . they kind of have the reputation as the best school and everything.”* After being denied acceptance to City Honors, he realized he would not have been happy there and commented that *“while it is a public school, most of the people there are very wealthy and they kind of have an elitist attitude.”*

However, these reputations do not make students feel pressure to attend certain schools. On the other hand, these reputations seem to have a much stronger effect on parents, some of whom then pressure their children into attending certain schools based on reputation. Students, counselors, and teachers shared the view that in some cases, students feel pressure from parents to attend criteria-based schools, particularly City Honors and Olmsted, even though they are more interested in themes at other schools. One counselor commented:

*“Students with no interest in criteria schools’ programs go (to criteria schools) because it’s safe and a ‘good’ school.”*

Parents expressed the viewpoint that City Honors and Olmsted are the only real criteria-based schools in BPS. Parents who want to enroll their children in City Honors and Olmsted often said they would send their children to charter schools or private schools if they did not get into City Honors and Olmsted. In fact, some parents whose children did not get into City Honors enrolled their children in charter schools or private schools and continued to retest and reapply to City Honors until their children were accepted. One parent explained:

*“People say, ‘If I don’t get into City Honors, I’m moving out of the city.’”*

Some parents feel that City Honors is very similar to a private school, stating:

*“City Honors is like the public school with the private education.”*

Continuing with the sentiment that City Honors is an elite school, a different parent expressed:

*“City Honors is perceived, from everyone I’ve talked to, as an elite school. And there are a lot of negative responses to that when they hear your kids go to City Honors because they are frustrated their children didn’t have that opportunity.”*

The reputations of criteria-based schools are widely known, and these reputations seem to have a stronger effect on parents than they do on students.

### **Early Awareness about Success in Elementary School and Enrollment in Criteria-Based Schools is Generally Present but Not a Major Focus**

Parents who participated in our sessions generally understand that their child’s performance in earlier grades is related to their likelihood of being accepted at a criteria-based school, particularly City Honors and Olmsted. Students generally acknowledge the connection between success in elementary and middle school and enrollment in criteria-based schools but were not particularly concerned with this aspect of the process. However, one student who did not think all students are aware of this connection commented that schools

*“need to get the word out better from a younger age and emphasize that GPA really matters.”*

Parents did not agree on whether they believed there is a direct relationship between certain elementary schools and criteria-based high schools. Some parents believe there is a direct pipeline between specific feeder elementary schools and Olmsted or City Honors. Other parents did not think that specific elementary schools were feeders for the criteria-based schools. This topic did not seem to be a major focus for students.

### **Guidance Counselors’ Role in the Application Process is Interpreted in Very Different Ways**

There were varying interpretations of the role guidance counselors had in relation to the application process. Parents, particularly those from criteria-based schools, expressed that counselors provided limited assistance in the process of learning about or applying to schools. One parent stated:

*“There’s not very much intervention from guidance counselors, not unless you push the issue as the parent.”*

Alternatively, a substantially smaller group of parents maintained that the guidance counselors were overly involved in the application and enrollment process. A parent commented:

*“You as a parent talk to your child about the school... and then they (guidance counselors) override your decision...not based on the child’s interest.”*

Generally students agreed with parents and saw guidance counselors as providing minimal information about school options. Some students discussed personal interactions they had with guidance counselors to learn about schools and receive counseling to select “realistic” options. Other students purported that videos utilized by guidance counselors were outdated. Additionally, a select group of students viewed guidance counselors as more of a resource for emotional problems rather than school applications, while others felt generally unsupported by counselors.

Although many parents and students viewed the role guidance counselors had with the application process as insufficient, guidance counselors themselves felt that they were the primary person responsible for students’ preparation with the application process. This preparation by the counselors included developing alumni presentations, career interest inventories, and one-person tours. Moreover, counselors generally perceived themselves as being the most effective source of information on criteria-based schools. A counselor expressed:

*“We’re there to make sure they (students) understand the process.”*

In contrast to the perceptions that parents and students have regarding the effectiveness of guidance counselors with the application process, a few principals directed outreach materials to guidance counselors, particularly those in the lower grades, demonstrating that administrators viewed the counselors as a vital asset to disseminating information about their school to the public.

Overall there were contrasting opinions regarding the role that guidance counselors play in the application process.

### **Support Services for Students at Criteria-Based Schools are Lacking, Especially for ELLs**

In general all participants in the focus group sessions agreed that services rendered to English Language Learners (ELLs), as well as refugee students and families, at criteria-based schools are insufficient. A number of parents maintained that little effort is put forth by school and district personnel to provide support for ELLs. Furthermore, parent representatives from the Multilingual Education Advisory Committee (MEAC) believed that the district is not in compliance with rules regarding ELLs, specifically as it relates to the hiring of multilingual teachers, teacher aids, and district interpreters/translators. Moreover, parents were aware that City Honors is the only high school in the district that has not enrolled ELLs.

Generally all principals agreed that outreach and testing materials should be in other languages. Administrators also noted that academic support for students at criteria-based schools were

provided in the form of afterschool programs, tutoring, intervention classes, and part time ESL teachers. Criteria-based schools which are also Title I schools, are provided additional accommodations such as supplemental teachers to assist students in core content classes, such as reading and math.

The district staff expressed that there are insufficient resources for ELLs at criteria-based schools. Additionally staff recommended that all teachers at criteria-based schools, not just ESL teachers, should receive training in working with ELL students. District representatives also acknowledged that the lack of ELLs specifically at City Honors may be attributed to the difficulty this particular student group has in meeting the school's admission requirements.

Another student population that the district staff recognized as in need of continued support services is the special education students. There is a perception that the placement of special education students into schools (criteria-based or non-criteria-based) is dependent upon a student's disability. The staff asserts that students with autism, for example, are generally placed in criteria-based schools such as Olmsted and Hutch Tech, while emotionally disturbed students are enrolled at higher rates in non-criteria-based schools. In addition to special education student placement concerns, the district staff asserts that criteria-based schools are in need of differentiated learning, especially at the secondary level, as well as intervention programs addressing behavioral problems.

### **Faculty Diversity is Needed**

The lack of diversity among the teaching staff across BPS schools in general, but criteria-based schools in particular, was a concern. Parents voiced their frustration that the majority of teachers are white and are from the suburbs and may have difficulty relating to students from the city. Additionally principals expressed concern with the lack of faculty diversity. The principals noted that in their respective schools the majority of teachers' aids and assistants are minorities, while the majority of regular education teachers are white. Furthermore, the principals commented that the issue of teacher diversity may be more emblematic of the hiring process and not their willingness to recruit and hire qualified minority teachers. One principal commented:

*“It (teacher diversity) is a real issue, we’ve lost diversity in our teaching staff. Part of the issue I’m sure you know is nationwide—we have fewer minorities into teaching—but locally we have an issue of union restrictions about how we go about our hiring and so it creates problems.”*

Teacher diversity persists as an issue and this matter is pervasive across schools in the entire district.

### **Political Corruption and an Ineffective School Board Raise Concerns**

The notion that political corruption dictated which students were eligible to enroll in criteria-based schools was a concern for some parents. One parent stated:

*“From my perspective, with City Honors, if you don’t know somebody, you’re not getting in.”*

The perception that an applicant has to know someone to be admitted into certain schools was common in the past, but some believe is now changing. Many parents attribute the change to Mark Frazier who has continued to address the issue.

Parents also believe that the Board of Education and the BPS district-level staff are ineffective. Moreover there is widespread recognition that the school board is divided and members lack a shared vision for school choice systems and the role of charters.

### **The Role of Charter Schools and Suburban Students Accessing BPS is Controversial**

Parents perceived charter schools as having either a positive or negative effect on BPS schools. Some parents were concerned over the inequities that charter schools present. A parent commented:

*“Charter schools are further damaging opportunities for high-poverty students in the district, as they both pull out an additional layer of students with ‘high-value,’ social, cultural, and economic capital from the public schools, and they release failing students back into the district at will...charter schools do not play by the same rules, and as such they are damaging the district.”*

Another parent remarked:

*“The existing board of education is in favor of more charter schools...from the civil rights point of view, charter schools do not grant equal opportunity as much as public schools.”*

Alternatively, a few parents viewed charter schools as one of the few acceptable alternatives along with private schools, that are comparable to schools like City Honors and Olmsted.

In addition to the controversial role that charter schools have in creating access for students within BPS, some participants questioned whether suburban students are limiting the opportunities of students within the city to attend criteria-based schools. One principal noted that their school does not accept suburban students and questioned whether students who live in suburban neighborhoods use addresses inside the BPS zoning district to attend schools such as City Honors.

### **Conflicting Opinions about the OCR Complaint**

Some participants contend the OCR complaint is not warranted because they believe criteria-based schools are racially diverse while others believe the complaint to be justified. Some parents found the Office for Civil Rights complaint unsettling and expressed their dismay and confusion by the filing. There was a belief by some parents that the criteria-based schools are diverse and welcoming. One parent remarked:

*“As a parent at a diverse middle school, I hope you are looking at the specific demographics at the site...and you are seeing how eclectic these buildings really are.”*

Other parents questioned the validity of the complaint. A parent stated:

*“It seems to me that the majority of people that are complaining are the majority of people that... do nothing.”*

A different parent with similar sentiments replied:

*“I believe the whole claim is sort of ridiculous.”*

Parents asserted that the problems associated with criteria-based schools had less to do with issues surrounding race, but more to do with problems associated with poverty and language in the district. A principal echoed many parents’ assertions that the OCR complaint is not a racial issue by stating:

*“A lot of members in our community have come to a conclusion that it was wrong doing because OCR is working with us on this process. You will clearly see when we show you all the documents, they are audited so frequently that there is not even a hint of that (racial discrimination).”*

While some parents were frustrated with the filing of the OCR complaint, others felt that the complaint was justified. A parent stated:

*“I feel that the school system is back where we were. I think it’s a segregated system and I think that privileged kids end up at the choice schools.”*

Similarly another parent remarked:

*“Choice is important, but I don’t think it’s actually available to everybody who lives in the city.”*

A DPCC member who was conflicted about the complaint stated:

*“Please understand, we do not want nothing to happen to our City Honors....I don’t have a kid in City Honors, but I’m prouder of City Honors than I am of being a citizen of Buffalo.”*

Overall, stakeholders throughout BPS had a variety of opinions regarding the OCR complaint.

### **What Buffalo Parents Think about the System: The Parent Survey**

Our research plan gave great importance to getting information systematically from parents, beyond the relatively small number we were able to meet or who came to our public sessions. To better understand parents’ thoughts about criteria-based schools and to provide better recommendations that reflect parents’ views on criteria-based schools and BPS in general, we administered two sets of parent surveys.

Parent surveys are notoriously difficult to do because there tends to be very low response rates, and the only way to get a reasonable sample is to call parents at home and obtain their cooperation. This is a difficult and costly process. Buffalo Public Schools contracted with an

independent local firm, Cornerstone Research, to conduct the survey. We developed and tested two different surveys, one for the parents who had applied to criteria-based schools and the other for parents of students now attending non-criteria-based schools.

For the first survey, the district provided a list of 1,668 parents who had applied to criteria-based schools and their contact information. Under the contract, those who did not respond were called back as many as ten times if necessary. It was never possible to establish contact with 564 families and another 635 refused or would not complete the survey. Ultimately we received completed survey data from 459 families. The second survey was drawn from ninth grade homerooms with significant enrollments of non-criteria-based schools. All the teachers were asked to obtain updated phone numbers from students because of the rapid changes in cell phones, etc. Of the resulting 1,155 phone numbers, there were ultimately 401 completed surveys after 15 call back attempts. Researchers always hope for higher response rates, but Buffalo area survey researchers warned us of very low response rates, much worse than what was achieved.

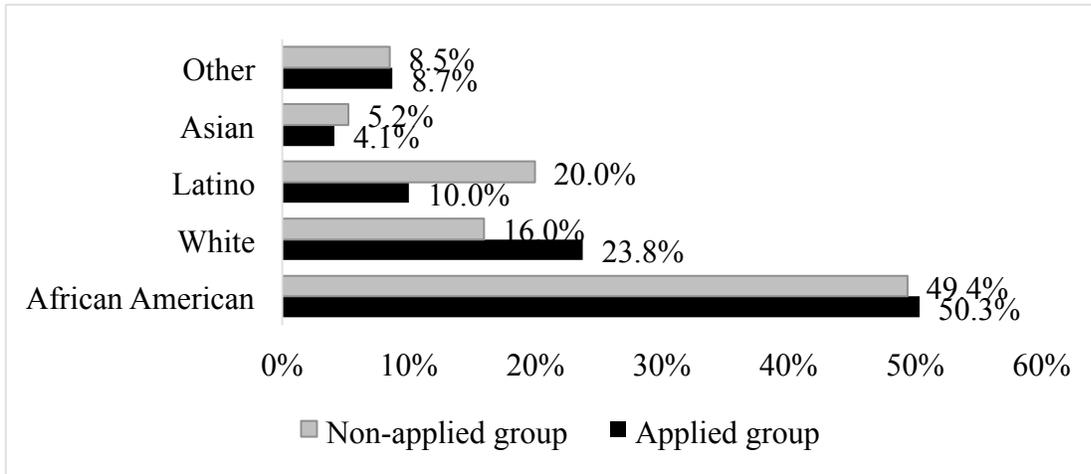
The data from the completed survey does provide the best reflection of parent opinion that could be obtained with an extraordinary call back effort. Rhona Ried, president of the research firm commented: “Most parents that participated in the survey were very interested in voicing their opinion. Many went on regarding the poor state of the BPS district and their disappointment with the lack of changes, particularly in light of all the press.” We have what we believe to be the best obtainable data and the families were reminded many times of our strong interest in getting their views.

For the first set of surveys, 459 parents of students who applied to criteria-based schools or were accepted to criteria-based schools participated (hereafter *applied group*), and 401 parents of students who did not apply to criteria-based schools participated in the second set of survey (hereafter *non-applied group*). Survey questions covered parents’ opinions about criteria-based schools, including their evaluation of criteria-based schools compared to other BPS schools, the application process (for the applied group), sources of information and assistance, and barriers to enrolling in a criteria-based school. Our survey questionnaire also asked parents’ overall satisfaction with the current school that their child attends, their child’s English language learner status, and parents’ demographic information. Analysis results presented below highlight the opinions of 860 respondents who participated in the surveys with a focus on comparing the applied group to the non-applied group when relevant.

### **Racial Composition of Survey Participants**

To begin, we analyzed racial composition of parents who applied for criteria-based schools and those who did not. Both samples were half African American. Among those who applied, nearly one-fourth of the respondents were white, and 10% were Latino. Among those who did not apply, one-fifth of the survey participants were Latinos, and the white share was almost 8 percentage points lower than the white proportion of the applied group. Although the racial proportion of the parent survey participants did not match exactly with the racial composition of students in criteria-based schools and in BPS overall, the sample showed an overrepresentation of white parents and an underrepresentation of Latino parents among parents of students who applied to criteria-based schools. We examined all of the survey responses for significant racial differences.

Figure 20: Racial Composition of Parent Survey Participants



Source: BPS Parent Survey, 2015

Note: Some respondents refused to offer their race/ethnicity; therefore, composition figures do not exactly equal 100%.

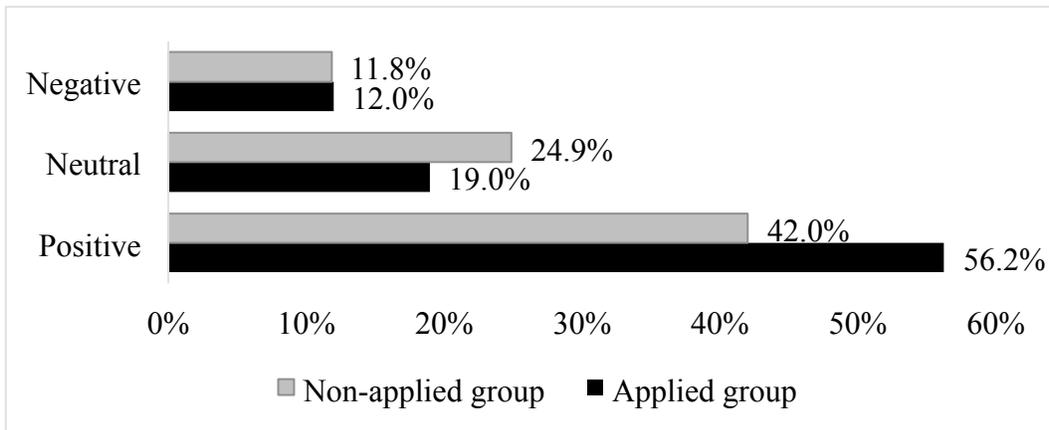
### Choice System and Criteria-Based Schools

For those who did not apply to criteria-based schools, we asked about whether a respondent preferred to have a chance to choose among schools and was familiar with the BPS system of criteria-based schools. Almost all survey participants reported that they supported the school choice system; however, closely 60% of the respondents of students who did not apply to criteria-based schools reported they were not familiar with criteria-based schools in the district. There is a very strong preference for school choice but highly unequal knowledge about criteria-based school between groups of parents. This no doubt contributes to some of the resulting inequality.

### Evaluation of Criteria-Based Schools

In terms of rating criteria-based schools, the most positive group were the parents who had applied; 56% of parents who had applied had positive attitudes toward criteria-based schools. Only a small percentage of the total sample of parents, about one-eighth, reported negative attitudes toward criteria-based schools.

Figure 21: Parent Attitudes toward Criteria-Based Schools



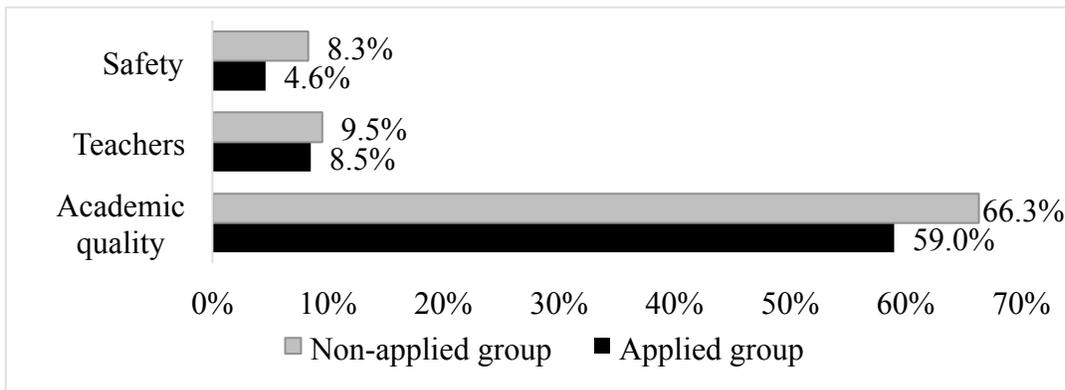
Source: BPS Parent Survey

Note: The chart above includes three most significant aspects that respondents highlighted; therefore, figures do not exactly equal 100%.

### Important Aspects of Criteria-Based Schools

Academic quality was the most important aspect of the criteria-based schools for parents (as it was for students in our student survey). Following academic quality, parent participants also believed teachers and school safety were important aspects of the criteria-based schools. Other aspects, such as extracurricular activities, location, and athletics, were not as highly ranked by parents.

Figure 22: Important Aspects of Criteria-Based Schools



Source: BPS Parent Survey

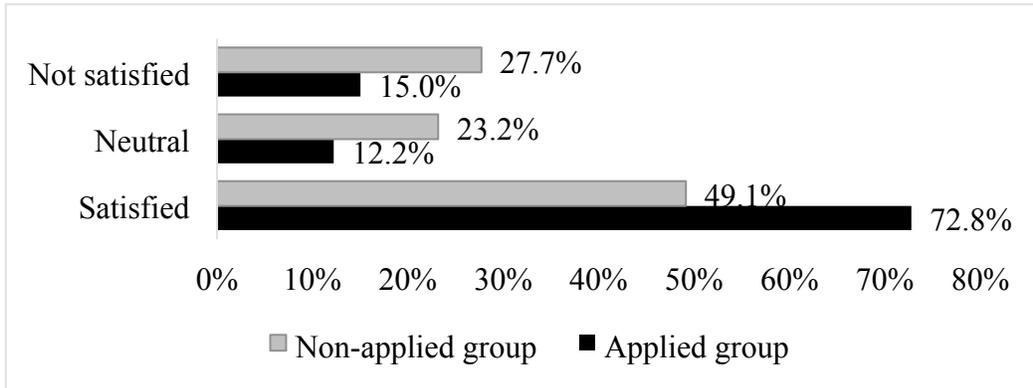
Note: The chart above does not include the ‘don’t know’ and ‘mixed’ responses; therefore, figures do not exactly equal 100%.

### Satisfaction with the Current School

With respect to parents’ satisfaction with the school that their child now attends, majorities of respondents were content with their child’s school. Among those who applied for criteria-based schools, nearly three-quarters of respondents were satisfied with the school that their child attends compared to 49% of those who had not applied. More than one-fourth of non-applicants

said they were not satisfied with their child’s school. The fact that there were many parents who were not satisfied yet did not apply suggests problems in disseminating information, encouraging applications, and simplifying the application process. A common finding in public school research nationally, such as the annual Gallup Polls on education, is that people have many criticisms of public schools and teachers in general but tend to like their own school.

Figure 23: Parent Satisfaction with the Current School that Child Attends



Source: BPS Parent Survey

### When and How Parents Learn about Criteria-Based Schools

For those who applied to criteria-based schools, 39% of parent respondents reported they had learned about the criteria-based schools before or during their child’s elementary school years; 29% had learned about criteria-based schools during their child’s middle school but before 8<sup>th</sup> grade; and 21% of respondents had learned about the schools during their child’s 8<sup>th</sup> grade.

In contrast to those applying, 60% of the parents who did not apply reported they were not familiar with the system of criteria-based schools. Furthermore, two-thirds responded they had not known about the academic preparation and courses needed for enrolling their child in a criteria-based school when their child was in elementary and middle school. These findings demonstrate that one group of parents are aware of and understand the system while many other parents do not know about it, may never connect with it, and have received little or no information.

Parent respondents reported that they learned about criteria-based high schools from different sources of information. Most parents came to know about criteria-based schools from various school personnel (e.g., guidance counselors (15%), teachers (9%), and other school personnel (4%)). Some respondents reported that they had learned about the schools from their child (14%) or other parents (13%). Respondents also learned about criteria-based schools through different types of announcements, including written notices (12%), emails or calls (9%), district website (5%), and school website (4%). Given the fact that many district officials see the district website as a central resource for the system, the fact that such a small proportion of parents accessed information on the district website is a sign that a serious review of the site’s functionality is needed.

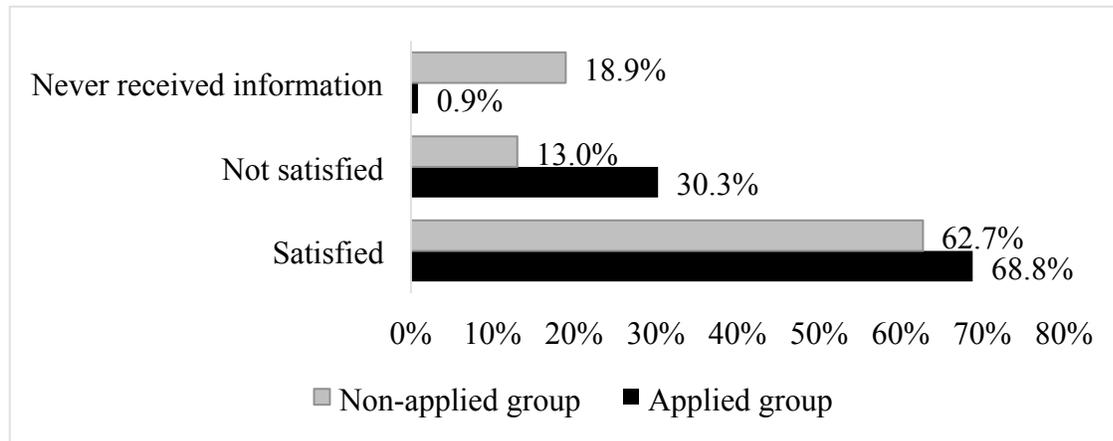
Table 10: How Parents Learn about Criteria-Based Schools

Information Source	
Guidance counselor	15.4%
Your child	13.7%
Other parents	12.6%
Written notices	12.1%
Teachers	9.1%
Emails or calls from the school system	8.9%
Graduated from school yourself	8.9%
Radio/newspaper/other media	6.2%
District website	4.9%
Other school personnel	4.1%
School website	4.0%

Source: BPS Parent Survey

We also asked about parents' satisfaction with the information they receive from the district about school options. Nearly two-thirds of parent respondents were content with the information from the district, while 30% of parents in the applied group were not satisfied with the district information. Moreover, almost one in five parents who had not applied said that they had never received information from the district. This finding signals that BPS needs to make more tangible efforts to reach out to parents and communities across the district to offer information about schools and choice options.

Figure 24: Parent Satisfaction with Information from the District Regarding School Options



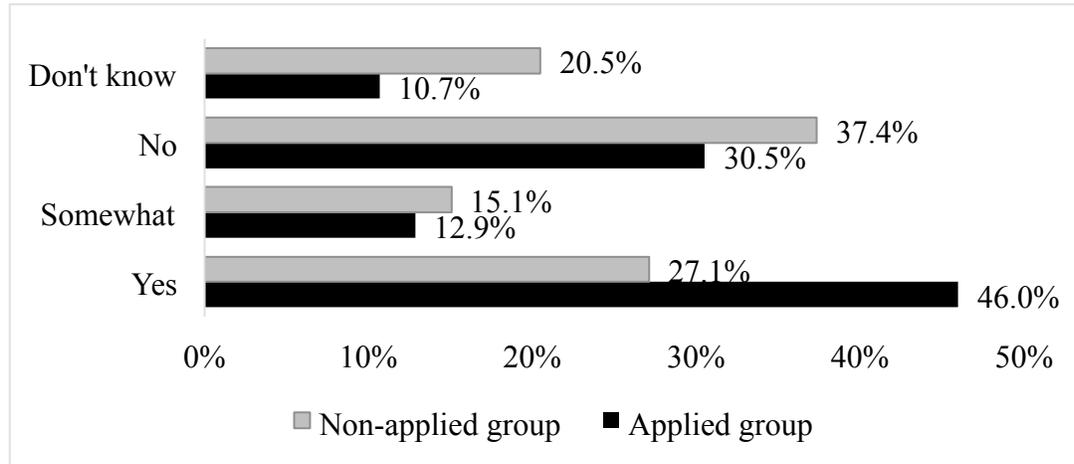
Source: BPS Parent Survey

### School Support to Prepare Students for Criteria-Based Schools

When asking about whether their child had attended a school with strong preparation for criteria-based schools or had taken the courses that could help the child be ready for such schools, we found a notable difference between the applied group and the non-applied group. A majority of parents (59%) in the applied group responded *yes* or *somewhat* to this question, indicating that they believed their child had attended a school with strong preparation or had taken necessary

courses to get the child ready for criteria-based schools. Conversely, 58% of respondents in the non-applied group reported *no* or *don't know*, and only 27% of participants answered *yes* to this question. Given the very different levels of applications from different schools, this suggests that there are schools with clear pathways to criteria-based schools access and others that are quite disconnected.

Figure 25: Attendance at a School with Strong Preparation for Criteria-Based Schools



Source: BPS Parent Survey

For parents who did not apply to criteria-based schools, we asked a follow-up question. 36% answered they had not received information about the courses needed to prepare for criteria-based schools; 18% of respondents explained that required courses had not been available at the school. Surprisingly, 7% of parents mentioned that a teacher or counselor had discouraged their child from taking courses; 5% of respondents reported that the school had offered courses but there had not been enough space for their child to enroll.

### Application Process and Information about Criteria-Based Schools

For those who applied to criteria-based schools, we asked about how a respondent rated the overall application process. Slightly more than half of respondents (54%) believed that the process was clear and manageable, but there were a substantial share of parents who also found the process somewhat difficult (29%) or very confusing and difficult (17%).

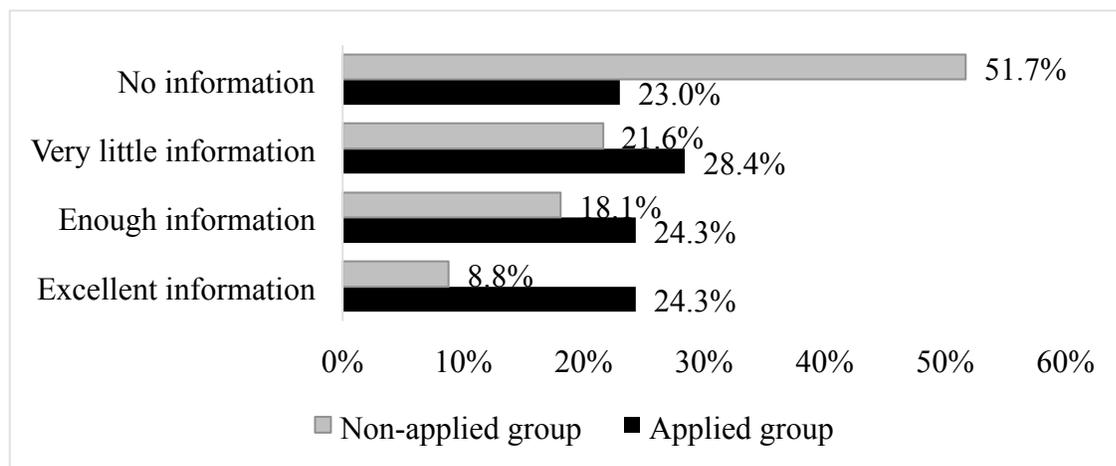
Additionally, in terms of the challenges in applying to a criteria-based school, respondents reported that testing was the biggest challenge (42%). Other challenges that parents mentioned included teacher recommendation (22%), written application (21%), interview (13%), and parent recommendation (10%). The testing system has been a major flashpoint in the controversies over the criteria-based schools.

In terms of preparing for testing and admissions to criteria-based schools, a majority of respondents (58%) received information from school personnel (e.g., guidance counselors (33%), teachers of a respondent's child (15%), and other school personnel (10%)). Parents also learned about information from their child (17%), the district site (12%), and other parents (10%).

## Students who Require Special Education or English Language Learner (ELL) Services

Special education and ELL students were much less likely to apply for criteria-based schools. Among those who applied, one sixth reported their child required special education or ELL services. Among the parents of students who did not apply to criteria-based schools, more respondents (29%), about twice as many, answered that their child needed such services. Specifically, in the non-applied group, 11% had a child identified as an ELL, and 18% had a child who had an IEP or 504 plan. We asked about whether parents received information from BPS regarding how criteria-based schools would welcome and support special education students or ELLs. As the chart below shows, there was a substantial difference between the applied group and the non-applied group. Among parents who did not apply to criteria-based schools, majorities of respondents had received no information (52%) or very little information (22%) about services for those groups. Even among parents who applied to criteria-based schools, more than half of respondents had received no or very little information from the district.

Figure 26: Information from BPS regarding Special Education Students and ELLs in Criteria-Based Schools



Source: BPS Parent Survey

## Why Parents Did Not Apply For Their Child to Attend Criteria-Based Schools

For those parents who did not consider criteria-based schools for their child, we asked about their reasons for not applying: 30% of parent respondents believed that their child had not been qualified or prepared or that their child's academic standing had not been adequate. However, 20% answered that they had not known about the school options or deadlines to apply. There were other reasons as well. Though the proportion was small, 10% of parents answered that they had been satisfied with their child's present school, and 3% of respondents preferred to apply to charter or private schools; 7% of parents in the survey did not consider criteria-based schools due to the special education needs of their child.

We also asked about the extent to which transportation and location were barriers to enrolling a child in criteria-based schools. For a majority of respondents, transportation and school location

were not a major problem. Nevertheless, 22% of respondents believed transportation could be a big problem or somewhat of a problem, and 29% reported location could be an issue.

## **Summary**

Parents who applied to the criteria-based schools obviously were informed, involved and persistent considering the multiple steps they and their children must take, particularly for those who want to go to the highly competitive exam-based schools. Those who applied and succeeded have obviously figured out the system and were able to obtain the information they needed. Even those parents who did not apply favor school choice by an overwhelming margin. Parents are strongly in favor of increasing the number of excellent schools and by a huge margin they see academic excellence as the most important factor in making the schools desirable. We expected transportation to exams or to the schools would come up as a serious barrier but, with some exceptions, it did not. We received many comments about the complexity of the process and the great difficulty parents have in ranking their choices without knowing about the outcomes of the tests and having some idea about their chances to get into the school they most desire, leading some to “underchoose” because it is safer to give the top rank. Parents who did not apply strongly favored a choice-based system but were often confused or uninformed about how this system worked. There are many indications in the survey that the district’s outreach and information systems need upgrading. Those parents who do make it through this process report a high degree of satisfaction with their school. Parents of the substantial number of special education and ELL students do not feel well-informed about the opportunities for their children in the system. Since both groups have basic civil rights protections in federal law, those issues need urgent attention.

## **Insights from Buffalo Educators: The Teacher and Staff Survey**

We administered an online survey to teachers, counselors, and administrators across BPS. An email containing the survey link was sent to BPS staff (approximately 4,000 people) from the Superintendent’s Office and was available for two weeks. 295 BPS staff completed the survey. As a sign of the interest of respondents, more than 100 sent us notes explaining their attitudes and raising questions and offering suggestions. This level of engagement is unusually high for such surveys, and we deeply appreciate the contributions of those staff and teachers. The teachers and staff were far from unanimous and many explained their views at some length. There were, however, some very clear majorities providing information very helpful to us in thinking about workable solutions to the civil rights problems of Buffalo. Teachers, counselors, and administrators are central to the educational process so it is desirable, when possible, to have their support for needed changes.

## **Participants**

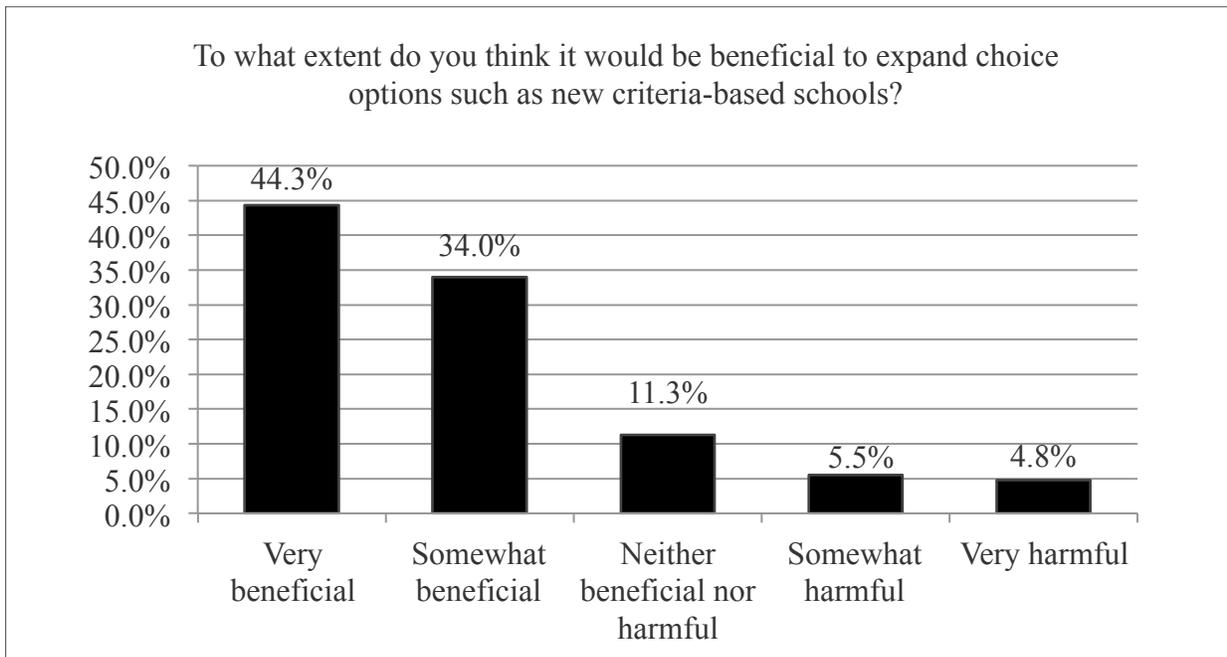
Participants ranged in their role, although most were teachers: 85% teachers, 6% counselors, 5% administrators, and 5% other staff. Participants’ length of experience in working with BPS also ranged from one to over 30 years of experience with most having more than a decade of experience in BPS: 15% 1-3 years of experience, 25% 4-10 years of experience, and 60% with 10 or more years of experience. Participants represent all grade levels in BPS: 29% elementary school staff, 27% middle school staff, and 44% high school staff. Some participants have worked

at criteria-based schools and others have not: 64% never worked at a criteria-based school, 23% currently work at a criteria-based school, and 13% worked at a criteria-based school in the past. The racial composition of participants was very similar to the overall composition of Buffalo full-time staff. Respondents' racial composition was 84% white, 10% black, 6% Latino, 2% Asian, 1% American Indian, and 1% other (adds to more than 100%).

### Choice

Most staff believe that the criteria-based schools do offer some important choices for students and that the system can and should be expanded. They believe that the way it is operated could be improved.

Figure 27: Expansion of Criteria-Based Schools

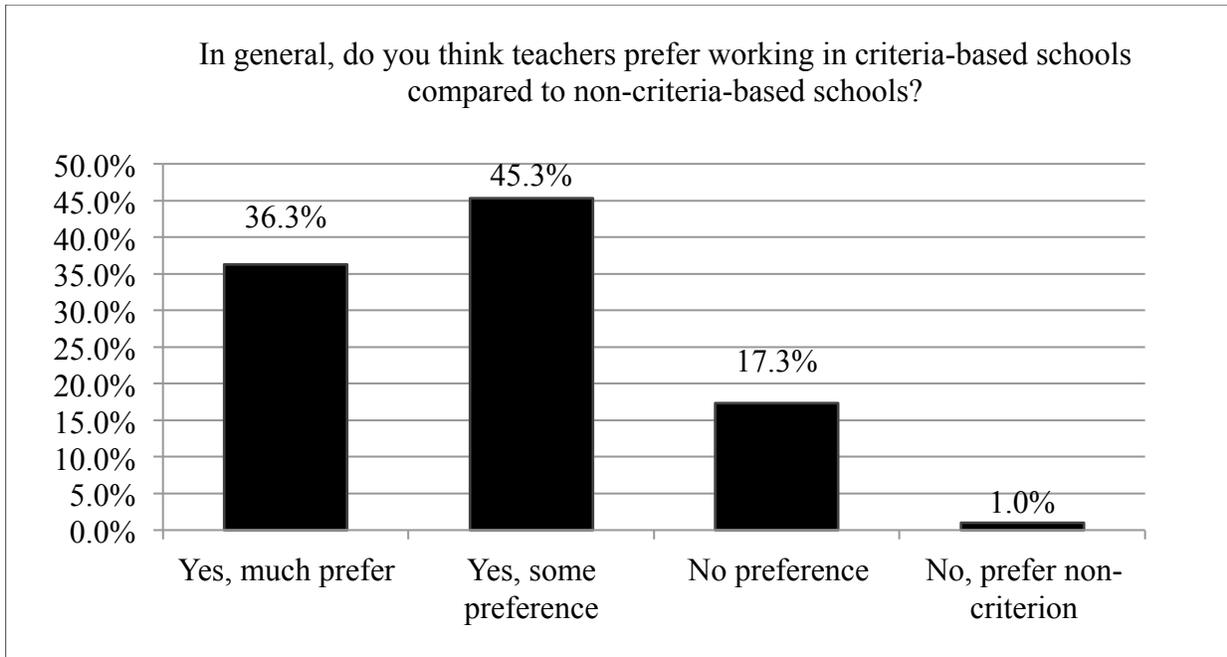


Source: BPS Teacher and Staff Survey

Majorities of respondents believed that some of the criteria-based schools offered rigorous schooling opportunities for students. Participants consistently cited City Honors, Olmsted, and Hutch Tech as rigorous criteria-based schools; many participants also believe Leonardo da Vinci is rigorous. They also believe, by a huge majority (87%), that criteria-based schools can be effective in competing for students for the Buffalo Public Schools with private and charter school options.

Teachers and staff prefer working in criteria-based schools. Over one-third of teachers reported that they “much prefer” working in such schools and another 45% indicated teachers had some other type of preference for criteria-based schools—combining for over 80% of all teachers. Only 1% said they preferred non-criteria-based schools.

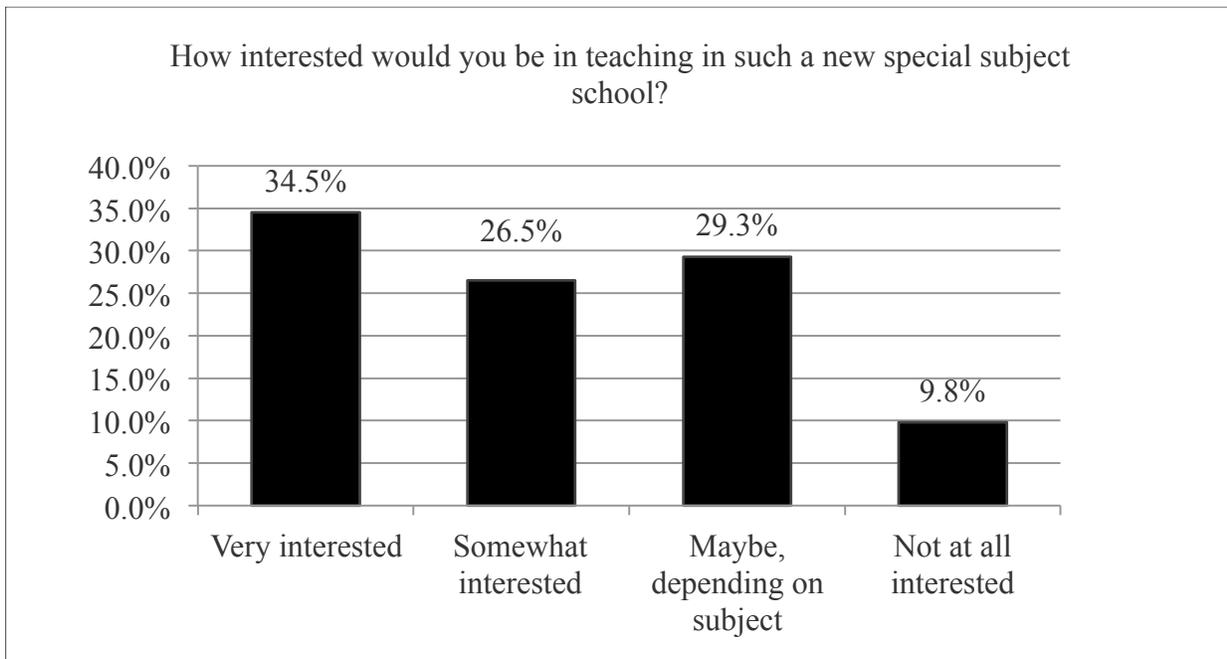
Figure 28: Teacher Preferences for Criteria-Based vs. Non-Criteria-Based Schools



Source: BPS Teacher and Staff Survey

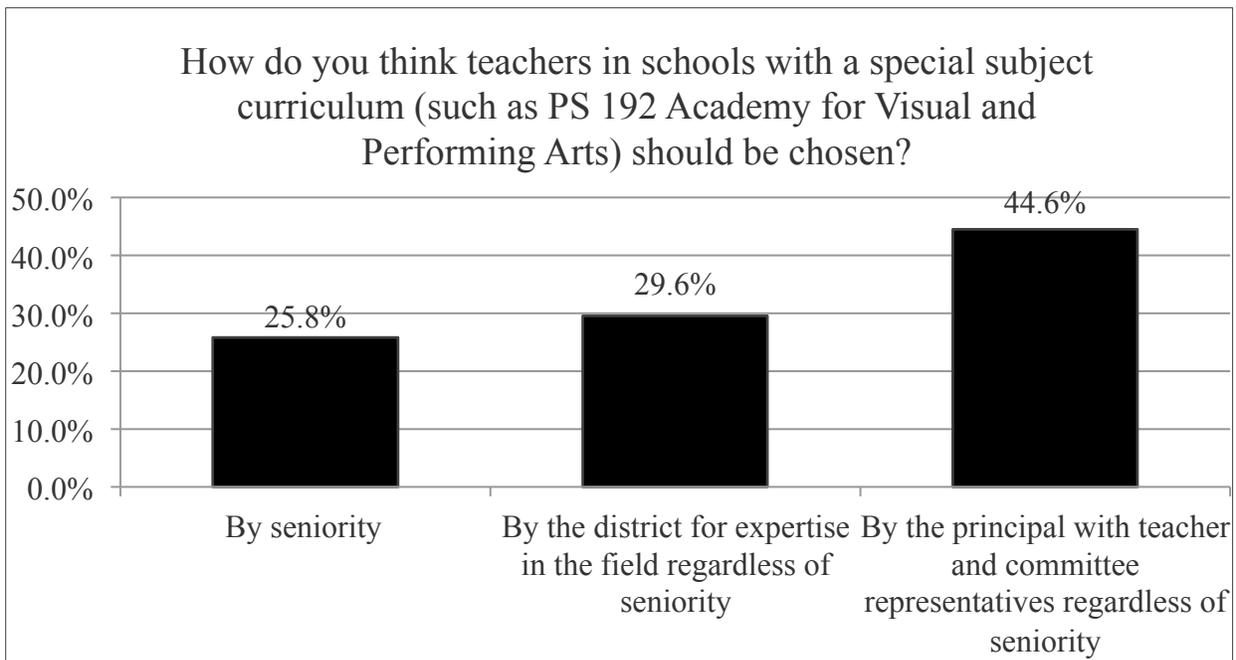
Most respondents (90%) would be interested in working in a new criteria-based school if they expanded. They understand that viable educational options require appropriate faculty and only one-fourth believe those faculty should be assigned on the basis of seniority (not surprisingly, those with the least seniority were the most unlikely to say that seniority should determine assignment to criteria-based schools). Instead, most teachers and staff thought selection of teachers for special subject schools should be done by the principal, with teacher and committee representatives, and without regard for seniority. This interest in creating and staffing new criteria-based schools suggests that expansion of criteria-based school options would be possible.

Figure 29: Teacher Interest in Working in a New Special Subject School



Source: BPS Teacher and Staff Survey

Figure 30: Teacher and Staff Hiring Practices



Source: BPS Teacher and Staff Survey

### Barriers

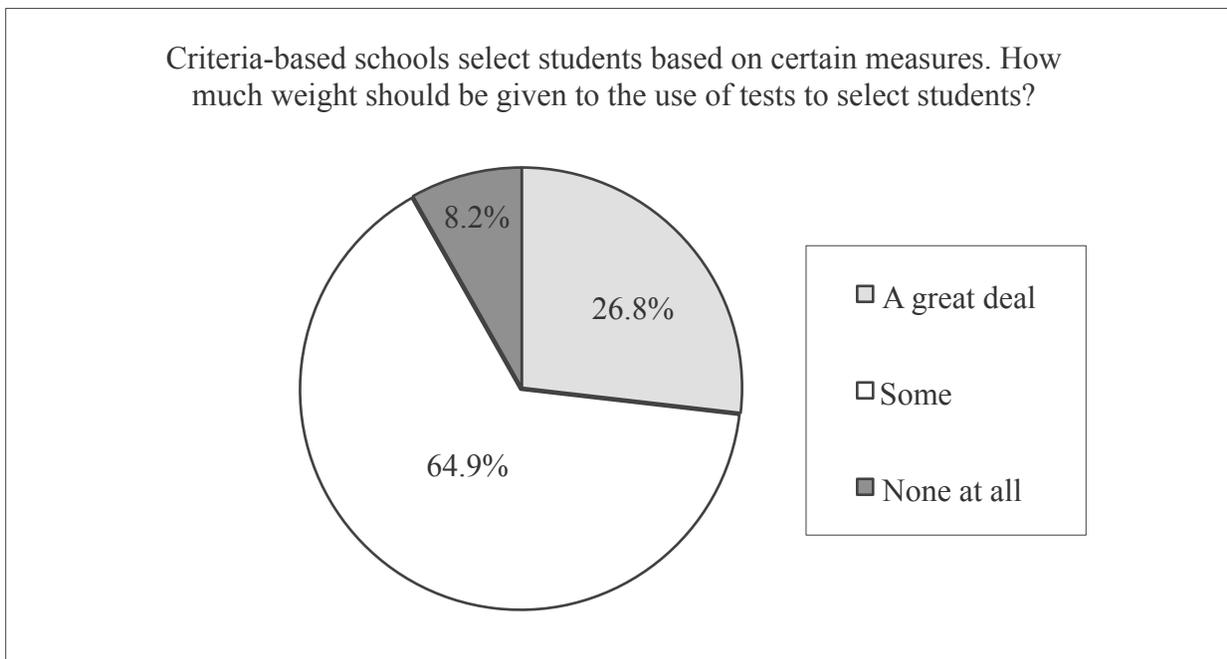
A majority of respondents believed that there were barriers for students to enroll in criteria-based schools, including 74% of nonwhite staff. (In a separate follow-up question, we asked, “If you

think there are barriers, what do you perceive to be the most significant barrier to some African American, Latino, and/or immigrant students in enrolling in criteria-based schools?") That educational professionals believe to such a large extent there are barriers lends weight to the concerns that not all students have access to these schools. We asked questions about several types of practices that might potentially limit access in systems of choice and report responses to each below.

### 1. Tests

There is consensus among respondents that tests should not, by themselves, determine who gains admission to a criteria-based school. In general, 65% of respondents believed that the tests should be given some weight, but not a great deal, and 64% of respondents thought that transportation to testing sites was a barrier for some potential applicants.

Figure 31: Importance of Tests as a Selection Criteria



Source: BPS Teacher and Staff Survey

For example, one respondent commented:

*“Some of our students who do not test well and therefore could not get into a criteria-based school would excel in specific programs.”*

Another respondent raised a concern with transportation for testing:

*“The major barrier is access to the exam. Transportation issues need to be fixed/adjusted or the exams should just be offered at all BPS schools so students do not need to depend on an adult to get them to the test.”*

Summarizing multiple concerns related to testing, one respondent explained:

*“I do worry that there may be some parents with language barriers or with constraints that make it impossible for them to test on a Saturday almost one full year before the start date of attending a criterion school. If all grade 4 students took a test at school and the results were used by all of the schools, along with other indicators such as report cards, teacher recommendations, and interest inventories, perhaps better recommendations could be made to children and their families about which school(s) would be the best fit for the child. The schools should not use State test results as a determining factor for placement, or they should only be one of multiple measures. As well, testing for criterion schools should be given during a regular school date and offered at various sites across the district (if not at each school).”*

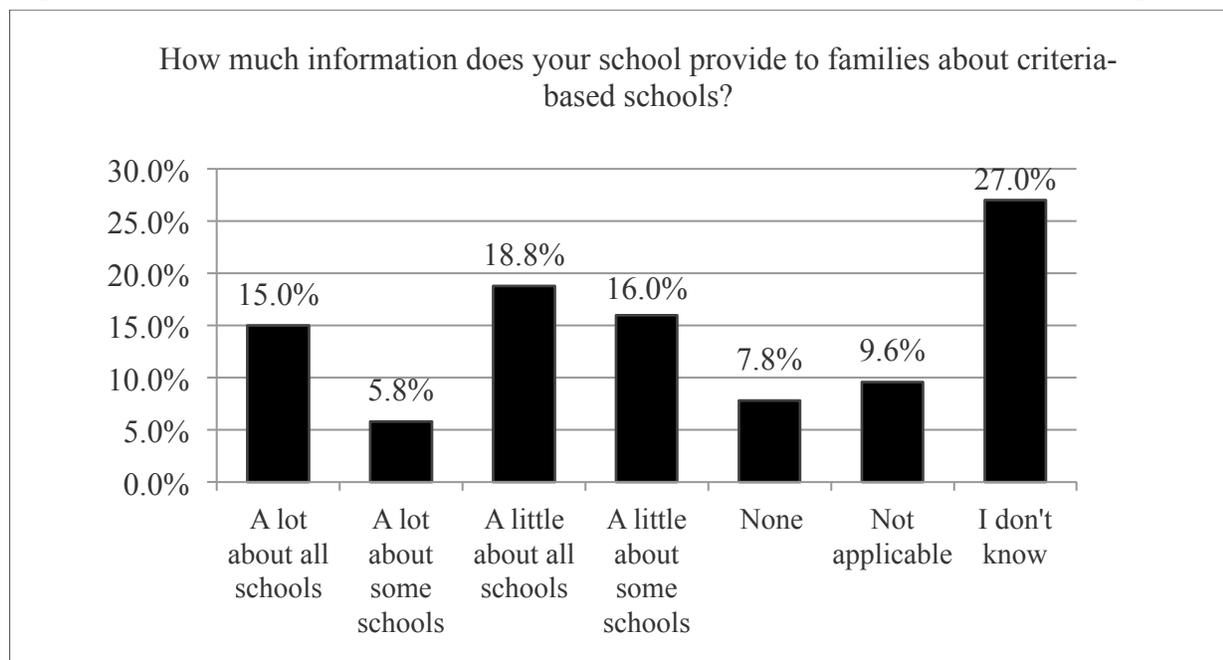
Teachers and counselors were more likely than administrators to see tests as less important and barriers for some students. This suggests the need to revise admissions formula to reduce the influence of tests and to think about ways to overcome the transportation barrier to the testing sites.

## **2. Information**

Faculty and staff believe that the process of recruitment and parent information should be improved and that there should be a stronger outreach across the district, including the rapidly growing numbers of language minority students.

There is considerable variety in how much information the school provides to families about criteria-based schools: some reported “none” while others reported “a lot about all schools.” Further, majorities of respondents did not feel that criteria-based schools sought students from their school.

Figure 32: Information Provided to Families about Criteria-Based Schools, Teacher Perspective



Source: BPS Teacher and Staff Survey

One respondent explained there is an information barrier, including:

*“knowledge of these schools existence, what it takes to be accepted, entrance in schools before high school, process to apply, support throughout the process. Note: as a BPS teacher, I do not know all of this! Not only criteria schools are a mystery to students and parents - the whole district, and the programs available, are extremely confusing, constantly changing, difficult to navigate, and extremely difficult to obtain information. As a Buffalo teacher for almost 30 years, I still do not know how this district works, the programs available at different schools—it is like each building is its own entity and there is very limited connection.”*

The consensus from school staff, administrators, and teachers is that district communications are one of the best ways to communicate with families; counselors and other school personnel are another one of the best ways to communicate. These responses suggest the need to make information more widely available to all, perhaps in a more centralized way and to make use of school personnel to connect with families.

### 3. Prior preparation

Teachers believed that their schools prepared students *somewhat*, but not very well for criteria-based schools. Elementary teachers were most likely to think that their schools did a better job of preparation. Meanwhile, nonwhite staff (41%) were more likely than white staff (18%) to say that their schools’ course offerings *do not prepare students well at all* for admissions to criteria-based schools. This was the most common response for nonwhite staff; for white teachers, the most common response (40%) was that their school prepared students *somewhat well*.

#### 4. Support for ELL/special ed students

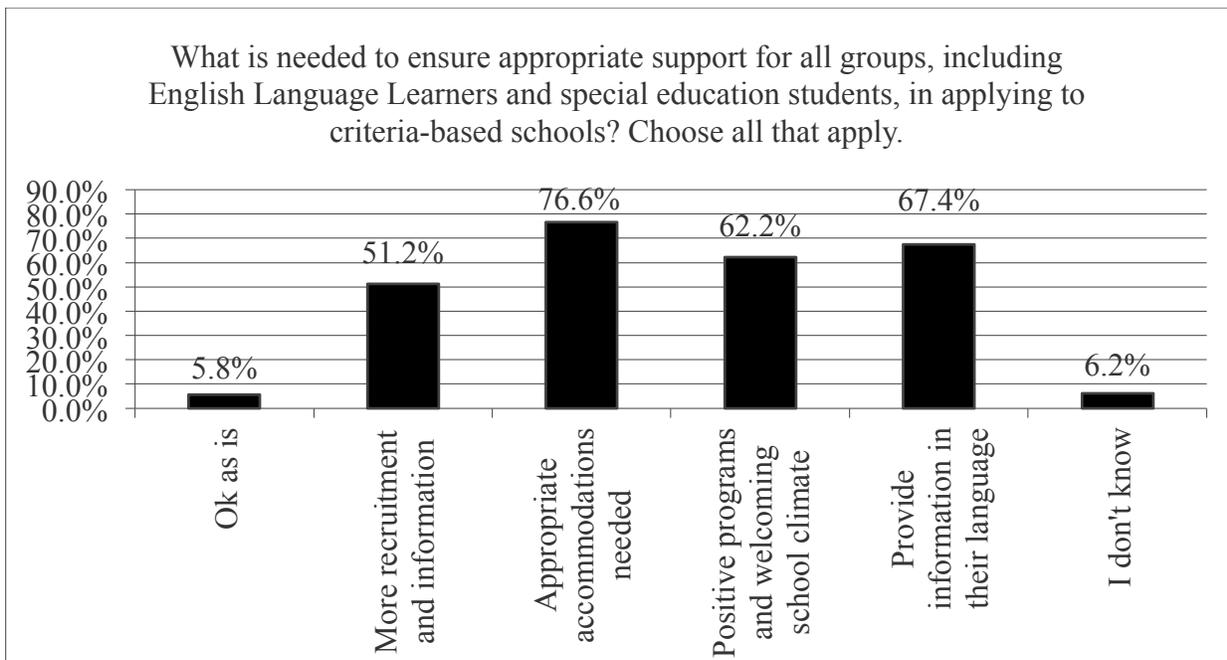
Finally, we asked about whether there was additional support needed for ELL and special education students in applying to criteria-based schools, as research suggests these groups are generally less likely to utilize school choice. Respondents to this survey believed that in BPS additional support was necessary. Substantial percentages of respondents believed that the following might be helpful: *appropriate accommodations, positive programs and welcoming school climate, information provided in their language, and more recruitment and information.* No nonwhite staff thought that support for ELL/special education students was sufficient as it currently exists. Respondents identified the following barriers for ELL students:

*“The phone calls and information provided are all in English.”*

*“[BPS] needs to provide translators so parents have the opportunity to ask questions—immigrant parents do not read or write in their home language.”*

*“Not having services available to serve them in those schools, such as ESL and bilingual services.”*

Figure 33: Support Needed for ELLs and Special Education Students to Apply to Criteria-Based Schools



Source: BPS Teacher and Staff Survey

#### 5. Suburban students

Although we did not specifically ask about the barriers created by suburban students applying to criteria-based schools, multiple respondents identified suburban students as creating barriers to

BPS students enrolling in criteria-based schools because suburban students take the limited seats that are available. For example:

*“Many students are actually from the suburbs yet are able to use a Buffalo address and no one checks to see if that is where they live.”*

*“A huge barrier is the number of suburban and private school students who apply and get in. There are students who live mainly in the suburbs, but attend criterion schools because of special programs. These students often bump our city students who attend BPS schools for elementary school. These suburban and private school families DO NOT EVEN PAY A TESTING FEE!”*

## **Summary**

Most teachers believe that the criteria-based schools do offer some important choices for students and that the system of criteria-based schools can and should be expanded. They believe that the way the system is operated could be improved. They believe, by a huge majority, that criteria-based schools can be effective in competing for students for the Buffalo Public Schools. They understand that viable educational options require appropriate faculty, and only one-fourth believe those faculty should be assigned on the basis of seniority. Many are interested in the possibility of working in new schools. They do not believe that tests should, by themselves, determine who gets to go to the schools, and they believe that the process of recruitment and parent information should be improved and that there should be a stronger outreach across the district, including the rapidly growing numbers of language minority students.

Although we had no idea of how teachers and staff members would respond, their answers and their notes, by and large, reinforced ideas that we had received in our visits and interviews across the district and the information that we have drawn from other studies of systems of school choice. We believe that the recommendations offered at the conclusion of this report are compatible in many respects with the views of the teachers, counselors, and administrators who responded to the survey.

### **Views from Students: The Student Survey**

Our research included an online survey of eighth and ninth grade students in BPS. All eighth and ninth grade students received a flier inviting them to participate in the survey and a link to the survey was also available on the homepage of the BPS website.<sup>68</sup> Students had one week to complete the survey. A total of 290 eighth and ninth graders completed the survey, which is a low response rate. This, of course, is not a representative sample of the total student population but we did offer all students the opportunity to give us their feedback, and the responses of these students deserve our attention.

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<sup>68</sup> We were unable to have students take the brief survey during class time due to the exam schedule in the spring, but we recommend that a follow-up survey be done by students in school during the next academic year.

## Participants

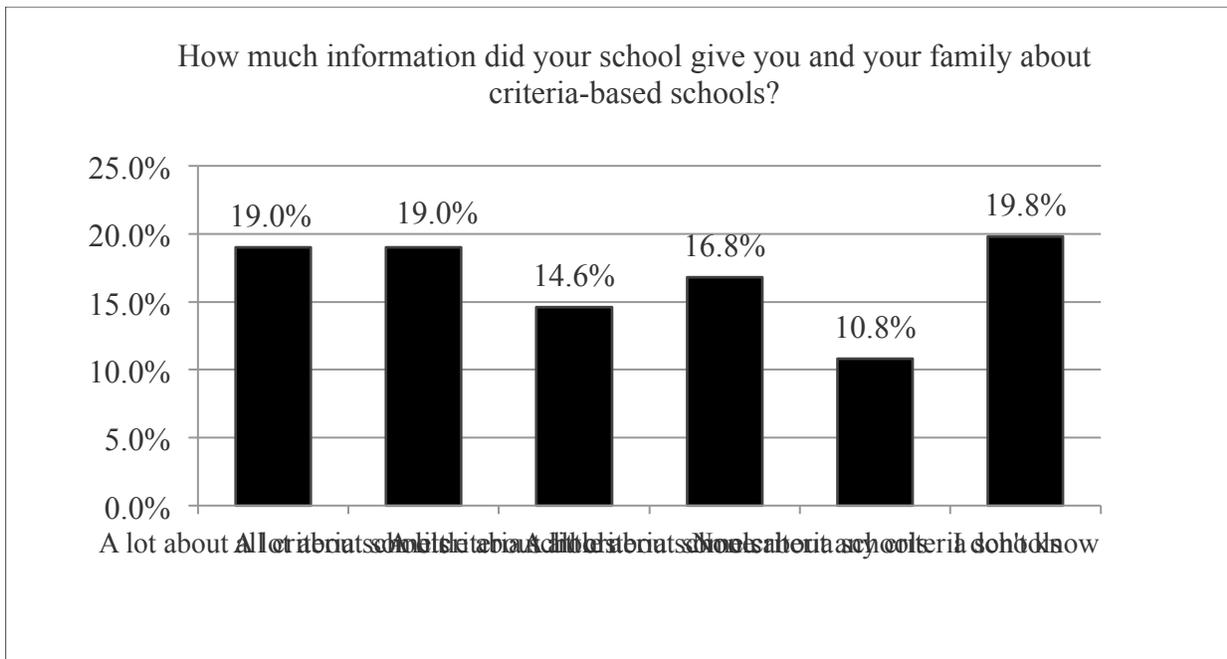
There was some variation in participants, although the vast majority were students who had applied and were accepted or currently attending criteria-based schools. Students from 27 different schools participated, although only a handful of schools produced significant numbers of respondents. The largest portions of students were from Leonardo da Vinci (33%), City Honors (21%), Harvey Austin (16%), and Hutch Tech (7%). There were fewer than ten students representing 23 other schools. White students and students who had applied to and been accepted by criteria-based schools were substantially overrepresented in the sample. Of the total 290 participants, 48% were eighth graders and 52% were ninth graders. The racial composition of the respondents was 44% black, 32% white, 9% Latino, 7% Asian, and 8% other; 82% of participants (238 of the total 290) had applied to a criteria-based school. Of the total 290 respondents, 65% were accepted to a criteria-based school (189 of the total 290 participants in our survey). Thus, it is likely that our respondents reflect a group of high-performing students who were actively involved in the criteria-based school admissions process.

We received a number of unsolicited comments in the teacher survey and communications in the city about students outside Buffalo taking slots in the criteria-based schools. A good fraction of the students responding to this survey had their earlier education outside the Buffalo Public Schools. Overall, only 80% of total respondents and 66% of the white students had attended a BPS school for elementary school compared to 85% of nonwhite students and 98% of students not enrolled in a criteria-based school; 6% of criteria-based school student respondents attended a private elementary school compared to no students who did not attend a criteria-based school.

## Information

Students revealed wide variation in the extent to which they learned about criteria-based school options and the sources of information about these options. There is substantial variation about the amount of information about criteria-based schools that students say they received from the school, ranging from *a lot about all criteria-based schools* (19%) to *a little about some criteria-based schools* (17%) to *none* (11%).

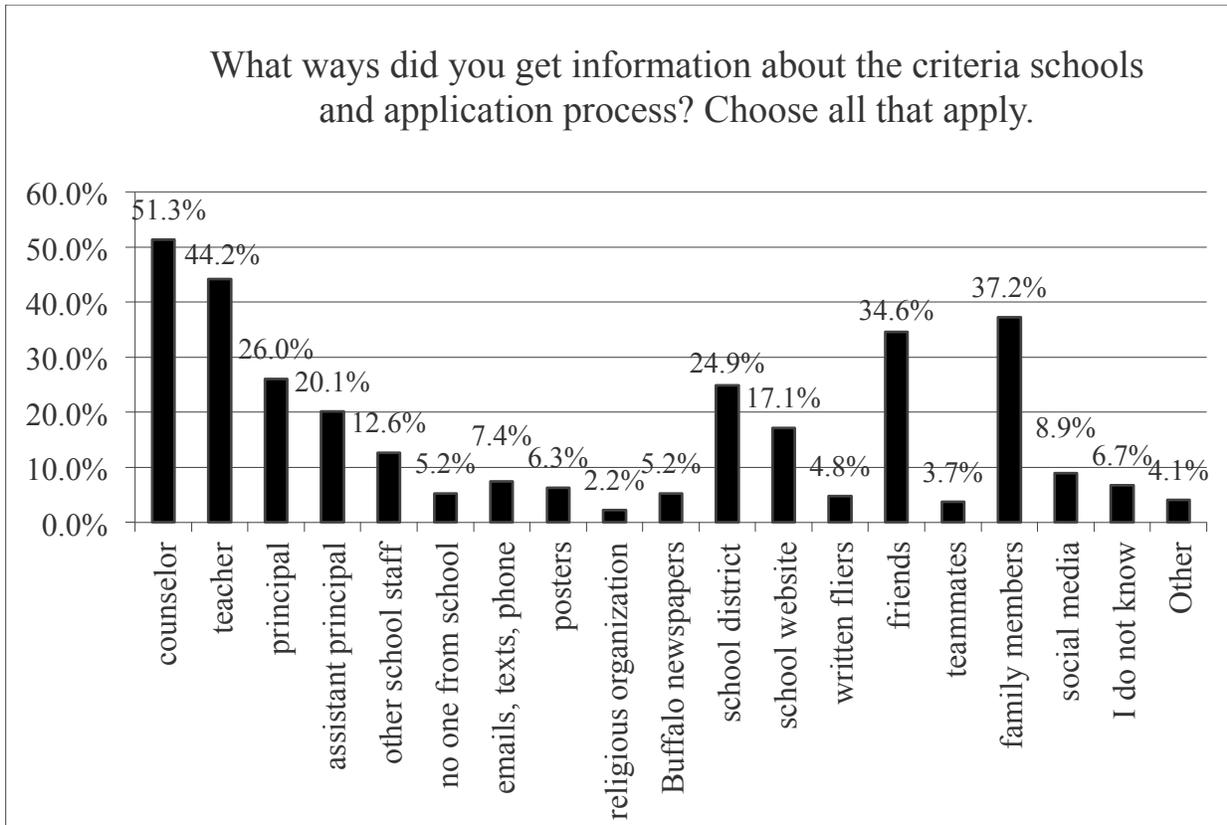
Figure 34: Information Provided to Families about Criteria-Based Schools, Student Perspective



Source: BPS Student Survey

Students get information about criteria-based schools and the application process in multiple ways. The most common way in which students get information is from the *counselor* (51%). Students also cited *teachers* (44%), *family members* (37%), and *friends* (35%) as common sources of information. More formal methods of communication—emails, phone messages, posters, and fliers—were not common answers: all of these had less than 8%.

Figure 35: Sources of Information about Criteria-Based Schools and Application Process

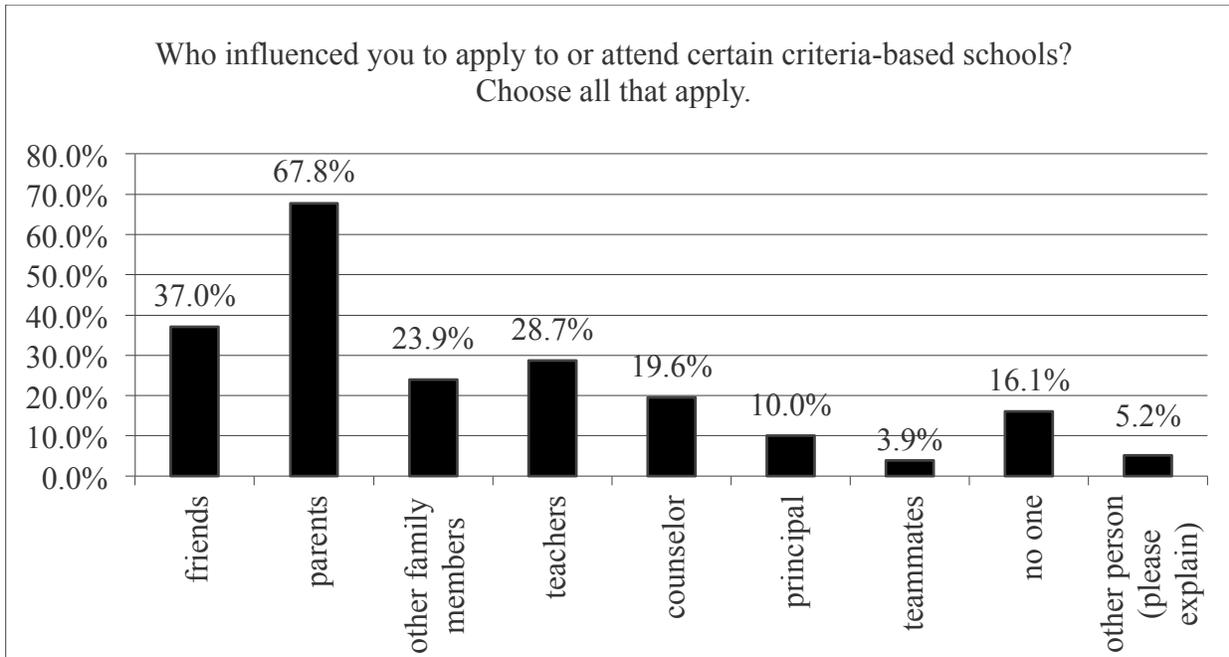


Source: BPS Student Survey

### Influences

Of those who applied to criteria-based schools, parents seem to have the most influence over students; 68% of students who applied said their *parents* influenced them. The next most common people who influenced them were *friends* (37%) and *teachers* (29%). Nonwhite students were considerably more likely to say that *no one* influenced them (20%) than were white students (9%); similar patterns were seen for students not attending criteria-based schools. Higher percentages of students attending criteria-based schools said that *parents* and *friends* were influences in their application to criteria-based schools.

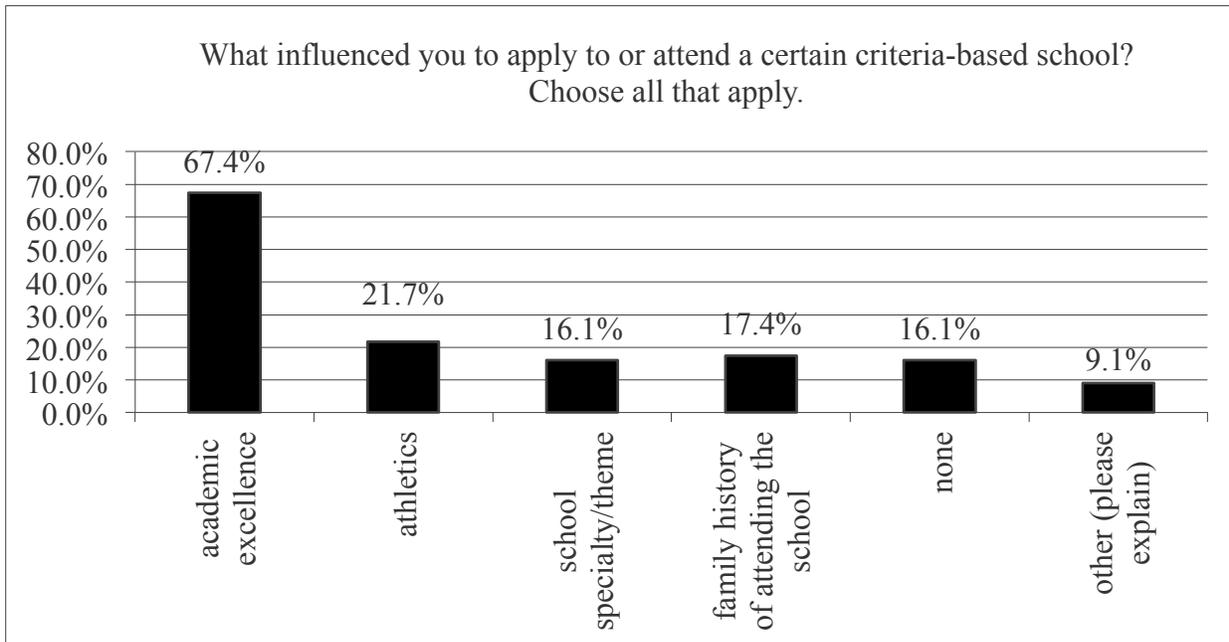
Figure 36: People who Influence Students to Apply to or Attend Criteria-Based Schools



Source: BPS Student Survey

We also asked about other influences regarding students' selections. In terms of aspects of the school that influence students to apply, *academic excellence* (67%) is by far the most influential. One-sixth of students also believed that the school's theme was an influential factor.

Figure 37: School Characteristics that Influence Students to Apply to or Attend Criteria-Based Schools



Source: BPS Student Survey

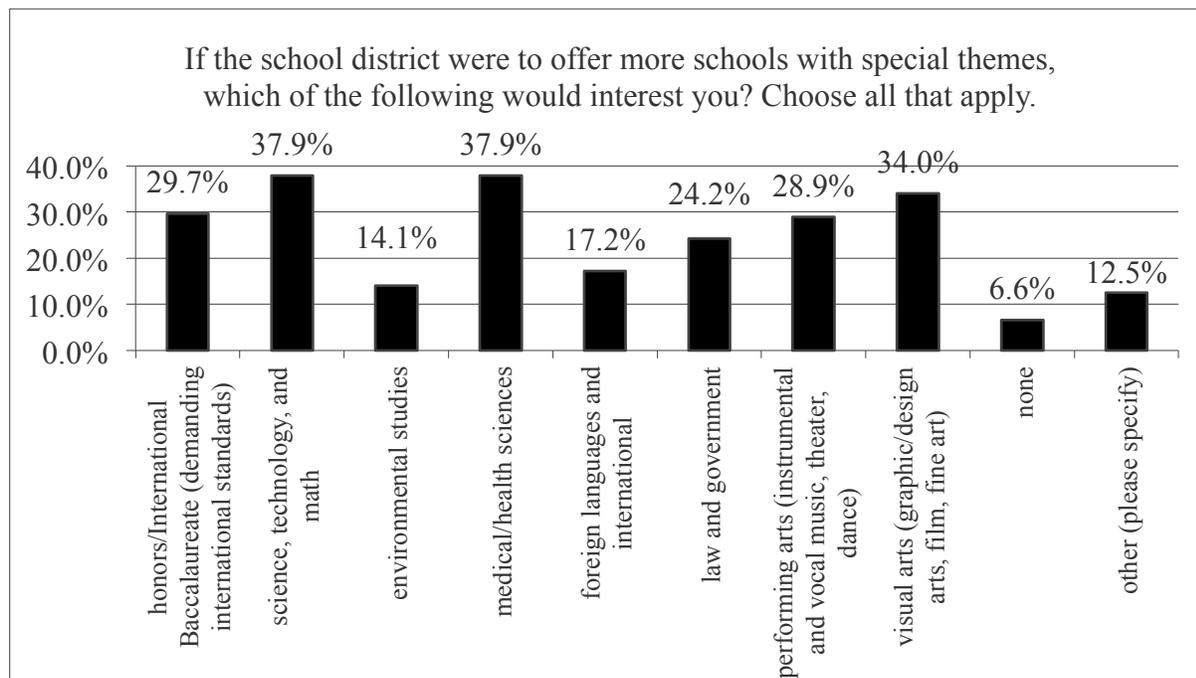
## Prior Preparation

Of the students who currently attend criteria-based schools, 35% believe their elementary school prepared them *somewhat* for the criteria-based school; another 32% believe that *yes* their elementary school prepared them for criteria-based schools while only 14% believe that *no* their elementary school did not prepare them. More than three-fourths of all white students believed that their elementary school prepared them for criteria-based schools but just over half of nonwhite students felt prepared and one-sixth did *not* feel prepared.

## School Themes

If the provision of strong criteria-based schools is to be successfully expanded in the city it is important to consider which kinds of schools would be strongly attractive to students to gauge their markets. On this issue the student responses were very helpful. If the district were to offer new specialty themed schools, students would be most interested in five themes: science, technology and math (38%), medical/health sciences (38%), visual arts (graphic/design arts, film, fine arts) (34%), honors/IB (30%), and performing arts (instrumental and vocal music, theater, and dance) (29%). The science and art themes were preferences widely shared among both white and nonwhite students and students in both criteria-based and non criteria-based schools.

Figure 38: Student Interest in New School Themes



Source: BPS Student Survey

## Summary

Some students wrote us about particular concerns. These comments illustrate that students understand the inequity across the schools in Buffalo, and should be part of BPS's efforts moving forward to provide high-quality diverse opportunities where all students feel welcome.

*"My brother goes to another 'criteria' school," one student wrote, "but it is not as well funded, remodeled, or have the same programs that I have. Most schools do not have rich foundations."*

Two City Honors students urged us to think more broadly. One urged broader perspectives:

*"Buffalo should try to improve other public schools rather than trying to make City Honors solve all its school problems. A lot of my friends couldn't get in and are now going to private schools. I hope you try to help all of the kids in the city not just those that are in city public schools. Not everybody is rich who goes to Catholic schools."*

An African American student noted that

*"City Honors does not have that many African Americans, at times I feel out of place because of this. I feel we need more to offer a better chance of cultural diffusion."*

Students understand the stratification of the city and are ready to consider changes.

## Comparing the Surveys

We have a great deal of information now from parents, students, and teachers, and what we learned from the surveys is quite consistent with what we learned from our visits, the data we analyzed, and other communications.

Parents, teachers, and students in Buffalo all favor choice among schools and many express the desire for more choice. Almost all parents support school choice, and both students and teachers would be interested in attending/working in new criteria-based schools. More than three-fourths of teachers, staff, and administrators believe that it would be beneficial to expand choice options such as criteria-based schools; they also believe that the expansion of criteria-based schools could be effective in competing with charter and private schools for students. If new criteria-based schools are created, students would be interested in a variety of themes, including science, technology and math; medical/health sciences; visual arts; honors/IB; and performing arts. Parents have generally positive views of criteria-based schools. Both teachers and students think that some criteria-based schools are rigorous while others are not. (Our data showed that there is wide variation in outcomes.)

A majority of teachers, counselors, and principals believe there are barriers to applying to criteria-based schools for some African American, Latino and immigrant students, while one quarter of students believe there to be barriers even though the responding students were largely criteria-based school students. There are differences among parents in how they view the

application process, with even substantial shares of parents whose children applied to such schools feeling like they had little information and the process was challenging. For example, of the parents of student who applied to criteria-based schools, 46% found the application process difficult or confusing.

Tests seem to be a shared concern for both parents and teachers. A large portion of parents (42%) reported that testing was the most challenging aspect of the application process, and 65% of teachers believe that tests should receive some, but not a great deal of weight. Teachers and staff see transportation to tests as a barrier. For those students who did find the application difficult, tests were most likely to be cited.

It is clear that better information would be very useful. For parents who responded to the survey, one-third of parents with students who applied to criteria-based schools were not satisfied with the information they received from the district about school options. Of the parents of students who did *not* apply to criteria-based schools, 60% of them were not familiar with the system of criteria-based schools, and one-fifth of parents reported never having received any information from the district about school options.

Teachers believe district communications (emails, phone calls, district website, flyers) are the best way to communicate information to students and families, but students and parents did not rank district communications among the top three ways in which they get information about criteria-based schools. In fact, only 7% of students listed emails, phone calls, and texts and only 5% of students cited flyers. A larger portion of our general student respondents (25%), and particularly white students, used the district website to gather information. Only 5% of parents relied on the district website and a slightly larger portion of parents (12%) got information from written notices. Students and parents cited more personal interactions as valuable sources of information. For students, counselors and teachers are the best ways to gather information about criteria-based schools; for parents, the guidance counselor was the best source of information, followed by their own student or other parents. Given the great inequality of information between applicants for priority schools and those who did not apply, it is clear that a fundamental goal of a fair choice system—good and equal information to all groups of parents—is yet to be attained.

Preparation is a key to accessing the criteria-based schools, especially the most competitive. (Though, for example, although a clear majority of City Honors students come from Buffalo Public Schools, about two-thirds come from only three schools.) Both students and teachers responding to questions about the preparation provided to students in earlier grades reply that elementary schools prepared students *somewhat well*, rather than a definitive *yes* from students or *very well* from teachers. Parents had more polarized opinions as to whether or not they believed the elementary school their child attended offered strong preparation for criteria-based schools. Of parents who applied to criteria-based schools, 46% believe that *yes*, the elementary school offered strong preparation, while 37% of parents who did not apply said *no*, the elementary school did not offer a strong preparation. Of the parents who did not apply and believed that the elementary school did not offer proper preparation, respondents reported the absence of required courses (18%), teacher's discouragement of taking courses (7%), and the lack of spaces to enroll in needed classes (5%).

All schools have civil rights obligations to special education and ELL students who are much less likely to be enrolled in criteria-based schools than in other city schools. Teachers, staff, and administrators believe that additional support in many forms, including appropriate accommodations, positive programs and welcoming school climate, information provided in their language, and more recruitment and information, is needed to support ELL and special education students. This view is supported by parents, more than half of whom received little or no information about services for ELLs and special education students in criteria-based schools.

In our communications with BPS parents and teachers, we often heard concerns about scarce criteria-based school seats being taken by suburban students. They seemed to be particularly concerned with students who live in the suburbs going to suburban or charter schools and then enrolling in the highly desirable criteria-based schools for middle or high school, effectively limiting the number of seats available to those students completely educated in BPS. Lending some support to this concern, 70% of student respondents who currently attend a criteria-based school had attended a BPS elementary school, while 98% of student respondents not currently attending a criteria-based school had attended a BPS elementary school.

Surveys tell us a great deal about the experiences, perceptions, and beliefs of those surveyed. They do not, by themselves, tell us either that the perceptions are completely accurate or offer any detailed solutions to the problems. They do, however, give us very important information about issues that need to be addressed in a successful reform.

## **PART FOUR: CONCLUSIONS AND RECOMMENDATIONS**

In Part Four, we present our conclusions and recommendations. Our conclusions are based on extensive analysis of data from the New York State Education Department and BPS as well as the insights we gained from educators, students, parents, and district staff members in Buffalo. Our recommendations describe how the district can move forward to develop better educational choices for Buffalo's students. Our recommendations are intended to create more choices and a better, fairer system for families to access them.

### **Conclusions**

We conclude that the system of criteria-based schools in Buffalo is a very important resource for the city, but that the most high-achieving schools are not yet fairly accessible for all students who could benefit from them.

There is a clearly inadequate supply of criteria-based schools, particularly those with demanding educational programs, and broad support for expansion of the system.

The information system to inform parents about their opportunities is seriously inadequate and harms students who attend schools more isolated by race and poverty as well as language minority families.

There is deep division within the community about the fairness of the processes and confusion about how to apply to the schools. There are many rumors and beliefs about favoritism and enrollment of ineligible students from suburbs that must be clearly addressed.

The extreme racial and economic segregation of neighborhoods in Buffalo and its suburbs are a major obstacle to equal educational experiences, and the explicit school efforts to overcome this barrier, which were strong under the old magnet plan, have largely disappeared.

Teachers of color are severely underrepresented in criteria-based schools, and that is a barrier to recruitment and retention of students from those communities.

Although a substantial share of the district's students are English language learners, there is virtually no outreach from the criteria-based schools to those communities.

There is excessive reliance on tests and professionally inappropriate use of test cut points.

The district's teachers strongly support expansion of criteria-based schools, are interested in teaching in them, and favor a new method of selecting teachers for these schools.

The large majority of non-criteria-based schools do not adequately prepare students for challenging educational programs; therefore, talented students from those schools would require additional preparation and support to meet the criteria-based schools' standards.

The basic reason why parents and students are interested in these schools is their academic excellence. Nothing in coming reforms should lower the standards of schools, only make it possible for more students to have a chance to meet those standards.

## **Moving Forward: Recommendations**

BPS should develop and publish a strong and clear statement about the mission and vision of the criteria-based schools as a whole, including the civil rights standards of providing fair access for all sectors of the community to excellent and diverse learning opportunities.

### **Expanding the Criteria-Based System**

For the 2016 school year, the district should create two new criteria-based high schools, one of which should be City Honors II and the other perhaps focusing on health sciences. They could be phased in over two years.

The district should create a new high standards elementary school, with assignment by lottery among students meeting a minimum grade requirement whose parents sign a statement acknowledging the heavy time commitment that is required of students to meet the standards. This school should be developed with the direct involvement of a local university, drawing on the model of university affiliated schools such as the UCLA community school and many others.

The district could consider designating any existing school with characteristics like criteria-based schools to be part of the system.

There should be a plan to create or designate at least two new criteria-based schools each year in the second and third year of this reform. Some could be small schools of the sort recent NYC research has shown to achieve considerable success.

There should be consideration of the creation of dual language immersion criteria-based schools, at least in Spanish.

Teachers and administrators assigned to new criteria-based schools should be chosen initially by the new principal after interviews with a committee including a diverse group of experienced criteria school teachers, the deputy superintendent and a university faculty member; after the school is established further appointments at these and other criteria-based schools should be made by principals with the advice of a committee including teachers, parents, and minority community representatives. All schools in the criteria system should have an affirmative action plan for greater faculty diversity.<sup>69</sup> One model of the new arrangement might be the Pilot Schools developed in Boston in a partnership between the school district, the teachers union, the mayor and the school superintendent in 1995. These schools are “freed from district mandates

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<sup>69</sup> It has long been recognized both in research and in policy that the presence of teachers of color is an essential element in school equity. In the federal court desegregation decision in 1976 the school district was found guilty of a history of intentional segregation of its faculties and ordered to implement both diversity plans and active recruitment of teachers of color. When the court relinquished control of the district in 1995 it noted that the district had been under a requirement to have 21 percent African American teachers and that the goal had been nearly achieved and the school district was pledging to continue that effort. This makes it truly remarkable that in 2014 in the criteria-based schools, only 4 percent of the teachers were African American. The representation of Latino faculty was 7.8% for elementary criteria-based schools and 4.3% for secondary. This severe underrepresentation of teachers of color was an obvious barrier to successful recruitment of students of color and creation of diverse and welcoming school communities. There is a severe shortage of bilingual teachers who are needed to serve the growing EL community and communicate effectively with the parents.

and union work rules to have greater control over budget, staffing, curriculum, governance and schedule in order to provide better education for their students.”<sup>70</sup>

There should be a deputy superintendent reporting directly to the superintendent overseeing the criteria system, aiding in principal selection, supervising outreach, and monitoring the effectiveness of the schools. Criteria-based schools lagging in academic performance or attractiveness to applicants in the future should be reviewed and, if necessary, reformed or exited from the criteria system as it expands. It is critical to focus criteria resources on schools that are educationally effective and magnetic. The deputy superintendent would be a central actor in an ongoing renewal process of expanding and strengthening opportunities for Buffalo students.

Prioritize whole school magnets versus school within a school magnets. National experience with magnet schools over the past forty years clearly shows that it is best that these schools occupy an entire building and not operate within another school. Such within school magnets create many problems over management of facilities and schedules and tend to produce very undesirable patterns of stratification, often along race and class lines, within a single school building. Our student survey shows active student interest in many kinds of special magnet schools and could help in identifying themes for new schools.

### **Developing Diversity Plans**

All schools should have a diversity plan and a recruitment strategy. These plans would contain no quotas. They would focus on information and recruitment to better represent all Buffalo communities and groups. Recruitment visits to schools by faculty, staff and students and information sessions and reminders about testing would be among the strategies used. The plans would set goals for increasing diversity by race, ethnicity, language and poverty and report annually on progress. All recruitment brochures and basic information should be available in Spanish, and other major languages to the extent feasible. As the numbers of students from a given language group increase significantly, information in those languages should be provided. For small language groups, parents and community leaders from those groups should be asked if they would volunteer to answer questions about the system from other parents who are not fluent in English. The criteria-based schools need to visit sending schools to explain their offerings and the procedures for applying.

Transparency about the process and its results are critical. The best medicine for claims of unfairness should be easily accessible information about applications, admissions, enrollment, etc. for each school each year.

### **Changing the Criteria**

We recommend ending absolute cut points in test score stanines and other criteria, eliminating the New York state tests because the standards have been changed so drastically and their use is too new to support valid predications, double counting grades which are often the best predictor of future success, and adding the scores of the various criteria together in admitting students

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<sup>70</sup> Center for Collaborative Education, *Strong Results, High Demand: A Four-Year Study of Boston's Pilot High Schools* (Boston, MA: Center for Collaborative Education, 2007).

rather than using a set of cut points on each criterion. We believe the cumulative scoring would better reflect the existing commitment to use multiple criteria and avoid what have become, in fact, unjustified cut points that absolutely disqualify students on a single criterion.

We recommend that 10 percent of the seats in each school be set aside for students deserving special consideration, students who have not been adequately prepared but show signs of strong potential. This could be done either by relying on one factor, such as remarkable teacher recommendations, to trigger reconsideration for students who fall a little short of regular admissions scores, and then interviewing the students by a committee that includes teachers, existing school parents, and community leaders. Alternatively, the district could assign added points for these students for additional criteria such as overcoming obstacles, exceptional dedication, unusual success in a school isolated by poverty and race with low average outcomes, coming from a part of the city that is rarely represented in criteria-based schools, etc. The Office for Civil Rights guidance to school districts is directly relevant to this issue (see page 12). These are common factors in admissions to leading colleges.

Given the very strong link between family income and test scores and the severe segregation of many Buffalo students in very unequal schools, excessive reliance on test scores tends to perpetuate inequality. Modifying this process and expanding schools that prepare students to succeed could help make admissions more equitable. New criteria-based schools, except for City Honors II, should have enrollment criteria that primarily focus on student interest and clear parent commitment to the goals and demands of the school and a lottery system should be used when there are too many applicants. When there is a great deal of demand that cannot be accommodated, BPS should consider either expanding or duplicating the school at another site.

### **A Regional Magnet School**

In this extremely segregated metropolitan area, the basic problem of inequality in Buffalo is not bounded by the city but is metropolitan in dimension. BPS should ask the state, the U.S. Department of Education, BOCES, and private foundations for funds or a funding arrangement among districts to launch a regional school in collaboration with the University of Buffalo to help overcome the extreme segregation of the metropolitan area and offer opportunities no individual district could provide, on the model of the highly successful and oversubscribed regional magnet schools in Connecticut. This could be a very positive step adding new, entirely voluntary educational opportunities of the highest order which could make the region more attractive to residents and businesses.

### **Clarifying the State of the Law**

BPS should clarify the state of the law for its educators and the public. We have encountered a number of statements in discussion and in school documents claiming that the federal court in Buffalo forbade consideration of diversity and integration in making school assignment decisions. That did not happen in the federal court decision in Buffalo in 1995 and it has not happened in the U.S. Supreme Court. In the 2007 *Parents Involved* decision, the Supreme Court forbade districts not under court order to assign a student solely on the basis of her or his race, but it did not forbid other means of working for diverse schools and it explicitly recognized the compelling benefits of integrated education. School districts are free to consider poverty,

neighborhood characteristics including race, language and a variety of other strategies in pursuing diverse education. A half century of research both in public schools and colleges show that such diversity has educational and social values for all students. Educators and the public in Buffalo could benefit from a clear and simple statement of the law on these issues so that decisions would not be made on incorrect premises.<sup>71</sup>

### **A Parent Information Center**

The district needs to set up a parent information office and all new students need to have their parents sign up and receive information about their options within the system. Any parent should be free to visit this office for information about choices at any time.

We recommend that all parents be informed about choices, that information be available in Spanish, and that the district work with parents and leaders from other language groups to foster the preparation of materials and information for those families. All families newly enrolling in the Buffalo schools should visit this office and obtain information about their choices and explanations of how the system works. Brochures from all criteria-based schools, in English and Spanish, should be posted in all public libraries and on-line in an easily accessible section of the district's website. Community groups should be encouraged to link to that website and to organize visits to the information center. Data about the achievement levels and graduation rates of each school by race and ethnicity should be posted as well as data about the average gain that students achieve in a year of attendance at each school, which would be a better indicator of the school's effectiveness than the raw scores. The information center should organize visits to parent organizations in schools to provide information. The parent center should explain that English language learners and special education students do have access to criteria-based schools.

The BPS website, which now is used by only a tiny minority of parents, needs a basic redesign, and information about using it should be posted in every school and public library. Parents need to be able to apply for the most challenging criteria-based schools without giving up their chance to enroll in others. Since many Buffalo families do not have computers with high speed internet, the key information should be available in a format where it can be accessed by cell phone. If possible, information about charter schools should also be available in this office if parents request it, since they are also part of the region's choice system. In addition, the in-person recruitment in "road shows" at school sites should be resumed.

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<sup>71</sup> There is absolutely nothing in constitutional law that prohibits consideration of poverty. In fact, it has been the most basic policy of federal education law since the enactment of Title I in 1965 to concentrate help on schools of concentrated poverty. Neither poverty nor English language learner status is a constitutionally suspect category requiring what the Supreme Court calls "strict scrutiny"—the only ones are race and, to a lesser extent, gender, and it is legitimate to consider those in a limited way for a compelling purpose that cannot be otherwise achieved. A variety of ways of encouraging racial diversity in schools, such as targeted recruitment, are legal, and the race, poverty, or language composition of neighborhoods can certainly be used in student assignment policies, as has been done, for example, in California and Kentucky since the *Parents Involved* decision. The city schools do have much more freedom of action to pursue economic and social diversity, as they did in the far more successful period of the city magnet schools.

## **The Housing Issue**

The basis reason why the city government as well as the school district operated under federal court orders for two decades was that it was among the nation's most intensely segregated cities and had changed very little for generations as segregation fell in other cities. The federal court found that the city government had been an active participant in creating and sustaining residential segregation (and the resulting school segregation). Unfortunately, however, the court orders did not require the city to do anything about the residential segregation, and the city and its metro areas remain among the most intensely segregated today, creating basic problems for the schools. We recommend that the school board ask the city government to actively prosecute residential discrimination including the steering of homebuyers or renters on the basis of race or school districts, and that it request state and federal housing agencies to support stable residential integration, avoid new construction of subsidized housing in areas with weak segregated schools, and provide counseling about better residential and schooling opportunities for families with rent subsidies or Section 8, since the low cost of Buffalo area housing could support considerable mobility to strong neighborhoods and schools.

## **Ending Neighborhood Preference**

We find that neighborhood preference for Olmsted elementary, which is by far the most important point of access to City Honors, is not fair and should be eliminated. Since this is such a scarce and important opportunity, it should be fairly available to students in all parts of the city. We also recommend the ending of the neighborhood preference area for the Discovery School which, although it is not a criteria-based school, does offer a special program. We understand that as part of the city's promise neighborhood there will be a neighborhood zone for one school. If the promise neighborhood receives operating funds, that school should be an exception since there would be major resources invested in developing the community.

## **A New Method of Choosing Teachers in Criteria-Based Schools**

In our survey of Buffalo teachers, there was a clear understanding that the school district needed more schools of choice, a great deal of interest in teaching in such schools, and only one-fourth of teachers and staff believed that the existing seniority-based method should be used for selecting teachers for the school. We recommend the initial selection of teachers for these schools be in the hands of the principal chosen to organize the school and a committee of faculty members from teacher training institutions in the city, and that the subsequent decisions be made by the principal, staff and community representatives working together. We believe that these procedures should be extended to all existing criteria-based schools for future staffing and should be accompanied in all cases by a vigorous affirmative action plan to be certain that there is an effective identification and recruitment of teachers of color to be certain that those faculties are substantially diverse. We recommend that a minimum immediate goal for the creation of new schools should be that their initial staffing reflect at least the district-wide proportions of African American and Latino teachers and administrators and increased bilingual staffing.

## City Honors, Testing, and Standards

City Honors is a critical resource for Buffalo and we do not want to dilute its academic standards in any way. It was one of the first two magnet schools created in Phase I of the city's desegregation plan and is by far the most successful public school in the city today in terms of test scores, graduation rates, national reputation and many forms of recognition. It has far more applicants than it can serve and access to this school has been a major point of contention for decades. Though it was created as part of a desegregation plan, it has no desegregation policies and functions much more like one of the exam schools in New York City or Boston Latin School than a traditional magnet school. In practice, it is highly selective and dramatically underrepresents the African American and Latino communities in the city well as students living in poverty and immigrant families speaking another language at home, a growing share of the city's population. If one excludes the special and largely separate program for autistic children, the diversity in its classes is even less. It is the school whose admissions records were most closely examined by the Office for Civil Rights.

We are very conscious of its value and share the concern of the staff members and its very involved parents who we met during our visits that its value as a highly successful school not be threatened. Its commencement program for 2014 notes that it was "The No. 1 School in New York State, No. 1 school in the Northeast, and No. 26 out of approximately 22,000 ranked schools in the Nation by *Newsweek Magazine*." Yet, it is ironic that this fine school, organized to be a diverse magnet school, now draws the great bulk of its students from three public schools and a handful of charter and Catholic schools and ignores issues of race and poverty in its admissions process. As is generally true among exam schools and highly selective colleges, a good part of the credit for its results comes from a selection process that screens out lower achieving students and selects students with strong preparation and high test scores before they come to the school, but its strong faculty and curriculum do provide invaluable opportunities. Changes are needed to make this opportunity more accessible to students of color and the many Buffalo schools that send virtually no students to City Honors.

The use of a cognitive skills test, a kind of IQ test, as a virtually absolute barrier to the school amounts to a claim that a fixed cut point, the 7th stanine, is a valid procedure for making a high stakes decision about whether or not an individual student has the right to attend what is, by any measure, the most desirable school in the city and the region. On the basis of this test alone, for example, many Buffalo parents received a letter last December stating that "your child's current performance on the cognitive ability assessment did not meet the minimum requirements, which means that he/she is no longer being considered for [City Honors or Olmsted School #156]." As anyone knows who has looked at the scores of the very same student taking the same SAT on different dates, the scores of any student can vary substantially over time. There is an extensive line of research by Claude Steele at Stanford and others that shows that students of color experience test anxiety that tends to lower their scores in such high stakes settings. These tests are not designed for valid specific cut points that would indicate that a student a little above the 7th stanine is predictably better than one a little below because of measurement error. Obviously these tests in English cannot fairly measure the potential of a student with a different home language. Absolute cut points, where a response to a single test question might change a

student's opportunities in a critical way, cannot be supported by research. We do not call for elimination of the test but for an equitable multidimensional consideration of all criteria together.

It should be made very clear, however, to all students and the community that admissions does not guarantee success since we do not recommend any change in academic standards or course requirements. Admission is an opportunity to succeed in a very challenging environment. This is not about lowering standards; it is about giving a chance to hard-working students who normally have none.

### **Summer Preparation Program**

While standards must be maintained, it is not adequate to admit a very bright student who has not had strong preparation and promptly fail him or her in challenging classes the student never had an opportunity to prepare for. There should be institution of a summer preparation program for students from less competitive schools entering City Honors and other schools with very demanding academic standards. A peer tutoring program and special counseling should be available, especially for the first year of less prepared students in very demanding schools.

## Appendix: A Note on Testing

The idea that a test can validly measure a student's native ability free of the influence of unequal preparation has been very strongly challenged. The most famous American test, the SAT, was known for decades as the Scholastic Aptitude Test, but that name was abandoned a quarter century ago when the College Board conceded that scores were deeply influenced by the kinds of opportunity students have had. Because of these and other problems, both a major report by the National Academy of Sciences, *High Stakes Testing for Tracking, Promotion and Graduation*, and the Code of Ethics of the testing profession conclude that major decisions about students' life chances should never be made on the basis of a single test. For that reason the Ivy League colleges and many others pay attention to tests but only as part of an overall multidimensional evaluation of students. Evidence of the long-term success of students of color admitted to the nation's most selective colleges who do not have the highest test scores shows not only that they have a high success rate in these most challenging institutions but that, after college, they tend to make disproportionately large contributions to their communities. The criteria-based system is, in theory, multidimensional but in practice, students are often knocked out inappropriately on a single test. We propose to make it actually multidimensional.

Our survey of teachers in the system shows that only about a fourth believe that tests should be the dominant element in selecting students for the highly competitive schools, and our survey of students shows that our sample, dominated by successful students in the system, saw the test as the most important barrier to access to these schools.

There was an intense scholarly debate over the idea of "general intelligence" in the 1990s, and even the strongest advocates of the concept<sup>72</sup> conceded that scores from tests of aptitude/cognitive abilities are not solely a product of innate ability but also reflect environmental influences. Fagan and Holland (2007) assert that IQ scores measure knowledge and note "that not all have had equal opportunity for exposure to the information underlying the knowledge being quizzed on standard tests of IQ."<sup>73</sup> Using experimental methods, they have demonstrated that score differences across people of different races and native language in vocabulary knowledge—regularly included on aptitude tests, including Cognitive test results—reflect prior learning opportunities and not the ability to learn vocabulary itself. They have also used experimental methods to demonstrate that differences in solving analogies can similarly be explained by differences in prior education.

These issues are treated seriously in the basic standards for the testing profession. Fairness in testing, according to the professional code developed by the American Educational Research Association, American Psychological Association, and National Council on Measurement in Education requires thinking about how opportunity to learn (i.e., the extent to which an examinee has been exposed to instruction or experiences assumed by the test developer and/or user) can influence the fair and valid interpretation of test scores for their intended use.

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<sup>72</sup> E.g., Richard J. Herrnstein and Charles Murray, *The Bell Curve* (New York: Simon and Schuster, 1994).

<sup>73</sup> Joseph F. Fagan and Cynthia R. Holland, "Racial Equality in Intelligence: Predictions from a Theory of Intelligence as Processing," *Intelligence* 35, no. 4 (2007): 319-344.

Individuals' prior opportunity to learn can be an important contextual factor to consider in interpreting and drawing inferences from test scores.... [T]here has been considerable public discussion about potential inequities in school resources available to students from traditionally disadvantaged groups, for example, racial, ethnic, language and cultural minorities and rural students. Such inequities affect the quality of education received. To the extent that inequity exist, the validity of inferences about student ability drawn from achievement test scores may be compromised. Not taking into account prior opportunity to learn could lead to misdiagnosis, inappropriate placement and/or inappropriate assignment of services, which could have significant consequences for an individual. Opportunity to learn is a fairness issue when an authority provides differential access to opportunity to learn for some individuals and then holds those individuals who have not been provided that opportunity accountable for their test performance.

The standards provide that:

Test developers and publishers who claim that a test can be used with examinees from specific subgroups are responsible for providing the necessary information to support appropriate test score interpretations for their intended uses for individuals from these subgroups.

If the publisher says that this test is valid as a single measure for high stakes admissions decisions, it should provide such information; if not, the school district should request it.

It is not professionally acceptable to use only the results from a single test to make an important decision about students such as excluding them from the city's most powerful schools. The test may significantly predict success within a program but not which student will actually gain the most from an educational opportunity. The standards state: "In educational settings, a decision or characterization that will have a major impact on a student should take into consideration not just scores from a single test but other relevant information." They explain: "It is important that in addition to scores on a single test, other relevant information (e.g., school coursework, classroom observation, parental reports, other test scores) be taken into account when warranted." The text noted that "students who have lower scores because of limited opportunity and preparation are likely to be seriously underestimated."

It is not at all clear that tests are the best predictor, even in predicting short term academic success. In higher education there have been a number of studies showing that grades are more effective predictors than the major college entrance exams. A 2009 study by Princeton sociologists, for example, reported from a massive data set in Texas that high school grades were better predictors of college success than test scores, replicating the finding of many other studies on the issue.