

Separate and Unequal

Education Law Notes

03.31.2014

Unlike people, not all schools are created equal.

Anyone who doubts that need only review the results of the Civil Rights Data Collection ["CRDC"] for the 2011-2012 school year, which were released on March 21, 2014 by the United States Department of Education's Office for Civil Rights ["OCR"]. OCR uses the CRDC to gather information regarding student enrollment as well as educational programs and services, broken down into categories such as race, ethnicity, gender, limited English proficiency and disability. Far from being a selective sampling, the information in the 2011-2012 CRDC was obtained from **every** public school and **every** public school district in the country.

OCR relies upon the CRDC to shape and effectuate its enforcement of those school-based civil rights laws for which it has responsibility, including:

- Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, and national origin;
- Title IX of the Education Amendments of 1972, which prohibits discrimination based on sex; and
- Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of disability.

OCR previously conducted the CRDC in 2000, 2004, 2006 and 2009-10, and it is already planning the 2013-2014 and 2015-2016 surveys, each of which will include additional areas of inquiry.

It would be impossible to replicate or even summarize in a blog post all of the information contained in the CRDC; nonetheless, some of its findings are particularly troubling. For example, during the 2011-2012 school year:

1. Black/African-Americans comprised only 18% of the preschool population, but accounted for 48% of preschool students who were suspended more than once. In contrast, white students constituted 43% of the preschool population but only 26% of the students suspended on multiple occasions.
2. Black students account for 16% of the overall preschool-through-12th-grade student population but 34% of the students expelled, whereas whites comprised 51% of the school population but only 36% of expelled students. Of particular note, despite making up only .5% of the school population, Indian/Alaska Native students totaled 3% of expelled students.

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3. On the national level, American Indian/Alaska Native students were retained in kindergarten at almost twice the rate as white students. In Connecticut, American Indian/Alaska Native kindergarteners were retained at *four times* the rate as their white classmates.
4. Only 4% of white students were retained in 9th grade, compared to 9% of American Indian/Alaska Native students and 12% of African American students.
5. Eighty-one percent (81%) of Asian-American high school students and 71% of white high school students attended high schools that offered the full range of math and science courses (i.e. Algebra I, Geometry, Algebra II, Calculus, Biology, Chemistry, Physics). Only 47% of American Indian/Alaska Native and 57% of black high school students were afforded the same access to this full range of courses.
6. On average, teachers in high schools serving the highest percentage of black and Latino students were paid \$1,913 less per year than their colleagues in schools in the same district who served the lowest percentage of black and Latino students. In fact, nearly one-quarter of districts with two or more high schools reported a teacher salary gap of *\$5,000 or more* between high schools with the highest and lowest percentage of black and Latino students in their districts.
7. Black students were more than four times as likely -- and Latino students twice as likely -- as white students to attend schools where 20% or more of their teachers had not yet satisfied all state certification and licensing requirements.

Like all statistics, these numbers are susceptible to various interpretations. In addition, there may be other factors that affect the CRDC results, such as dichotomies in income, in family situations and in the availability of educational opportunities. Indeed, there may be a number of interrelated causal factors which inform the CRDC, but regardless of the cause, the CRDC's relentlessly consistent divergence between the experiences of minority students and their white peers is both sobering and difficult to ignore.

Tags: Office for Civil Rights (OCR)