IN-SCHOOL SEGREGATION IN NORTH CAROLINA PUBLIC SCHOOLS

NORTH CAROLINA ADVISORY COMMITTEE TO THE UNITED STATES COMMISSION ON CIVIL RIGHTS

This summary report of the North Carolina Advisory Committee to the U.S. Commission on Civil Rights was prepared for the information and consideration of the Commission. Statements and viewpoints in the report should not be attributed to the Commission or to the Advisory Committee, but only to individual participants in the community forum where the information was gathered.

A SUMMARY REPORT **MARCH 1991**

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LETTER OF TRANSMITTAL

North Carolina Advisory Committee
to the
U.S. Commission on Civil Rights

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The North Carolina Advisory Committee submits this summary report to advise the Commission about racial discrimination in student assessments and placement in special education programs in North Carolina. It summarizes information received at a community forum conducted by the Advisory Committee in Raleigh, May 24, 1989, survey data by the U.S. Department of Education, and documents collected to help update the project. Appropriate preparations for the forum were carried out to assure a balanced perspective.

As the progress of school desegregation brought racial integration to schools and school districts, a new complaint of discrimination concerned many minority parents. Within desegregated schools, racial isolation continued in classrooms and programs for special education. Black students, for example, were 31 percent of total State enrollment and 58 percent of students in classes for educable and trainable mentally retarded. The increase of minorities in these groups pushed them into classes often made up only of black students.

The Advisory Committee heard from six speakers ranging from school principals to State administrators. These educators described conditions that supported the complaints. Some acknowledged that inaccurate educational assessments sometimes damaged equal educational opportunity for minority students. State government does not collect information that would distinguish this problem from other civil rights matters. The Advisory Committee's forum helped focus attention on that need.

The experience of school level administrators suggested a way to face problems of inschool segregation. Most agreed that traditional homogeneous and ability group classrooms may dampen student motivation, especially among students suffering educational disadvantages. Schools that were

willing to construct heterogeneous classes saw success with this approach. An enhanced role for parents in school administration also ranked among recommendations for new approaches. Finally, most agreed the State needed to analyze and monitor schools and districts with widely disparate minority representation in classes for disabled and also gifted students.

The Committee unanimously voted to submit this report and trusts that the discussion and recommendations by the speakers will prove useful in considering education issues.

Respectfully,

David Broyles, *Chairperson*
North Carolina Advisory Committee

North Carolina Advisory Committee to the U.S. Commission on Civil Rights

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INTRODUCTION

The North Carolina Advisory Committee conducted a community forum on inschool segregation by classroom and curricular assignment in response to community complaints. The complaints alarmed the Committee. Black parents alleged that inschool educational tracks or ability groupings brought on renewed pupil isolation by race in previously desegregated schools.

These developments presented a peculiar problem. In the view of supporters, certain inschool grouping practices are reasonable to meet legitimate academic objectives. Placing students with similar ability together has instructional benefits without regard to racial or other discriminatory factors. There was a possibility that legitimate actions by schools may have been misinterpreted as racist by complaining parents.

The black parents complained that teachers too often erred in their assessments of minority student abilities, causing adverse results for many, especially black males. In their view, educational assessments that minority children were educationally or emotionally disabled were often mistaken. They believed that public school systems that treated minorities this way harmed their children. They believed these actions placed many minority children in classes that would stigmatize them among their peers. These included special classroom assignments, curricular tracks for low-ability groups, and removing them from intellectually stimulating environments offered in mainstream classes. This inschool segregation, they believed, amounted to racial discrimination against many black students in public schools throughout North Carolina. As an indication that the problem was a serious one, they reported observing entire classrooms for low-ability students composed only of black students, mostly boys.

These complaints reached the Committee. In response, the Committee consulted knowledgeable educators. Regarding the allegations, there was support for concerns that a problem existed. The Committee decided to hold a forum on the topic in Raleigh, North Carolina, on May 24, 1989.

The Committee received comments from six panelists at the forum: William T. Newkirk, director, North Carolina department of public instruction, division of desegregation assistance; George A. Kahdy, education advisor to the Governor of North Carolina; Dr. Dudley Flood, ombudsman, North Carolina department of public instruction; Dr. Ruth Dial Woods, director, compensatory education for Robeson County public schools; Gladys Sawyer, director, special programs for Robeson County public schools; and Dr. Ronald Anderson, director, student services for Wake County public schools.

The speakers appeared in three panels which focused on the following issues:

(1) What are the purposes of ability grouping?
(2) What choices are there?
(3) How are effective monitoring and civil rights safeguards assured?

The following summary report covers the forum and an earlier analysis of student assignment data prepared[1] by Commission headquarters staff. The Committee focused its attention on the following points during its review of the data and the forum.

Are minority students overidentified for low-ability groups and passed over for high-ability groups?

Under this aspect of the forum topic, the Committee wished to know whether minority students risked discrimination even if they were accurately evaluated. The Committee also wanted to know whether discriminatory treatment was apparent in special education placements. An additional question was whether minority students felt a stigma associated with their disproportionate numbers in classes for mentally handicapped and absence among high-ability groups.[2]

The available data did not address every point of interest to the Committee. Only information concerning racially disproportionate classes for mental handicap was available. From these data we have the following profile. Survey statistics show an overrepresentation for minority students in classes for mental disability. Charlotte and Raleigh schools were prime examples: (1) Charlotte-Mecklenburg County consolidated school district, including Charlotte city and County and Mecklenburg County, elementary schools had over 70,000 students; minorities were 40 percent. Minority students in educable mentally retarded (EMR) and trainable mentally retarded (TMR) programs in the district were 70 percent; and (2) Wake County Public School System totaled 58,000 elementary school students; minorities were 27 percent, but EMR and TMR classes were 73 percent minority.

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[1] The U.S. Department of Education's Office for Civil Rights (OCR) provided the student assignment data. The Commission's Office of Programs, Policy, and Research prepared the analysis which the Committee reviewed. The OCR data were drawn from the *1986 Elementary and Secondary School Civil Rights Survey.*

[2] Of the 140 school districts in the State, 57 were surveyed, covering over 60 percent of the State's elementary school student population. Schools in each district provided information about grade structure; size and demographic composition of its student body (race, ethnic origin, and gender); size and demographic composition of classes for the trainable and educable mentally retarded (EMR and TMR) and other special education programs; and size and demographic composition of individual classrooms for entry and exit level classes, typically first and sixth grades.

The OCR survey for populations in classes for exceptional children[3] showed minorities in this category far above their proportion in the general population. A notable exception to the pattern was Greensboro where minority representation in classes for mental disability was roughly equal to their general representation in the district.

During the forum, Dr. Woods, of the Robeson County schools, confirmed that blacks make up a wide majority of students in classes for limited intellectual ability. She criticized what she believed were inappropriate pupil assessment strategies. She complained that inappropriate pupil assessments contributed to mistaken placements and overrepresented minorities in low-ability classes.

She noted that some students were certified as handicapped, and eligible for placement in special needs programs, but were not disabled. It was not uncommon, she said, to find school districts that manipulated the identification of students to fulfill funding justifications and to generate additional funding. She complained that such treatment deprived students of equal educational opportunity.

Even more harmful was the result of the experience on the victims. She described the effect as emotionally upsetting for the young people. It perpetuates in them a degraded expectation for educational and school success. Finally, it set in motion a repetitious system for failure.

What is the extent of racial isolation resulting from ability grouping?

The Committee learned that there were few data that described the results of tracking as a civil rights issue. The OCR survey data described earlier in this report provided current information about student enrollments. The material still lacked necessary detail for a specific focus on the extent of racial discrimination resulting from student assignments to ability groups. The survey included:

(1) All the largest school districts,
(2) All districts under court-ordered desegregation plans,
(3) All districts that had not been surveyed recently, and
(4) A random sample of the remaining districts.

Despite these inclusions, the Committee found that the OCR data presented disadvantages that decreased their usefulness regarding the topic of the forum. A primary concern was that the OCR data excluded 60 percent of the State's school districts and 40 percent of total student population. The Committee added another concern. Student assignment policy was a main point of interest and the OCR survey was limited in this area. Because the survey excluded 60 percent of districts, a wide difference between school

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[3]Schools in North Carolina use a single term to describe a continuum of special education programs. The term "exceptional children" applies to academically gifted students and those with low intellectual ability, specific learning disability, and an array of mental handicap.

districts that were included or excluded from the OCR survey was very possible.

The Committee was not critical of the OCR survey. It may have been a useful civil rights tool for measuring district desegregation, but it was not useful for reviewing tracking in specific schools and programs.

Despite the limitations, the Committee found the OCR data were helpful for information regarding the extent of racial isolation in certain programs for the disabled. The Committee learned the extent to which minority elementary school students were disproportionately in classes for mental handicap.[4]

In the State as a whole, students attending EMR and TMR classes numbered nearly 13,000; 7,500 were minority. The concentration of minority students in disabled populations was much higher than their number in the general population. Minority students were 31 percent of total State enrollment and 58 percent in classes for educable and trainable mentally retarded. (Educable is a term designating a less severe disability than trainable mentally retarded.) The Committee also noted that minority participation in these areas was near the national average, or 3 to 4 percent of enrollments.

The numbers of minority and majority students identified as mentally handicapped, as distinguished from retarded, showed an even greater over-represented minority student group. Minority children were three times as likely to be assigned to classes for mentally handicapped students. The impact of this heavy representation for minorities was offset somewhat by their somewhat small numbers. Less than 4 percent of minority students and only 1.3 percent of majority students were designated mentally handicapped, statewide.

These data for mental disability suggested a significant degree of racial disparity in assignments to the programs. The statistical profile still could neither support nor weaken allegations that tracking in the State denied minority students equal educational opportunity. The Committee was reluctant to support a complaint of discrimination based only on statistically disproportionate assignments of minorities. Members wanted more evidence of racial bias.

The statistics, therefore, were no basis for a finding of discrimination. The data reviewed by the Committee[5] did not answer allegations of intentional or

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[4]"The State includes a variety of special education programs under the heading of exceptional children. These include academically gifted and pregnant students, for example. Altogether there are 15 categories defining student classifications. They are (1) academically gifted, (2) autistic, (3) deaf and blind, (4) emotionally handicapped, (5) educable mentally retarded, (6) hearing impaired, (7) learning disabled, (8) multiple handicap, (9) other health, (10) pregnant student, (11) physically handicapped, (12) speech impaired, (13) severe and profoundly handicapped, (14) trainable mentally retarded, and (15) visually impaired." Engin Konanc, chief consultant, NC department of public instruction, communication and information center, telephone interview, Jan. 4, 1990 (hereafter cited as Konanc).

[5]The OCR data also suggested that an acceptable degree of racial desegregation existed in elementary schools. The data were not conclusive because they covered only entry and exit

(continued...)

inadvertent discrimination or denial of equal educational opportunity charged by black parents.

In the forum, William T. Newkirk, director, North Carolina department of public instruction, division of desegregation assistance, acknowledged that many schools in the State exhibited signs of racially separated classrooms. He mentioned cultural bias in testing and inaccurate teacher assessments of the learning potential of some minority students as possible influential factors. These and other elements contributed to disproportionate populations in low-ability tracks, in his view.

Is ability grouping good or bad?

Under this aspect of the forum topic, the Committee questioned current methods. The Committee wanted to know about assessments, their use in assigning students, and whether these brought desirable or undesirable results. The Committee approached the issue by asking a fundamental question: is ability grouping a good or bad method for achieving educational goals and equal educational opportunity?

Other questions associated with the issue were:

(1) Does ability grouping influence dropout rates?

(2) Do peers influence academic achievement; in particular, does a heterogeneous group of peers stimulate higher achievement than a homogeneous group?

(3) Does ability grouping that often separates students along racial lines exacerbate race relations within schools?

The data the Committee gathered gave little insight into these questions. In discussions with panelists, the Committee recalled that minority students were generally more likely to be assigned to classes for educable (EMR) and trainable (TMR) mentally retarded. Also, the trend in EMR and TMR classes varied considerably across schools and school districts, making a clear estimate of its effect more difficult. For minorities, the rate ranged from 16.7 percent in Avery County, where there were only 12 minority students, to 5 percent in Henderson County. For the majority, the rate ranged from 3.6 percent in Goldsboro City to a low of 0.4 percent.

Panelists noted that there were several factors probably accounting for these proportions across counties. Each district (or school) perhaps had its own criteria for assigning students to special education programs. The number of students with mental handicaps, defined by any criteria, was also likely to vary from district to district. Schools that had unusually high enrollments in special education classes were perhaps centers for mentally handicapped. Or they were in areas that offered limited alternatives to public education for children with handicaps. Discussions on the issue developed

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[5](...continued)
levels, typically first and sixth grades. These two grades were generally well-integrated.

several apparent explanations for the statistical differences. Determining which of these offered a correct explanation was not the Committee's most urgent concern.

The Committee focused attention on whether schools prepared numbers of minority children poorly. They were concerned that children who were not mentally retarded faced a likelihood of inappropriate assessment of their ability. The spirit of special education for handicapped children would be violated if lack of academic preparation were mistaken for mental disability during a school's screening process.

The Committee believed erroneous assignments were possible and posed a potentially serious problem for the students in school districts that assigned students to homogeneous groups for instruction. A tracking system that was insensitive to the needs of students could produce bad results for an at-risk student.

Another problem arises with regard to sympathetic, well-meaning educators. In these cases, overworked teachers may recommend special education classes for children who are not disabled but simply need more individual attention than regular classrooms offer. Teachers may be drawn to make this unfortunate choice in a benign attempt to redirect resources (e.g. individual instruction, specially trained teachers, skills bank, and supplies) to pupils who desperately need them. The Committee worried that an unwarranted but well-intended placement would deprive a child of an appropriate level of remedial assistance. The objective of instruction for mentally disabled students is different from that for educationally deprived childen.

Speaking for the Governor of North Carolina, George A. Kahdy, education advisor to the Governor, focused on the State's commitment to school desegregation and offered a choice. He noted the Governor's current leadership in the area of education and spearheaded a recommendation that school districts develop magnet schools among their educational options. In the view of the Governor, Kahdy reported, parents solved many current problems associated with tracking when they played a greater part in deciding student assignments. He strongly favored magnet schools as a vehicle for expanding parental and student involvement in the educational process. He explained that affording families greater freedom of choice among available educational options decreased the possibility of misidentifications of student educational needs. In his view, greater parental involvement meant more parental oversight and advocacy for their child's needs. Besides, he added, magnet schools enhanced the likelihood of appropriate student placements, because they more closely reflected the desires of parents and students.

The Committee heard a different view from Dudley Flood, ombudsman, North Carolina department of public instruction. He spoke as an individual, underscoring that his views were not necessarily those of the State department. He believed the freedom of choice approach was not meaningful for families suffering educational and economical disadvantages. He also believed it hampered developments toward racial desegregation. He was not personally aware of any white student in the State who chose to attend a formerly all-black school. He intended the example to illustrate that racially identifiable schools probably would continue to proliferate under a freedom

of choice system. He believed the strategy contributed little to promoting desegregation and was, therefore, ineffective as a civil rights measure.

In Flood's view, school systems needed to abolish ability grouping immediately. He insisted that grouping students by their potential ability was no more scientific as an assignment method than grouping students by height or weight. He explained that homogeneous classes were administratively convenient and demanded less of a teacher's skills. He believed that they were, nonetheless, an obstacle to a broad range of essential learning experiences. He suggested that homogeneous groupings into low-ability groups deprived students of an opportunity to emulate better students. Furthermore, he said, teachers in homogeneous classes risked loss of their motivation without the stimulation of fully successful students.

The task of a teacher, he believed, included providing remedial instruction to small groups of students within a class who needed it. Students help one another, he said, contributing to the task of building basic skills and learning. These student interactions make heterogeneous classes an enrichment for all students, he insisted.

If ability grouping is beneficial, which guidelines should school systems follow to avoid racial discrimination?

Under this aspect of the forum topic, the Committee examined State guidelines. They were specifically interested in any that dealt with low ability and high achievement classes as they are directed toward minority students. The Committee reiterated that a charge of discrimination could not be based solely on data showing racial disparities. A statistical finding would serve to justify further investigation by State and district officials. The Committee also noted that a comprehensive review of information regarding these matters required an analysis of all school districts and schools, an approach that is more precise than a sample of districts and schools.

The Committee also lacked data on assignment policies across districts and schools, therefore preventing an analysis of policy differences. The various districts were apparently not guided by a specific statewide policy that assured uniform procedures for evaluating student assignments statewide. The Committee regretted this because information about assignment policies was an important aspect of the forum. Discussing the topic without a clear statewide perspective obscured the Committee's view, they believed. The absence of State policy made more difficult the task of determining how many districts showed high racial disparities in student assignments.

Dr. Ronald Anderson, director, student services for Wake County (Raleigh) public schools, supplied information about his school district as a case study. He used it as an example of highly disproportionate minority enrollments.

The district was very diverse, according to Anderson. It covered 13 urban and rural communities, reaching a total enrollment of about 60,000 students. The racial minority was predominantly black, accounting for 25 to 28 percent of total enrollment. Black students in learning disabled programs were about 41 percent in the district. In programs for behavioral and emotionally handicapped students, black students were 57 percent; and in EMR and TMR classes, black students were 72 percent. Anderson acknowledged that in

several schools black students made up entire classes in the programs. Conversely, blacks were only 5 percent in classes for academically gifted students. Anderson termed these patterns hidden segregation.

Anderson noted that the district's best efforts had not reduced the disparities for minorities in either low- or high-ability groups. He said the district's experience with the problem taught administrators one key lesson: Early intervention programs, starting with preschoolers and kindergarten, coupled with individualized programs for students throughout the system, helped to break the cycle of low academic achievement among remedial students and enhanced the development of academically talented students.

Anderson said the school district was improving. For example, some schools saw success when they stepped away from traditional tracking and ability groups, and the labels associated with the practice. He said that segregating students for special instruction sometimes hurt their self-esteem. Other students always noticed when assigned students went for special classes, although the district provided special, unobtrusive mobile classroom trailers away from main school buildings. The trailers were an attempt by the district to support students and help them keep their self-esteem, but the effort proved unsuccessful.

Anderson noted that district administrators were aware for many years that black students were racially isolated in special education programs. Over the period, the district attempted several strategies to eliminate the disparities but was unsuccessful, he said. A first effort involved surveying teacher referrals to figure out whether certain teachers recommended special education placements for black students more than other teachers. After studying thousands of referrals, Anderson said, the race of the referring teacher was not a factor that produced disproportionate assignments.

The district next developed training programs for teachers, raising the level of awareness of the teachers involved with black students. The district's training assistance teams were a model for the State, Anderson said, but the disproportionate enrollments persisted. The district also evaluated the standardized tests and other techniques used to assess students and stopped using those that incorporated cultural bias.

The district's 24 psychologists conducted staff training sessions, focusing on language and other factors affecting some minority students. He acknowledged that among the district's corp of psychologists, only three were African American, two were full-time staff and one was half-time. Anderson said that the district was eager to have more minority psychologists because they brought essential insights regarding minority students and because psychologists controlled special education placements. He said that the district conducted an intensive recruitment effort and hoped to add more black psychologists. The effort became a nationwide search after the district learned during its initial effort that there were just 20 black psychologists in the State.

Despite all the past efforts, the programs produced few positive results and did little to reduce racial disparity and isolation. What Anderson described as hidden segregation persisted throughout the district in special education programs. He reiterated that the district made very little progress toward eliminating overrepresentation of minority students until it decided to redirect

its approach. The negative effect of labeling students was probably a key factor that the earlier efforts in the district did not address. He suggested, therefore, that other school districts avoid the problem.

Monitoring and Safeguards

Under this aspect of the forum topic, the Committee discussed safeguards against systemic discrimination and the possibility of replacing the current system of education administration with a system, of educational vouchers. The Committee considered, *The Case for Educational Vouchers*, published as a pamphlet by Dr. Anne Wortham, visiting scholar, Hoover Institute at Stanford University. The Wortham model suggests that an educational system administered by private companies would produce better results than public administration.

Her voucher system of education is similar to the GI Bill, enacted for veterans of military service. Under a voucher system, Wortham proposed that parents receive a certificate for use at the school of their choice. The value of certificates, or vouchers, would equal public spending per child on education and any education supplier could redeem them for dollars from local or State government. If parents were dissatisfied with a school, their recourse would be to remove their vouchers and deposit it at another school more to their liking.

George Kahdy, the Governor's education advisor, expressed reservations about a voucher system in the State, at this time. He believed that racial bias against minority groups would distort the voucher idea if government permitted it as an alternative to public administration. The use of vouchers would also slow racial desegregation in schools, he said.

Kahdy introduced still another idea involving the private sector. He envisioned more direct support for public schools through incentives and assistance donated by concerned business leaders. The stimulation of private capital promised renewed interest among students in future business related careers.

Dudley Flood, ombudsman of the State department of public instruction, characterized educational vouchers as a marketplace tool. He predicted the use of vouchers would turn education into a product, and a marketplace would arise to produce that product.

He added that an education marketplace would treat consumers like other markets operate. In his education marketplace, a sophisticated shopper fared well in market negotiations, an unsophisticated shopper might expect to be exploited, and disadvantaged shoppers would be manipulated and victimized. He elaborated with an example of two equally sophisticated parents, each with equally valued vouchers. The marketplace, in search of higher profits, produced a better, more desirable, education but at a significantly higher cost to the buyer. The result, in Flood's view, was an erosion in value of the commonly held voucher. The swing of market forces would further empower those already powerful through economic advantage.

Flood generally described an alternative system for student assignment that produced heterogeneous classes. Student assignment, in his view, could begin with evaluation and testing processes currently available. The resulting

pool of students, once stratified into divisions, would be assigned to classes constituted of students from every division, he said. In this way, every class would consist of students representing the lowest and highest ranges of potential achievement.

Flood also gave the Committee eight specific suggestions for monitoring a school or school district regarding programs, and five safeguards or solutions to apply to the problem:

(1) Read school documents for current terminology referring to tracking, i.e., "ability grouping" not "tracking."
(2) Spot any overuse of testing programs or biased tests.
(3) Assess staffing patterns for signs of imbalance in the power among the races within the school setting.
(4) Observe the representation of parental political roles used to separate students along class lines in schools, e.g., students see themselves as the mayor's son, as the bricklayer's son, and these carry racial definitions.
(5) Notice emphasis on middle-class values and patterned behavior—a quarter of students who do not exhibit normative middle-class behavior appear among data for expulsions and other disciplinary measures.
(6) See if access to resources weighted heavily to favor white students.
(7) Look for curriculum offerings that fail to study contributions of minority people.
(8) Check racially identifiable extracurricular activities, e.g., white athletes concentrate in swimming, while black athletes concentrate in basketball, and neither group attempts the others' sport.

Flood's five-point list of solutions:

(1) Call attention to this hidden segregation in a variety of ways, e.g., community meetings, parents-school discussion.
(2) Involve minorities on school boards and parent associations, and increase minority employment in decisionmaking positions, and administrative positions, in sufficient numbers to develop a capacity for influence within the institutions.
(3) Eliminate isolated curriculum offerings narrowly focused on minority achievement; fit minority group achievements within the context of the majority culture and improve research on the contribution of minorities.
(4) Enhance minority leadership and urge individuals to exercise public speaking skills.
(5) Abolish ability grouping in public schools without delay.

CONCLUSION

The forum provided the Committee greater insight into the hidden nature of ability grouping as a civil rights issue. An unanswered question was whether a greater benefit for students resulted from heterogeneous or homogeneous instructional groups. There was little question that homogeneous ability groups for exceptional children, both high and low-ability, showed disproportionate representation for African American students in low ability groups. The disparity was probably greater in classes for gifted students, but fewer data were available to consider this aspect of the topic. The data suggested a formidable barrier for African American students in academically advanced classes. The keen interest in the topic expressed by forum participants and concerned citizens was an indication that the equal educational opportunity aspects of these issues were significant and unresolved. The Committee shared their sense, looking forward to further discussing the topic in future Committee activities.