



NEW YORK  
CITY BAR

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November 1, 2019

The Honorable Bill de Blasio  
Mayor  
The City of New York  
City Hall  
New York, NY 10007

Chancellor Richard A. Carranza  
New York City Department of Education  
Tweed Courthouse  
52 Chambers Street  
New York, NY 10007

**Re: Eliminating competitive admissions to public elementary- and middle-school programs and schools**

Dear Mayor de Blasio and Chancellor Carranza:

On May 1, 2019, the New York City Bar Association (“City Bar”), through its Civil Rights and Education and the Law Committees,<sup>1</sup> delivered a letter to the Chancellor and to the School Diversity Advisory Group, urging the elimination of competitive admissions to public elementary- and middle-school programs and schools.<sup>2</sup> In support of its conclusions, the City Bar noted that:

- Measures of young children’s ability and behavior through competitive admission screening and testing are unreliable and racially biased.

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<sup>1</sup> The City Bar, founded in 1870, is a voluntary association of lawyers and law students. With over 24,000 members, its mission is to equip and mobilize the legal profession to practice with excellence, promote reform of the law, and uphold the rule of law and access to justice in support of a fair society and the public interest. The Civil Rights Committee addresses issues affecting the civil rights of New Yorkers, especially the rights of marginalized communities. The Education and the Law Committee addresses K-12 and higher education, and legal and policy education issues. Both committees’ memberships include attorneys from state and local government agencies, law firms, not-for-profit organizations, and law-school faculty. Education and the Law members also include K-12 educators and education consultants. Committee members are acting in their respective individual capacities as members of the City Bar, not in their professional or academic roles.

<sup>2</sup> Available at <https://s3.amazonaws.com/documents.nycbar.org/files/2019521-CompetitiveAdmissionsDOE050119.pdf>.

- Competitive admissions for very young children are pedagogically unsound because research demonstrates that all children derive educational and social benefits from diverse classrooms with students of differing races, economic status, and learning ability.
- The practice of excluding the majority of certain socioeconomic and racial groups of young children from a large percentage of public institutions is inequitable and conducive to racial hierarchy.

We are heartened to find the School Diversity Advisory Group’s second report, “Making the Grade II: New Programs for Better Schools” (“Report”), in agreement with our view that competitive admissions in public elementary and middle schools should be eliminated. The Report notes the rise of gifted and talented (G&T) programs in response to integration efforts in the 1950s and provides a robust analysis of the segregative effect that those programs continue to have in New York City public schools today. The Report correctly notes that “G&T caters to the economically privileged instead of the intellectually privileged,” while “[o]ther forms of educational enrichment have proven to provide more pathways to racial and socioeconomic integration.”

We write to you today faced with what Dr. Martin Luther King, Jr. called the “fierce urgency of now.” Thanks in large measure to your transformational leadership, the moment is ripe for New York City to eliminate programs that unnecessarily segregate our students, schools, and educational programs, leaving some students without the opportunity for enriched learning that all of our children deserve. These reforms are long overdue; without bold action now, yet another generation of students will suffer separate and unequal learning opportunities.

By supporting the development of, and then approving the community-driven diversity plan in Community School District 15, you have already acknowledged the importance of removing competitive screens as a barrier to integration in our public education system. Mayor de Blasio rightly praised the community members who jointly developed the plan for their shared vision:

“They did not say let’s have diversity, but schools in which kids can’t succeed. And they did not say let’s have schools in which some kids succeed and other kids don’t succeed. They said we need a common standard of schools where every child succeeds and kids learn together with children of all backgrounds. That’s what equity and excellence is all about.”<sup>3</sup>

Implementing the recommendations of the Report to eliminate competitive exclusionary admissions for all public elementary and middle schools is a necessary next step to furthering the causes of equity and excellence for all young students in our city. The Report recommends, and we agree, that the elimination of G&T programs should be accompanied by a rollout of equitable enrichment alternatives, because all students deserve to be challenged.

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<sup>3</sup> Mayor Bill de Blasio’s remarks at September 20, 2018 press conference with Chancellor Richard A. Carranza announcing formal adoption of Community School District 15 Diversity Plan, film available at <https://www.youtube.com/watch?v=7sKeN9DCjhQ>. (website last visited on October 29, 2019).

We therefore urge you to discontinue the use of the Gifted and Talented admissions test in elementary schools and to eliminate exclusionary screens in middle schools. Please let us know if our committees can be of service to you in this endeavor.

Respectfully,



Zoey Chenitz, Chair  
Civil Rights Committee



Laura D. Barbieri, Chair  
Education and the Law Committee

Cc: Hon. Corey Johnson  
Speaker, New York City Council

Hon. Mark Treyger  
Chair, New York City Council Committee on Education