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**PERMANENTLY ELIMINATE COMPETITIVE ADMISSIONS  
TO NEW YORK CITY MIDDLE-SCHOOLS**

*Chancellor Banks and the New York City Department of Education  
Should Not Reinstate Screens*

New York, September 19, 2022 – The New York City Bar Association (City Bar), through its Civil Rights and Education and the Law Committees,<sup>1</sup> renews its calls for the New York City Department of Education (DOE) to eliminate competitive admissions to the City’s public middle schools. We are concerned by reports that DOE is considering reinstating the screens for middle school students and we urge that this practice not be restored.

The City Bar first called for the elimination of competitive admissions for the City’s public elementary and middle schools during the de Blasio Administration, arguing that the policy unnecessarily segregates our students, schools and educational programs, leaving some students without the opportunity for enriched learning that all of our children deserve.<sup>2</sup> In support of those conclusions, our letters 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 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 affecting the city, state, and nation. 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> “Eliminate Competitive Admissions to NYC Public Elementary & Middle Schools,” New York City Bar Association, May 1, 2019, <https://www.nycbar.org/member-and-career-services/committees/reports-listing/reports/detail/eliminate-competitive-admissions-to-nyc-public-elementary-and-middle-schools>; see also “Letter in Support of Eliminating Competitive Admissions in NYC’s Public Elementary and Middle Schools,” New York City Bar Association, Nov. 1, 2019, <https://www.nycbar.org/member-and-career-services/committees/reports-listing/reports/detail/letter-in-support-of-eliminating-competitive-admissions-in-nycs-public-elementary-and-middle-schools>.

- 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 backgrounds and learning abilities.
- The practice of excluding the majority of certain socioeconomic and racial groups of young children from a large percentage of public institutions, through the use of middle school screens was inequitable, conducive to racial hierarchy and inconsistent with our democratic ideals.<sup>3</sup>

It would be deeply problematic to reinstate middle school screens and allow public schools and programs within schools that opt for that process to effectively close their doors to the majority of students. Student-assignment methods for middle school should take into account the characteristics of individual students only for the purpose of achieving balanced and equitable access for all students – not for the disproportionate exclusion of historically disadvantaged groups.

For all the reasons outlined in our previous letters, and as was most recently argued in the New York Appleseed’s September 16 letter,<sup>4</sup> the City Bar calls on Schools Chancellor David Banks and DOE **to permanently end the use of middle school screens.**

#### **About the Association**

*The mission of the New York City Bar Association, which was founded in 1870 and has over 23,000 members, is to equip and mobilize a diverse 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 in our community, our nation, and throughout the world. [www.nycbar.org](http://www.nycbar.org)*

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<sup>3</sup> Please note that we do not include in these recommendations programs or schools in which facility with a certain language or demonstrated capability in the Arts is a prerequisite.

<sup>4</sup> Letter to Chancellor David C. Banks, NYC. Dept. of Education, “Call to Permanently End Middle-School Screens,” NY Appleseed, Sept. 16, 2022, [https://www.nyappleseed.org/wp-content/uploads/LetterToChancellorBanks\\_-End-MS-Screens-Permanently\\_Sept22.pdf](https://www.nyappleseed.org/wp-content/uploads/LetterToChancellorBanks_-End-MS-Screens-Permanently_Sept22.pdf).