



**NYS Assembly Standing Committee on Education
Hearing on Access to the NYC Specialized High Schools**

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My name is Jin Hee Lee, and I am the Senior Deputy Director of Litigation at the NAACP Legal Defense and Educational Fund (“LDF”). On behalf of LDF, I would like to thank the Committee for this opportunity to submit testimony on the importance of equitable admissions and access to New York City’s Specialized High Schools, the inappropriate and longstanding exclusion of many qualified students of colors at these schools, and the role of the Specialized High School Admissions Test—the “SHSAT”—in perpetuating an indefensibly unfair admissions process.

LDF is the nation’s premier human rights and civil rights organization. Founded in 1940, LDF assists African Americans in securing their constitutional and statutory rights and provides legal services to persons suffering injustice due to racial discrimination. Through litigation, advocacy, public education, and outreach, LDF continually works to secure equal justice under law for all Americans, and to break down the barriers that prevent communities of color from realizing their basic civil and human rights.

For almost eight decades, LDF has fought to ensure racial equity in education for Black students and other students of color and to secure a safe, inclusive, and high-quality education for all students. One of its crowing achievements was *Brown v. Board of Education*, in which the United States Supreme Court unanimously ended de jure racial segregation in our nation’s public school systems. Next week marks the 65th anniversary of that historic decision. But the past 65 years have shown us that simply prohibiting state-sanctioned, racial segregation in our public schools does not—and cannot—guarantee educational equity for children of color. Instead, state and local governments must affirmatively commit to breaking down historic barriers confronted by children of color in accessing public educational resources and ensuring that all children, regardless of their race, have the means to reach their full academic potential.

With one of the most racially segregated and inequitable school systems in the country, New York City has utterly failed in that commitment. And the New York State government has been complicit in that failure by perpetuating the extreme racial segregation of New York City's premier high schools, the Specialized High Schools, through the sole reliance on the SHSAT for admissions under the Hecht-Calandra Act. Education experts agree that the SHSAT is an arbitrary, inaccurate, and unfair measure of a student's academic merit. Yet, no matter their academic achievements or promise, a student's score on this single test remains the only factor in determining whether they will be admitted to one of the eight Specialized High Schools.

This deeply flawed admissions policy has had a devastating impact on Black and Latinx students, who have been largely excluded from the Specialized High Schools regardless of their otherwise stellar academic qualifications. Of the nearly 5,500 Black students who took the Fall 2018 SHSAT exam, only 190 were offered admission to any of the Specialized High Schools based solely on their exam scores regardless of their other academic achievements. Out of the 895 slots available in the Stuyvesant High School freshman class this year, 7 were extended to Black students and 33 were offered to Latinx students. Of the 803 eighth graders who were admitted to the Bronx High School of Science, 12 are Black and 43 are Latinx. In a city where Black and Latinx students comprise nearly 70% of the public school student population, how can it possibly be considered fair or equitable to limit them to only 5% of Stuyvesant's incoming class or 7% of Bronx Science's incoming class when both schools are funded by public resources paid by all New York City taxpayers.

Importantly, the inequities with the Specialized High Schools do not affect only Black and Latinx students. Many Asian Pacific American ("APA") ethnicities, nationalities, and subgroups have also been shut out of the Specialized High Schools, although we do not know the precise extent of this problem because the City has not shared disaggregated data.

The exclusion of so many bright and talented Black, Latinx, and underrepresented APA students perpetuates a false narrative about their intelligence and promise and ignores the challenging circumstances in elementary and middle school that were overcome to earn their academic achievements. Indeed, the very students disadvantaged by the SHSAT are often the same ones who face significant barriers to educational opportunity and would greatly benefit from a Specialized High School education.

To be clear, amending the single-test admissions policy to consider additional academic measures will not lower the academic standards of the Specialized High Schools. Rather, it would allow students of all races to receive the known benefits of diverse learning environments, which promote cultural understanding, critical thinking skills, and enriched learning. Increased diversity will thus improve the quality of education for *all* students, regardless of their race or ethnicity, and better prepare them to succeed in an increasingly diverse and dynamic workforce.

Because of the gross inequities of the Specialized High Schools' single-test admissions policy, LDF has been publicly calling for the repeal of the Hecht-Calandra Act to allow for a change in the admissions process since at least 2012 when we, along with other advocacy and community organizations, filed a civil rights complaint with the U.S. Department of Education. That complaint claimed that the racially discriminatory impact of the test-only admissions process violates Title VI of the Civil Rights Act.

More recently, last week, LDF, together with LatinoJustice, the ACLU, and the New York Civil Liberties Union, moved to intervene on behalf of a multi-racial group of students, families, and community-based organizations in a federal lawsuit to defend the recent expansion of the Discovery Program and advocate for increased diversity in the Specialized High Schools. This Discovery Program expansion is a small but welcome measure undertaken by Mayor de Blasio and Chancellor Carranza to address the lack of diversity at the Specialized High Schools, but it is certainly not enough. Our clients, along with students of all races across the City, need a complete overhaul of the Specialized High Schools admissions process in order to breakdown unjust barriers to this important public educational resource.

LDF, therefore, supports the recent proposals for the State Legislature to eliminate the single-test admissions process for the Specialized High Schools and, instead, adopt a new system that admits the top 5 to 7 % of students in eighth grade classes across the entire City. While opposition groups have argued for addressing the pervasive inequality in New York City's elementary and middle schools in lieu of eliminating the SHSAT, these steps are not mutually exclusive. Both the State and the City can—and should—address the unacceptable inequality in the City's public elementary and middle schools while also adopting the 5 to 7% plan.

We are hopeful that the State Legislature will work together with New York City officials to finally make a real change to the Specialized High Schools admissions process and remedy the longstanding harms of racial isolation in those schools so that these important educational resources are equally accessible to academically qualified students of all races.