



**Brown v. Board of Education at 60: Examining Racial Equity in San Francisco Schools**

**May 17, 2014**

**Presented by the San Francisco Human Rights Commission, the Lawyers Committee for Civil Rights, California Historical Society, Coleman Advocates for Children and Youth, and University of San Francisco School of Education**

**Anthea Hartig, Executive Director of California Historical Society:** Good evening, everyone. My name is Anthea Hartig and I have the honor of serving as the Executive Director of the California Historical Society and on behalf of my staff and volunteers, it is truly a pleasure to welcome you all here where we commemorate the amazing, complicated, and remarkably important efforts and history of Brown v. Board of Education as it turns 60. These are exactly the kinds of programs that we are honored to partner with (inaudible) many of whom are here tonight representing the continued fight for social justice and civil liberties. First, California holds a very special place with a background of civil liberties, especially with desegregation of schools, with the California Board of Education 1946 when five brave Mexican counties joined together with the help of (inaudible) assistance to battle segregation in their schools. Interesting that none of our (inaudible) . The precedence set by the Mendez case, of course, helped (inaudible) up other cases including Brown v. Board but interestingly, Thurgood Marshall (inaudible) and because of that, the legislature passed (inaudible) in 1947 that repealed California school codes ending segregation. It is a long battle and we're still not quite there but I think the power of that history still resonates within us all. So one more thing about the setting for which we're going to begin tonight a bilingual exhibition on an amazing woman, pioneer, founder of modern San Francisco, a woman who fought against an abusive husband, an incredibly impressive 19th century (inaudible) against gender(inaudible) African descent who owned not one but three different land planes and if you haven't seen this exhibition, please come back, we'd love to see you. I'd give the honor of introducing Susan Christian and Sheryl Evans Davis of the San Francisco Human Rights Commission. They have really long and beautiful bios that they won't let me talk about too much but it's an honor to have them in the house so please join me in welcoming them.

**Susan Christian, Chair San Francisco Human Rights Commission:** So I'm Susan Christian and I currently have the privilege of sitting on the San Francisco Human Rights Commission as Chair and I am thrilled to be here tonight but I want to say thank you so much to Anthea and the Historical Society for having us here, beautiful building, this is the first time I've actually been able to come in and usually it's closed when I happen to find myself in this part of town and I've always been intrigued by what's been in the window so I'm very happy to be here tonight and also to celebrate, to commemorate, and to think about the 60th anniversary of the history of Brown v. Board of Education. Thank you to the Lawyers

Committee Civil Rights and also thank our staff at HRC. Just a little brief bit of what some of the things that the Human Rights Commission does, we are the city's agency in charge of enforcing nondiscrimination ordinances. We work with other city departments as well as community based organizations to do this and to create policies to address systemic inequality and we have a lot of work to do in that respect and we are for empowerment so if you want to help us in any way, we always welcome the public advisory committees which we would love it if you joined. The discussion tonight is a part of a larger HRC campaign to honor important civil rights anniversaries that we have right now. We have March on Washington, the Civil Rights Act that's this year, and next year we have the Voting Rights Act which (inaudible) . Also in honor of anniversaries we want to consider what's hard for us today to not only preserve the advances of today but ensure the advances will continue and so we're celebrating but we're also, I think for me it's a little somber to think about where we are today versus where we should be, particularly with the interest of our youth and children in this country and in San Francisco so we celebrate the brilliance of the attorneys and politicians that got us here today and bravery and foresight of the parents who were (inaudible) to their children (inaudible) so that all of us in this room have a better education than we otherwise would have had. So right now I'm going to turn to introducing my co-Commissioner, Sheryl Evans Davis. Since 2012, Sheryl has been instrumental in moving the HRC forward so that they're specifically designed to address racial inequity in San Francisco schools.

**Sheryl Evans Davis, Commissioner, San Francisco Human Rights Commission:** So thank you again all of you for coming out tonight. I know you're here to hear the panel but I do want to get into a little bit of background. September 27, 2012 the select committee from the school district had a hearing on disproportionality in African Americans in the school district in the achievement gap and dropout rate and from that hearing, the HRC and the Public Defender's Office began leading workshops for families and working with children of color and the placement of students in special education either getting them in or getting them out or having them (inaudible) with what's really going on. The purpose of the clinics is to present information pamphlets, legal aspects including getting them out of special ed, addressing the needs of second language learners and school discipline. I really wanted to say it's been such an amazing opportunity to help people and really hear from the people that are most impacted and how this works with lawyers and I'd like to thank the Lawyers Committee for Civil Rights how that works and the HRC staff for supporting that and actually giving attorneys to people who would otherwise not be able to afford them and help them better understand the system. Anyone who would like to help them join us because we're really not stopping there, we're trying this and raising awareness and advocacy on who's being placed in special ed and who's being disciplined out of school and help people develop the tools to address that and anyone that can speak with Sara's here, Zoë from HRC and we're looking for more people to help not just with recruitment of families to support but just be able to help people understand that there is some inequity going on and we are able to support people address those issues.

Thank you, Sheryl. So now we're going to move to introductions of student in SFUSD and parent. I'd like to call up Anthony Dade and Tony.

**Tony, Parent at San Francisco Unified School District** Hello everybody my name is Tony and I have six children, five of which who have been through SF School district and one who is presently in the fifth grade, soon to graduate and go to Aptos. We have had highs and lows while being a part of SFUSD and I talk about the present, I'd like to go back to the past, sixty years ago when my mother was in public schools and she told me her school was less segregated, but she didn't actually learn - the facilities were horrible, oftentimes the outside was a better atmosphere than the cold, dirty facilities. So when I went to school in the 60s/70s, it wasn't segregated but still separate but equal, we didn't have classes – say chemistry class, but with no labs so I wasn't really prepared like how the white children were with labs, bright lights, teachers who were really highly educated. We passed different things for children to be able to get equal education like which would prepare you for college and career but still some of the children, say black, Latino, or special ed, they're not getting that. My son just graduated 3 years, taking integrated science, again, a science class without a lab so he wasn't learning what he needed to go to university and he also was told that he had to go city college. I was like who told you and he said my counselor, why? He's like because I'm not prepared so that was just they are still are telling our children and they are telling African American children that from way back then, really after desegregation. They didn't tell my mother that, they was like if you can learn, you can (inaudible) and in her age, there were nurses, doctors, (inaudible) I'm just saying there was a time when we had more black doctors, more black professionals and now that we don't even have the same percentage. So I say this is because of our special ed, special boys, and our children are just over suspended and again they're not learning so as a parent of an African American child, I would just like to see a classroom with teachers of equal quality, diverse groups of parents, like in Brown v. Board of Education – I didn't know until today that was a Caucasian woman, I really like that, multi ethnic organization. And I'd like to leave with a quote from Malcolm X which is dear to my heart which says education is the passport to the future, and the future comes to those who prepare for it today. So please let's prepare our children, let's prepare all our children. Thank you.

**Anthony Dade, Student at San Francisco Unified School District:** Hi I'm Anthony Dade, I'm fifteen years old. When I was in middle school, I lived in Richmond. In seventh grade I was suspended multiple times and one time I remember I was sitting on the bench, minding my own business, eating my lunch and next to me there was a table full of white students throwing food at each other and other students and I was like why you doing that, that makes no sense and then security guard came and asked who was throwing food and they were all pointing at me. I was sent to the principal's office and was suspended for a week. Obviously, I wasn't throwing the food and was minding my own business, I didn't even get to share my side of the story and I thought that was really unfair, plus all the white students got (inaudible) and they had each other's backs and I thought that was really messed up. But now I go to Burton High School which is in Visitacion Valley, and I still see this happen today and we don't have to be in class. I remember my algebra teacher, I wasn't even doing anything and this student next to me was talking about what he was going to do this weekend and I was like quiet. The teacher said Anthony, outside right now and I was like what, I didn't do anything?! He insisted and I walk out. Based on my experience in both San Francisco and California, I know this isn't an issue just in California. And I still notice students of color still don't have the resources that they need to be successful. I recently visited Foothill High School for a band concert I was participating in and they have baseball fields, football fields, one for

practice and one for national games and I go to Burton and at Burton all we have dirty bathrooms, old books, messed up sidewalks, our school really needs funding (?). Racism might look different but it's still in our schools, that's why it's important to celebrate this milestone from Brown v. Board of Education. Without students and parents fighting back in those days (?), I would most likely not be in school right now or not want to be in school because we'd be so poor and so ill-taught(?). So I think, to be successful, we might have more (inaudible) now, but I still think students should be in that process of hiring teachers and ask people what we should be able to be taught since all we hear about is old white men, rarely about other cultures or ethnicities. So we have a lot of work ahead of us and I would like to close out with a call and response, I'm going to say unity and you'll say *unidad y umoja* which is unity in Spanish and Swahili.

I want to thank Anthony and Toni for sharing with us and I now have the awesome pleasure to introduce Kimberly Thomas Rapp, the Executive Director for the Lawyers' Committee for Civil Rights and we're so grateful that Kimberly has really made room for her staff to support efforts around education and for the last year at least, she's been really devoted to try and make some action movement and so with that, Kimberly, thank you.

**Kimberly Thomas Rapp, Executive Director, Lawyers' Committee for Civil Rights:** Good evening, I have a really loud voice to begin with so I can talk into this microphone but I'm also happy to project my voice because I just want to make sure you can hear me either way it goes. So if you can hear me like this, that's wonderful because I also like to be mobile when I'm talking so please raise your hand at the back if at any time you have a difficult time hearing me. We are here tonight to talk about the 60th Anniversary of Brown v. Board of Education. At the Lawyers' Committee for Civil Rights, we provide free legal services to help address the barriers that still persist to equal opportunity. And it persists in areas such as housing, employment, and it is particularly troubling to me that it persists in the area of education because at the end of the day, education is really at the root of the advancement for our society. I get asked quite a bit about whether or not the promise of Brown has been fulfilled and we have heard some discussion about that already. I must say though that as a grandchild of grandparents who grew up picking cotton in Texas and who were not allowed to go to school, who spent all their time in the field trying to come up with 100 pounds of cotton and they would be paid little to nothing at the end of the day. So the very fact that I was able to go to school and was able to go to the University of California, which was hard to do for someone like me today because of the pass of Proposition 209. But I did go to the University of California at Berkeley and then went on to Stanford Law School and the mere fact that a person like me could do that and that many of us in this room could go to school, hold positions that we currently hold, and be able to achieve the kind of academic achievements that we have achieved really is an indication that to some extent, the initial promise of Brown was in fact achieved. I think where we have a lot of challenges and difficulties is really about the legacy of Brown. Back in those days in 1954 and 1955 when Brown v. Board of Education (inaudible) the decision came down from the US Supreme Court, the law of the day was Plessy v. Ferguson, that was separate but equal and that was what ruled the land. Now Plessy was a transportation case but that particular ruling would permeate every aspect of society and segregation was fine, people had no problem with it. I have a board member, who is constantly saying to me, "I think people have forgotten the fact that before

Brown, there was a (inaudible) of litigation around the fact that folks would do such things as this.” The University of Texas actually got sued by a black man who was a mail carrier who wanted to go to the law school and essentially what they decided to do was to say he couldn’t come to their law school but they rented out a basement at a petroleum corporation down the street and let him sit in there, drop off a few books and as far as they’re concerned, they’ve established school for black students. So there were things going on like that were clearly problematic and clearly evident of preferential treatment. And we’re actually joined here tonight by Tony Elma. For those of you who don’t know, his dad, Philip Elman, was a prominent lawyer back during the days of Brown v. Board of Education and actually wrote the government’s brief in the case so he was a very strong advocate for desegregation and actually took a lot of fire back in that day, was attached quite a bit for his stance in favor of desegregation and we have a distinguished panel of folks here this evening and so we have a lot to discuss because as we think about the legacy of Brown v. Board of Education, it is really incumbent on each and every one of us in this room to remain vigilant and to remain very active to really ensure that the promise of Brown actually evolves as our society evolves. I think that is one of the main challenges that presents itself to all of us each and every day. We have joining us this evening, Kevin Boggess who is with Coleman Advocates and in fact, Kevin and Coleman Advocates were very instrumental in leading the Solutions Not Suspensions campaign. I raise that because in a past life before coming to the Lawyers’ Committee, I was practicing education law exclusively and one of the things I was involved in had a lot to do with special education advocacy and whether or not children could remain in \_ education and whether or not they needed assistance inside and outside of the classroom, through special education. I also represented the Santa Clara Board of Education as a Lead Deputy County Council and one of the things that was very evident to me in representing the County Board was that there were disproportionate number of students of color who would be coming before the Board because of disciplinary actions or expulsion-related actions. And so one of the things that we can celebrate here today is the actual progress that has been made here in San Francisco with regard to coming up with alternative solutions to address challenges that present themselves on school campuses rather than just simply always jumping to suspensions, always pushing children out of the classroom, and pushing children out of the district. We are also joined here today by Gayle Sakowski, who is of the US Department of Education Office for Civil Rights and I was talking to Gayle earlier and told her that I do not envy her job and position because oftentimes, the Office for Civil Rights catches it on both sides. We sue them regularly and putting forth challenges for the Office of Civil Rights asking for their intervention and for their enforcement of Civil Rights laws and of course as an enforcement agency, the school districts are not always happy about the fact that Gayle has to do her job to enforce the civil rights law and we are very happy to have her with us this evening and we look forward to talking with her more about the kinds of equity issues that have presented themselves for the Office of Civil Rights and the kinds of cases that they have been able to enforce and effectuate. We are also joined by Swen Ervin who I love his title because he works for San Francisco Unified School District and his title is Human Capital Specialist, Diversity Initiative and I think that the mere fact that his position exists and that he is working with the district to work on teacher diversity issues is evident that race still matters today and that we still have work to do today and that is an investment that San Francisco Unified is making, not only in its teachers but also to ensure that there is a diverse population there of teachers to teach a diversity population of students. We are also joined by Dr. Darrick Smith who is a professor at the University of San Francisco and the former Center Director

for Learning Works and, in some past life, also the principal of June Jordan High School. So we have a very diverse panel of stakeholders in the educational community who are joining us tonight and I do want to reiterate, and as the young folks say, Don't get it twisted, race really does still matter in our society today. I know that the US Supreme Court Justice Sotomayor has come under fire because of her dissent in the \_\_\_ ban case which was recently decided in which the Supreme Court upheld the anti-affirmative action initiative in Michigan which was prop 2 which was essentially a twin to proposition 209 here in California;. The majority opinion upheld that anti-affirmative action ballot initiative but Justice Sotomayor took the time to articulate in her dissent that race still matters and that the reason that race matters is because there are all kind of snickers in private sentiments and judgments that reinforce for students of color and people of color – should I be in this school room? Etc. and the reality is that for every Donald Sterling that exists out there where the veil of bias becomes publicly transparent, there are tens of twenty of more people out there for whom their bias does not become public, where there are intricate systems of bias and discrimination that are not elevated to the light of day so race, in fact, does matter. And I want to ask each one of our panelists to begin by telling us a bit about their work through the lens of sharing with us how racial equity through education surfaces for them in their work. I'm going to start with Kevin.

**Kevin Boggess Civic Engagement Director, Coleman Advocates for Children and Youth:** So I guess for us at Coleman Advocates for Children and Youth, that is kind of what our job is, to deal with educational equity and to ensure that all students get a high quality education and have access to the things that lead to high paying careers and successful lives. I mean for people from San Francisco understanding how much it costs to live here, if you're not getting a top grade education, it would be hard for you to actually stay and live in this city and afford it. So, some other work that we've done has really been centered around how we can make the school district more accountable to these students and these parents and making sure that students of color are getting the best education possible. One of the things we've worked on was really to try to close the achievement gap through the A-G graduation requirements which pretty much said that we're not going to stand for lower standards for students lower expectations, we're not going to have African American and other students of color placed on a pathway that doesn't lead to high paying careers and successful lives and so when that resolution passed, we looked at that as the first step in really kind of continuing the fight that started with Brown v. Board of Education of saying that there's something wrong in this system and that we need to be actively engaged in trying to solve it. Recently, we have our Solutions Not Suspensions campaign that was turned into the Safe and Supportive Schools Resolution that the Board of Education here in San Francisco unanimously passed to address some of the issues around students of color, primarily African American and Latino being targeted for harsher discipline policies. So when you think about San Francisco as being a really progressive city and as a really forward thinking place, African American and Latino students were making up nearly 80% of all the suspensions in the district but they only account for 35% of the total enrollment and that's a huge gap. And when you look at African American students, there are only about 10% of the district but they account for 50% of the suspensions. So even if it's not people being blatantly racist, there's something wrong with this institution and structure that is still targeting and singling out these students and that's really what our resolution was trying to resolve. I think the thing that sometimes happens, especially with the issue of race or things that people don't feel

comfortable with is that they think that a resolution or a policy or a court case is going to be like the magic wand, the kind of change everything for everybody and I think what we've seen in our work as well as with the Brown v. Board of Education, the first victory is just the right to continue to fight for more, you can't stop there you have to continue pushing because as much as Brown v. Board of Education was really about integrating schools and changing the quality of education that black students face, experienced in schools, it was really about how to get respect and dignity for all people in schools and throughout our society as a whole. But sometimes I think we kind of get sidetracked on just that singular issue when the root cause is that we still view some people as not being equal and as not being worthy of the best and that some people can settle for less while others deserve excellence and that's really what we try to stop at our work, we really want to change the perspective and really change that conversation to basically say that everyone deserves the best that this school district has to offer and we're not going to accept anything less than that for our students and our parents.

**Gayle Sakowski, Acting Chief Attorney, U.S. Department of Education, Office for Civil Rights:** My focus on the panel is going to be about the government's role in bringing educational equity and for my intro for about 5 minutes, I'll tell you a little bit about the Office for Civil Rights and a little bit about the history. For those of you that aren't familiar with us, the Office for Civil Rights is part of the Federal Department of Education and we are responsible for enforcing the federal civil rights laws that apply to all schools and colleges that get public funds which is pretty much every school and college in the country. We enforce the civil rights laws that prohibit discrimination based on race, sex, and disabilities and I'm going to focus today on Title 6 which of course is the law that prohibits race-based discrimination. OCR was established in 1967 and I just learned recently, something that I didn't know at first, that the first director of OCR was an African-American woman named Ruby Martin and I learned a little bit about her, it was very interesting – if I have time, I'll share a little more. OCR was established primarily, given the time period, to deal with segregation issues. Just because Brown was decided, as you all know, segregation in schools did not really progress very fast and then in 1964, Congress was able to pass the Landmarks Civil Rights Legislation that we're celebrating the 50th anniversary of this year along with Brown. That gave OCR a vehicle to enforce civil rights – the initial focus of OCR was segregation but then as time went by, segregation issue became sort of a touch stone for broadening the scope of what Title 6 could do and now Title 6 and the Federal Civil Rights Laws protect many broader groups of people beyond what the Supreme Court and Congress envisioned when they passed Title 6 so protecting women, protecting individuals with disabilities, and LGBT individuals, for example. OCR applied the model that they had used for investigating school segregation to investigating this broader range of discrimination issues. Different presidential administrations have different policies over the years and treated OCR differently, some handcuffed us a little bit, and right now we have an assistance secretary for civil rights who is the head of our agency. Some of you might know her because she's the California Civil Rights person, her name is Katherine Leyman (?), she was with the ACLU and public council in L.A. and worked on the re-litigation for example, in L.A., that was the case that challenged the high turnover rate of teachers in certain middle schools in L.A. She has a very big focus on enforcement of Title 6 and race-national origin discrimination issues, we're doing a lot of student discipline cases, an issue that the other speakers have talked about and I think we'll talk more about as we go along. Another thing that is a big focus at OCR now that has existed for a long time but only now

is really being used aggressively as a tool and that is something called the Civil Rights Data Collection System where school districts have to report all data on all kinds of statistics about students to the federal government. It's being expanded and right now the CRDC has been one tool that, not just the government, but advocacy groups and other groups have used to shed light on this massive disproportionality in student discipline. So, I will stop there and we'll talk more.

**Swen Ervin: Human Capital Specialist – Diversity Initiatives with San Francisco Unified School District:**

So, in thinking about racial equity and how it impacts my work, it essentially is my work – that's my charge from San Francisco Unified. I do appreciate that I think that San Francisco is in a great place in regards to passing equality in favor of equity and so there's no secret or shame around the fact that my job, day in and day out, is to specifically impact the number of African-American and Latino instructors that we have in the classroom in front of our students. Just to give you a little data on that, African American students currently make up about 10% of our student body in San Francisco Unified but only 4% of our teachers are African American. In terms of classroom teachers, that's about 270 people so if you think about the fact that San Francisco Unified has 131 schools, that averages out to be about two black teachers per school. Having been in many of our schools, I can tell you that some schools have more than two black teachers and many schools have zero black teachers but almost all schools have at least one black student. And so, what that means in terms of what information that gives to that student is really important to consider. In terms of Latino students, we're talking about 24% of our student body being Latino and about 12% of our teachers being Latino and so my focus is to do, today, intentional outreach and cultivation of teachers in those specific populations and also start really focusing on issues around retention of those teachers. It's not enough to get them in the door just to lose them in those two years and we lose about 50% of our black teachers to other districts usually or they leave the profession completely in two years in San Francisco. In the long term, looking at building a grow-your-own pipeline of individuals who live and have an investment in San Francisco who want to work with young people and they don't all necessarily have to be classroom teachers. There's a lot of different ways that you can work with the District and impact the day-to-day lives of students but building that coalition and that pipeline of individuals who have an invested interest in the community and in the students who live in this community to then work on behalf of those students.

**Kimberly Thomas Rapp, Executive Director, Lawyers' Committee for Civil Rights:** The question is how racial equity in education presents itself in your work. Now my add on for you Dr. Smith is, so the holding of *Brown v. Board of Education* really went to the fact that separate but equal is offensive to the constitution – it's unconstitutional under the Equal Protection Clause of the 14th amendment – and yet we have charter schools that are separate from traditional public schools but yet under the public school umbrella and are often highly segregated and highly isolated in terms of diversity. And so my question to you is, as we celebrate *Brown v. Board of Education* and look at racial equity issues, how do we reconcile the fact that there's tension there between racial equity and then highly segregated institutions like charter schools today.

**Darrick Smith, Assistant Professor University of San Francisco:** Thank you. So I'll first say I know I'm loud because I come from loud parents, they're right here so I know you can hear me and I'm from Oakland and we have a history of loud people. So let me first say equity presents itself in my work

because I'm in education and the term equity and the difference between equality and equity or diversity and equity is that equity is a term that refers to a notion of justice which makes it different than diversity, the different types of individuals you have in a room or different from equality because equality can be heavily dictated by those in power as achieved so you can say we have equality now but you never actually asked the people who needed it whether they can determine whether or not we are at a level of equality. And so, equity is embedded in education because we're in a compulsory system that mandates that everybody goes to a K-12 process and at the end of that, you're expected to function somehow as a member of society. Now, so that institution happens to operate within the prime development portion of a human being's life, particularly at the adolescent level, when you're talking about high schools, but even if you're just looking at the growth of a young person, schools are a major socializing factor in the development of how a human being interacts and engages in their society so in this space they also learn their worth. They learn the value of their bodies, their thoughts, they learn about their supposed history and projected future. So if that system is inequitable, as your society is, then that system in itself is an engine for inequity. So if you can think about education outside of issues of discrimination and inequity, you're not thinking about America's educational system, you're not thinking about any educational system because an educational system is supposed to be preparing its individuals to live their lives, while, in the moment, shaping their current distance as they go daily through that system 180 days a year. So, in that, I can't possibly be a black man and I say black but I'm also African-American but I'm from Oakland, I'm black – I have a black political consciousness that understands my alliance with all the oppressed peoples throughout the world and throughout history and my responsibility as an individual to stand up against such oppression and government repression anytime I see it. That makes me black, right, as part of the African diaspora that makes me black. So in that notion, when I engage in education, especially part of my job to continue that legacy and challenging this engine of inequity in what is considered one of the most powerful nations in the world because if we are an inequitable space, that means we perpetuate inequity throughout the globe. And so, when you think about charter schools within that, I know folks argue about charter schools and I see the reason why it makes perfect sense to argue for and against charter schools. Each charter school is different, you have a variety of different corporate charter school organizations, you have some that create a charter school out of the org (?), some that come from grassroots and parent organizing that then partner with an org to help them get their school developed so there's a lot of diversity within the charter school movement. What we have to be preoccupied with is the quality of education and the value put on the students within the daily process and enactment of educational environment. So, if I had a charter school, is that charter school good – meaning, do students come learning how to respect themselves and each other, do they learn the necessary information not just to assimilate, I'm not interested in assimilation, I'm interested in the liberating process of education that it can be. How can I be a better human being, better than all human beings have been presented to me, through this process? I'll just say simply that charter schools as a category have not proven to be better than public schools as a category in doing this. So, your focus should not be on what category your school is, your focus should be on what is the quality of empowering education that that site has provided and what you will find is that there is a very low quality across categories and that's what we want to be preoccupied with and I implore you please go visit your local school, sit in a classroom, walk through the hallways, if you hear derogatory language, if you see sexual harassment, if you see a lack of

concentration and music being played all day and kids allowed to act a fool whenever they want, it's a racist space and I don't care who teaches it.

**Kimberly Thomas Rapp, Executive Director, Lawyers' Committee for Civil Rights::** I want to pick up on something Dr. Smith said about the quality of education in addition to what the quality may be at a charter school or traditional public school, there is also a question of the treatment at the school and the context at which they are learning and right now, here in California and really across the country, this notion of public safety is sort of catching firestorm and the increase in law enforcement presence in communities has in many ways really devastated communities of color because they have been over policed and over incarcerated and we see some trends along those lines within public schools with police presence and school resource officers and so I want to talk a little bit about discipline and about safety and school setting and how it is that we can balance the need to both maintain safety in academic settings but also ensure that there are opportunities for educational learning and students are not just being pushed out of the classroom and so Kevin I'm coming back to you on this because school discipline is a huge, huge issue where we see huge disproportionality with students of color and the question is how do we know, how will we know, when we achieve racial equity with regard to student discipline.

**Kevin Boggess Civic Engagement Director, Coleman Advocates for Children and Youth::** Oh, I think a lot of it comes down to when our schools operate and function differently than the way that they operate and function now. Schools are different from the type of schools that we all went to and we all experienced. A fundamental part of what's wrong right now, related to school discipline for African-American and Latino students especially here in San Francisco is that we have a culture that is centered around punishing young people, that views young people as criminals, that views them as the problem and that's what creates these situations. We have a situation in San Francisco public schools that a successful school is a school that doesn't have a lot of black kids in it, right? And if you look at what schools are successful, that's what you see and when you take a step back that's what you see in San Francisco – you see a mass exodus of black people in San Francisco. As someone who grew up in San Francisco and went to school here and you see the schools now, it's dramatically different. It's a very different environment and feel in San Francisco. San Francisco is really like a win or go home kind of city and that's reflected in our school discipline policies. If you're African-American, you're a Latino student, you're another student of color and you can't get in line, you get pushed out. And so for us I think what we are hoping to envision a school is where everyone is involved in the discipline process so it's not just something coming down from the top, the principal and the administrators dictating what the culture, what the environment of the school is going to be but that's something that's actually developed in communities with teachers, with parents, with students, where everyone is treated as equals, everyone has a voice and we're really lifting up the people who are most impacted by those decisions. So, what's best for the students by asking the students and talking with them and helping them to understand what their role is in the school versus just having to be there but actually as teachers for their other students and sharing the learning process with the teachers in the school. So I think for us what it really looks like is schools where parents and students are in leadership and are able to make decisions about what happens in their classrooms, what discipline really looks like for that school.

**Kimberly Thomas Rapp, Executive Director, Lawyers' Committee for Civil Rights:** And Gayle, in your role at the Office for Civil Rights, if I'm not mistaken I think the OCR has some inquiry ongoing right now with regards to discipline issues and SFUSD and I'm not asking you to talk specifically about that right now because I know there's a limitation on your ability to do so but when you look at disproportionate enforcement of disciplinary policies, or you look at disproportionate teaching standards across public school systems, as Dr. Smith also mentioned, what can OCR do, what has OCR done to ensure that there is some equity across our public school system?

**Gayle Sakowski, Acting Chief Attorney, U.S. Department of Education, Office for Civil Rights:** Yeah, I mean OCR is one tool, parents, students are the most important thing in my view in terms of moving us forward on this issue but the fact is that teachers, administrators can have all the views and all the opinions that they want about how to approach a problem but the fact is that discrimination is illegal and I think that's the most important role of the federal government has played in this time period in addition to the very important role of the community. We are, as I mentioned at the beginning, Katherine Leyman who is the assistant secretary now has put a very high priority on the issue of discriminatory student discipline as Kevin was talking about, these disparities exist all over the country and even in school districts where the overall discipline rate is very low, for example in LA Unified, there is still a disparity between African-American kids and white kids in terms of suspension rates and kids can't learn, obviously, if they're out of the classroom and it seems like people are just realizing this which is very mind-boggling to me because it seems like the most obvious thing in the world. So we approach this through two different vehicles. One is, parents and students can file complaints to our office. Anthony and Tony could've filed a complaint when he told the story about the lunch table and the experience that he had where other kids were causing the problem and then he was blamed for it. One option for a family in that situation is to file a complaint with our office and one of the things the assistant secretary is doing now is we are taking all of those individual complaints and expanding them into class-wide allegations and because of the additional discussion and the visibility of the situation, we're getting more and more complaints on this issue. We also do compliance reviews and that's what Kimberly was referring to. Every year, the administration can nominate school districts and colleges for reviews that we initiate proactively on this issue and we are doing investigations on discipline all over the state. What we do, in brief, is we send a team of investigators to the school district, we look at their data on discipline, we talk to teachers, we talk to students, we talk to parents and we examine their practices in the classroom resulting in these discriminatory disparate patterns of discipline, particularly on African American kids but on all kids of color. One of the things that is coming up a lot now is the issue of suspensions based on defiance and disruption because suspensions based on defiance and disruption are the primary cause in terms of what we see are one of the most significant causes of these disparities and several school districts, LA and now San Francisco, are trying to change their rules so that. Let me back up a bit, a very important cause of the disparities is the subjectivity enforcing those rules, and to some extent there's culture clash, that particular issue of suspension basis ends up getting enforced against kids of color and African-American kids. So one thing we do is encourage schools to review their policies, to see where these things could be happening, look at their data, another thing that's sort of surprising to me now is the lack of school districts looking at the statistics. It's a surprise to some school districts that they're suspending African American kids more than white kids, I mean why

haven't they been looking at this for a long time, again, is perplexing but that is one thing that we put into our resolution agreement. So when we leave a school district, if we find problems, there's going to be a resolution agreement where we have the school district look very carefully at their data, at their policy and procedures, get community input which several speakers have been talking about is so important in what is going to make kids feel safe and comfortable in schools and what parents and kids think will work for them. We are encouraging San Francisco is doing, what LA Unified is doing: changing practices from kicking kids out of class to positive behavior interventions, keeping them in school, giving them supports, trauma-related services, training teachers to have better methods for responding to conduct in class that could be a problem and then monitoring themselves to see how they're doing so those are the primary things we're doing right now to address those issues.

**Kimberly Thomas Rapp, Executive Director, Lawyers' Committee for Civil Rights:** One of the challenges that we see and we are trying to tackle at the lawyer's committee is this notion of implicit bias or unconscious bias, you hear it referred to in many different ways but it manifests itself in such a way that there is a biased behavior toward or against certain students in the classroom. And I want to be really clear, I'm not attacking teachers but we're talking about the classroom setting right now and the reality is, we all are biased for and against things and it manifests in many different ways throughout our lives but particularly in the school setting, it has a significant impact on student learning and student achievement and so, I want to ask you –

**Gayle Sakowski, Acting Chief Attorney, U.S. Department of Education, Office for Civil Rights:** Can I say one really quick thing? We're doing an investigation on discipline in a district in the central valley and in looking at the list of teachers and how many kids they've suspended, we saw 5, 15, 10, 12, 200, 100. There were two teachers in the school that were responsible for the vast majority of discipline and you're talking about implicit bias.

**Kimberly Thomas Rapp, Executive Director, Lawyers' Committee for Civil Rights:** That's right and it's interesting that it doesn't just show up in discipline, the issue that we are addressing is mathematics classes. So for students to be on track for college, they have to be able to start the 9th grade with geometry so they can advance to advanced level mathematics and we have many students who are performing successfully in the 8th grade in algebra, for example, but yet are required to retake the class even still in the 9th grade and when we got to the bottom of that, what we understand is happening is that teacher recommendations, subjective measures, are overriding objective measures for student placement in these classes and so Swen my question to you really goes to how effective are teacher diversity initiatives because it's really not enough to just add a teacher of a color to some diverse population of a school matrix but what exactly are the initiatives that are engaged to ensure that there is a progress regardless of your race or ethnicity as a teacher. One strategy is certainly to diversify the teacher population but beyond that, what are the efforts that are underway to really address the culture change?

**Swen Ervin: Human Capital Specialist – Diversity Initiatives with San Francisco Unified School District:** So I think that the key to what Kevin and Gayle have been talking about is really around the issue of cultural competence, of having teachers who understand that their students are fully human, fully

nuanced individuals, and not having the, when we talk about implicit bias, assumption that they're going to fail. Quite often, teachers will look at a student's behavior and not really even think to dig any deeper into what's promoting that behavior or causing that behavior because they're assuming this student is poor, this student is black, this student is whatever and therefore, this is to be expected. And so, I think that it does help to have teachers who have once themselves been that type of student in the classrooms to add that layer of cultural competence. But I think that kind of the biggest thing that we've done with the San Francisco Unified is try to scream for those things through the hiring process and through the application process. So, do you have an asset-based mindset, that's fancy education terminology for do you really believe what's best in students, do you believe that all students can and deserve to learn, are you able to communicate effectively with parents and are you looking at yourself as some sort of savior of these kids or do you really believe that the parents and the teachers are partners in the education of their students. If you probably don't like students of color you probably will disrespect their parents and so, being able to embrace the community around a school and really appreciate what each stakeholder has to bring to the table is important. And this is why, again, those grow-your-own programs are super important, in Oakland, Teach Tomorrow is doing great work and they are actually getting to the point where they actually have cohorts of teachers in certain schools. So, in one school, the first, third, fourth, and fifth grade teachers have all gone through the Teach Tomorrow in Oakland program. And so, they're able to really make sure that there's a potential continuum of support for the students who need that support the most and they don't get it just for one year and then are passed on to a teacher that couldn't care less and has that deficit thinking so I think that, again when we talk about having highly qualified teachers, being highly qualified doesn't just mean you passed the exams to become a teacher or you got A's in all your classes in your credential program but it's about being able to actually and intelligently speak to the needs, both educational, psychological, whatever, of the students that you're teaching and the community that you're teaching in.

**Kimberly Thomas Rapp, Executive Director, Lawyers' Committee for Civil Rights:** And let me, I'm going to try to combine a couple of questions that we have here and open it up for anyone on panel to respond but essentially there are a number of questions that go to the issue of privilege. That we have some schools that are over-resourced to some degree and many schools that are under resourced and historically, there have been lots of tools for remediation. There has been litigation, we've had bussing, we've had redistricting, all sorts of things trying to open up opportunities and equalize opportunities for all students and one of the questions here goes to the issue of reparation. So, Dr. Smith, you were talking about the quality of education and that there are really issues across all educational settings. The question really goes to how effective are the tools that we have that we really try to go to remediate some of these challenges and how can we really spread resources so that there's not a level of inequity we see in the resource distribution.

**Darrick Smith, Assistant Professor University of San Francisco:** Okay before I – can I address the discipline piece as well because that's actually my research area and I didn't say what I do so I'm a professor of educational leadership, I'm in the organization leadership department in the school of ed at the University of San Francisco. I'm currently consultant to two school districts in the bay area around these particular issues and if I could address the discipline piece really quickly, I get super excited about

it. So one, the national report that really exposed disproportionality in suspensions was published by the Children's Defense Fund in 1975. So, the current discourse around the discipline gap as if it's a new development or something that nobody saw, that's actually disingenuous, the reality is that that discipline gap is associated with the ongoing achievement gap which is connected to our national equity gap that is the fundamental structure of our country. In terms of some of these questions around discipline in particular, I don't know how best to put it but let me put it in the nice way. One, maybe it was last year when the Gates Foundation came out with a report on teacher and teacher attrition and the number one reason for teachers leaving the field was lack of support. So, I train administrators for their administrator credential, that's what I'm hired to do and one of the golden questions is do we have leaders of schools or do we have school administrators. We train historically school administrators so if you administer an inequitable system; you're likely to end up with the same results. Until we start training folks to be leaders, we don't have a shot because those leaders can't support teachers trying to learn how to do something that in itself is an act of resistance against the social trends of the United States. You're trying to close the gap that's always existed? You're trying to close the gap that the country was founded on? You mean the gap that our entire economy runs on, that gap? Well how are you going to close that gap when you haven't studied one, the gap itself, two, all the efforts before you outside of education that have used various strategies to try and close those gaps. Most of our instructors and administrators have no clue about the history of social resistance to these forces in the United States or the world. They have no clue. That means they've learned no strategies of social change. You're asking teachers and administrators to do something that they're not trained to do and, surprise, surprise, our educational system in no way taught them how to do it. So you have that issue. In terms of disproportionality, my first question was, how do we know that things are getting better – well you have proportional suspensions. Kids are kids, kids do dumb stuff. White kids are going to do stupid stuff, Asian kids are going to do stupid stuff, black kids are going to do stupid stuff. When you look at your suspensions, they should be somewhat close to the proportions of your school. I'm not anti-suspension, I'm pro-suspension. The reason why I'm pro-suspension is because I've only worked at high-violence areas where, for me, part of establishing school safety in a historically targeted community is establishing the value and the sanctity of the space meaning that the bodies in that space are precious bodies and are no less valuable than bodies somewhere else, say at a Giants game. So, brother if you act a fool in this space, I'm going to send you away just like I would at a Giants game but you're always welcome to come back because we love you and this is your school and we're setting up a boundary to keep you safe. Now, the skills in which I use to do that I learn from a variety of spaces but those are what we would consider leadership skills. The ability to clarify a vision that is in congruence with the vision of the community, to be able to articulate that vision to your staff and students, set boundaries and rules according to that vision and then have a level of consistency from staff on up. Most of our schools cannot and do not do that so you're left with people suspending folks left and right arbitrarily because they have no mutual understanding between the students' community and the staff itself. So, with that said, the work that's being done are great first steps but we want to be cautious about those first steps because in my school, you could get suspended for defiance. It's not likely that you'll just get suspended for defiance as you'll find in most high school administrations in San Francisco, they'll suspend you for defiance with something else you did. But, if you walk down the hall in a high violence area and I say, I'm Mr. Smith and I say come here and talk to me and you say man I ain't talking to you

man, what? I'm not talking to you, leave me alone. No, no, no you need to talk to me because we need to work this out. I'm not talking to you. You need to know, son, that if you don't come talking to me, you're probably going to go home so I might get somebody else to come and bring you to me. But if I let that student walk and they go into a classroom and punch somebody or they punch a locker and hurt themselves or etc., I'm held accountable. And last thing I want to say on that, I know I'm long-winded, one thing we want to understand that is totally missing from this discussion – there's an assumption that schools are safe. We have 828,000 victimizations a year that are reported in schools and just under 50% of students in the United States report being a victim of or seeing sexual harassment on their campuses. For many of us, the most violent incident we encounter, first time in our lives will be at a school. So you have this discussion going on as if "I want to keep this kid in school, I want to keep this kid in school" but what work have you done to make sure the school is a safe space or are you trying to address your own guilt that you learned in school that about helping people of color is lowering your standards and theirs and allowing them to violate each other for the sake of cultural congruence. You don't know my culture if you think my culture is about victimizing each other. You don't know my culture if you think my culture is about dropping the "b" word or calling everybody hoes or dropping the "n" word all down the hallway. If you think that is my culture, you've been misinformed and thus my school, your school, is not a safe place for me to be. So that's part of the work that needs to be done. Lastly and I'll make this really quick, in terms of expanding, we have to target institutions like my own and all the institutions that do training, pre-service work. In addition to pre-service training, we have to give our administrators more tools, more time to be able to properly supervise and I don't mean supervise in an imputative way but provide support for individuals that are experiencing these issues on campus because many of our teachers develop their teacher identity at work, not before they reach the site but when they get to become a teacher. So if we don't have intentional processes and support mechanisms to support a teacher's growth and development while they're working, they're never going to grow and they're not going to feel supported, and they're going to leave as any smart person would.

**Kimberly Thomas Rapp, Executive Director, Lawyers' Committee for Civil Rights:** I'm going to open up the microphone for people who have questions but I'm still coming back to this issue of remedies and of reparations because we can identify lots of challenges and so one potential solution is to really help to resource administrators and to give them time to do things, talk about training, and we've got a lot of folks in the world who think they can go to an hour of diversity sensitivity training or something of that nature and suddenly they're cured but the reality is, is that the hard work is in fact on the implementation side. It is in fact trying to give folks the tools and then remaining vigilant as those tools are being implemented and maintaining some accountability through the process but how do we actually do that, right, where there is a scarcity of resources and there is a disproportionate in terms of the allocation of resources they have. Some schools have an overabundance of resources available to them to give their administrators time, retreats during the summer and all sorts of things to work on but yet there are other schools that don't have that luxury. What are the practical solutions for that?

**Kevin Boggess Civic Engagement Director, Coleman Advocates for Children and Youth:** I mean I think in San Francisco especially and lots of other big cities in California, I don't really believe the argument that there isn't enough money. There's money in San Francisco, you can walk through San Francisco and you

can see it. The superintendent of the school district gets paid almost 300,000 dollars a year, right. So, there's money because people are getting paid lots of it but the money's just not getting to where it needs to go and there needs to be real accountability so that if you are in a school district that doesn't want to serve African-American and Latino students, there should be a consequence for that and you should be fired rather than being promoted, rather than being held up as an example, you need to be made an example of that we won't accept this and that this is not allowed for these students because right now, those are the only students that are allowed to experience that and not really get that. I mean for us, I think what we want to see is schools embrace parents and students and bring them into the full because that's where you really start to solve those problems. The things that people bring into school – school needs to be a center for community versus a place that is pushing people away from that community and trying to break that community.

**Audience Question:** My name is (inaudible) Jones and (inaudible) and right now I'm a (inaudible). One of the things that I've pushed my union to do is to get involved and campaign that will push for the wealth, entitlement, and disparities (?) in the black community and I've been involved in issues in the black community for some time and now that I'm in San Francisco, I am just really appalled at the disparities in the black community. Black people in San Francisco and nationwide, we are at the lowest of the lowest. For every incidence, prevalence (?), we are the highest, and it is just amazing how we haven't come together and really, truly developed a black agenda because more needs to be developed and that's what I'm doing right now. So one of the things I want to say is thank you to the panel but at the same time, what I'm kind of sick and tired of is that we have these things and we always invite only the choir. We don't invite enough parents, we don't invite enough community people who are directly involved with the issues that we're talking about. Going back to San Francisco, San Francisco Unified School District last year when I went to a meeting, the population rate for black students was 10.8% of the student population; they represented over 56% of the suspension rate. Now what really made me angry, as maybe two black people sitting in this room, is that K-5th grade, our babies, represented 64% of the suspension rate and I'm like how in the world could this happen? And so it's not something that is happening you know, since yesterday like the brother said, this has been going on for a long, long time. At the same time, I know, just from \_\_ with the City of San Francisco contract for our \_\_ members, San Francisco has a lot of money. Ed Lee constantly is giving money away to tech industries. Right now he's giving away over 100 million dollars of free payroll taxes to Google, Twitter, and all the other tech companies that are now coming in here, moving our regular workers and displacing regular workers. And so, my issue is that the parents are good, but where's the action? What are we going to do? And the other thing is that parents are definitely important. We cannot solve a student issue without the parents. The parents have to be involved. It's also a human rights issue and I'd like to talk to you more about it. I'd like for you, and you, especially you brother, to help us in arguing and help develop this black agenda because we keeping it one hundred. So I just wanted to say that and you know, we have to get better at inviting the community if you want to get better at dealing with the issues instead of inviting the panels and just talking about it and then we don't have any action.

**Kimberly Thomas Rapp, Executive Director, Lawyers' Committee for Civil Rights:** And I want to attach onto that, we have a couple other people who have questions. Thank you. I want to add to what Ms.

Brown just said about inviting more than the choir to these conversations. I have a question here about talking past black and brown, that it's not just about black folks or about brown folks, we have many, many students of color who are impacted by all of these policies and practices and so how do we work together to really uplift all underserved communities rather than isolating, even in the effort that we have underway to try to achieve equality instead of isolating certain communities. What we can do to ensure that more underserved communities and the advocacy that's taking place, sweeping in all underserved communities and not just black and brown communities.

**Kevin Boggess Civic Engagement Director, Coleman Advocates for Children and Youth:** I mean, I don't want to (inaudible), I just feel that that's going to be a bigger problem than the one that we currently face. The reason why we lift up these communities is because they're the ones who are really dealing with the immense pressure of these things and by not lifting them up, we really create a situation where they'll be forgotten which was the case before Brown vs. Board of Education and actually has continued through. And I think right now we're at a point where the conversation has grown to a point where everyone's at least heard about the subject or know what students of color have to experience in school is like now we actually want to, after hearing it for the first time, run away from that conversation and not really deal with it. I think for us it's like, let's deal with these problems and when we improve the school for these students, the ones who are actually being left behind especially in San Francisco, we'll actually see the quality of education for everyone raise up because these are the folks who are being left behind.

**Audience Question:** I want to thank you for that. My name is Cynthia Adams and I'm from Oakland, California. I'm also an educational chairperson for the Oakland (inaudible) and I work at a high school so I want to talk about disparity and about administration. I want to know if an administrator has been in school for about 15-20 years and a principal, how can they help their school to be a better school, stop the violence, stop racist tensions between the students, the staff. I work at a high school and there's only like, two African-American male teachers, they don't see any of us, period. They see us as security guards, police officers, cafeteria workers, but not standing in a classroom. But if you have an administrator and a principal for all these years but cannot control the school, how can you tell us what that will look like? What can we do in that area.

**Answer:** Sure, I'll give you a quick answer to that because that's going to be a one to multi-year process but the quick version. So, I work with two school districts now, one has an OCR report and my role in one of them was administrative coach for a particular high school in which they had administrators that had that exact problem. So, here's, really quickly, there's a lot of discussion and I want to honor Kim's point too that, what are the practical solutions? First step, for me, is trying to ensure that folks actually understand the problem because a lot of folks do not understand the problem. They think we can do what I call this capitalist accumulation of programs, let's get a program! So they end up with, literally at this one school, I think it was 18 different non-profit service providers and it didn't do hardly anything, not the workers but, the collection of them being there. So, the first discussion is trying to find out where the gaps are and usually with the administrators I work with, the gaps tend to be in one solidified what that actual vision that you communicate to the community and the students actually is. To establish what I would consider a more socially just discipline policy so you take the 20 reasons you can

suspend a student for and you actually go over them with your particular lens and vision and then you decide which ones are automatic suspensions and which ones might have alternatives. But then the process after that is serious training for the teachers and consistent implementation of the boundaries and guidelines that you set. If you can have those steps, for example the administrators I work with would have never studied sexism or sexual harassment ever in their life. So they had rampant sexual harassment and assault on their campus and they would let students just go back to class after it happened. So, I had to do a training on the history of sexual harassment in the United States and particularly in black and brown communities, including Samoan and Asian communities as well. So those are the type of things you have to do to get the ball rolling, just a short clip.

**Question:** I appreciate what you said because I always feel like we do need to take care of our own first before we can go and help someone else because around now, our community is torn up and until we realize that it's on us to clean up, then we can bring someone else on and help them clean themselves up but right now we have to clean ourselves up and I appreciate that.

**Kimberly Thomas Rapp, Executive Director, Lawyers' Committee for Civil Rights:** So, Gayle I know you had a comment and I see Dr. Smith with his hand up so yes.

**Gayle Sakowski, Acting Chief Attorney, U.S. Department of Education, Office for Civil Rights:** I had two quick things I want to say about practical solutions. One is there are things that can be done that don't cost a lot of money, and there are things that can be done that don't cost any money. It doesn't cost any money for a school district to look at the class schedules and the courses offered in all of its high schools and discover that there are more AP courses and honors courses at the schools with the white kids than the schools with the kids of color. It doesn't cost school districts money, and this is not specifically my OCR (inaudible, but it doesn't cost the school districts money to look at the evaluation instruments they use to determine who's gifted and who's not gifted and who gets into those programs, which, at the elementary level, are the beginning of a college track. So, it doesn't cost the school district money to look at the tests and figure out that the test it's using are culturally biased and there are many tests out there that aren't. And one more quick thing about resources – this is very complicated subject in which I am not an expert but, to a large extent, the amount of money that each school district gets is determined by a formula. So it's difficult to show and to find out the extent to which the school district is responsible. One really interesting issue that I am just particularly interested in is when you go into a school district, in the affluent schools a lot of those resources are paid for by the parents. And that is a very, very sensitive issue but there are schools, in Los Angeles again, we went to predominantly African-American schools, predominantly white schools. One of the white schools had this beautiful computer lab, just beautiful the lab, the new computers, a full-time teacher who taught computers and programs and that was paid for by the parents. There are school districts that are trying to deal with this successfully – Albany is one of them, Portland, Oregon. They have a system where they don't distribute the money equally at all the schools. One problem with that is parents aren't happy with that solution but it also results in very small amounts of money going into every school so it's not necessarily that helpful but they take a percentage of what parents contribute to each school and put it into a central pot so all that money isn't totally just tipped into the schools that have affluent parents. Anyway, these are just two practical things to think about.

**Kimberly Thomas Rapp, Executive Director, Lawyers' Committee for Civil Rights:** Gayle, thank you, and I want to move on to the last two questions, thank you. While you're talking, I have two questions here directed to you Gayle. One is: you say that discrimination is illegal but what about when discrimination is written into the very structure of the institution? For example, tardiness is penalized but only students of color are late – the response when that's challenged is it's not racist, it just works out that way. How do individuals overcome racist rules and institutional bias? And then the second question goes to what federal agency (is it OCR? Is it a private think-tank?) – who's connecting the dots and looking from a macro level at the inequities of existing AP classes in certain schools, the discipline issues? Is OCR going one district at a time or is there some macro level view that OCR is taking?

**Gayle Sakowski, Acting Chief Attorney, U.S. Department of Education, Office for Civil Rights:** Well, I think we all are. I mean it's a combination of efforts of all the organizations that are represented here, including yours, everyone contributes from a slightly different vantage point. I think what OCR does, and I don't want to claim to overemphasize you know the significance of this or what can be accomplished but we can, in the example of tardies or kids getting referred to law enforcement for truancy for example which is ridiculous, those can be measured and under the law, they can be dealt with while they may result or are resulting from implicit bias. What the law does is say is alright, there are many ways to deal with implicit bias but school district, if you don't want to deal with it then we're still going to look at your numbers and you're kicking kids out who are kids of color, you're treating kids differently who are kids of color, the numbers show it, you don't have any education justification for why you're doing that, the law says you have to have an educational justification, there is none and so that means you're in violation of the law. So, I think one of the things the law does and Kimberly can speak to this as well is take situations where it's difficult to prove, for example, that there is an intentional misdistribution of resources or differential application of rules because of implicit bias and say well, we're going to show you that this is the problem and it's your job to figure out how to fix it and all of us together are going to help you.

**Kimberly Thomas Rapp, Executive Director, Lawyers' Committee for Civil Rights:** Thank you. And I want to let the last two folks ask their questions one after the other so that we can get responses and close out on time.

**Audience Question:** Hi, good evening, my name is (inaudible), and I work for a peace services nonprofit organization that focuses on social justice issues in the Mission district and my question is around how you see the impact of gentrification and racial equity education here in San Francisco and I'm sure you all know the rapid growth of gentrification in the Mission district and how that magnifies the issues of racism and classism and how that plays out in the public schools within that community and so how you see in these specific schools the leadership, the faculty, the parent groups and how the composition starts changing and the impact of the students of color and English language learners and how we start to see those issues of racism and classism within that school. So I just wanted to know what your thoughts were on it.

**Kimberly Thomas Rapp:** Thank you and we just want to take that last question as well.

**Audience Question:** I'll try to keep it brief. So, just to bring it back to Brown v. Board of Education, a lot of that ruling had to do with diversity, how white students in classrooms and black students so they could (inaudible), right? Some of that argument has found its way into the arguments against or for affirmative action. So what was a reparations argument for affirmative action became a diversity argument, right. So at the same time, 60 years since Brown v. Board of Education, data on the black unemployment rate has been (inaudible). The university to give most degrees to black folks is the University of Phoenix. At the same time, there's more black folks with degrees but clearly less folks with jobs or at least (inaudible), and that's not even talking about the wealth gap or other socioeconomic measurements. So my question is, given that diversity has become the argument or framework that we make these arguments with, how do you get back to what the Dr. was speaking of in terms of a real social justice, a real reparations argument which is not (inaudible) so you have black and Latino families where the average wealth is like \$6000, make less on the dollar on average than white folks and these are clearly inequities that are a result of years of oppression but we can't speak to that as diversity is now a part of it. So how do we readjust the frame to bring it back to clearer and next steps?

**Kimberly Thomas Rapp, Executive Director, Lawyers' Committee for Civil Rights:** So, gentrification and readjusting the frame to get back to reparations. Final comments.

**Swen Ervin: Human Capital Specialist – Diversity Initiatives with San Francisco Unified School District:** I can say that the impact of gentrification that we're seeing obviously is that some of the lowest people being paid in our community are often teachers, right. So in terms of people being able to live in a community where they work and being able to live in the same community with the students that they serve – I think that that's going to increasingly become a problem for us. And additionally, in terms of pay, not only are people being forced to move to other communities but those communities that they are moving to have maybe a lower cost of living but pay teachers better. So, eventually you're going to get tired of commuting around San Francisco to teach the kids that you can no longer afford to live in the same community as meanwhile, like Contra Costa or whatever school district you live in now pays you more. So I think that as citizens of color of the city are being pushed out of their communities, the teachers will eventually follow.

**Kimberly Thomas Rapp, Executive Director, Lawyers' Committee for Civil Rights:** I know we didn't get every question answered but we have hit our limit for tonight. I want to thank the California Historical Society and each one of our panelists, please join me in thanking them. It is our pleasure to collaborate with the HRC and Coleman Advocates for this evening. And I think we all can see, with all of the questions that remain unanswered, there is plenty out there for us to continue collaborating on to ensure that the legacy of Brown actually continues on the days ahead. Thank you all for coming.