

January 18, 1977

Statement by Martin H. Gerry  
Director, Office for Civil Rights  
Department of Health, Education and Welfare

Yesterday, I met with Chancellor Irving Anker of the New York City school system to advise him of my conclusion that the school system is violating civil rights laws which prohibit discrimination against minority, female, and handicapped students.

This decision concludes a compliance review of the New York City public schools -- the largest civil rights investigation of a public education institution ever undertaken. The date for completion of the review was set by United States District Court Judge John Sirica as part of an order entered in the case of Brown v. Mathews.

Specifically, we have informed the school system that it has violated Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, national origin; Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex; and Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination against physically or mentally handicapped individuals.

The findings of the review are:

- Minorities are receiving lower amounts of local resources for basic education, in poorer quality facilities which have a more limited range of curricula.
- Minorities are segregated in elementary school classrooms and special education classes and are given unequal educational services.
- Students whose primary language is other than English are barred from meaningful participation in education programs.
- Minority and female students in junior high/intermediate and high schools are channeled to less desirable and more restricted academic, vocational and special programs and are provided with less effective counseling services.
- Minority junior high/intermediate and high school students are treated differently and more harshly than non-minority students disciplined for the same offense.
- Non-ambulatory students are given a significantly shorter instructional day and are confronted by architectural barriers which deny them the opportunity to participate fully in the system's education program.

My office has asked for a plan within 60 days which will remedy the discrimination and provide corrective action. We have offered technical assistance to the school system in developing a plan to meet the requirements of Title VI, Title IX and Section 504.

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U.S. DEPARTMENT OF HEALTH,  
EDUCATION & WELFARE  
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JAN 24 1977

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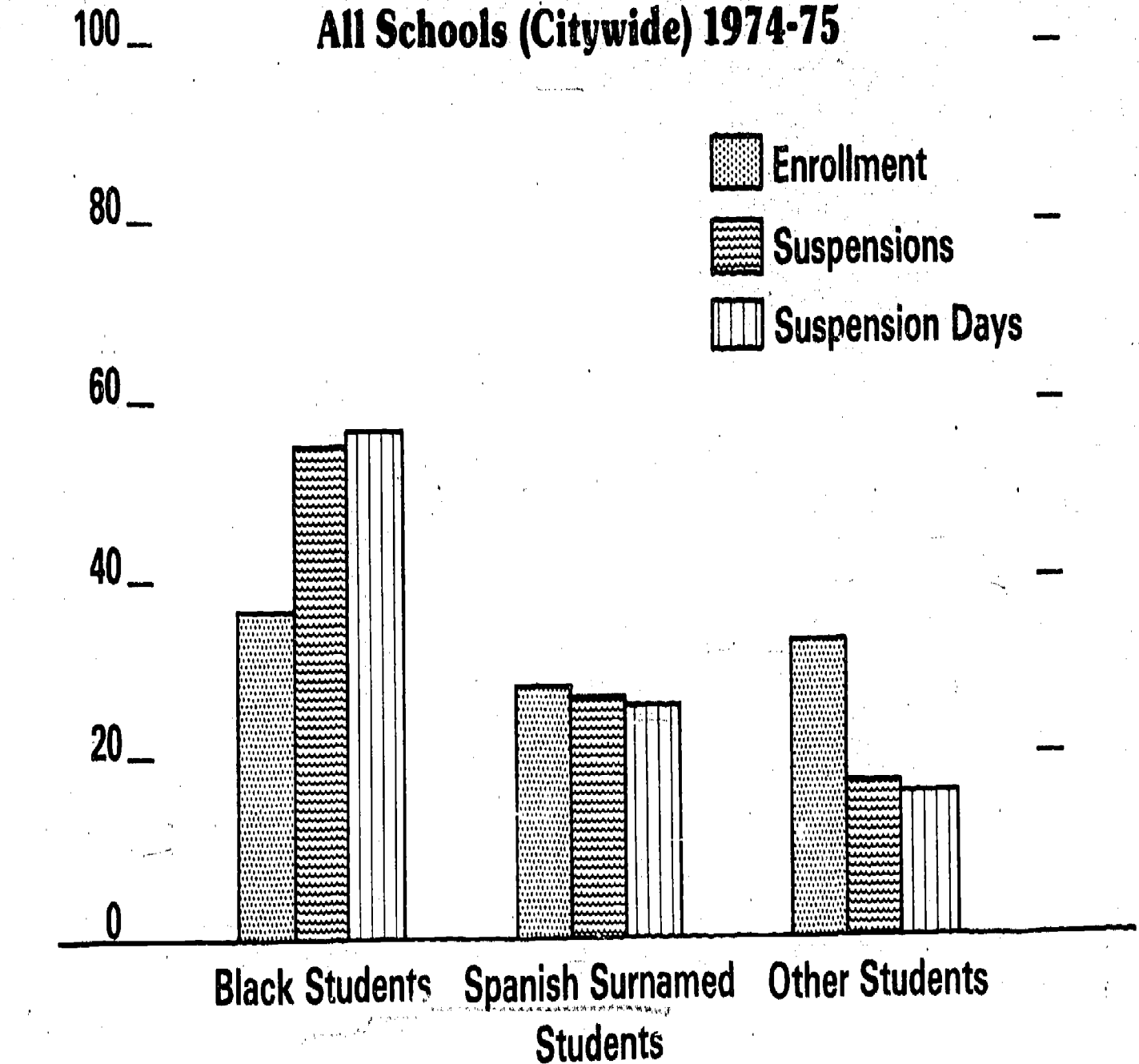
Our objective is to negotiate a workable plan and protect the rights of persons served by federally-funded programs. Voluntary resolution is faster and less expensive than litigation but we are under a federal court order to initiate legal proceedings where negotiations fail.

Our offer of assistance is genuine and we intend to do everything possible to aid the New York school system in efforts to come into compliance.

# New York City School System Enrollment, Suspensions and Suspension Days by Race

Percent

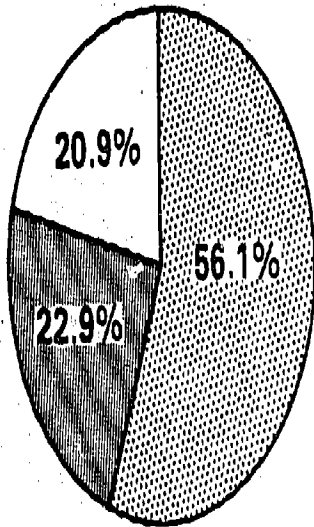
All Schools (Citywide) 1974-75



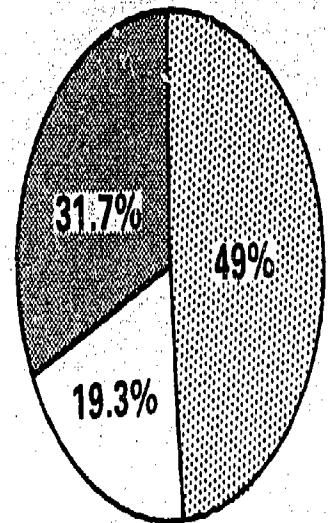
# New York City School System

## Comparison of Types of Disciplinary Penalties Imposed on Students




Suspensions



Less Severe Penalties

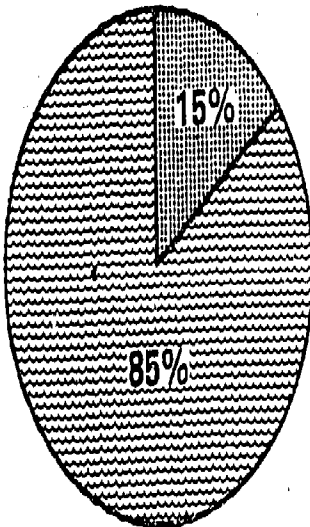


Students:

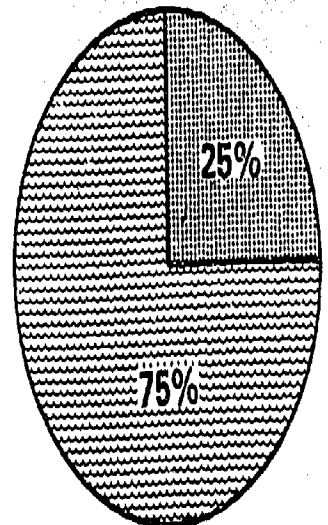
-  Other
-  Black
-  Spanish-Surnamed



More Severe Penalties for Same Offense

Minority Students Punished for Fighting



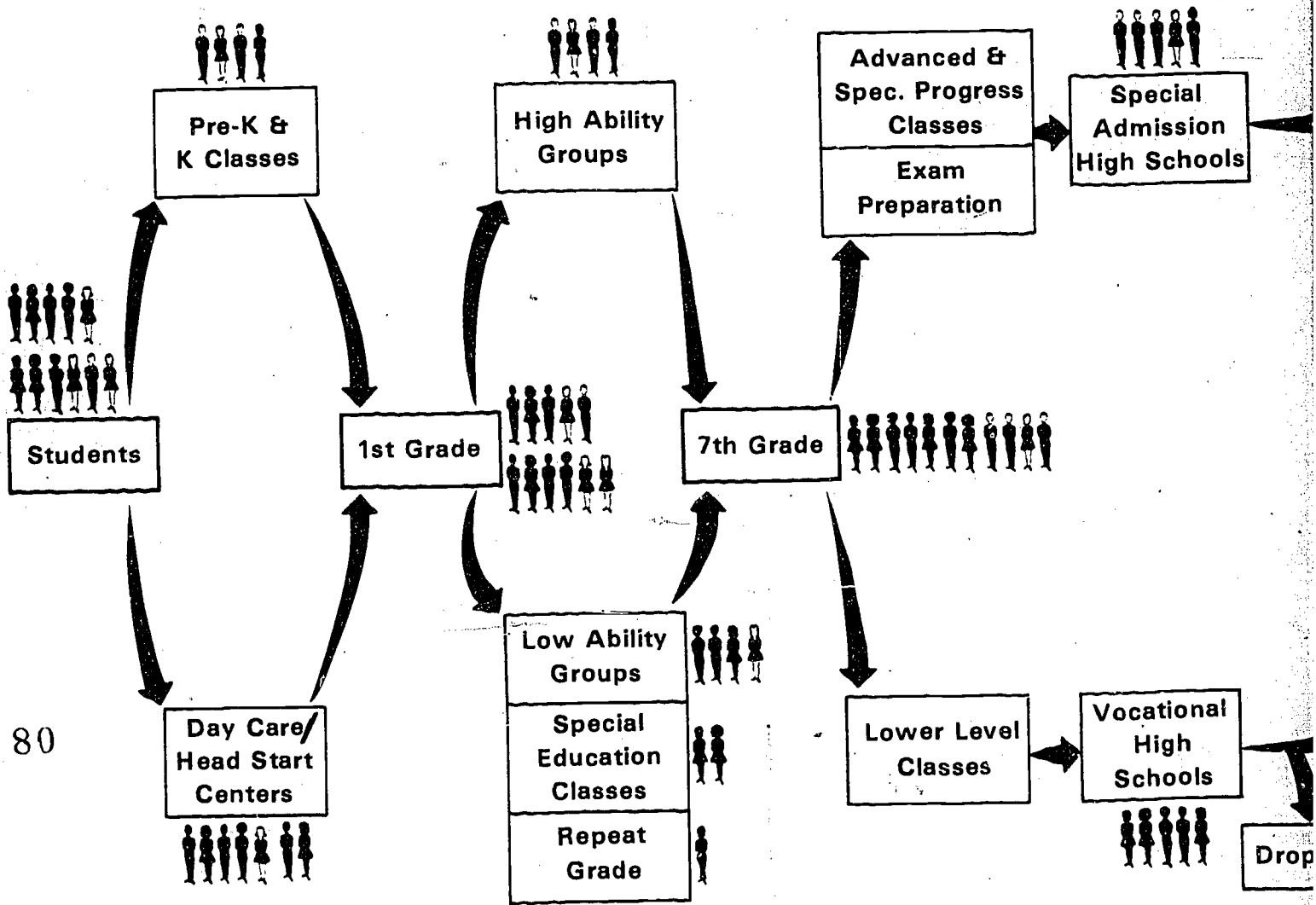
Non-Minority Students Punished for Fighting



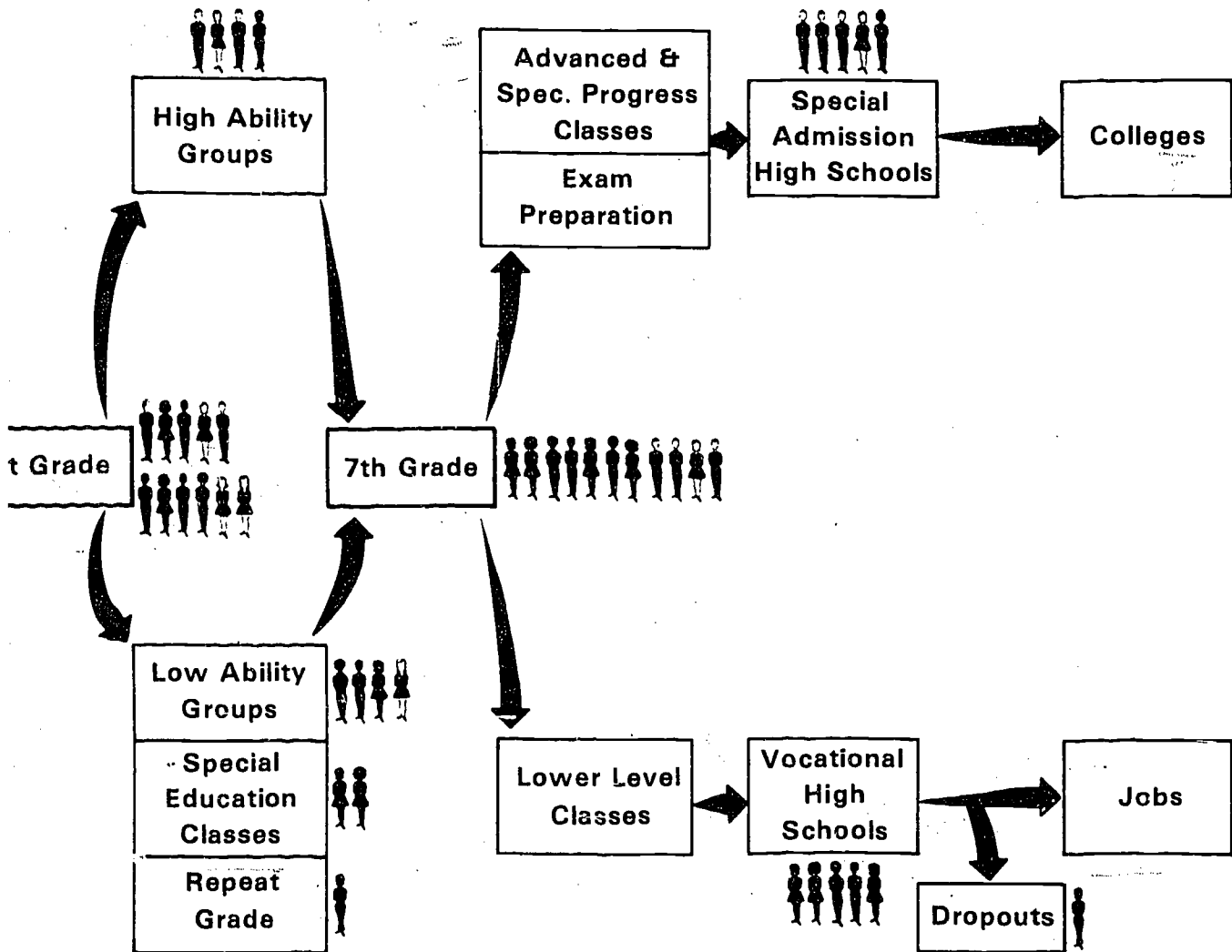
-  0-2 Days Suspended
-  3-5 Days Suspended

Sample High and Junior High/Intermediate Schools

# New York City Education Process

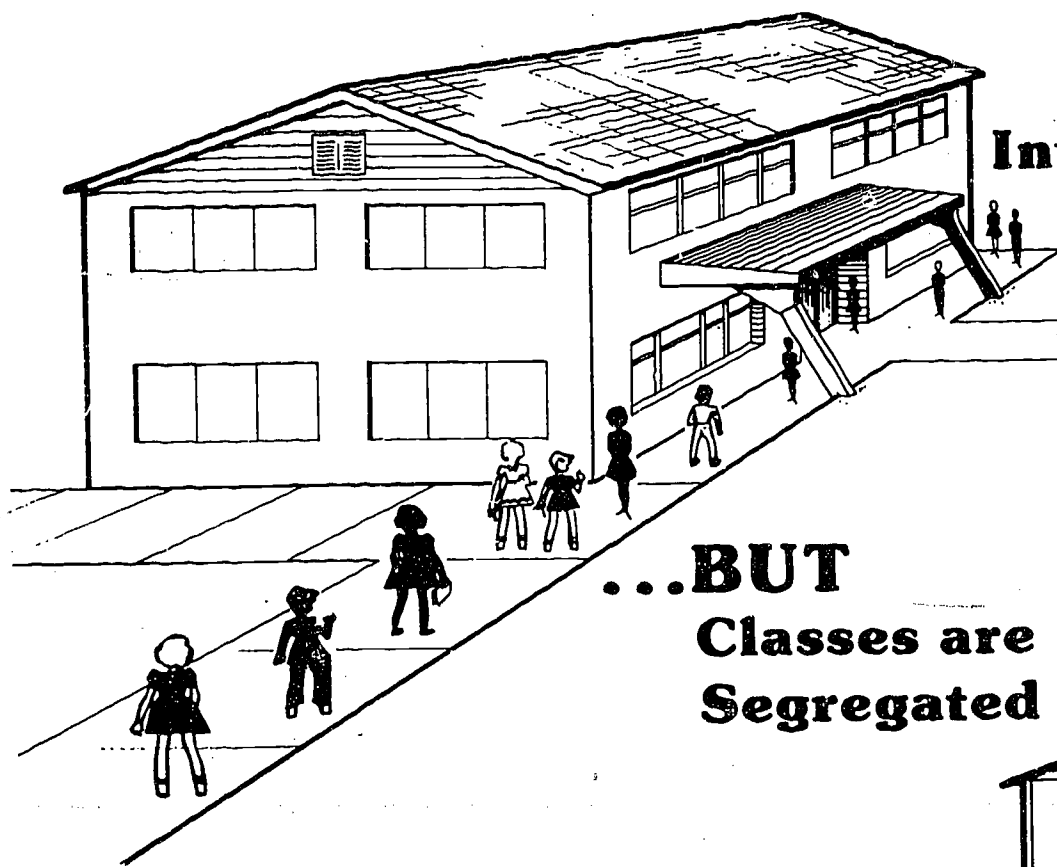


# New York City Education Process

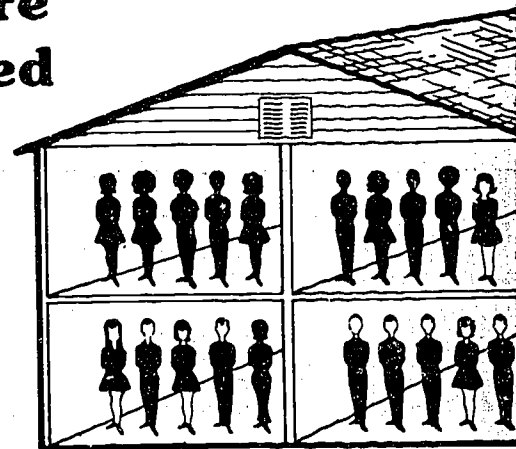


# New York City School System

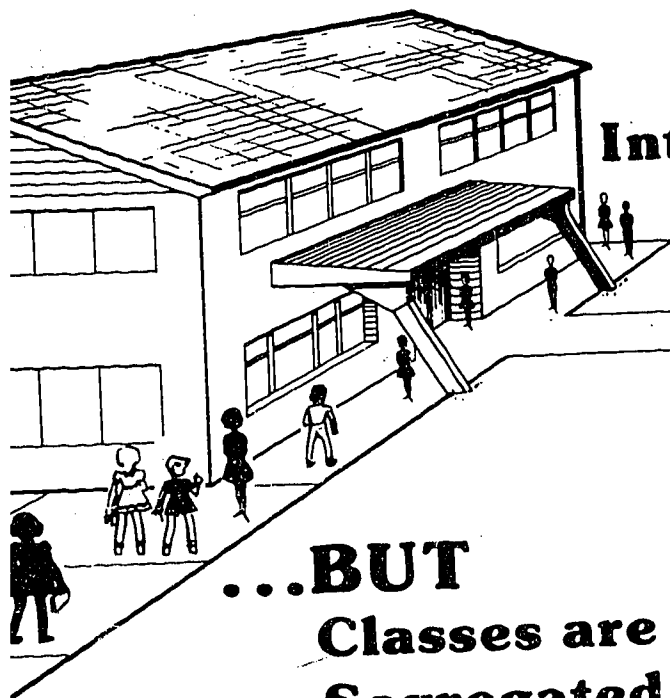
**Integrated School**



**...BUT**  
**Classes are**  
**Segregated**

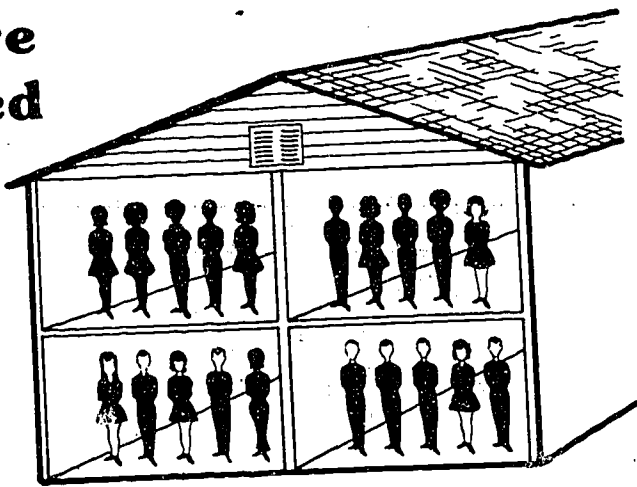


# New York City School System



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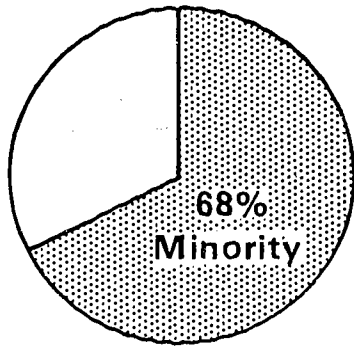




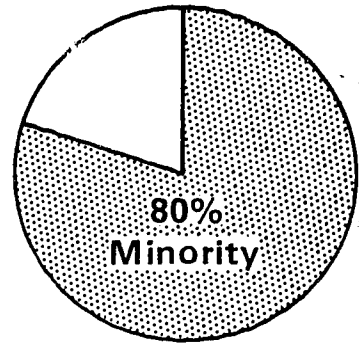
# New York City School System

## Students Assigned to Special Education Classes 1975-76

### Elementary and Junior High/Intermediate Schools Classes for Educable Mentally Retarded (EMR&MH) Students

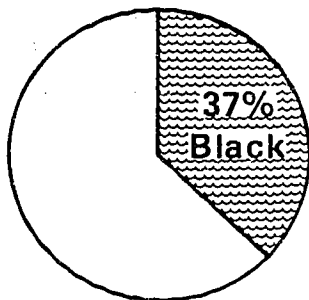


Enrollment of Minorities  
in Schools

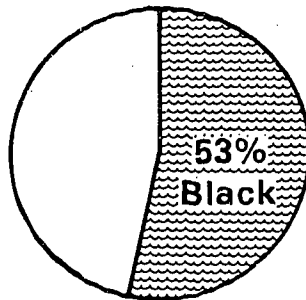


Enrollment of Minorities  
in EMR and MH Classes

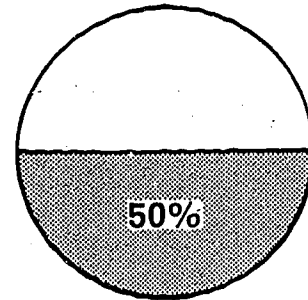
### Classes for Emotionally Handicapped (EH) Students



Enrollment of Black  
Students in Schools



Enrollment of Black  
Students in  
EH Classes



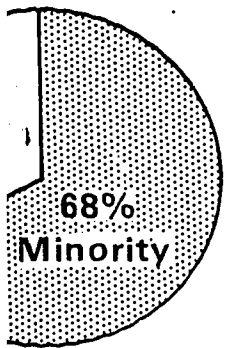
Sex Composition  
of Schools



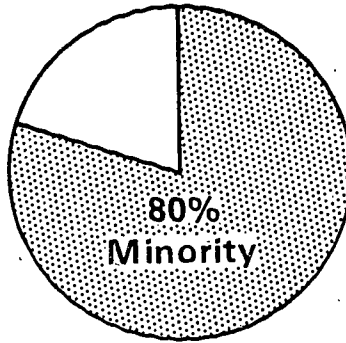
Enrollment  
in EH

# New York City School System Assigned to Special Education Classes 1975-76

Elementary and Junior High/Intermediate Schools  
for Educable Mentally Retarded (EMR&MH) Students

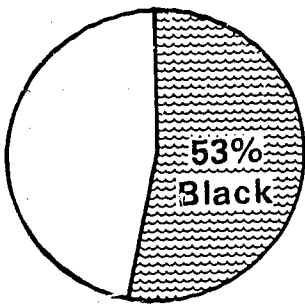


Enrollment of Minorities in Schools

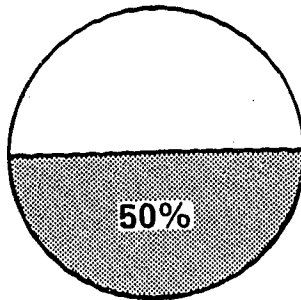


Enrollment of Minorities in EMR and MH Classes

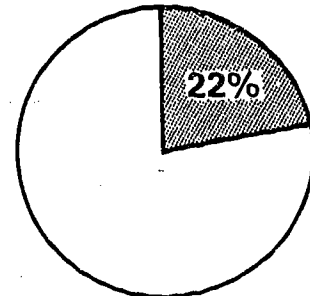
Enrollment of Black Students in Special Education Classes for Emotionally Handicapped (EH) Students



Enrollment of Black Students in EH Classes



Sex Composition of Schools

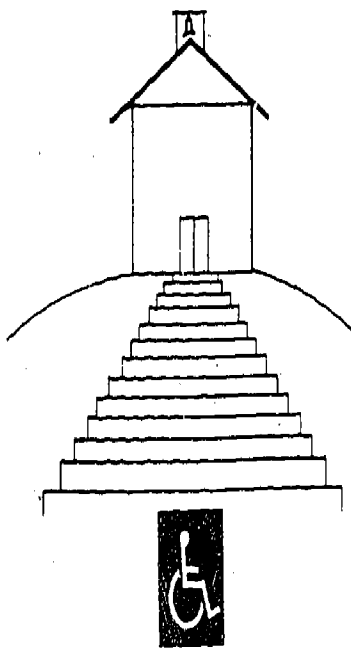


Enrollment of Females in EH Classes

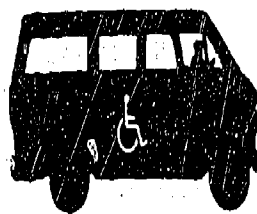
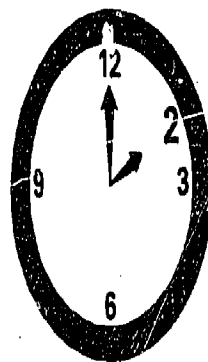
**New York City School System**

**Instructional Barriers**

**for Handicapped Children**



**Inaccessibility  
to Classrooms**



**Shorter  
School Days**



**Undiagnosed  
Needs**

# New York City School System

## The Impact of a Dual System

