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ABSTRACT

This is a letter to Chancellor Irving Anker of the Board of Education of The City of New York from the Office for Civil Rights, Department of Health, Education, and Welfare. The letter concerns the results of an investigation of complaints filed with the Office for Civil Rights alleging employment discrimination by the New York City School System. New York City is found in non-compliance with both Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972. Among the violations that are cited and discussed are the following: (1) the school system has denied minority teachers full access to employment opportunity through the use of racially discriminatory selection and testing procedures, (2) the school system has assigned teachers, assistant principals and principals in a manner that has created, confirmed and reinforced the racial and/or ethnic identifiability of the system's schools, (3) the school system has assigned teachers with less experience, lower average salaries and fewer advanced degrees to schools which have higher percentages of minority students, (4) the school system has denied females equal access to positions as principals and assistant principals throughout the system, (5) the school system has provided a lower level of financial support for female athletic coaching programs, and (6) the school system has deprived female teachers of seniority rights and other compensation through failure to eliminate the effects of past discriminatory leave policies. (Author/AM)

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OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20201

November 9, 1976

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Chancellor Irving Anker
Board of Education of the
City of New York
110 Livingston Street
Brooklyn, New York 11201

Dear Chancellor Anker:

The purpose of this letter is to advise you that the Office for Civil Rights has concluded that portion of its compliance investigation of the Board of Education of the City of New York relating to the employment practices of the school system. On the basis of this investigation, which included an evaluation of specific complaints filed with this Office over a period of years alleging employment discrimination by the school system, I have concluded that the New York City school system is in non-compliance with both Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972. This office will advise you of its compliance determinations with respect to the balance of the matters under investigation as part of the Equal Educational Services Review by the end of January 1977. These actions are consistent with the recent order of the United States District Court in Brown v. Mathews, Civil No. 75-1068 (D. D.C. September 20, 1976), which requires this Department to expeditiously complete certain outstanding investigations.

With respect to employment practices I have concluded that the New York City school system, in violation of section 601 of the Civil Rights Act of 1964 (42 U.S.C. 2000d), has, on the basis of race and national origin:

- (1) denied minority teachers full access to employment opportunity through the use of racially discriminatory selection and testing procedures and through the use of racially identifiable employment pools in a manner that discriminatorily restricts the placement of minority teachers;
- (2) assigned teachers, assistant principals and principals in a manner that has created, confirmed and reinforced the racial and/or ethnic identifiability of the system's schools; and
- (3) assigned teachers with less experience, lower average salaries and fewer advanced degrees to schools which have higher percentages of minority students.

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I have also concluded that the New York City school system, in violation of section 901 of the Education Amendments of 1972 (20 U.S.C. 1681), has, on the basis of sex:

- (1) denied females equal access to positions as principals and assistant principals throughout the system;
- (2) provided a lower level of financial support for female athletic coaching programs; and
- (3) deprived female teachers of seniority rights and other compensation through failure to eliminate the effects of past discriminatory leave policies.

Discussion of Title VI Violations

(1) Access to Employment

The United States Supreme Court in Griggs v. Duke Power Co., 401 U.S. 424 (1971), held that where the application of an employment test or criterion resulted in an adverse impact on the employment opportunities of minorities, such test or criterion must be considered racially discriminatory unless an employer demonstrates that the test or criterion is "job-related" or "business necessary". Even if a test or criterion is found to be job-related or business necessary, it may not be used if a reasonable alternative system with a lesser differential racial impact exists. (See Robinson v. Lorillard Corp., 444 F. 2d 791 (4th Cir. 1971.)) Although the court in Griggs specifically addressed Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e), the court indicated that its holding was applicable to employment discrimination in general. Accordingly, the Department applies the Griggs standard to employment discrimination which arises under Title VI of the Civil Rights Act of 1964.

A. Hiring Methods

Since 1968, the District has routinely collected data concerning the racial and ethnic composition of the system's teachers and student body. This information indicates that the percentage of minority teachers employed by the school system during this time period has never exceeded 15 percent of the total teachers in the system. (See Appendix A.) Specifically, data provided to the State of New York as part of the Basic Educational Data System (BEDS) for fall 1975 indicates that across the system 14.3 percent of the teachers assigned to elementary schools were minority, the minority teacher composition of junior high/intermediate

schools was 16.7 percent and the minority teacher composition of high schools was 8.3 percent. (See Appendix B.) More recent data collected by the school system for the Federal government in the spring of 1976 confirms this basic distribution. During the same school year (1975-76), the composition of elementary school students across the system was 69.7 percent minority; junior high/intermediate schools, 70.1 percent minority; and high schools, 62.6 percent minority. (See Appendix B.)

This obvious disparity between the percentage of minority teachers and the percentage of minority students in the New York City school system is not consistent with the situation in other large urban school systems throughout the country. Attached at Appendix C is a table showing the racial composition of students and teachers in other such systems. This disparity, coupled with specific allegations of racial discrimination in the hiring practices of the school system, led this Office to investigate the recruitment, testing, selection, licensing and assignment practices of the school system.

As a result of the investigation of these issues, it became apparent that the New York City school system has organized its teacher hiring process into two racially identifiable components. The first component is a series of "rank order" lists promulgated for each subject matter license area by the Board of Examiners, containing the names and scores of those persons who passed a Board of Examiners examination in each license area. These persons are eligible for employment city-wide and are given employment preference based first on the date the list is promulgated by the Board of Examiners, and second on the numerical test score attained by each applicant.

The second component, referred to as the "alternative method," establishes a hiring pool from which teachers may be selected by some but not all of the system's schools. Under this method, persons may be selected either (1) by being taken out of rank order from the existing rank order lists or (2) by achieving a minimum score (as determined by the Chancellor) on the National Teachers Examination (NTE). This method does not require that preference be given by date of examination or score attained.

In addition, the system divides its schools into two categories for teacher hiring purposes. One group includes (1) all high schools and special schools and (2) certain elementary and junior high/intermediate schools. To determine which elementary and junior high/intermediate schools are included in this group, all elementary and junior high schools in the system are listed in order by the proportion of students in the school who are reading at or above grade level. Those elementary and junior high schools above the 45th percentile on such list ("the non-45th percentile schools") are included in this group. All those elementary and junior high schools at the 45th percentile or below comprise the second group of schools ("the 45th percentile schools"). Schools in the first group may hire teachers in order of rank from the promulgated lists and are precluded from hiring teachers through the "alternative method." Schools in the second group may hire teachers either from the rank order list or through the alternative method.

Information provided by the school system shows that the percentage of minority teachers hired on the basis of the National Teachers Examination (one option of the alternative method) is at least four times the percentage of minority teachers on the rank order list. (See Appendix D.) Thus, our investigation reveals that the rank order process dramatically excludes a large number of qualified minority teachers from employment opportunities in a majority of the district's schools, i.e., the high schools, special schools, and the non-45th percentile schools.

The racially identifiable group of teachers who are selected as a result of the alternative method are restricted to 45th percentile schools, which are themselves racially identifiable. The student racial composition of the 45th percentile schools has exceeded 91 percent minority since the alternative hiring method was implemented for the 1971-72 school year. (See Appendix E.) As a result, many minority teachers are not only excluded from full employment opportunity in the non-45th percentile schools but are also channeled to schools in a manner that directly corresponds to the student racial composition of the schools.

The small numbers of minority teachers employed by the system have been reduced by the recent lay-off actions. While these actions have not disproportionately affected minority teachers who did enter the system, the school system's decision to decrease the numbers of minority teachers has only exacerbated the problem created by the exclusionary hiring process.

Therefore, I have concluded that the use of separate hiring pools discriminatorily restricts the access of minority teachers to full employment opportunity in the New York City school system and violates Title VI.

B. Testing

In addition to the employment restrictions imposed by the alternative method, the process used by the Board of Examiners to generate the rank order lists and to make other employment eligibility decisions represents a separate discriminatory barrier to minority teacher employment.

There are three distinct but related aspects of the rank order method, each of which has an adverse impact on the hiring of minority applicants:

- (1) the date the examination is given;
- (2) the pass/fail score achieved on a particular examination; and
- (3) the numerical score above passing attained by the applicant on a particular examination.

The use of "date" as a criterion for selection has an exclusionary effect on minority applicants. This is illustrated by the chart attached at Appendix F which shows that for the largest licensing areas, both the number and percentage of minority applicants who took and passed the test have steadily increased year by year. For example, the percentage of blacks among those who passed the Common Branches examination quadrupled between 1968 and 1974 from 2 percent to 8.4 percent as the number of blacks passing the test has increased from 5 to 272. Consequently, the requirement that earlier lists be exhausted before anyone on a later list can be considered creates a constraint on minority employment opportunity. There does not appear to be any business necessity or educational justification for this requirement.

Data supplied by the school system also reveal that the pass/fail criterion established by the Board of Examiners has an adverse impact

on minority applicants. The percentage of minority applicants who took and passed the examinations in the largest licensing areas in the years for which data was supplied was significantly lower than the corresponding percentage of non-minority applicants. For example, in the June 1974 Common Branches Examination, 28.5 percent of all blacks who took the test passed, while 65.8 percent of the other applicants taking the test passed. (See Appendix G.)

Similarly, the use of rank order for those passing has an adverse impact on minority employment opportunities. Our review of several different test results, based upon those given in the largest licensing areas, clearly indicates that minority applicants passing the examination consistently were overrepresented in low score categories and underrepresented in high score categories. (See Appendix H.) In the absence of a showing that scores on the Board of Examiners examination are correlated with job performance, this disparity, under the Griggs test, violates Title VI.

In addition to the tests used for establishing rank order lists, the pass/fail criterion created by the Board of Examiners for the recertification examinations and the ancillary certificates also poses a barrier to the employment of minorities. In each of the recertification examinations for which the Board of Examiners provided data, the results of the tests demonstrated a disparate impact on blacks. For example, on the January 1976 Math junior high school examination, the pass rate was 47.62 percent for blacks and 76.46 percent for whites. (See Appendix I.) The results of the ancillary certification process show a pattern identical to the recertification examinations. As an example, the results of the June 1975 Early Childhood examination show that the pass rate was 14.29 percent for blacks and 26.26 percent for whites. (See Appendix J.)

On the basis of the information we have reviewed during our compliance investigation, we have concluded that the test date, the pass/fail score and the rank order list by numerical score each has an adverse impact on minorities. The use of the test date as a measure of the qualifications of minority applicants is neither job related nor business necessary, and the school system has yet to demonstrate the job-relatedness or business necessity, because there are teacher hiring methods readily available to the system which have a less adverse impact on minorities. One of these, the alternative hiring method described above, has been utilized by the system for several years. Another available method is the use of New York State certification as the basic criterion for teacher employment. In order to comply with Title VI, the school system would have to use that hiring method reasonably available to it which has the least adverse racial impact.

(2) Assignment of Teachers, Principals and Assistant Principals

This Office has found a significant correlation between the race/ethnicity of professional staff (composed of principals, assistant principals and teachers) and the race/ethnicity of the students in the schools to which the staff are assigned. The statistical strength of the relationship demonstrates that this assignment pattern is not a random occurrence.

Specifically, minority professional staff are assigned predominantly to minority schools and are rarely assigned to those schools in the system which are predominantly white. For example, 82 percent of all minority teachers are assigned to schools where minority student enrollment exceeds 84 percent, while less than 15 percent of all minority teachers are assigned to those schools where minority student enrollment is below 35 percent. A similar assignment pattern is found for minority assistant principals and principals at the elementary, junior high/intermediate, and high school levels. Spanish-surnamed principals, assistant principals and teachers are concentrated in schools with the highest percentages of Spanish-surnamed students; and black principals, assistant principals and teachers are concentrated in schools with the highest percentages of black students. (See Appendix K.)

In addition to analyzing system-wide assignment patterns, this Office reviewed the assignment of professional staff within each of the thirty-two community school districts. In nearly all community school districts where there are schools with sufficiently varied student racial/ethnic compositions to permit the schools within the district to be characterized as both "minority" and "non-minority," the race/ethnicity of teachers assigned correlates significantly with the student racial/ethnic composition of those schools. Specifically, this pattern was found to exist in Community School Districts 3, 6, 10, 11, 14, 18, 21, 24, 27, 28,* 29, and 31. In Community School Districts 2, 15, and 30, analysis of the

*CSD 28 was previously advised of its ineligibility for participation in the ESAA program due to its discriminatory assignment of teachers to schools. This violation is also a violation of Title VI.

assignment pattern does not produce a statistically significant result. In Community School Districts 1, 4, 5, 7, 8, 9, 12, 13, 16, 17, 19, 20, 22, 23, 25, 26, and 32, because of statistical considerations, a similar assignment analysis could not be conducted. However, each of these community school district has directly contributed to the city-wide pattern of segregated staff assignment. (See Appendix L.)

The U.S. Supreme Court in Swann v. Charlotte-Mecklenburg Board of Education, 402 U.S. 1 (1971) stated, at page 18, that:

Independent of student assignment, where it is possible to identify a "white school" or a "Negro school" simply by reference to the racial composition of teachers and staff, the quality of school buildings and equipment, or the organization of sports activities, a prima facie case of violation of substantive constitutional rights under the Equal Protection Clause is shown.

Based upon the data supplied by the system, I have concluded that, at the elementary, junior high/intermediate and high school levels, teachers, assistant principals and principals have been and continue to be assigned in a manner that creates, confirms and reinforces the racial/ethnic identifiability of the system's schools in violation of the Supreme Court ruling in Swann v. Charlotte-Mecklenburg and, thus, Title VI.

(3) Salary, Experience and Degree Status of Teachers

Based on information provided by the school system, our investigation revealed that schools with higher percentages of minority students have been assigned teachers with less experience, lower salaries and fewer advanced degrees than schools with higher percentages of non-minority students. Specifically, an analysis of 1975-76 BEDS data shows at the elementary, junior high/intermediate and high school levels a significant correlation between the percentage of minority students and the average teacher experience in years, the average teacher salary, and the percent of teachers with advanced degrees. For example, the average salary difference between the teachers in schools with the highest percent minority students and teachers in schools with the lowest percent minority students

is about \$1100 per year for elementary schools, about \$1800 for junior high/intermediate schools, and about \$1000 for high schools.

On the basis of this information, I have concluded that the New York City school system has violated Title VI and the Departmental regulation, 45 CFR 80.3(b)(ii) by assigning teachers to schools in such a manner that minority children are generally taught by teachers with less experience, lower salary and fewer advanced degrees.

During the course of this investigation, we have received allegations that Community School District #1 has systematically removed minority principals and teachers and replaced them with white principals and teachers. I am advised that internal grievances have been filed and that hearings have been held to examine certain issues relating to the selection of supervisors in Community School District 1. Members of your staff have indicated that the Hearing Officer has made recommendations and that a decision is expected in the near future. Therefore, this Office will await your decision in this matter before it initiates any action.

Discussion of Title IX Violations

(1) Access to Supervisory Positions

According to BEDS data for the 1975-76 school year, women comprised 23.3 percent of all school principals in the New York City school system, and 28.2 percent of all assistant principals. In contrast, in 1975-76, women comprised 60.1 percent of the teaching staff and 57.6 percent of other persons in professional staff positions (guidance, library, health care, etc.), and have historically comprised at least that percentage. (See Appendix M.)

Because supervisory positions are normally filled from the ranks of the teaching staff, this disparity, coupled with specific allegations of discriminatory hiring practices, led this Office to investigate the selection practices of the school system with respect to principals and assistant principals.

In the course of this investigation, it became apparent that the New York City school system has consistently utilized vague and subjective employment criteria and procedures as an important part of the selection process.

The New York City school system hires its supervisors pursuant to the procedures and guidelines set forth in Special Circular No. 30.

In addition, the community school districts may supplement these guidelines. Special Circular No. 30 prescribes numerous non-objective hiring standards such as "evidence of receptivity to new concepts and ideas," "general philosophy of education," "sense of humor," "personal maturity," and "warmth and understanding." In various community school districts, vague criteria such as "professional integrity and conscientiousness," "ability to make decisions and evaluations," and "use of English" have been developed and added to the process. The use of vague and subjective criteria has facilitated the development of a sex discriminatory hiring pattern for principals and assistant principals.

The Division of Personnel of the Board of Education of the City of New York has recognized this pattern with respect to the hiring of women in supervisory positions. A May 26, 1976 memorandum from the Executive Director of the Division of Personnel indicates that the reason for this failure is that parent committees involved in the selection process feel that only males can be "tough" or "law and order" principals. The existence of vague and subjective employment criteria clearly creates the opportunity for such sex stereotyping.

The prospects for sex discriminatory selection have been further increased by the continuing failure of the school system to establish and enforce selection procedures which contain feasible safeguards which are necessary to preclude considerations of sex from entering the selection process. For example, the responsibility for monitoring the selection processes of the community school districts is not delineated explicitly and varies considerably among districts.

The consequences of these actions are demonstrated by the wide disparity between the percentage of teachers in the New York City school system who possess the specific qualifications required for principal and assistant principal positions and are women and the percentage of principals and assistant principal positions now filled by women. The minimum New York State requirement for supervisory positions is a Bachelor's Degree plus 30 semester hours of graduate study and three years experience in education. Of teachers employed by the school system during the 1975-76 school year who met this requirement, 59.7 percent are female. New York State requirements for supervisory positions include the provision that 18 of 30 semester hours of graduate study must be in or related to the fields of administration and supervision. Data is not available as to the sex composition of persons meeting this 18 hour requirement, but even significant variations in this category would fail to explain the existing disparity noted above.

We have also taken into consideration the fact that most of the principals and assistant principals in the New York City school system hold a Master's Degree plus 30 hours of college credit. A review of 1975-76 information indicates that this factor is of little value in explaining the substantial disparity. Of those teachers holding a Master's Degree plus 30 hours of college credit, 47.6 percent are female; of such persons in other professional staff positions, 56.6 percent are female. Thus, on the basis of information available about women now employed as teachers who possess the minimum state certification requirements for principal and assistant principal positions, it is clear that women are underrepresented in such positions by a factor of 2 to 1. A virtually identical underrepresentation of women is observed if the actual qualifications possessed by principals and assistant principals in the New York City schools are used as a basis for comparison. (See Appendix N.)

Not only are women substantially underrepresented in these job categories but the proportion of women principals and assistant principals employed by the system has actually decreased since the passage of Title IX. For example, the percentage of female assistant principals has dropped dramatically from 34.2 percent in 1971-72 to 28.2 percent in 1975-76, and their number has been reduced by 57 during a period in which the total number of assistant principals increased by 190.

On the basis of this information, I have concluded that the current process used by the school system to select principals and assistant principals relies on the use of vague and subjective employment criteria which provide an opportunity for discrimination to occur. The application of this process has resulted in the disproportionate exclusion of women from supervisory positions, in violation of the standard set by the United States Court of Appeals in Rowe v. General Motors, 457 F. 2d 342 (5th Cir. 1972). The Rowe decision and its progeny are applicable to sex discrimination as well as race discrimination. Accordingly, the Department applies the Rowe standard to employment discrimination which arises under Title IX.

(2) Allocation of Coaching Services

An analysis of the data collected during this review reveals a significant disparity between the coaching services for high

school athletic programs provided to male and female students. A significant measure of this disparity is the salaries paid to persons coaching male and female athletic activities.

While all coaches are paid equally by the hour, the school system allots certain sports more "sessions" per year than others. For example, boys' basketball has been allocated 70 sessions while girls' basketball has been allocated only 50 sessions. In all, a boys' sport, has been allocated 70 sessions while a girls' sport, has been allocated only 50 sessions. In sports enrolling a large proportion of female students the coaching salaries are lower than those for sports having a large proportion of male students. (See Appendix O.)

The difference in coaching salaries produces a substantial difference in the salaries paid to male and female coaches. For example, male coaches during the 1975-76 school year earned on the average \$1,377 for their services, while female coaches earned \$1,155 for theirs. At least part of this substantial difference stems from lower compensation standards based on the sex identifiability of the sports being coached. For example, both men's and women's tennis have been allocated 30 sessions, but male tennis coaches earn an average of approximately \$400 per year more than female tennis coaches, a difference which is not explained by Board policy. Whether covered by policy or not, the net result is that men earn an average of \$222 per year, or 19 percent more than women, a difference which cannot be attributed to random variation.

On the basis of this information, I have concluded that the New York City school system is allocating a lower level of financial support to athletic coaching instruction being provided to women in violation of Title IX and the Departmental regulation, 45 CFR 86.41.

(3) Maternity Leave

In the course of our investigation and because of a complaint filed with this office, information was requested from the New York City school system concerning the system's past and present maternity leave policies. Our review of this information indicates that the school system's present maternity leave policy (dated September 1, 1973) appears to comply with the requirements of Title IX. On the basis of this review, however, a failure by the school system to overcome the effects of past (pre-September 1973) discriminatory policies has been identified.

Under the pre-September 1973 policies, maternity leave was treated differently from other temporary disabilities and constituted a leave without pay (LWOP). This difference in treatment continues to have an adverse impact on female teachers with regard to both seniority benefits and reimbursement for sick leave granted other teachers.

Teachers who took maternity leave before September 1973 were not entitled to sick pay for days absent for pre-natal care or maternity-related illness but were required to take LWOP for a specified period. Such teachers, had they been permitted to begin and end maternity leaves at their own discretion and had they not been required to use LWOP for the entire absence, would have accumulated greater seniority. This differential application of leave policies has adversely affected the placement of such teachers on seniority lists used as a basis for layoff decisions in 1975 and 1976 and has continued to disadvantage such teachers in their subsequent placement on preferred eligibility lists for recall.

The adverse impact of this discriminatory treatment was particularly severe for female teachers who served in the school system as regular substitute teachers and took maternity leave before September 1973. At that point in time, because maternity leave was considered a break in service, all prior service was discounted in thereafter computing seniority, even though other benefits similar to those extended to regular teachers (e.g., salary, pension, accumulation of leave) were similar. While a recent change has occurred in the State Education Law, which allows the counting of all system service in computing seniority, the change is not retroactive to teachers laid off before July 1976.

On the basis of this information, I have concluded that the effects of the system's earlier maternity leave policy have an adverse and continuing impact on women who used maternity leave prior to the 1973-74 school year. This procedure constitutes a neutral employment criterion which continues the effect of previous discrimination in violation of the standard set by numerous court decisions. See, for example, United States v. Bethlehem Steel Corporation, 666 F. 2d 672 (2d Cir. 1971) and United States v. N. L. Industries, 479 F. 2d 354 (8th Cir. 1973). Accordingly, this violates Title IX and the Departmental regulation, 45 CFR 86.57(c) and 86.58(b).

In view of the findings set forth above with respect to discriminatory practices in the New York City Public school system, your District must submit a plan to this Office within 90 days of the receipt of this letter setting forth the remedial steps which the District will take in order to comply with Title VI of the Civil Rights Act of

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1964 and Title IX of the Education Amendments of 1972. The plan must include provisions for remedying individual instances of past discrimination.

I am, of course, aware of the complexity of the violations and the difficulty of formulating certain remedies. I am also aware that this investigation came at a time when the school system was experiencing great difficulty due to the City's fiscal problems. Accordingly, Office for Civil Rights and Office of General Counsel staff who have formed the team investigating this matter would be happy to meet with you and members of your staff to explain our findings in greater detail.

The cooperation extended by those members of your staff with whom we have worked is much appreciated. Please be assured that this Office, consistent with its statutory responsibilities, will make every effort to assist the school system in developing a plan to correct the violations which have been identified.

Sincerely,



Martin H. Gerry
Director
Office for Civil Rights

APPENDIX A

Profile: New York City Schools

Full-Time Teachers (Excluding District 75)*

	Total	Black	Spanish Surnamed	Oriental	Native American	Total Minority
1968-69 **	51,832	4,079 7.9%	464 0.9%	137 0.3%	46 0.1%	4,726 9.1
1970-71	58,827	4,455 7.5%	798 1.4%	209 0.4%	10 0.0%	5,472 9.3
1971-72	54,889	4,426 8.1%	1,027 1.9%	214 0.4%	13 0.0%	5,680 10.3
1972-73	53,924	4,610 8.5%	1,154 2.1%	217 0.4%	12 0.0%	5,993 11.1
1973-74	54,726	4,766 8.7%	1,376 2.5%	288 0.5%	8 0.0%	6,418 11.7
1974-75	53,907	5,055 9.3%	1,688 3.1%	295 0.5%	10 0.0%	7,031 13.0
1975-76	46,539	4,231 9.1%	1,678 3.6%	233 0.5%	8 0.0%	6,150 13.2

Students (Excluding District 75)

	Total	Black	Spanish Surnamed	Oriental	Native American	Total Minority
1968-69**	1,063,587	334,641 31.5%	244,302 23.0%	15,753 1.5%	1,526 0.1%	596,222 56.1
1970-71**	1,140,359	393,516 34.5%	292,664 25.7%	17,115 1.5%	607 0.1%	703,902 61.7
1971-72	1,137,707	397,287 34.9%	301,380 26.5%	18,267 1.6%	668 0.0%	717,242 63.0
1972-73	1,113,601	399,804 35.9%	293,745 26.4%	20,146 1.8%	415 0.0%	714,110 64.1
1973-74	1,096,702	400,810 36.5%	296,589 27.0%	22,021 2.0%	545 0.1%	724,233 65.9
1974-75	1,094,609	398,512 36.4%	302,552 27.6%	23,088 2.1%	545 0.1%	724,797 66.2
1975-76	1,085,550	401,455 37.0%	308,551 28.4%	24,231 2.2%	777 0.1%	735,161 67.7

* All data from BEDS School Survey unless otherwise noted.

** Data from OCR Survey (101-102's)

APPENDIX A

Profile: New York City Schools

Full-Time Teachers (Excluding District 75)*

Black		Spanish Surnamed		Oriental		Native American		Total Minority		Other	
4,079	7.9%	464	0.9%	137	0.3%	46	0.1%	4,726	9.1%	47,106	90.9%
4,455	7.5%	798	1.4%	209	0.4%	10	0.0%	5,472	9.3%	53,355	90.7%
4,426	8.1%	1,027	1.9%	214	0.4%	13	0.0%	5,680	10.3%	49,209	89.7%
4,610	8.5%	1,154	2.1%	217	0.4%	12	0.0%	5,993	11.1%	47,931	88.9%
4,746	8.7%	1,376	2.5%	288	0.5%	8	0.0%	6,418	11.7%	48,308	88.3%
5,038	9.3%	1,688	3.1%	295	0.5%	10	0.0%	7,031	13.0%	46,876	87.0%
4,231	9.1%	1,678	3.6%	233	0.5%	8	0.0%	6,150	13.2%	40,389	86.8%

Students (Excluding District 75)

Black		Spanish Surnamed		Oriental		Native American		Total Minority		Other	
334,641	31.5%	244,302	23.0%	15,753	1.5%	1,976	0.1%	596,272	56.1%	467,365	43.9%
393,516	34.5%	292,664	25.7%	17,115	1.5%	1,976	0.1%	703,902	61.7%	436,457	38.3%
397,287	34.9%	301,380	26.5%	18,267	1.6%	1,976	0.0%	717,242	63.0%	420,465	37.0%
399,804	35.9%	293,745	26.4%	20,146	1.8%	1,976	0.1%	714,110	64.1%	399,491	35.9%
400,010	36.5%	296,589	27.0%	22,021	2.0%	613	0.1%	719,233	65.6%	377,469	34.4%
398,572	36.4%	302,552	27.6%	23,088	2.1%	585	0.1%	724,797	66.2%	369,812	33.8%
401,652	37.0%	308,551	28.4%	24,231	2.2%	727	0.1%	735,161	67.7%	350,389	32.3%

* unless otherwise noted.

(24)

APPENDIX B

RACIAL/ETHNIC COMPOSITION OF STUDENTS AND TEACHERS BY SCHOOL LEVEL*
1975-76

	American Indian		Black		Oriental		Spanish Surnamed		Other		Total		Minority
	#	%	#	%	#	%	#	%	#	%	#	%	
Elementary Schools													
Students	301	0.1	198,150	36.8	12,481	2.3	164,756	30.6	163,332	30.3	539,020	100.0	375,688
Full-time Teachers	2	0.0	2,013	9.3	91	0.4	975	4.5	18,464	85.7	21,545	100.0	3,081
Junior High/Intermediate Schools													
Students	155	0.1	89,894	38.9	5,005	2.2	67,114	29.0	69,023	29.9	231,191	100.0	162,168
Full-time Teachers	2	0.0	1,516	12.9	62	0.5	387	3.3	9,814	83.3	11,781	100.0	1,967
High Schools													
Students	271	0.1	113,608	36.0	6,745	2.1	76,681	24.3	118,034	37.4	315,339	100.0	197,305
Full-time Teachers	4	0.0	702	5.3	80	0.6	316	2.4	12,111	91.7	13,213	100.0	1,102

(Source: BEDS, 1975-76)

*Information does not include Special Schools

APPENDIX B

RACIAL/ETHNIC COMPOSITION OF STUDENTS AND TEACHERS BY SCHOOL LEVEL*
1975-76

Black		Oriental		Spanish Surnamed		Other		Total		Minority		Non-Minority	
#	%	#	%	#	%	#	%	#	%	#	%	#	%
198,150	36.8	12,481	2.3	164,756	30.6	163,332	30.3	539,020	100.0	375,688	69.7	163,332	30.3
2,013	9.3	91	0.4	975	4.5	18,464	85.7	21,545	100.0	3,081	14.3	18,464	85.7
89,894	38.9	5,005	2.2	67,114	29.0	69,023	29.9	231,191	100.0	162,168	70.1	69,023	29.9
1,516	12.9	62	0.5	387	3.3	9,814	83.3	11,781	100.0	1,967	16.7	9,814	83.3
113,608	36.0	6,745	2.1	76,681	24.3	118,034	37.4	315,339	100.0	197,305	62.6	118,034	37.4
702	5.3	80	0.6	316	2.4	12,111	91.7	13,213	100.0	1,102	8.3	12,111	91.7

de Special Schools

Appendix C

Five Largest Urban School Systems in the United States - 1974-75

School District	White		Black		Spanish Surnamed		Asian American		American Indian		(Non-White)		Total	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%
New York City														
Students	365,487	33.2	403,064	36.6	307,844	28.0	23,252	2.1	577	0.1			1,100,224	100.0
Teachers	48,099	86.8	5,299	9.6	1,707	3.1	299	0.5	11	0.0			55,415	100.0
Los Angeles														
Students	252,839	41.9	149,358	24.7	167,868	27.8	30,941	5.1	2,650	4.0			603,656	100.0
Teachers	16,910	68.9	3,954	16.1	1,203	4.8	1,614	6.6	195	0.8	682	2.8	24,558	100.0
Chicago														
Students	151,290	28.2	310,880	57.9	67,952	12.7	5,558	1.0	977	0.2			536,657	100.0
Teachers	13,352	56.8	9,361	39.9	574	2.4	188	0.8	10	0.0	21	0.1	23,508	100.0
Philadelphia														
Students	88,480	33.2	164,558	61.7	12,557	4.7	750	0.3	155	0.1			266,500	100.0
Teachers	7,927	59.8	5,229	39.5	67	0.5	17	0.1	0	0.0	11	0.1	13,251	100.0
Detroit														
Students	67,833	26.4	184,194	71.6	4,457	1.7	580	0.2	332	0.1			257,396	100.0
Teachers	4,775	49.4	4,781	49.5	52	0.5	48	0.5	10	0.1	3	0.0	9,669	100.0

Appendix C

Five Largest Urban School Systems in the United States - 1974-75

Black	%	Spanish Surnamed	#	%	Asian American	#	%	American Indian	#	%	Other (Non-White)	#	%	Total	#	%	Minority	#	%	Non-Minority	#	%	
																							#
064	36.6	307,844	28.0	23,252	2.1	577	0.1							1,100,224	100.0	734,737	66.8	365,487	33.2				
299	9.6	1,707	3.1	299	0.5	11	0.0							55,415	100.0	7,316	13.2	48,099	86.8				
358	24.7	167,868	27.8	30,941	5.1	2,650	4.0							603,656	100.0	350,817	58.1	252,839	41.9				
954	16.1	1,203	4.8	1,614	6.6	195	0.8		682	2.8				24,558	100.0	7,648	31.1	16,910	68.9				
880	57.9	67,952	12.7	5,558	1.0	977	0.2							536,657	100.0	385,367	71.8	151,290	28.2				
361	39.9	574	2.4	188	0.8	10	0.0		21	0.1				23,508	100.0	10,154	43.2	13,352	56.8				
558	61.7	12,557	4.7	750	0.3	155	0.1							266,500	100.0	178,020	66.8	88,480	33.2				
229	39.5	67	0.5	17	0.1	0	0.0		11	0.1				13,251	100.0	5,324	40.2	7,927	59.8				
194	71.6	4,457	1.7	580	0.2	332	0.1							257,396	100.0	189,563	73.6	67,833	26.4				
781	49.5	52	0.5	48	0.5	10	0.1		3	0.0				9,669	100.0	4,894	50.6	4,775	49.4				

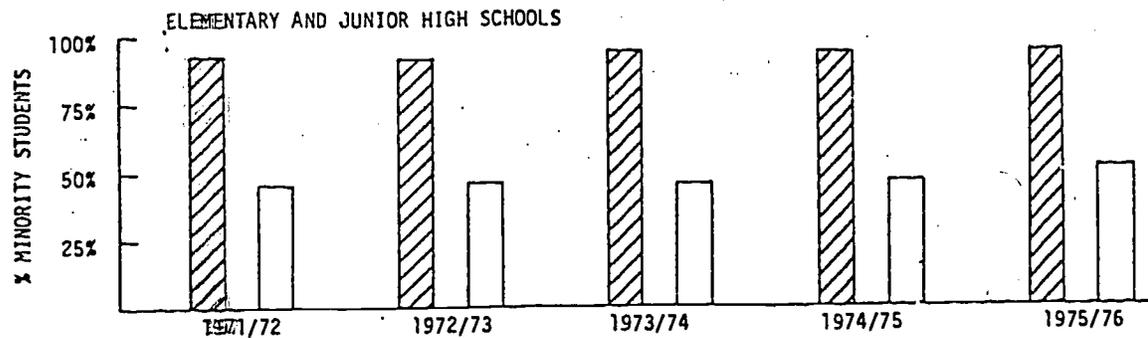
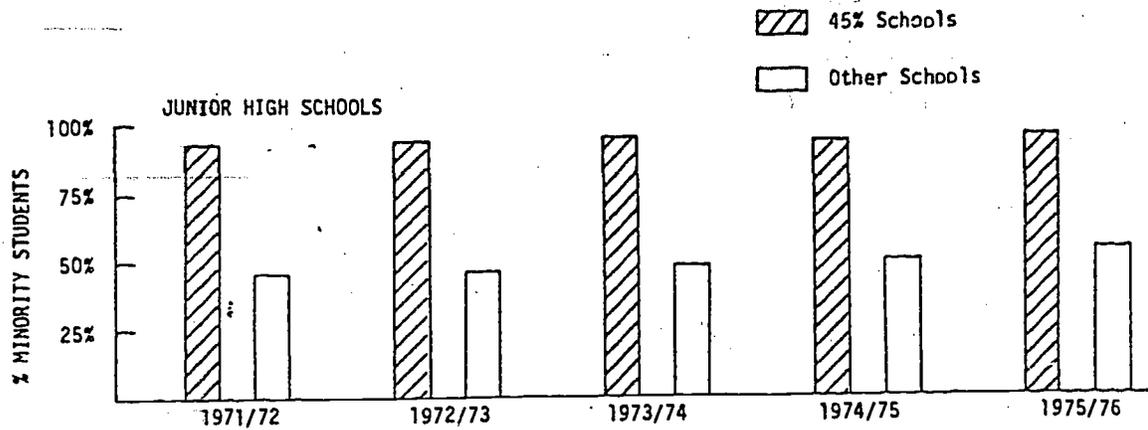
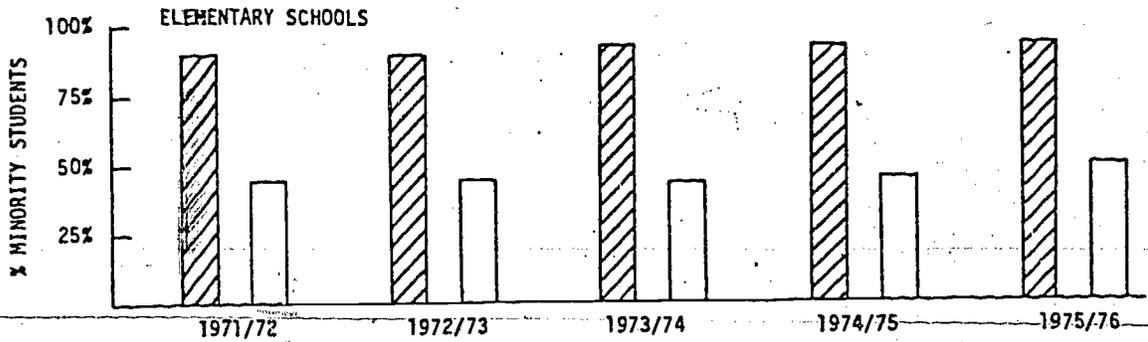
APPENDIX

RACIAL COMPOSITION OF NYC TEACHER HIRING POOLS

	% BLACK NTE HIRES	% BLACK ON RANK - ORDER LIST
1972-73		
COMMON BRANCHES	37.6%	6.5%
EARLY CHILDHOOD	46.7%	8.0%
MATH JHS	25.0%	5.5%
1973-74		
COMMON BRANCHES	37.5%	8.4%
EARLY CHILDHOOD	48.6%	9.8%
SOCIAL STUDIES JHS	40.5%	8.6%
MATH JHS	46.7%	7.8%
ENGLISH JHS	50.0%	10.6%

APPENDIX E

MINORITY COMPOSITION OF STUDENTS IN SPECIAL HIRING
45% SCHOOLS COMPARED WITH OTHER SCHOOLS IN
 NEW YORK CITY



APPENDIX F

RACIAL IMPACT OF YEAR OF TEST

Name of Exam	Date of Exam	Number of Blacks	Percent of Blacks in Total Passed
Early Childhood	12-68	12	2.14
Early Childhood	01-73	68	7.98
Early Childhood	06-74	84	9.79
Common Branches	12-68	5	2.00
Common Branches	01-73	186	6.54
Common Branches	06-74	272	8.43
Social Studies JHS	12-68	1	0.93
Social Studies JHS	02-74	35	6.64
Math JHS	12-68	1	4.55
Math JHS	11-72	6	5.45
Math JHS	06-74	62	7.83
English JHS	11-68	4	10.53
English JHS	06-74	42	10.61
Social Studies DHS	03-68	0	0.00
Social Studies DHS	06-74	12	2.98
Math DHS*	05-68	6	12.00
Math DHS	12-72	2	1.54
Math DHS	05-74	10	3.95
English DHS	04-68	3	3.16
English DHS	06-74	64	6.06

*Exception to year-by-year increase of black composition of rank order list (both in terms of numbers and percent).

APPENDIX G

RACIAL IMPACT OF REGULAR LICENSING EXAMS ON PASS RATES

Name of Exam	Date of Test	Percent Black Passed	Percent White Passed
Early Childhood	12-68	27.27	76.32
Early Childhood	01-73	55.74	86.82
Early Childhood	06-74	16.60	51.77
Common Branches	12-68	20.83	44.14
Common Branches	01-73	54.87	85.23
Common Branches	06-74	28.54	65.80
Social Studies JHS	12-68	8.33	43.27
Social Studies JHS	02-74	20.00	50.98
Math JHS	11-72	31.58	65.82
Math JHS	06-74	62.00	84.30
English JHS	11-68	66.67	59.65
English JHS	06-74	47.19	57.84
Social Studies DHS	03-68	0.00	42.22
Social Studies DHS	06-74	7.69	33.91
Math DHS	05-68	50.00	48.35
Math DHS	12-72	14.29	52.46
Math DHS	05-74	25.00	49.19
English DHS	04-68	42.86	50.55
English DHS	06-74	49.23	70.55

APPENDIX H

OVER- AND UNDER-REPRESENTATION OF BLACKS ON RANK ORDER
LISTS OF REGULAR LICENSING EXAMS

Name of Test	Date of Test	Score Categories by 5 Point Intervals*					
		1	2	3	4	5	6
Early Childhood	12-68	-	+	-	-	-	-
Early Childhood	01-73	+	+	+	-	-	-
Early Childhood	06-74	+	+	-	-	-	-
Common Branches	01-73	+	-	-	-	-	-
Common Branches	06-74	+	+	-	-	-	-
Math JHS	06-74	+	+	-	-	-	-
Math DHS	05-74	+	+	+	-	-	-
English JHS	06-74	+	+	-	-	-	-
English DHS	06-74	+	+	-	-	-	-
Social Studies JHS	02-74	+	+	-	-	-	-
Social Studies DHS**	06-74	-	+	-	-	-	-

* 1 = 60 to 65; 2 = 65 to 70; etc.

** Only four score categories.

APPENDIX I

RACIAL IMPACT OF RECERTIFICATION EXAMS
ON PASS RATES

Name of Exam	Date of Exam	Percent Blacks Passed	Percent White Passed
Math JHS 2585	01-76	47.62	76.46
Math DHS 2585	01-76	39.13	64.68
English JHS 2585	01-76	80.31	86.92
English DHS 2585	01-76	70.73	87.03

APPENDIX J

RACIAL IMPACT OF ANCILLARY CERTIFICATE EXAMS ON PASS RATES

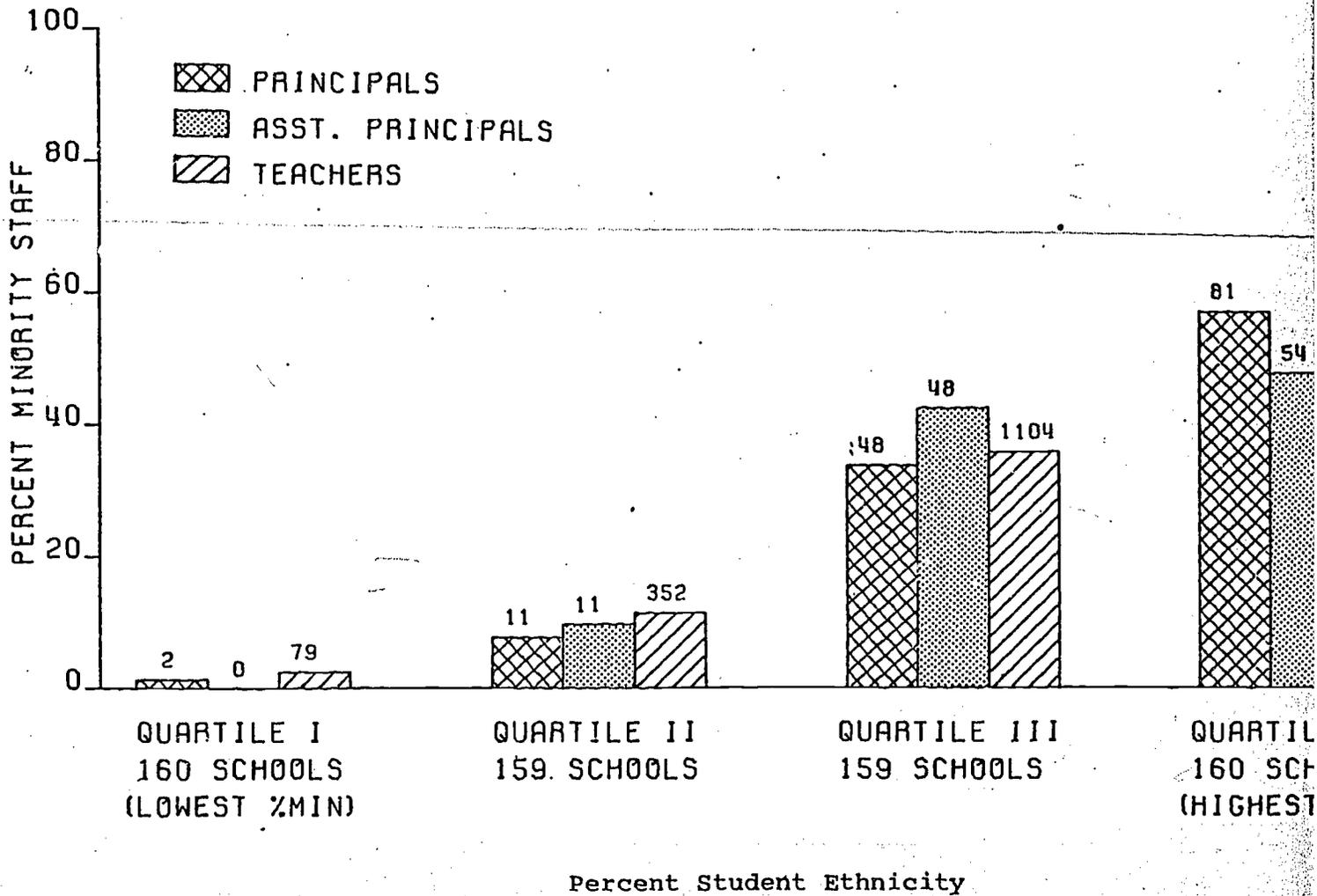
Name of Exam	Date of Test	Percent Blacks Passed	Percent Whites Passed
Early Childhood AC	06-75	14.29	26.26
Early Childhood AC	12-75	50.00	54.55
Common Branches AC	06-75	9.09	27.34
Common Branches AC	12-75	30.43	46.27
Social Studies JHS AC	06-75	27.27	24.49
Social Studies JHS AC	12-75	0.00	37.50
Math JHS and DHS plus Math DHS	06-75 12-75	40.00	50.98
Social Studies DHS AC	06-75 and 12-75	25.00	32.08

Appendix K-1

ASSIGNMENT OF MINORITY PROFESSIONAL STAFF

NEW YORK CITY 1975-1976

ELEMENTARY SCHOOLS (CITY-WIDE)



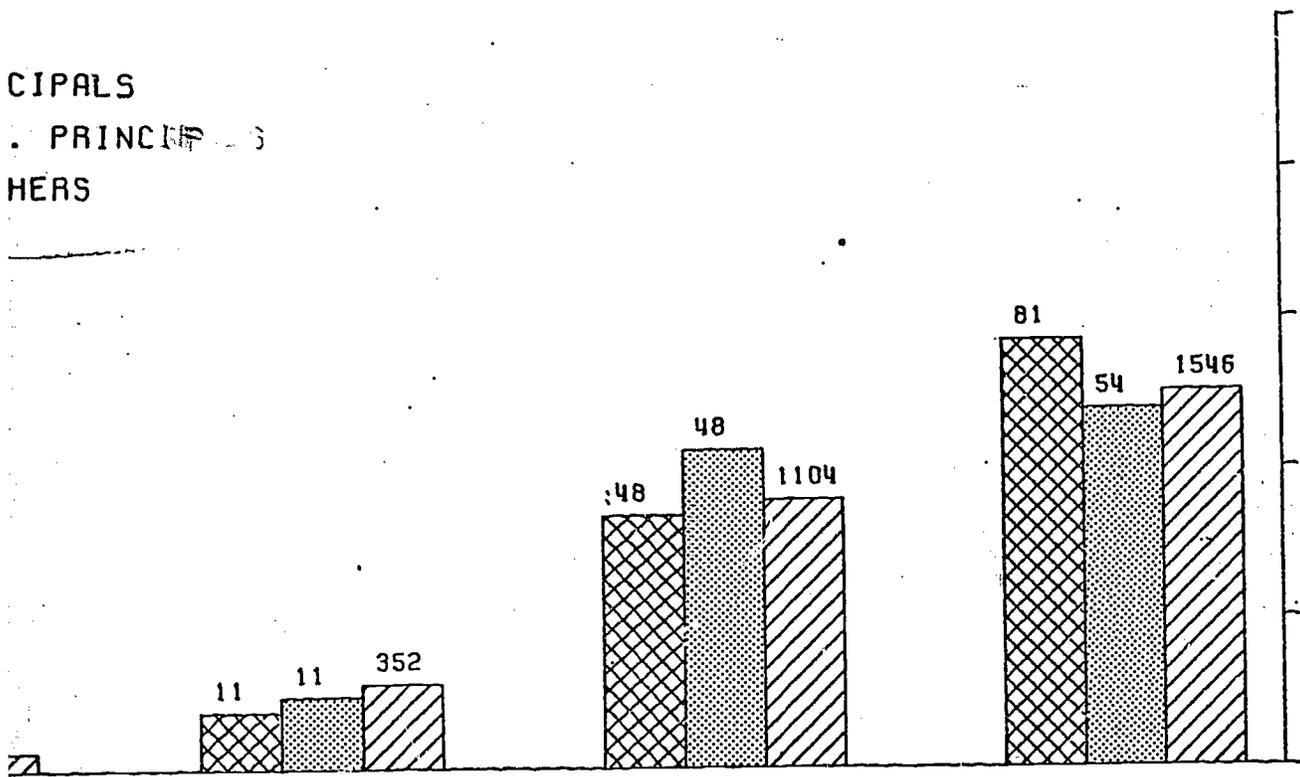
Appendix K-1

ASSIGNMENT OF MINORITY PROFESSIONAL STAFF

NEW YORK CITY 1975-1976

ELEMENTARY SCHOOLS (CITY-WIDE)

SCHOOL PRINCIPALS
TEACHERS



QUARTILE II
159 SCHOOLS

QUARTILE III
159 SCHOOLS

QUARTILE IV
160 SCHOOLS
(HIGHEST % MIN)

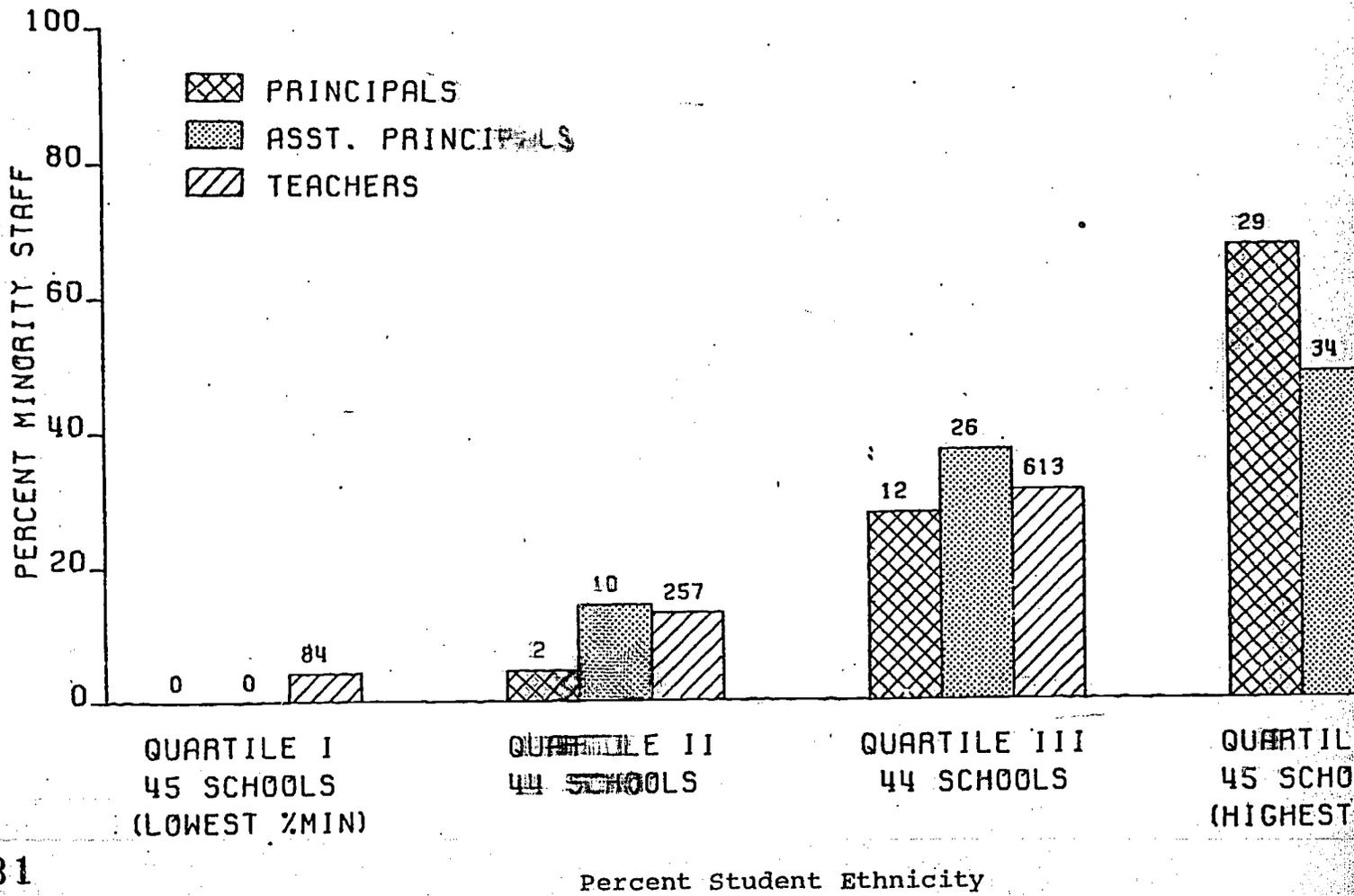
Percent Student Ethnicity

Appendix K-2

ASSIGNMENT OF MINORITY PROFESSIONAL STAFF

NEW YORK CITY 1975-1976

JUNIOR HIGH SCHOOLS (CITY-WIDE)



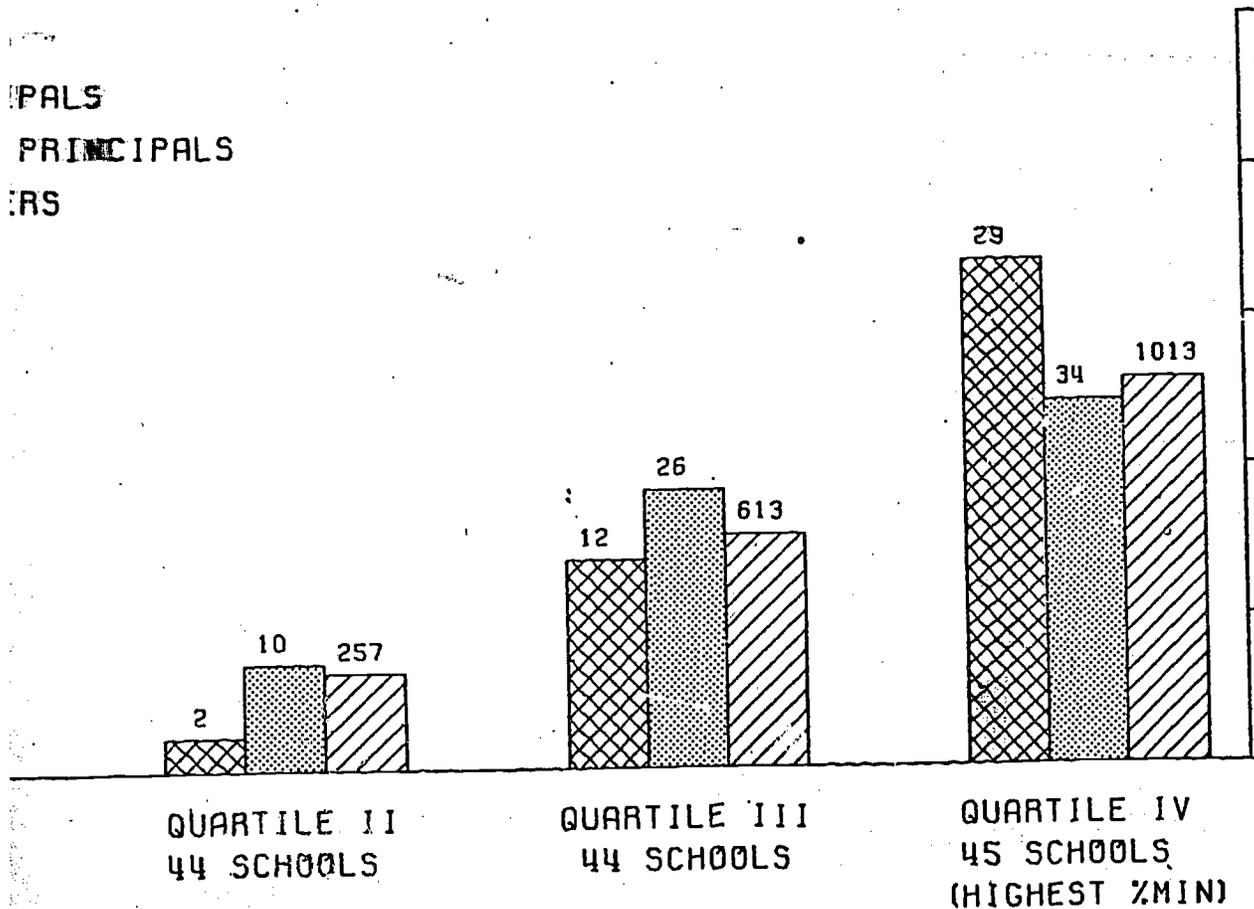
Appendix K-2

ASSIGNMENT OF MINORITY PROFESSIONAL STAFF

NEW YORK CITY 1975-1976

JUNIOR HIGH SCHOOLS (CITY-WIDE)

PRINCIPALS
TEACHERS

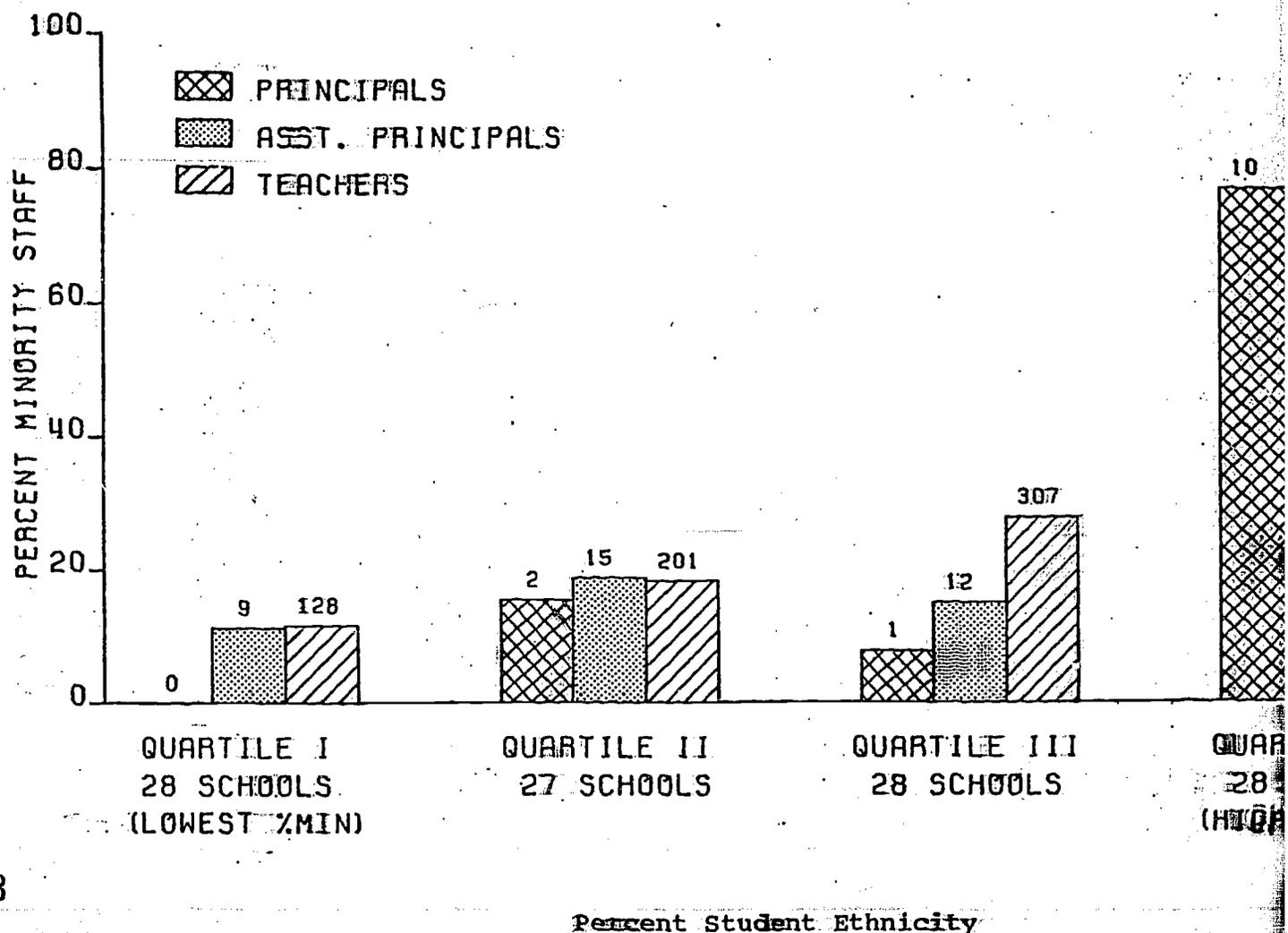


Percent Student Ethnicity

ASSIGNMENT OF MINORITY PROFESSIONAL STAFF

NEW YORK CITY 1975-1976

HIGH SCHOOLS (CITY-WIDE)



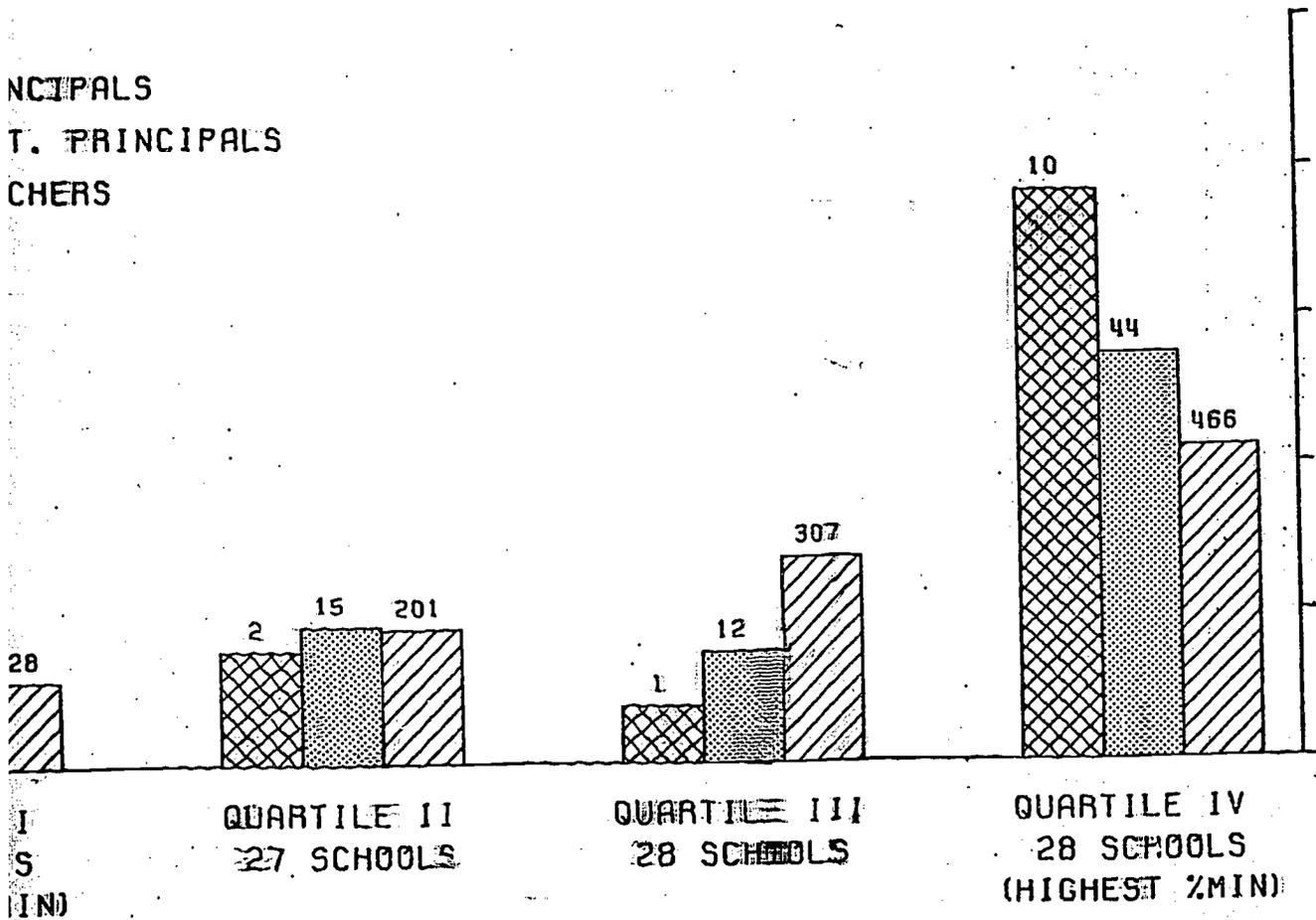
Appendix K-3

ASSIGNMENT OF MINORITY PROFESSIONAL STAFF

NEW YORK CITY 1975-1976

HIGH SCHOOLS (CITY-WIDE)

PRINCIPALS
 ASSISTANT PRINCIPALS
 TEACHERS

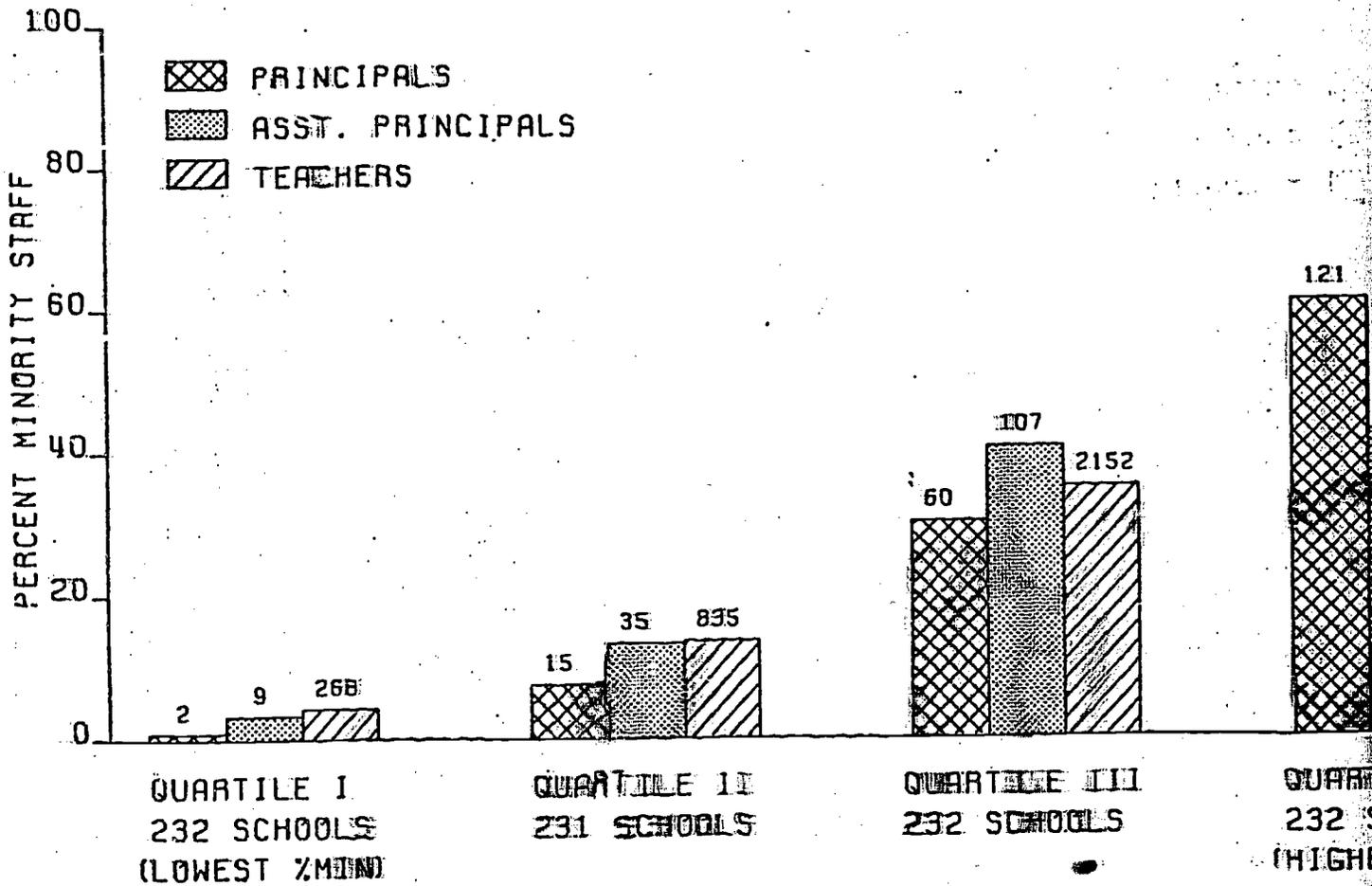


Percent Student Ethnicity

ASSIGNMENT OF MINORITY PROFESSIONAL STAFF

NEW YORK CITY 1975-1976

ALL SCHOOLS (CITY-WIDE)



Percent Student Ethnicity

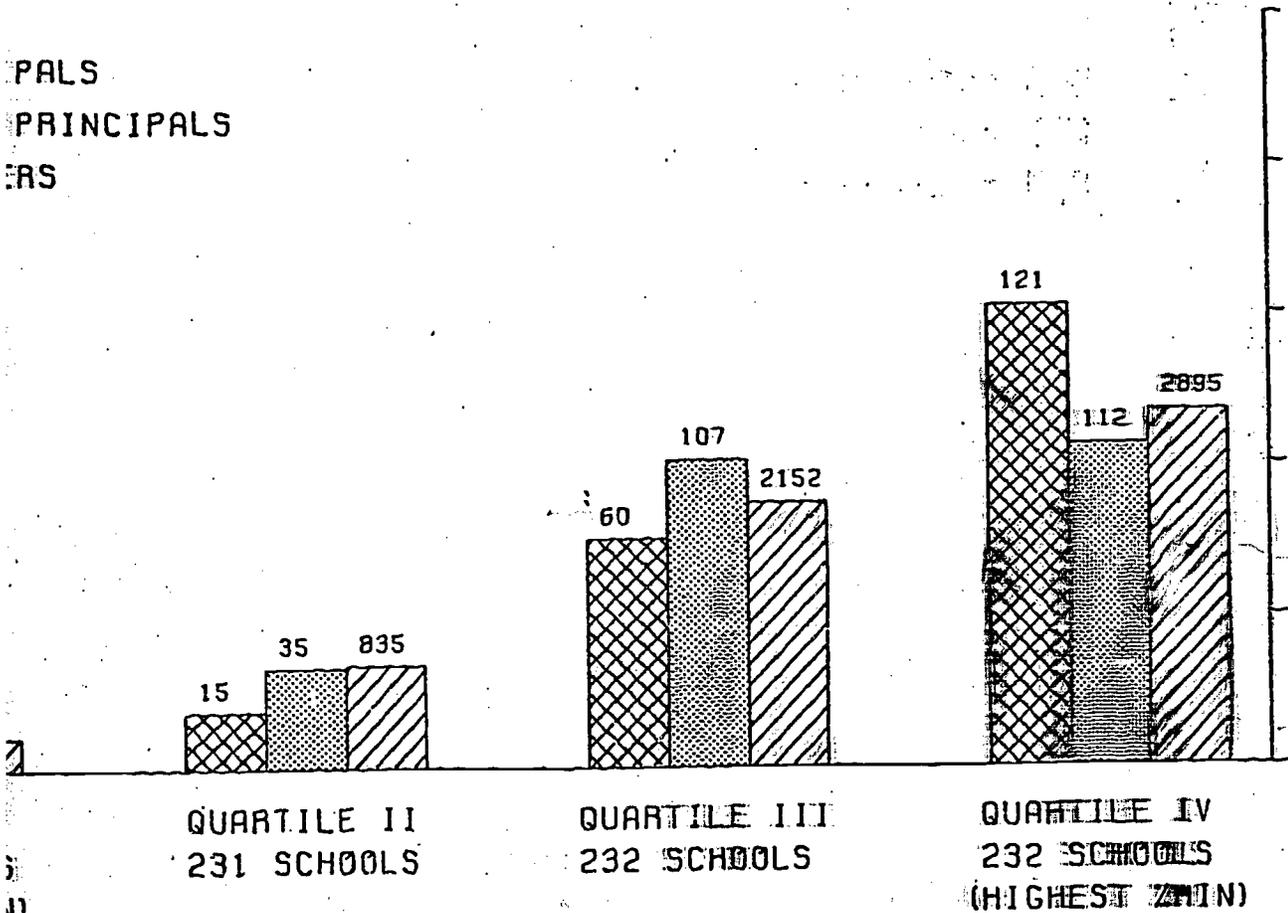
Appendix K-4

ASSIGNMENT OF MINORITY PROFESSIONAL STAFF

NEW YORK CITY 1975-1976

ALL SCHOOLS (CITY-WIDE)

TEACHERS
PRINCIPALS
SUPERVISORS



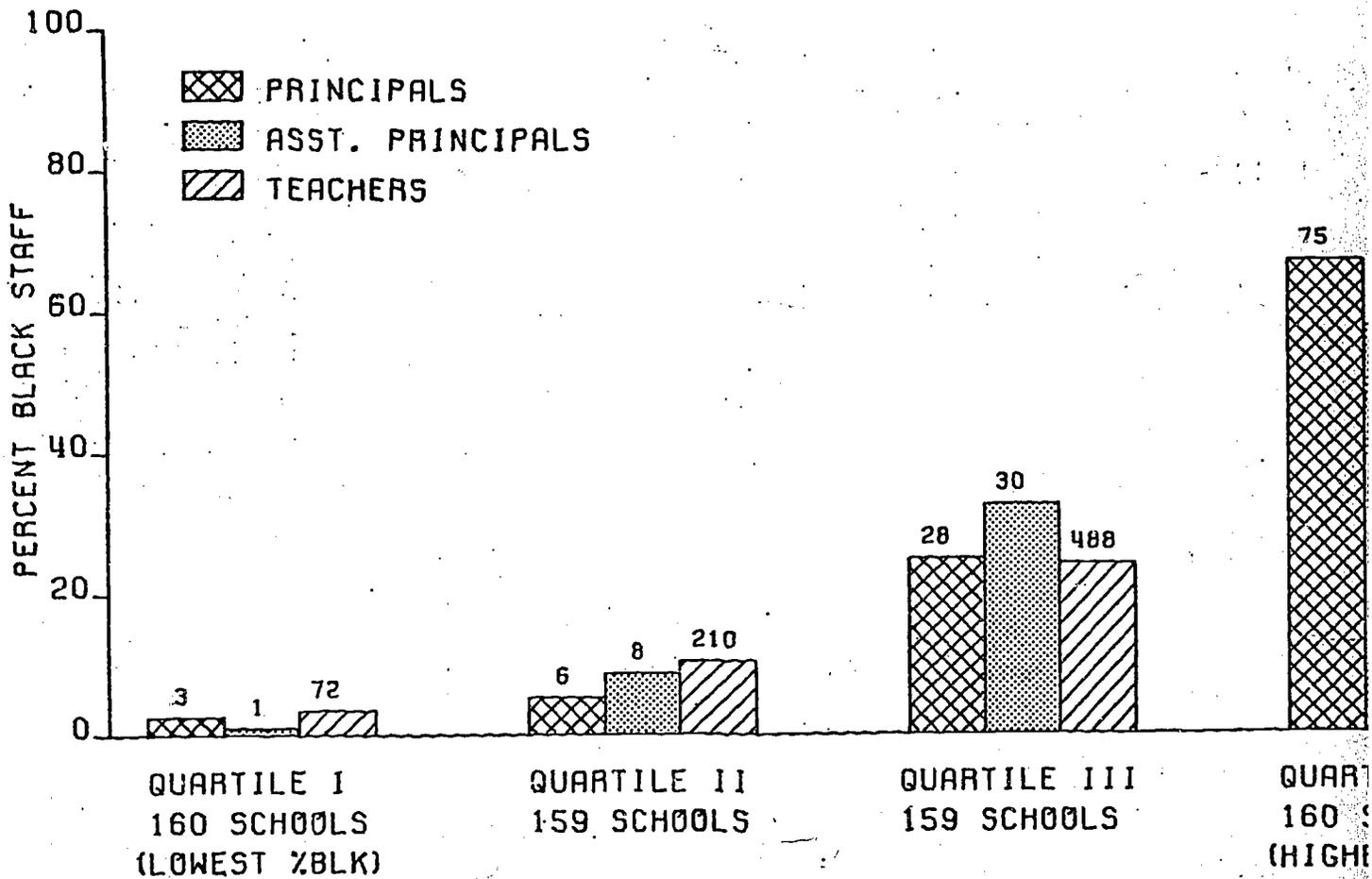
Percent Student Ethnicity

Appendix K-5

ASSIGNMENT OF BLACK PROFESSIONAL STAFF

NEW YORK CITY 1975-1976

ELEMENTARY SCHOOLS (CITY-WIDE)



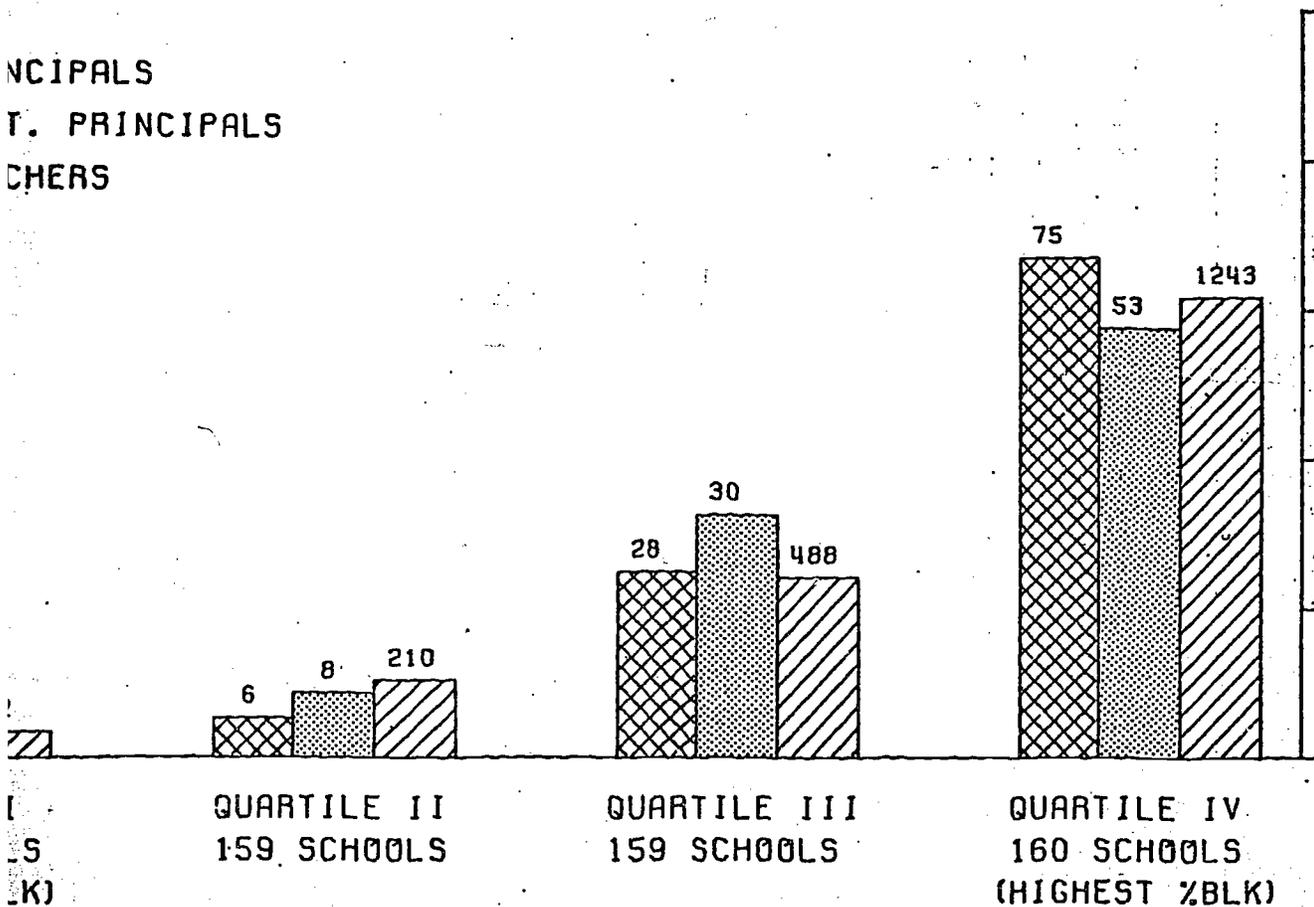
Appendix K-5

ASSIGNMENT OF BLACK PROFESSIONAL STAFF

NEW YORK CITY 1975-1976

ELEMENTARY SCHOOLS (CITY-WIDE)

PRINCIPALS
 DEPUTY PRINCIPALS
 TEACHERS

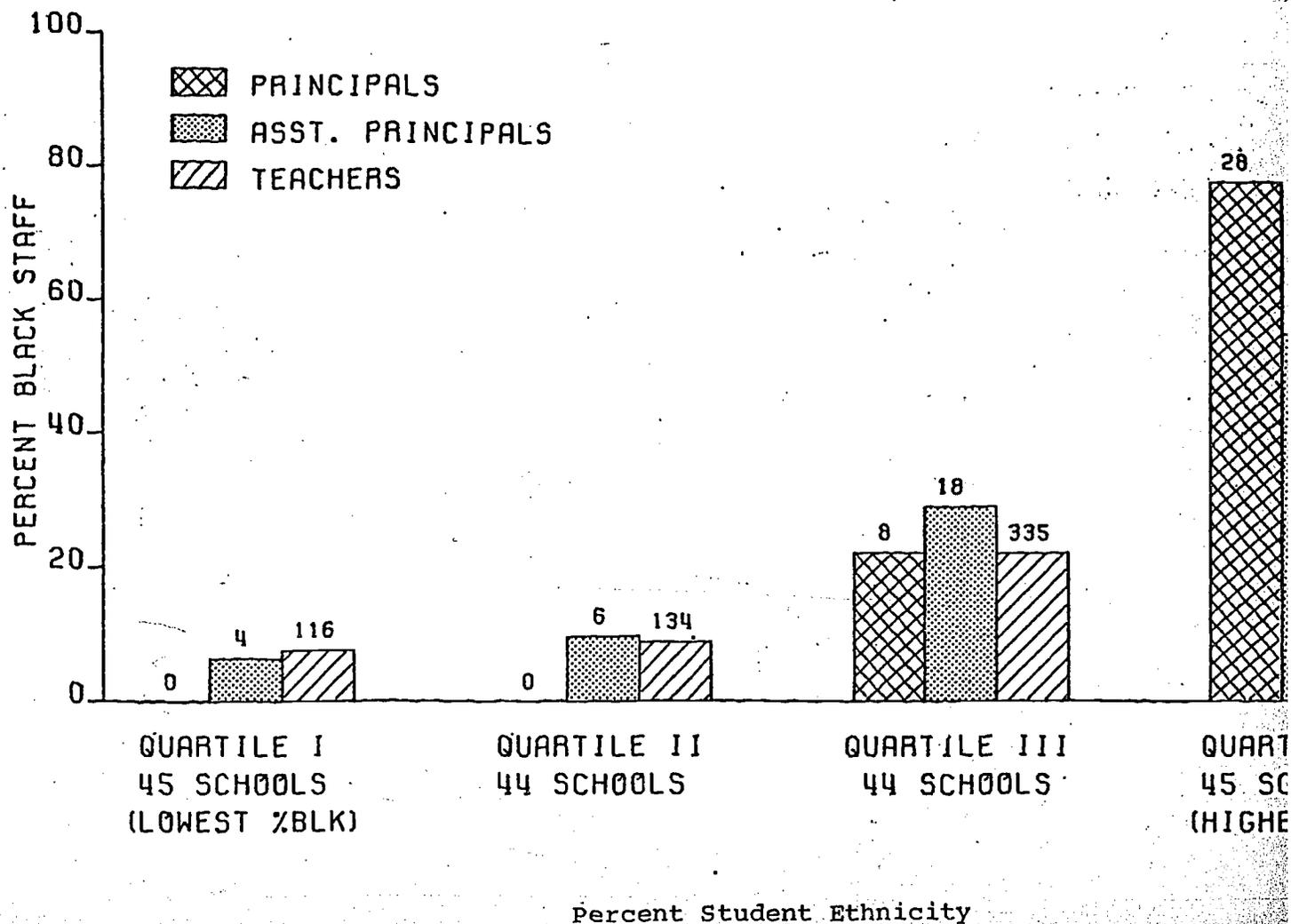


Percent Student Ethnicity

ASSIGNMENT OF BLACK PROFESSIONAL STAFF

NEW YORK CITY 1975-1976

JUNIOR HIGH SCHOOLS (CITY-WIDE)

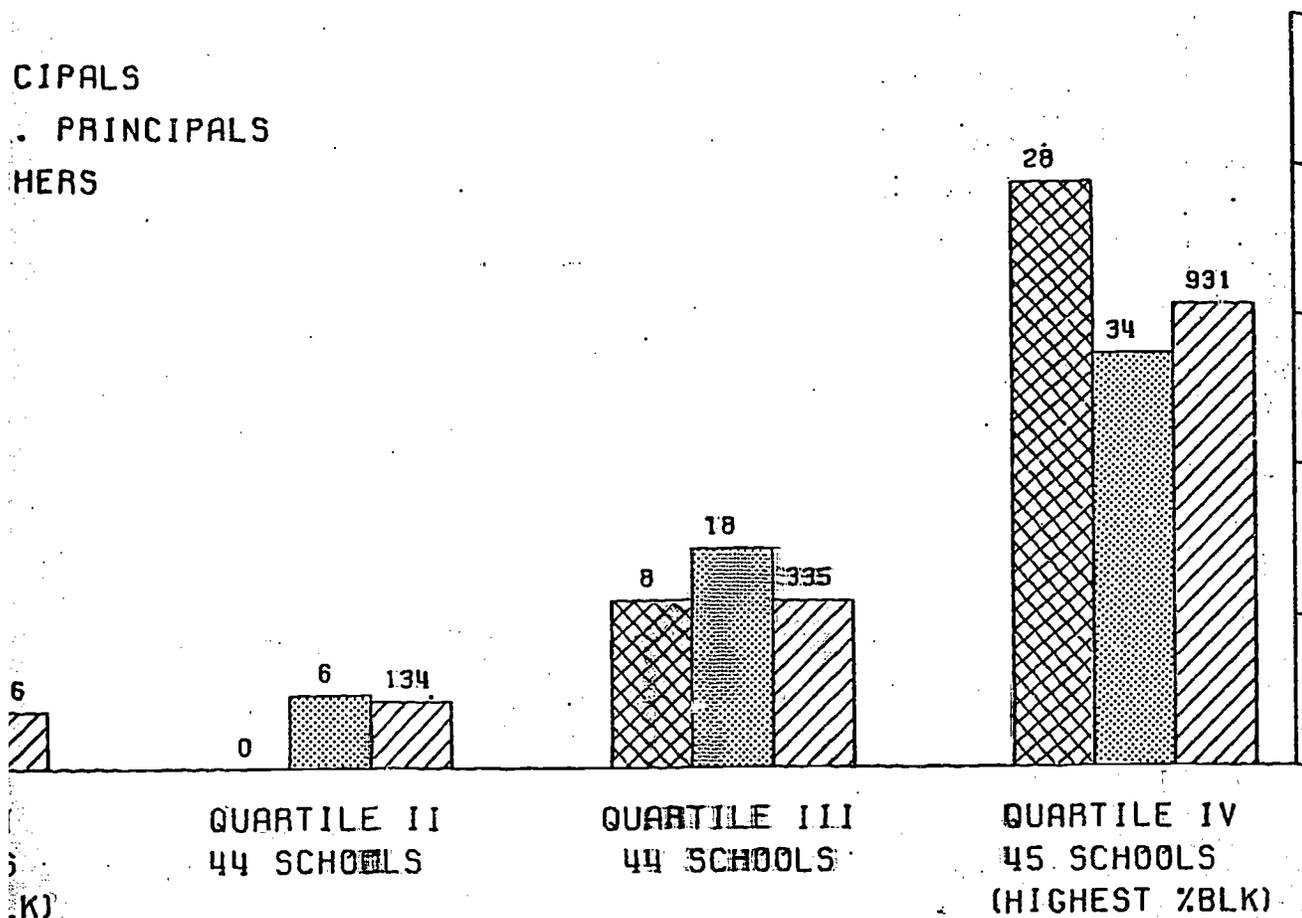


ASSIGNMENT OF BLACK PROFESSIONAL STAFF

NEW YORK CITY 1975-1976

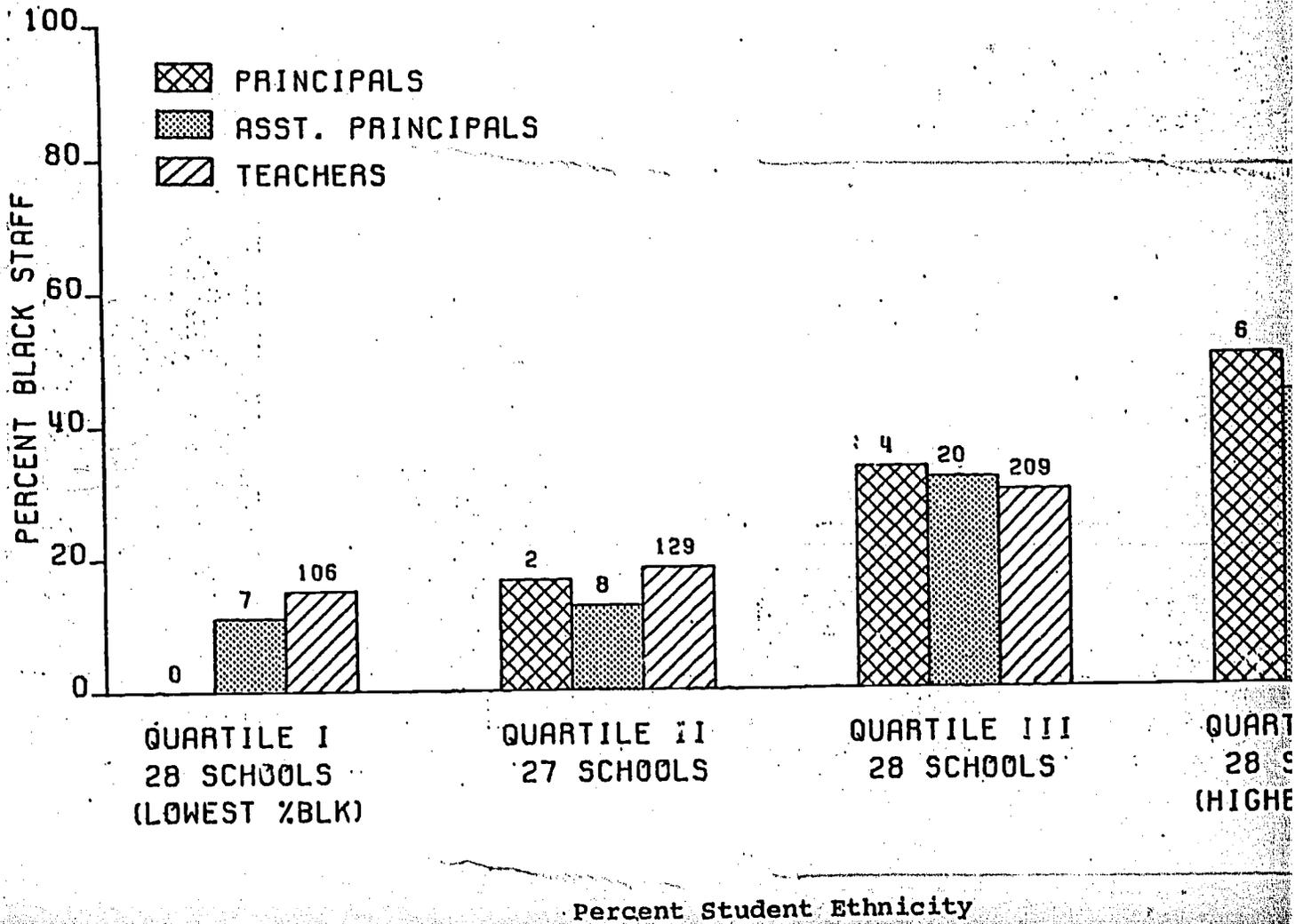
JUNIOR HIGH SCHOOLS (CITY-WIDE)

PRINCIPALS
 ASSISTANT PRINCIPALS
 TEACHERS



Percent Student Ethnicity

ASSIGNMENT OF BLACK PROFESSIONAL STAFF
 NEW YORK CITY 1975-1976
 HIGH SCHOOLS (CITY-WIDE)

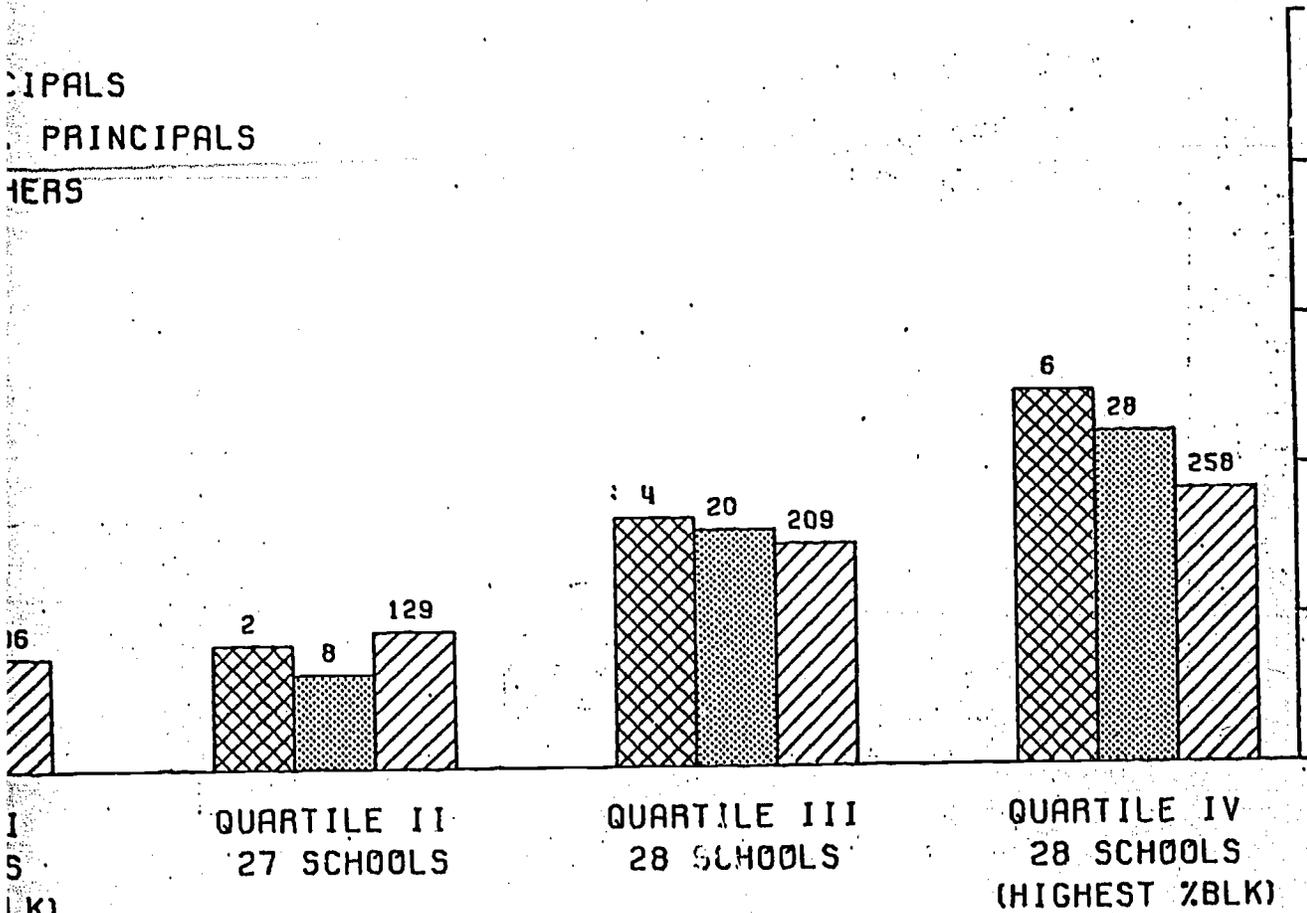


ASSIGNMENT OF BLACK PROFESSIONAL STAFF

NEW YORK CITY 1975-1976

HIGH SCHOOLS (CITY-WIDE)

PRINCIPALS
TEACHERS

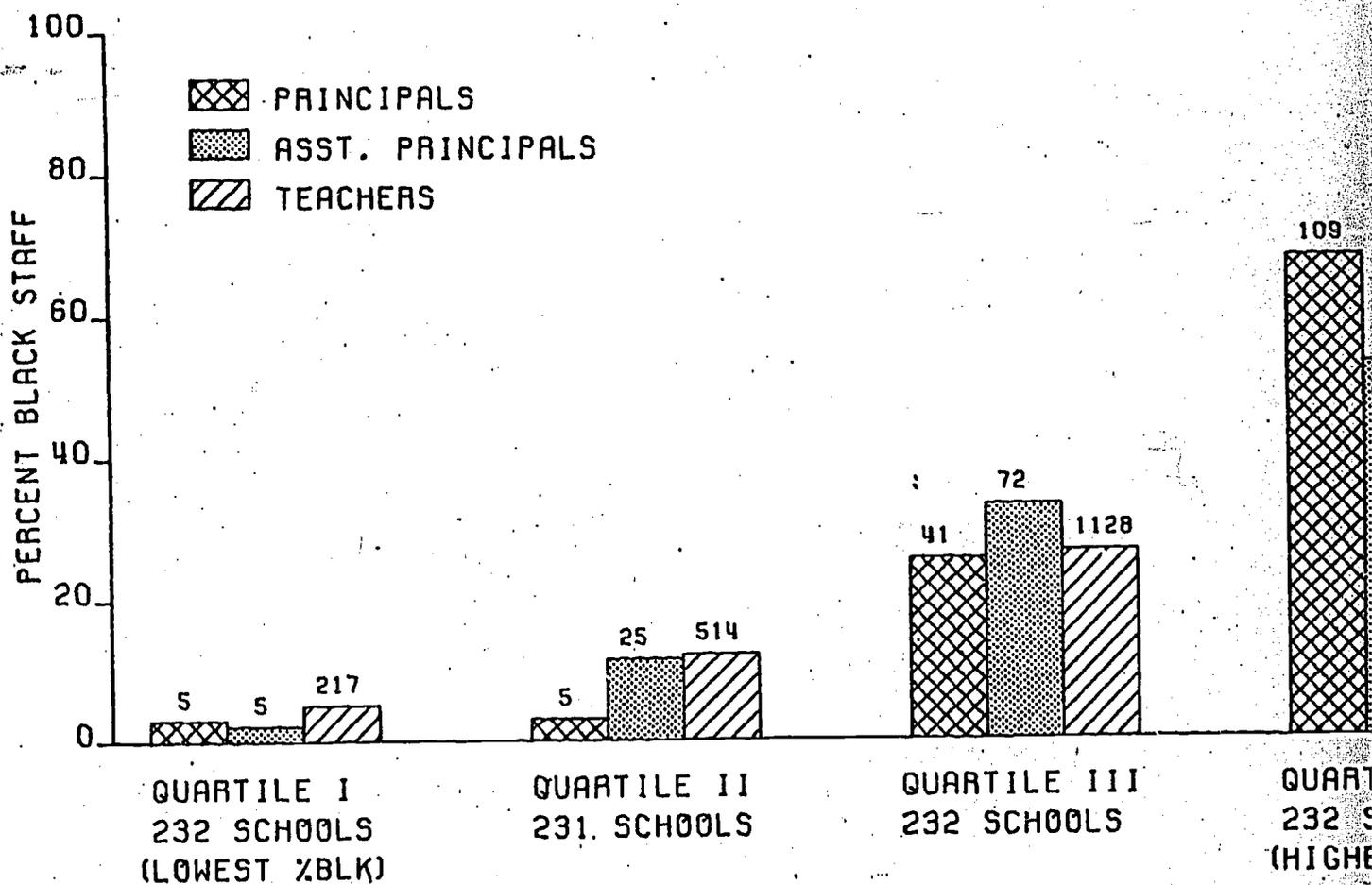


Percent Student Ethnicity

ASSIGNMENT OF BLACK PROFESSIONAL STAFF

NEW YORK CITY 1975-1976

ALL SCHOOLS (CITY-WIDE)



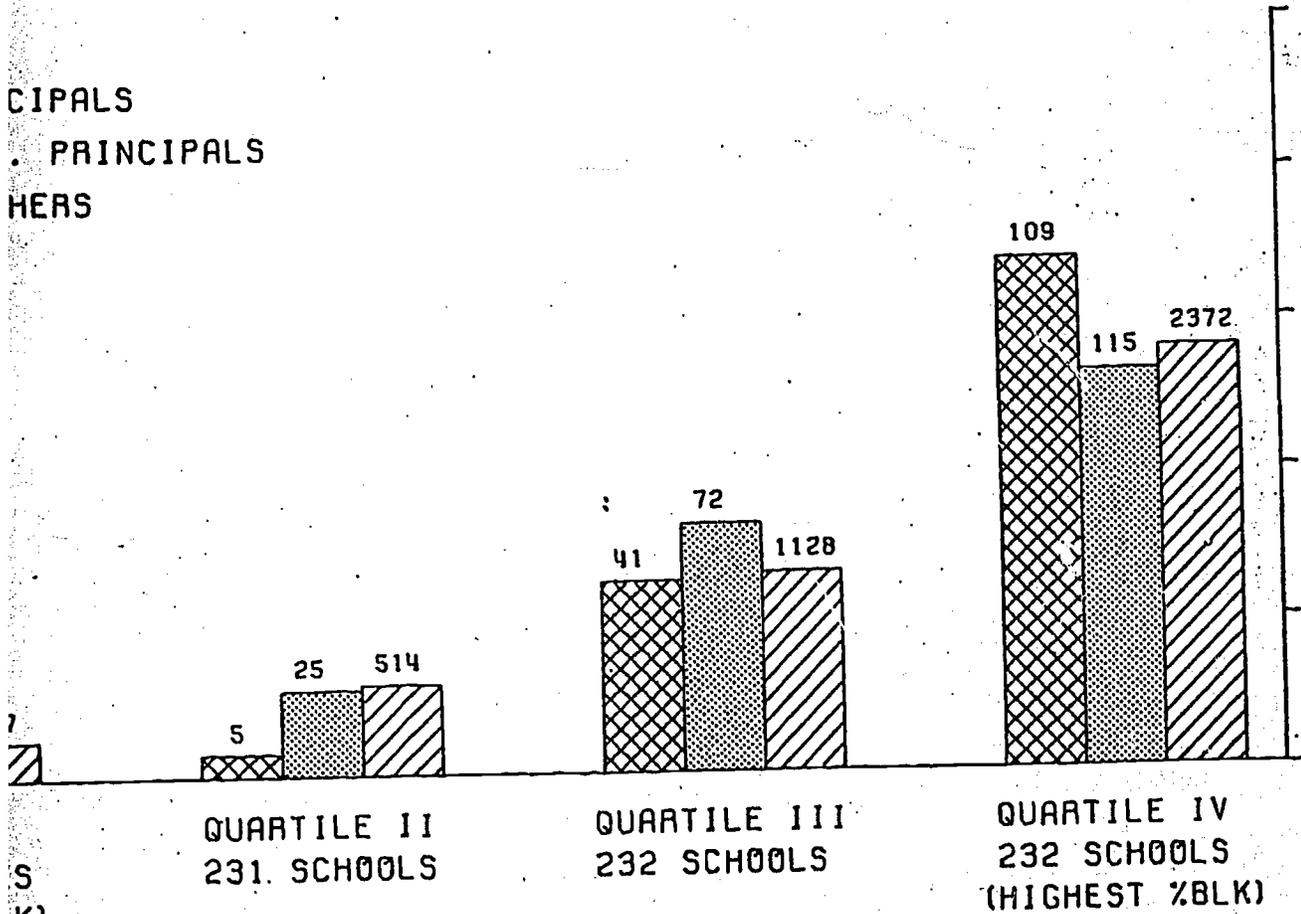
Appendix K-8

ASSIGNMENT OF BLACK PROFESSIONAL STAFF

NEW YORK CITY 1975-1976

ALL SCHOOLS (CITY-WIDE)

PRINCIPALS
 . PRINCIPALS
 TEACHERS



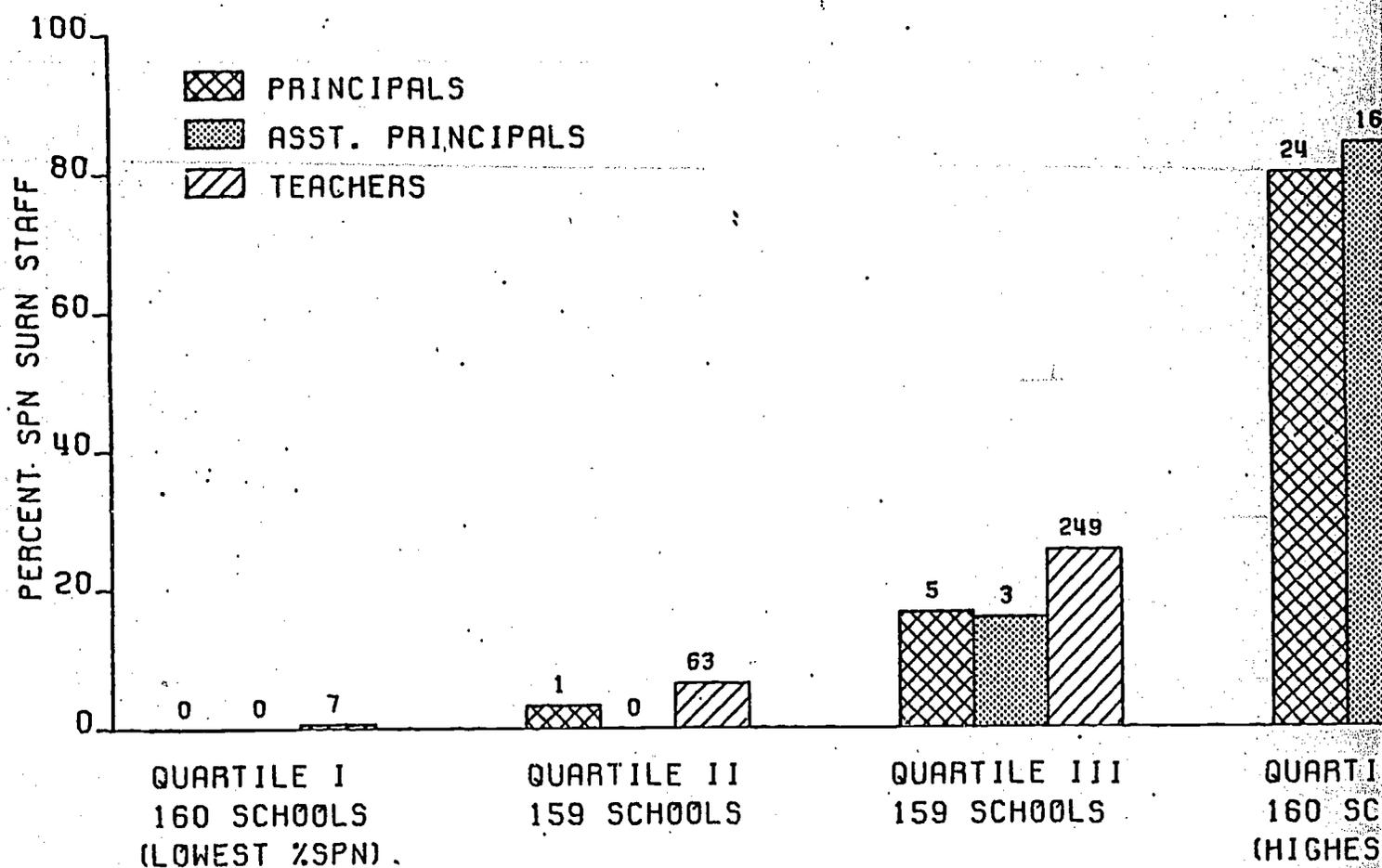
Percent Student Ethnicity

Appendix K-9

ASSIGNMENT OF SPANISH SURNAMED PROFESSIONAL STAFF

NEW YORK CITY 1975-1976

ELEMENTARY SCHOOLS (CITY-WIDE)



Appendix K-9

ASSIGNMENT OF SPANISH SURNAMED PROFESSIONAL STAFF

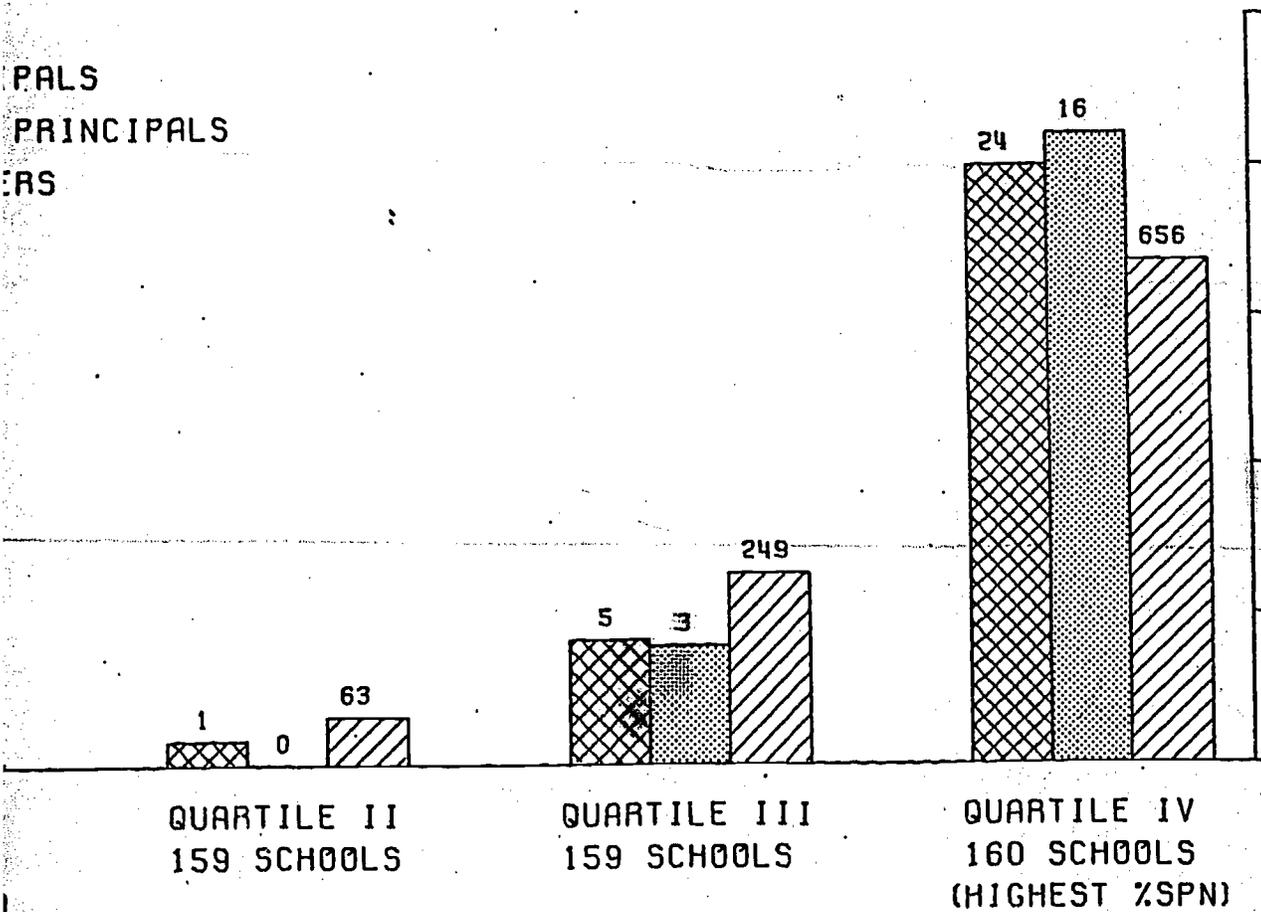
NEW YORK CITY 1975-1976

ELEMENTARY SCHOOLS (CITY-WIDE)

TEACHERS

PRINCIPALS

ASSISTANTS

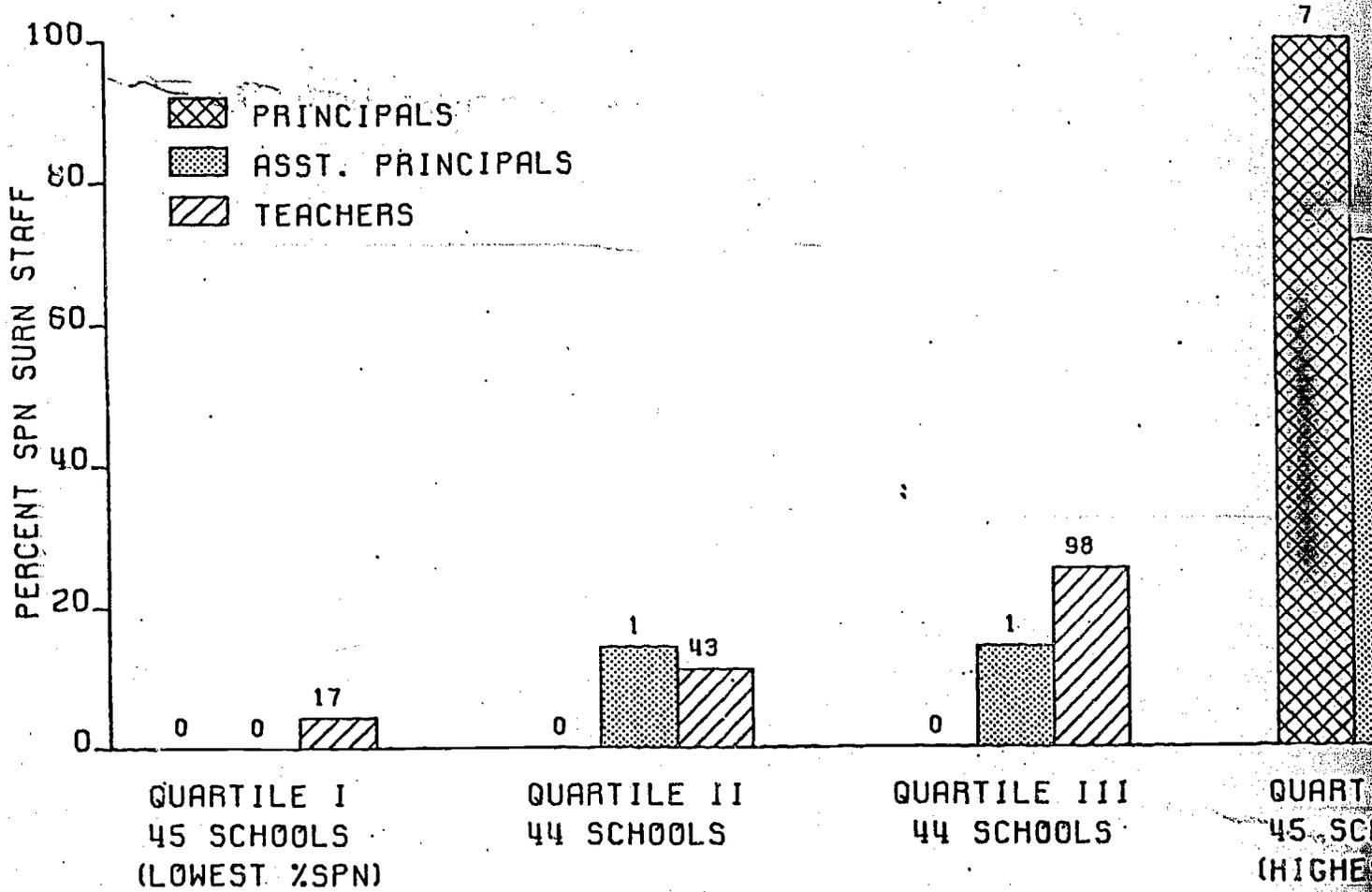


Percent Student Ethnicity

ASSIGNMENT OF SPANISH SURNAMED PROFESSIONAL STAFF

NEW YORK CITY 1975-1976

JUNIOR HIGH SCHOOLS (CITY-WIDE)

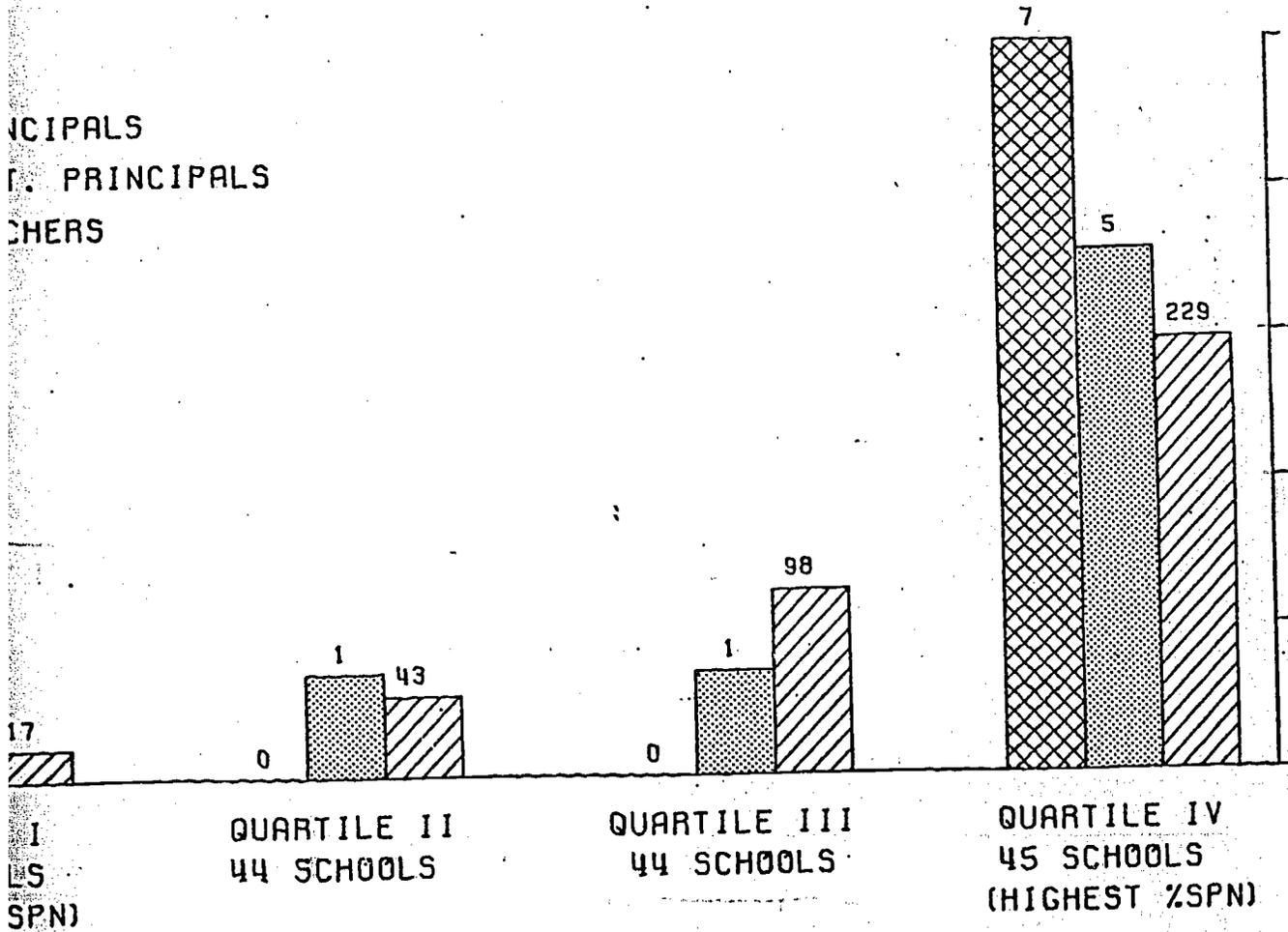


ASSIGNMENT OF SPANISH SURNAMED PROFESSIONAL STAFF

NEW YORK CITY 1975-1976

JUNIOR HIGH SCHOOLS (CITY-WIDE)

PRINCIPALS
TEACHERS

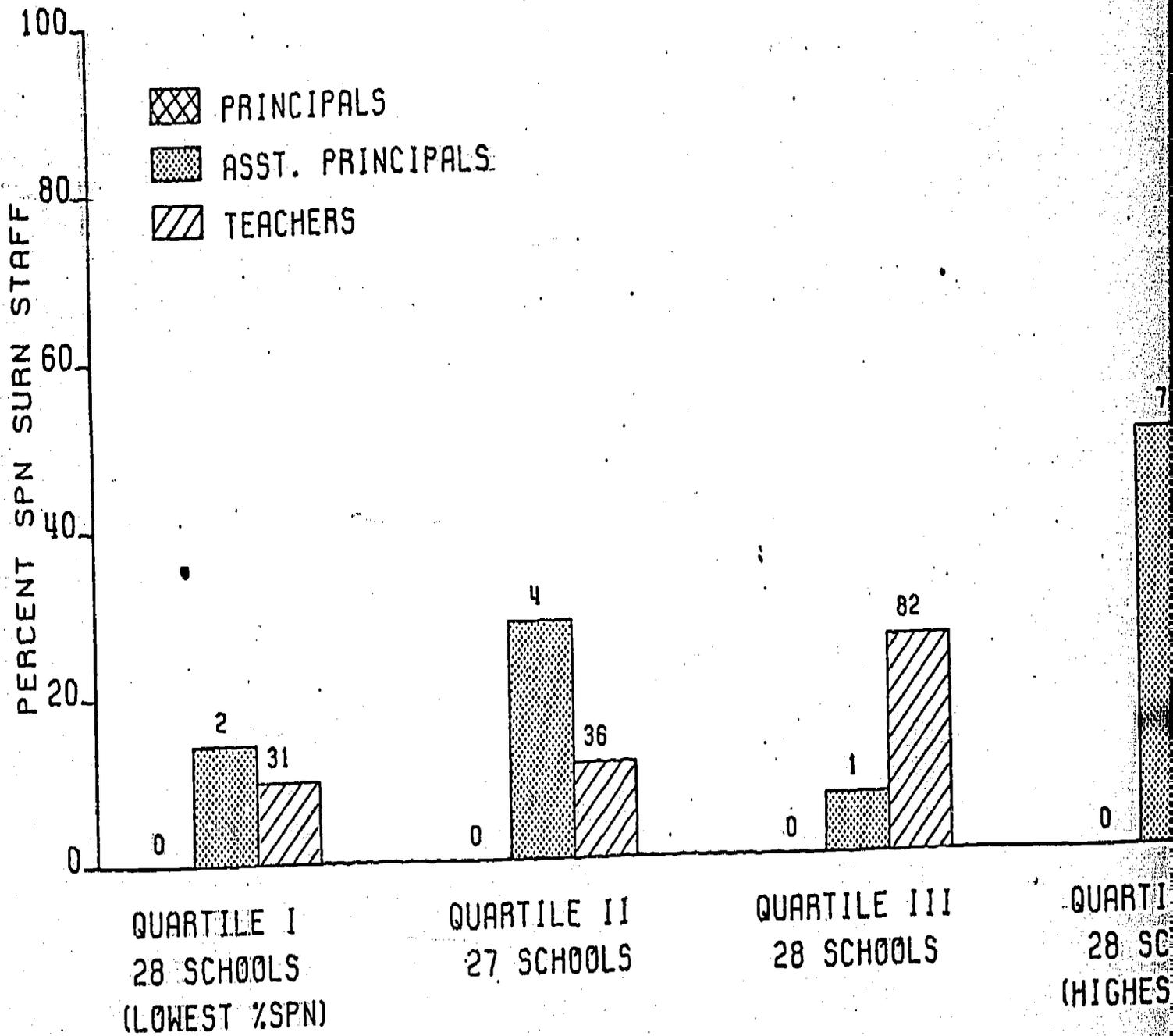


Percent Student Ethnicity

ASSIGNMENT OF SPANISH SURNAMED PROFESSIONAL STAFF

NEW YORK CITY 1975-1976

HIGH SCHOOLS (CITY-WIDE)



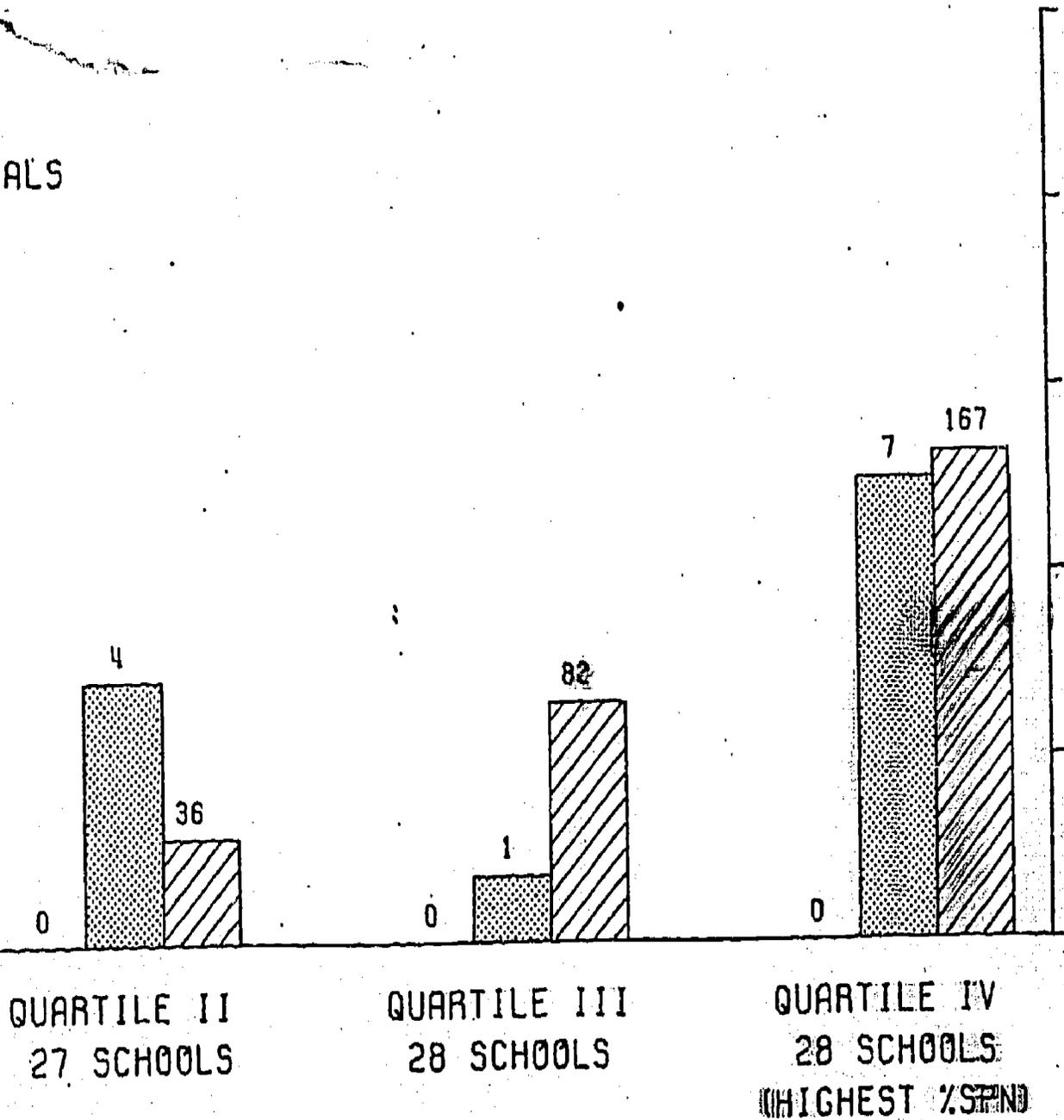
Percent Student Ethnicity

ALIGNMENT OF SPANISH SURNAMED PROFESSIONAL STAFF

NEW YORK CITY 1975-1976

HIGH SCHOOLS (CITY-WIDE)

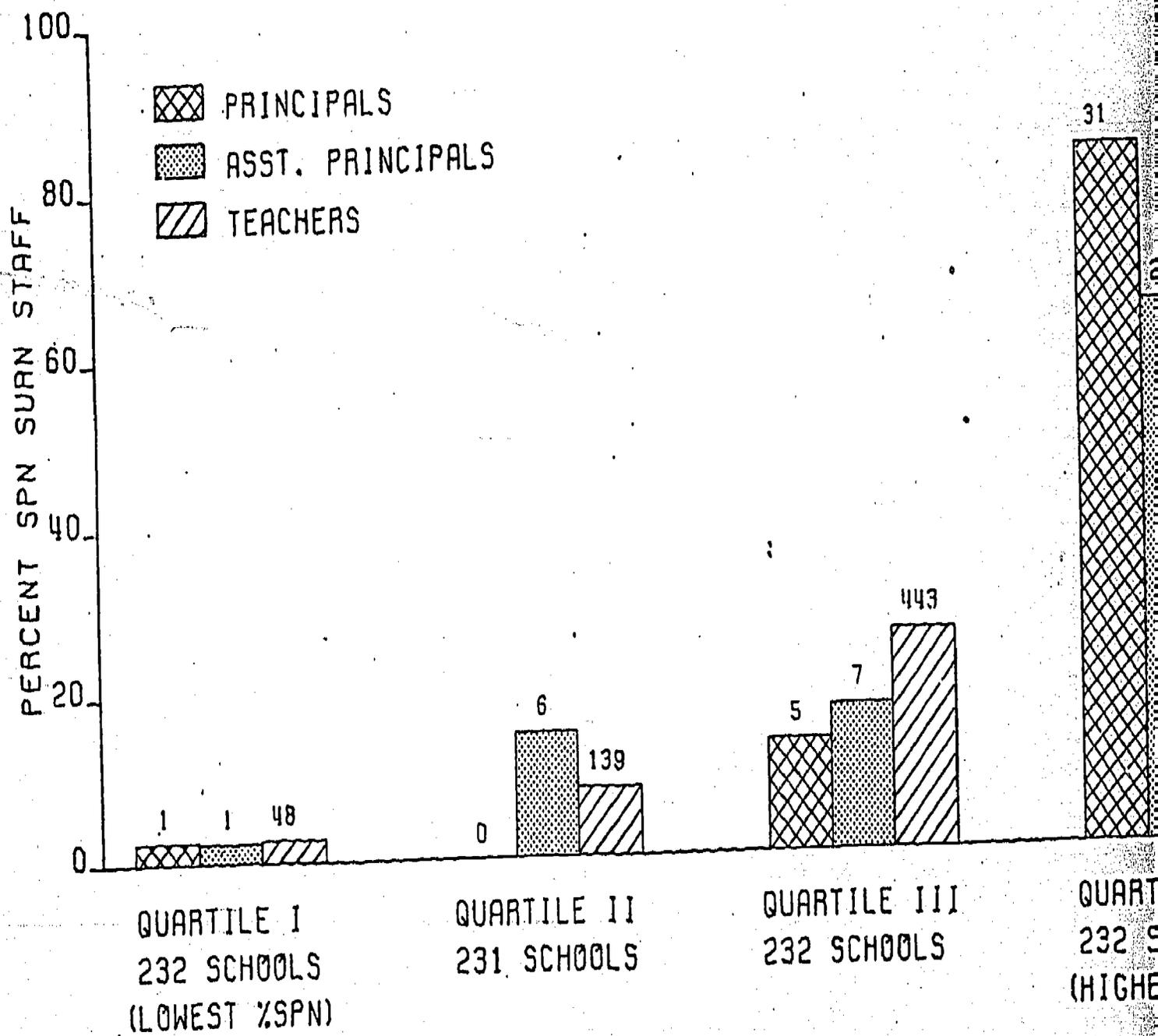
TEACHERS
PRINCIPALS
SUPERVISORS



ASSIGNMENT OF SPANISH SURNAMED PROFESSIONAL STAFF

NEW YORK CITY 1975-1976

ALL SCHOOLS (CITY-WIDE)



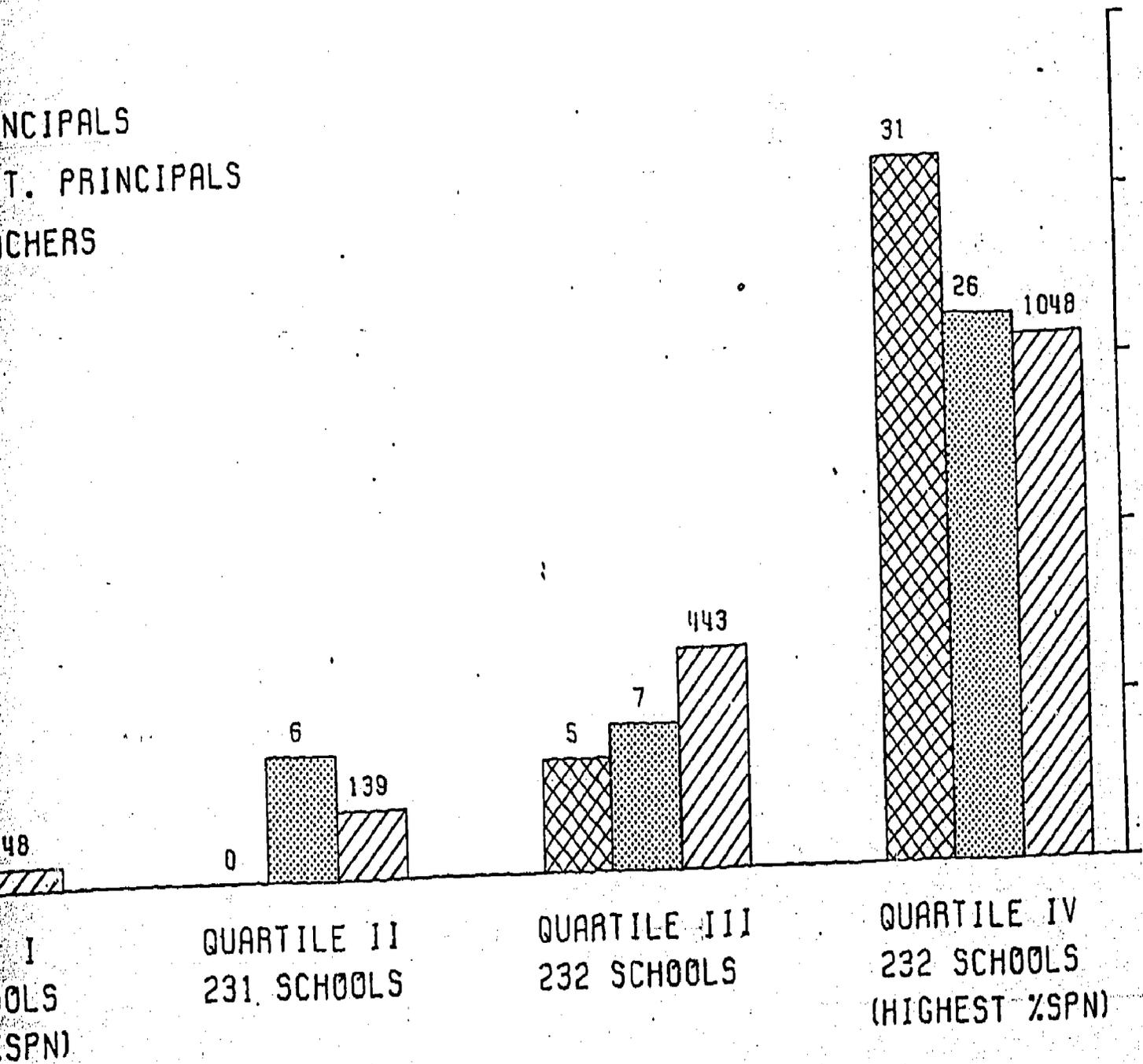
Percent Student Ethnicity

ASSIGNMENT OF SPANISH SURNAMED PROFESSIONAL STAFF

NEW YORK CITY 1975-1976

ALL SCHOOLS (CITY-WIDE)

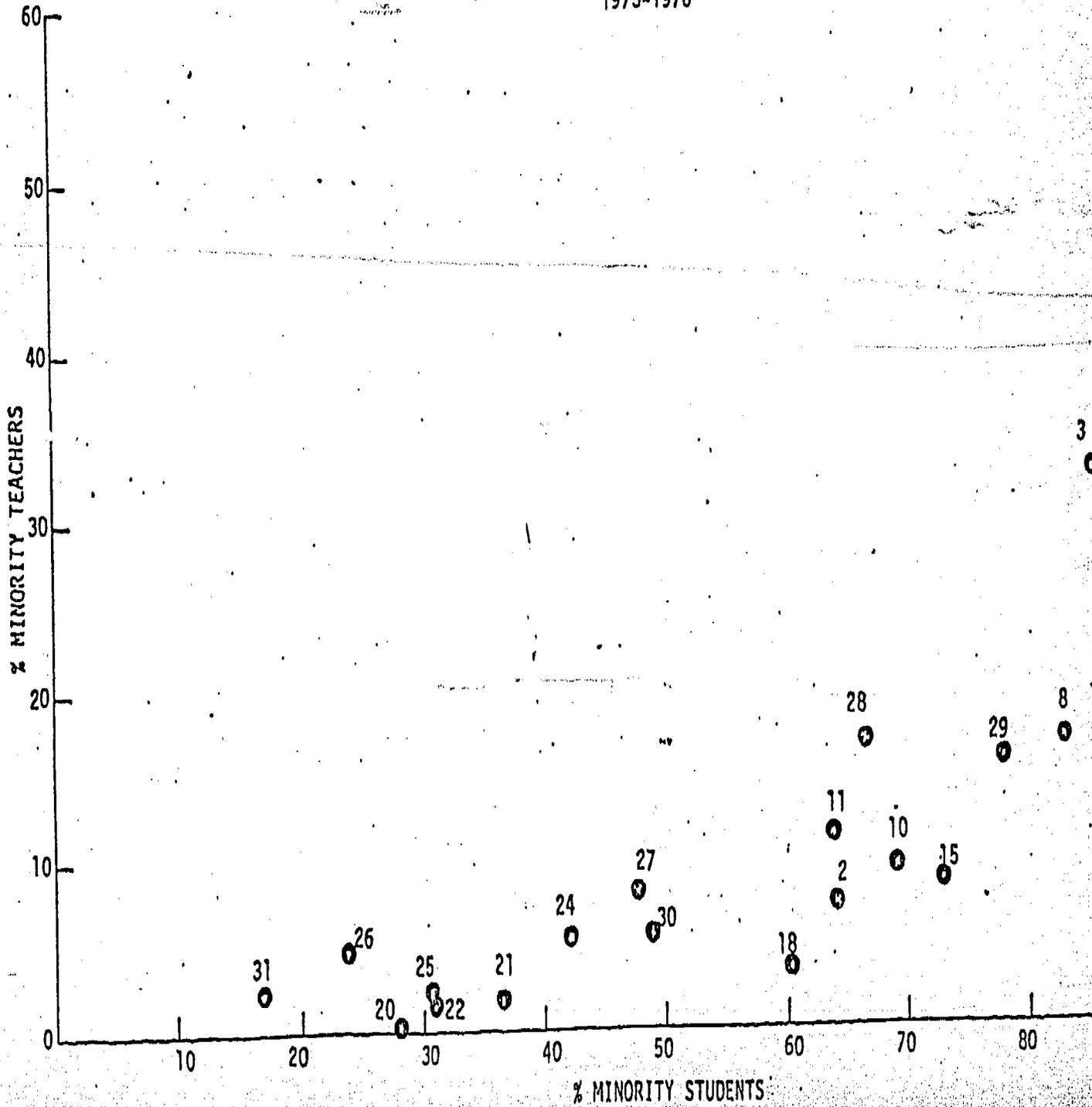
PRINCIPALS
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Percent Student Ethnicity

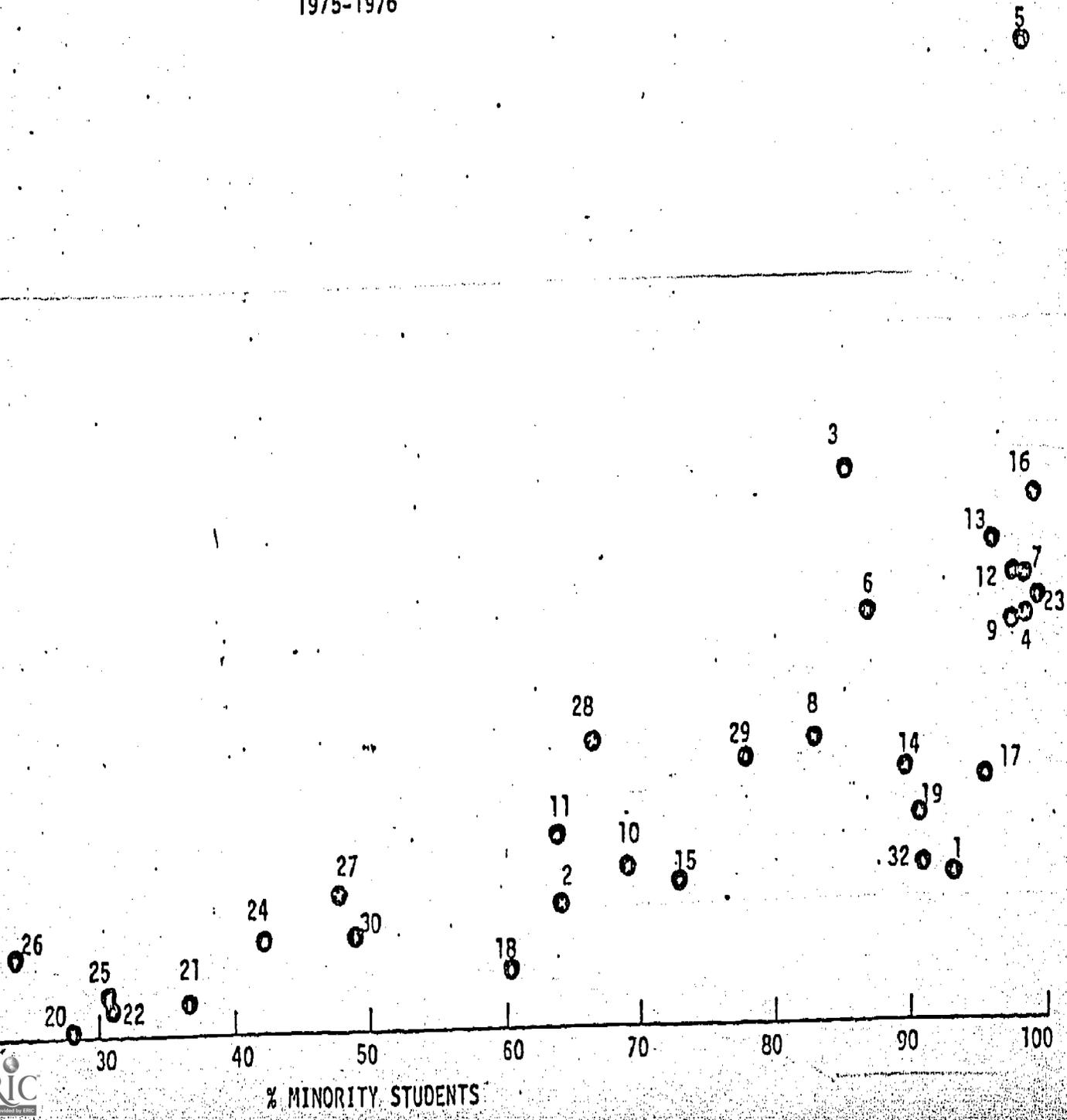
Appendix L-1

TEACHER ETHNICITY VS. STUDENT ETHNICITY
ELEMENTARY
CITY-WIDE SUMMARY BY DISTRICT
1975-1976



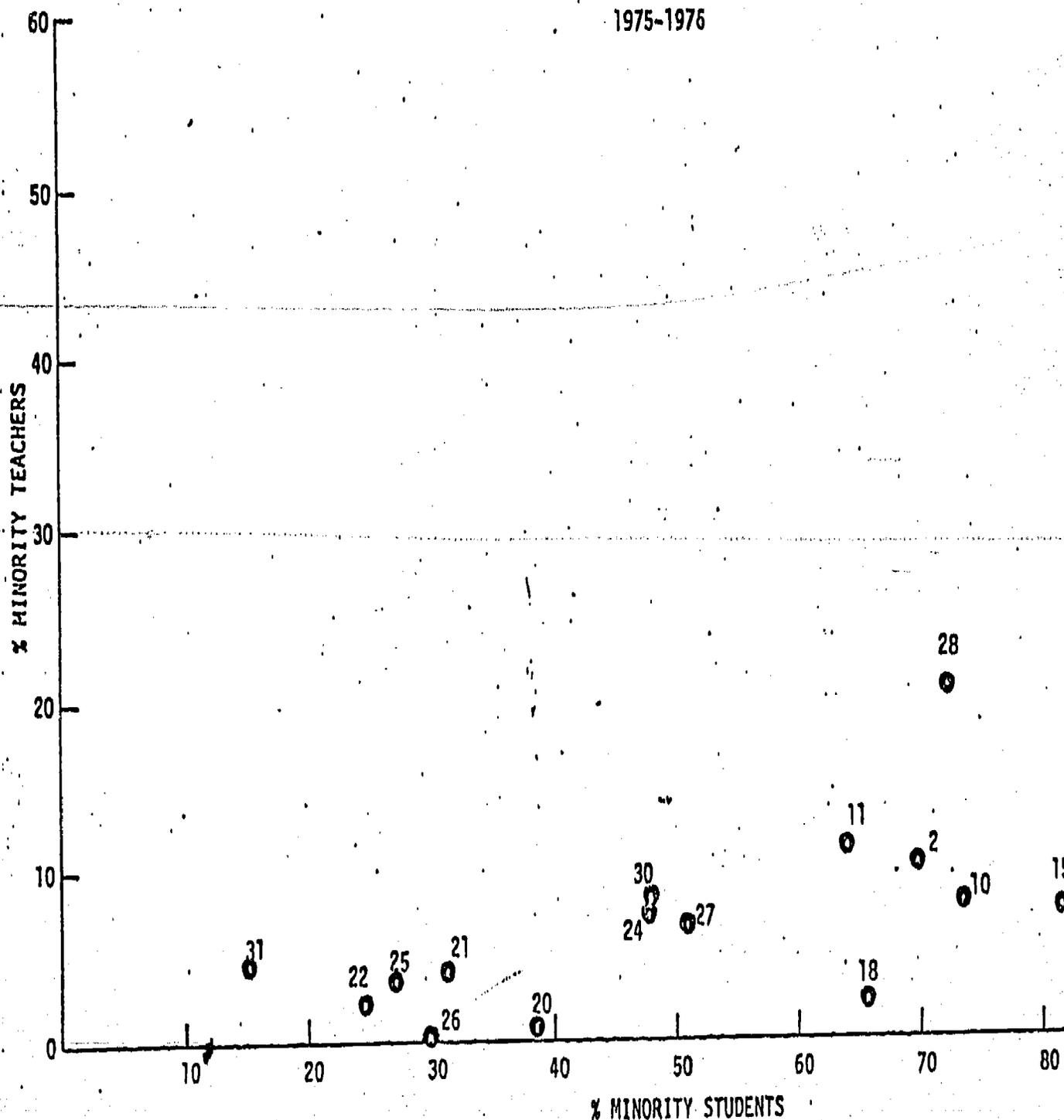
Appendix L-1

TEACHER ETHNICITY VS. STUDENT ETHNICITY
ELEMENTARY
CITY-WIDE SUMMARY BY DISTRICT
1975-1976



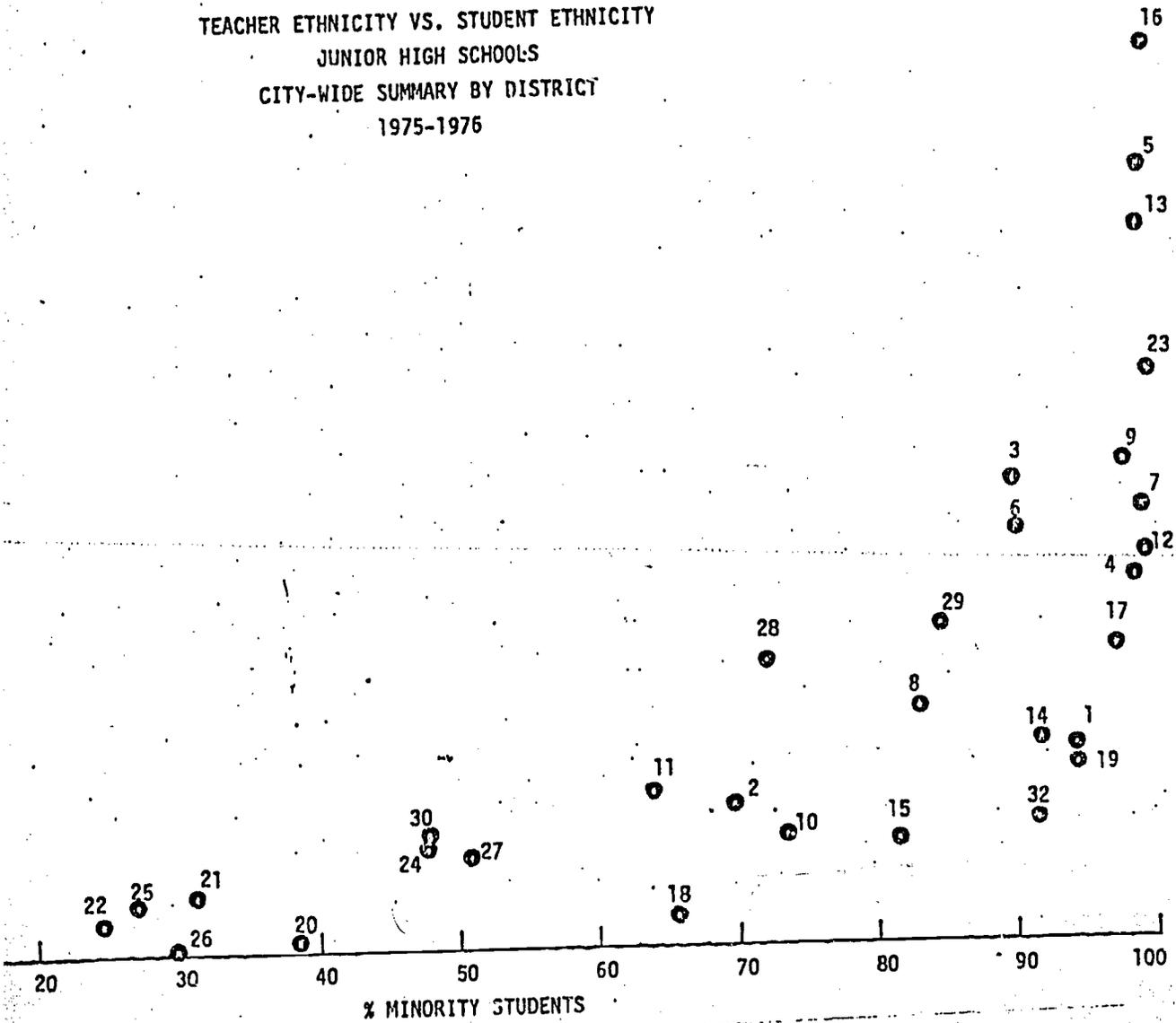
Appendix L-2

TEACHER ETHNICITY VS. STUDENT ETHNICITY
JUNIOR HIGH SCHOOLS
CITY-WIDE SUMMARY BY DISTRICT
1975-1976



Appendix L-2

TEACHER ETHNICITY VS. STUDENT ETHNICITY
JUNIOR HIGH SCHOOLS
CITY-WIDE SUMMARY BY DISTRICT
1975-1976



APPENDIX M

PERCENT FEMALE STAFF BY SCHOOL LEVEL

	ELEMENTARY	JHS/IS	ACAD.HS	VOC. HS	TOTAL
PRINCIPALS	28.1%	15.6%	11.8%	4.3%	23.3%
ASSISTANT PRINCIPALS	43.3%	16.0%	25.8%	24.0%	28.2%
TEACHERS	80.1%	43.0%	43.8%	32.7%	60.1%
OTHER PROFESSIONAL STAFF	72.3%	41.1%	56.8%	51.4%	57.6%

(Source: Basic Educational Data System, 1975-76 Teacher File* from the University of the State of New York, The State Education Department)

* Except where noted to the contrary, all figures in this section come from the Basic Educational Data System's (BEDS) 1975-76 "teacher file" collected by the New York State Education Department. This teacher file may differ somewhat from the BEDS "school file" which includes racial/ethnic data. The school file, like the EEO-5 data which is quoted in this letter, is aggregated by school. The school file and EEO-5 have similar numerical totals and all three files show equal percentages of men and women in supervisory and non-supervisory positions. Therefore, the small discrepancies between data sources have no effect on the substance of our findings here.

APPENDIX N

AVAILABILITY OF FEMALE PRINCIPALS AND ASSISTANT PRINCIPALS

TEACHERS

60.1% ARE FEMALE



TEACHERS WITH AT LEAST A BACHELORS + 30 AND 3 YEARS OF EXPERIENCE

59.7% ARE FEMALE



ASSISTANT PRINCIPALS

28.2% ARE FEMALE

PRINCIPALS

23.3% ARE FEMALE



TEACHERS WITH A MASTER + 30* AND AT LEAST 3 YEARS OF EXPERIENCE

47.6% ARE FEMALE

OTHER PROFESSIONAL STAFF

57.6% ARE FEMALE



OTHER PROFESSIONAL STAFF WITH AT LEAST A BACHELORS + 30 AND 3 YEARS OF EXPERIENCE

58.4% ARE FEMALE



OTHER PROFESSIONAL STAFF WITH A MASTERS + 30* AND AT LEAST 3 YEARS OF EXPERIENCE

56.6% ARE FEMALE

* Degree status achieved by most principals and assistant principals in The New York City School System.

(Source: Basic Educational Data System, 1975-76 Teacher File from the University of the State of New York, The State Education Department)

APPENDIX O

COACHING COMPENSATION

<u>SPORT</u>	<u>GROUP</u>	<u>PERCENT FEMALE COACHES</u>	<u>N</u>	<u>AVG. SALARY</u>
FOOTBALL	1	0%	68	\$2113
BASEBALL	1	0%	67	1862
WRESTLING	1	0%	23	1314
SOCCER	1	0%	74	1147
TRACK	2	19%	137	\$1367
BASKETBALL	2	24%	144	1719
BOWLING	2	27%	115	775
TENNIS	2	28%	90	1157
SWIMMING	2	29%	78	1207
GYMNASTICS	3	45%	60	\$ 858
SOFTBALL	3	78%	45	1402
VOLLEYBALL	3	94%	50	1063

GROUP 1 = 0% FEMALE COACHES; AVG. SALARY = \$1653

GROUP 2 = 25% FEMALE COACHES; AVG. SALARY = \$1281

GROUP 3 = 70% FEMALE COACHES; AVG. SALARY = \$1082

(source: Annual Report of Service for Payroll from September 30, 1975 to June 30, 1976 from the Board of Education of the City of New York)