

**THE STATE OF
INTEGRATION
2018**



The National Coalition
on
School Diversity



THE ENDURING IMPACT OF LEADERSHIP

It is an extraordinary spectacle, this attempted erasure of the progress made during the Obama administration toward a more inclusive and equitable society. This administration-wide campaign is also reflected in Secretary DeVos's Department of Education, with the withdrawal of school integration guidance and grant commitments that the National Coalition on School Diversity worked hard to secure (see "Rollback of Obama-Era Progress" herein).

In spite of these reversals, the school integration movement seems to be alive and well. The support we received from the Obama administration energized and empowered the movement in a way that cannot be undone. The same growing grassroots constituency that gave federal leaders the support they needed to act has had the baton handed back to them, and they will not be silenced.

This interplay between leadership and the grassroots is nowhere more evident than in New York City, where the new school Chancellor has been able to stake out strong pro-integration positions in spite of the usual outcry from the privileged classes. A mixture of student and adult activists, including ongoing organizing and advocacy of IntegrateNYC students and a citywide school integration coalition, has helped to create a strong constituency for integration. These efforts have also helped to expand the discourse about school integration to encompass resource allocation, school discipline and climate, curriculum, and educator diversity. The Chancellor's leadership has, in turn, helped to further ignite grassroots support for school integration.

The report that follows is a compilation of essays by the National Coalition on School Diversity's staff and members. It begins with an assessment of current threats to school integration. It then chronicles some of the new progress and opportunities we are seeing at state and local levels.

We hope *The State of Integration* captures both the urgency and hope of this political moment.

Philip Tegeler
Poverty & Race Research Action Council (PRRAC)
June 2019

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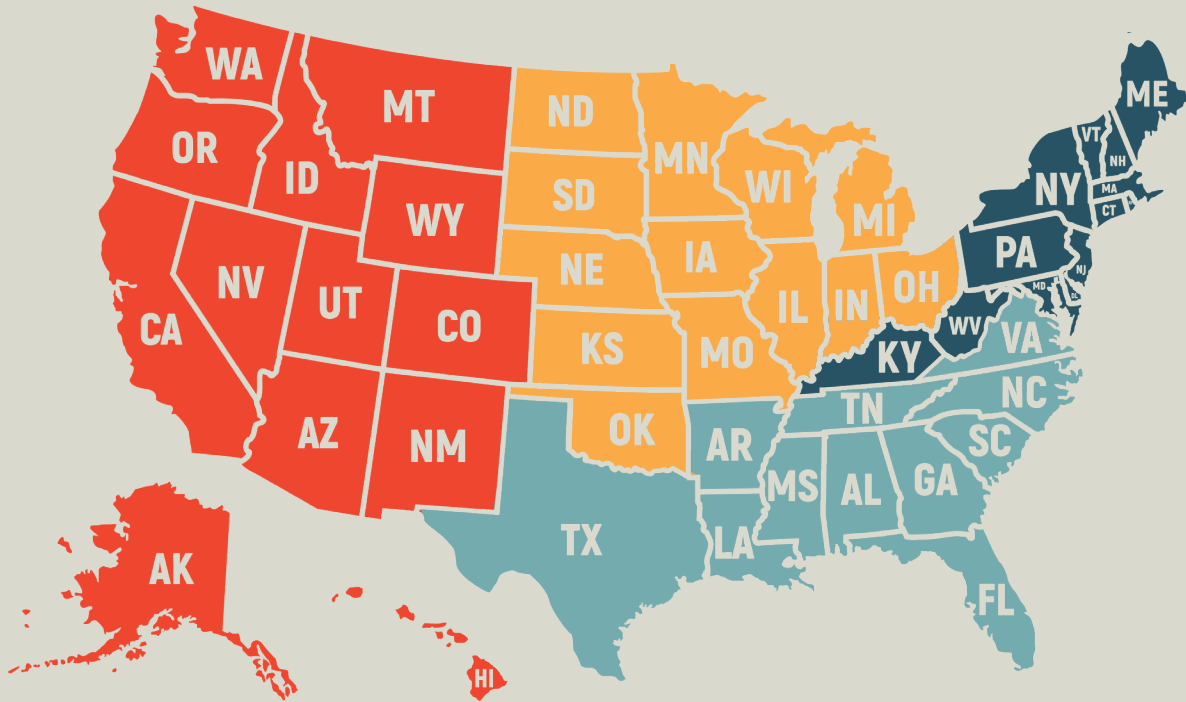
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Member submissions in this report are organized by region. NCSD's strategic plan commits to a regional outreach strategy to help highlight and support state and local integration efforts. Over the next few years, NCSD will align its outreach efforts with the four "Equity Assistance Center" regions. EACs are federally-funded centers that offer technical assistance to school districts to address a variety of equity needs.*

REGION I

The State of Integration in Maryland
 The State of Integration in Massachusetts
 The State of Integration in New Jersey
 The State of Integration in New York
 The State of Integration on Long Island
 The State of Integration in Monroe County
 Student Organizing for Integration (IntegrateNYC)
 The State of Integration in Pennsylvania

REGION II

The State of Integration in Washington, D.C.
 The State of Integration in Richmond

REGION III

The State of Integration in Chicago
 The State of Integration in Detroit
 The State of Integration in Minnesota
 The State of Integration in St. Louis
 The State of Integration in Ohio

REGION IV

The State of Integration in Pasadena
 Parent Organizing for Integration (Integrated Schools)

* NCSD's "alignment" with EAC regions is not meant to suggest a formal partnership with individual EACs. Rather, it is a way to organize our regional outreach efforts around an existing, relevant structure.



THREATS TO INTEGRATION

Rollback of Obama-Era Progress

How School District Secessions Threaten to Exacerbate Segregation

North Carolina's HB 514 Paves the Way for Secession by Charter

Uncertain Future for Louisville's Diversity Plan

Pacific Legal Foundation Continues Its Efforts to Gut Integration

ROLLBACK OF OBAMA-ERA PROGRESS

By Philip Tegeler (*Poverty & Race Research Action Council*)

“With each passing day, our country grows more diverse, and despite deeply misguided calls for building walls, the simple truth is we cannot build walls high enough to separate one child’s destiny from that of another.”

—John B. King, Jr. (*Former Secretary of Education*)

In a striking demonstration of the old proverb, “it is easier to tear down than to build up,” newly-installed bureaucrats across the Trump administration set out to erase Obama-era regulatory advances in environmental and consumer protection, civil rights, housing, and financial regulation during the first 18 months of the new administration. Secretary Betsy DeVos at the Department of Education was not far behind, eliminating protections for students in for-profit universities, cutting back enforcement in the Office for Civil Rights, and changing the rules protecting victims of sexual assault on college campuses.

Secretary DeVos’ deregulatory agenda also targeted significant progress on school integration at the Department. As NCSA documented in 2017, the Obama administration, through Secretaries Duncan and King, took a number of key steps to promote school integration, including 2011 guidance for school districts to implement school assignment plans consistent with the Supreme Court’s 2007 *Parents Involved in Community Schools v. Seattle School District No. 1* decision; school diversity priorities in several competitive grant programs; calls for collaboration between state housing, transportation, and education agencies to promote integration; diversity performance standards in the Head Start program; and a new competitive grant program called “Opening

Doors, Expanding Opportunities,” using Title I set-aside funds to support local school integration planning efforts. All but one of these initiatives was eliminated by Secretary DeVos, for no apparent reason other than that they originated with her predecessors.

The withdrawal of the “PICS Guidance” on voluntary school integration – and the Justice Department’s intervention in the Harvard affirmative action case – has caused damaging uncertainty among districts trying to pursue the “compelling government interest” in integrated schools. But perhaps the most cruel step was the cancellation of the “Opening Doors, Expanding Opportunities” school integration planning grant program, which had already received over 20 detailed applications from interested school districts, and for which funding had already been allocated.

Pushback from Congress?

In spite of these anti-integration moves by Secretary DeVos, the issue of school integration managed to stay alive in a Republican-dominated Congress. Most notably, with leadership from Congressman Bobby Scott and his staff, NCSA successfully pushed for the removal of longstanding budget riders prohibiting the use of federal funds for transportation of students to achieve racial integration.



NCSD Briefing on Capitol Hill (photo courtesy of Susannah Pazdan)

The school transportation prohibitions outlined in Sections 301 and 302 of appropriations legislation have been attached to federal budgets continuously since 1974, when they appeared as part of the bipartisan anti-busing hysteria following the Supreme Court’s 1971 *Swann v. Charlotte-Mecklenberg* decision. The present-day effect of these provisions is to reduce state and local school district’s flexibility to carry out the education program that they believe will best serve their students. This is in direct conflict with Congress’s intent when it passed the Every Student Succeed Act (ESSA), and it also conflicted with provisions for student transportation in the Magnet Schools Assistance Act. Now that the anti-busing riders have been removed from the annual budget, in the next session of Congress, NCSD will address the only remaining hurdle to use of transportation for school integration, in Section 426 of the General Education Provisions Act (GEPA).

In another sign of awakening Congressional leadership on school integration, Senator Chris Murphy and Representative Marcia Fudge introduced the “Strength in Diversity” bill, which would provide competitive planning grants and seed funding for new school integration plans across the country.

These developments provide a hopeful path forward, providing some specific, actionable goals that integration supporters can focus their attention on in the days ahead.

HOW SCHOOL DISTRICT SECESSIONS THREATEN TO EXACERBATE SEGREGATION

By Jennifer Pollan on behalf of Poverty & Race Research Action Council (edited by NCSD staff)

“The idea is that [a] more affluent school district can attract businesses, increase property value, bring in a certain type of resident who can lend economic stability and enhance a particular image. I can respect the interest in that and their right to do this. I just worry that we’ve gotten away from thinking about the larger community.”¹

— Stephen Nowlin (Former Superintendent of Jefferson County Public Schools, AL)

The growing trend of school district secession, which threatens to exacerbate racial and socioeconomic segregation in communities across the nation, is of increasing concern to integration supporters. Secession is a process whereby majority White, higher-income communities formally detach themselves from larger school districts in order to form smaller, whiter, and wealthier school districts. According to a recent study by EdBuild, “at least seventy-one local communities have tried to secede from larger school districts since 2000.”² Forty-seven of those attempts have been successful.

In many states, secession is a simple process with little legislative oversight. Thirty states have statutes that allow for the “splintering of school systems.”³ In twenty states, these statutes allow secession if citizens in the proposed school district and the state school board or state superintendent approve the secession.⁴ Only one state, Ohio, requires approval of the state legislature. Six states require a review of the effects of secession on racial and socioeconomic segregation.⁵ Finally, four states require a vote of approval from the district that would be left behind after secession.⁶

Because school district funding comes from local property taxes, school district secession

can exacerbate resource disparities and socioeconomic segregation. Wealthier communities have a larger tax base to support schools. By seceding, wealthy, predominantly White communities are able to use their large tax base to serve a smaller population, allowing more resources per student.⁷ For example, the Monroe County School District in Ohio seceded from the larger Middletown City District in 2000. The median household income in Monroe is 95% higher than the district it left behind. Thus, Monroe was able to spend \$1,700 more per student than the district it left behind.⁸ Further, as wealthy parents often donate private funds to public schools, secession allows them to keep their private dollars from benefitting a larger district.⁹

Secession efforts are particularly prevalent in the South, where large county-wide districts are the norm. While Northern families fleeing integration in the 1970s could move to the suburbs,¹⁰ Southern families would have been required to move out of the county to avoid integration. Secession represents an alternative to moving.

Secession efforts in Jefferson County, Alabama help illustrate why splinter districts are of such concern. Between 1964-1972, court-ordered

desegregation transformed Alabama’s Jefferson County Schools from one of the state’s most segregated to one of its most integrated school districts.¹¹

Starting in the 1970s, however, majority White towns began to secede from the larger school district, despite the fact that the district was involved in litigation beginning in 1965 and subject to a federal desegregation order from 1971 on. The predominantly White towns of Vestavia Hills and Homewood City seceded in 1970, and Midfield seceded in 1971. Subsequently, in 1988, the Hoover school district seceded from Jefferson County.

The wave of secession that would follow was at least partially enabled by a 1988 federal court decision (*Stout v. Jefferson County Board of Education*).¹² After Birmingham annexed a predominantly Black neighborhood, Black students were reassigned from the predominantly White schools they attended in Jefferson County to a majority Black school in the separate Birmingham school district. The Black students sued and the court held (citing *Milliken v. Bradley*) that an injunction allowing the students to return to their former school was not proper, since it would require the court to order an interdistrict remedy.¹³

The next wave of splintering in Jefferson County began in the early- to mid-2000s. The town of Leeds seceded in 2003 and Trussville seceded in 2005. In 1968, Jefferson County had six school districts. By 2005, it had twelve. The new districts were heavily segregated, making Jefferson County once again home to some of the country’s most racially segregated schools. In 2018, Jefferson County was still the second-largest school district in Alabama, serving over 36,000 students in 57 different schools.¹⁴

Starting in 2013, residents of another of Jefferson County’s predominantly White towns—Gardendale—began organizing to secede.

Calling for increased “local control,” the activists convinced an all-White city council to vote unanimously for secession.¹⁵ The secession was subsequently challenged in court, and was eventually struck down by a federal appeals court.¹⁶ Members of the NAACP Legal Defense and Educational Fund’s legal team called the ruling “the only logical conclusion following a district court’s direct acknowledgment that racial discrimination was a motivating factor in the City’s plans to secede.”¹⁷

Another wave of secession in Memphis has produced negative results for both the seceding districts and those left behind. Tennessee has permissive secession laws that allow towns to secede if they have more than 1,500 students and do not require approval of the district left behind. In 2014 alone, six predominantly White suburban towns seceded from Memphis’s Shelby County School District. Subsequently, the seceding districts have struggled to build their school districts, and Shelby County has had to cut programs and staff due to the decrease in tax funding.¹⁸

Implications of secession

Fragmentation of school districts makes it more difficult to achieve integration. Because of the Supreme Court’s 1974 *Milliken v. Bradley* decision, federal courts cannot order interdistrict desegregation unless plaintiffs can prove each district involved in the remedy intentionally implemented policies to segregate schools.¹⁹ As Jefferson County’s 1988 *Stout* case illustrates, once secession occurs, the presumption against interdistrict relief makes it more difficult for students left behind to successfully claim that their rights are being violated—even where there is an ongoing desegregation order. Further, even voluntary efforts to integrate schools will now require the approval of two school boards, one of which has deliberately chosen to separate from surrounding communities and is unlikely to agree to interdistrict diversity measures.

It's complicated

Even if secessions are not driven by racism, the fragmenting of school districts has inflicted disproportionate harm on low-income students and students of color. As Susan Eaton notes, “The desire for ‘good schools’ drives people’s decisions about where to live. And as research by Professor Jennifer Holme of the University of Texas–Austin has shown, White people’s presumptions about ‘good schools’ are driven by ‘status ideologies’ formed by race and class biases.”²⁰ These ideologies have real effects of vulnerable communities. As White communities retreat into enclaves with hefty tax bases, the perception that the community has “good schools” raises property values. As a result, stereotypes about race and class are reinforced and influence housing decision making. Higher-income families continue to choose to live in neighborhoods with what they perceive as “good schools.” Neighborhoods become more affluent and more White, as the communities they leave behind struggle with a diminished tax base and decreasing property values.²¹

What can be done?

While the most comprehensive remedy for school secession would be for states to ban it, there are other ways for states to make secession more difficult. Georgia and Florida have disallowed secession through state constitutional provisions.²²

Other states, such as Wisconsin, have laws that require bodies approving secession to first consider the socioeconomic and racial

implications of secession and then submit the proposal to voters.²³ In at least one case, Pennsylvania permitted an assessment of the socioeconomic impacts of secession to be considered as part of the general educational impact of a proposed secession.²⁴ A few states, including Texas and New York, have required voters from both the seceding district and the district left behind to approve secession.²⁵ This is an important way of ensuring that those most vulnerable to the negative effects of secession have their voices heard.

Litigation may also be an important tool in both stopping secession initiatives and in paving the way for future legal challenges to secession. The recent Gardendale decision indicates that federal courts are willing to stop secession initiatives that cause increased racial segregation, where evidence of racially discriminatory intent can be adduced.²⁶

Individuals and communities can also fight back against secession. Students and families can file complaints with the Office for Civil Rights in the Department of Education.²⁷ Groups of parents, students, educators, and activists can also form local coalitions that engage in honest conversations about the history of race and segregation in their surrounding communities and school districts. Such coalitions can raise awareness about the racial and socioeconomic implications of secessions. Since communities opposing secession are facing formidable opposition, strong organizing, legislative advocacy, and public education is needed to thwart the resegregation of schools.



NORTH CAROLINA'S HB 514 PAVES THE WAY FOR SECESSION BY CHARTER

By Jennifer Pollan on behalf of Poverty & Race Research Action Council (edited by NCSD staff)

“We need a really honest conversation about what charters are designed to do and what they’re actually doing.”¹

—Justin Perry (Community Activist in Charlotte, NC)

While North Carolina is currently without a statutory provision that allows for school district secession,² several strategies have recently been employed to accomplish a similar result.

In June 2018, the North Carolina legislature approved a “local act” to enable four suburban communities (Matthews, Mint Hill, Cornelius, and Huntersville) to create and fund town-based charter schools. This policy change captured the attention of both local and national media alike. One commentator characterized the bill (House Bill 514, hereinafter “HB 514”) as “a wakeup call to the nation on how a campaign to re-segregate public schools is being carried out in the name of ‘school choice’ and ‘local control.’”³

Indeed, the history, context, and implications of HB 514 warrant the attention of school integration supporters. HB 514 threatens to further exacerbate segregation in what is now the most segregated district in the state. This is particularly significant because Charlotte was one of the nation’s most successfully integrated districts while its desegregation order was in effect. In recent years, educators and community members have sought to revive their formal commitment to integration. Thus, the issues surrounding HB 514 do raise important questions about the definition and proper scope of “school choice” and “local control” in public education. HB 514 also mirrors the efforts of

private segregation academies in the 1950s, which educated White children whose parents fled integrated schools.⁴ The emergence of HB 514 highlights some of the political challenges that educators and policymakers face in their efforts to address systemic barriers to educational equity and integration.

HB 514 and the “Joint Legislative Study Committee on the Division of Local School Administrative Units”

HB 514 was designed to allow particular suburban communities within the large Charlotte-Mecklenburg District to establish municipal charter schools. One major impetus for HB 514 dates back a few years, when town officials in Matthews began openly discussing their desire to break free from the Charlotte-Mecklenburg county-wide school district (CMS). In 2016, Matthews Mayor Jim Taylor cited concerns about “busing” as motivating factors leading him to explore a split from CMS.⁵ Taylor took issue with the inclusion of diversity as a priority in the district’s newly-approved student assignment goals, and he pledged to form a task force to explore other options. Originally framed as a proposal to separate entirely from CMS, over time the idea evolved into a more politically expedient, charter-based strategy. Legislatively, the HB 514 effort was led by Rep. Bill Brawley from Mecklenburg County (representing Matthews and Mint Hill). The original bill only

allowed for charter schools in the towns of Matthews and Mint Hill.

A month after HB 514 was first introduced in the legislature (March 2017), Rep. Brawley, along with Reps. Chris Malone (Wake County) and John Bradford (Mecklenburg County) introduced House Bill 704 (April 2017), proposing the creation of a legislative committee to study the feasibility of splitting up school districts in North Carolina.⁶ The bill's co-sponsors "represent constituents who have made repeated calls for the right to form their own school systems."⁷ The bill establishing the "Joint Legislative Study Committee on the Division of Local School Administrative Units" passed in June 2017.⁸

The ten-member group, which Rep. Brawley co-chaired, was charged with making recommendations as to whether—and how—districts in North Carolina should have the right to disband. Over the course of three months, the group heard from experts on a variety of issues related to the fiscal implications of secession, such as its effect on the cost of insurance, transportation, and food services. The experts indicated that duplicating these services in a smaller district may increase costs overall. The group also heard from a legal expert about the possibility of a 14th Amendment equal protection challenge to secession. In this expert's opinion, a court was unlikely to find a secession plan to discriminate on the basis of the race if the district was not currently under a desegregation order.⁹ However, the committee heard no testimony on the effect of secession on racial and socioeconomic segregation or on educational equity.

The committee released a 27-page report in April of 2018.¹⁰ While the report concluded that there was no research connecting school district size and educational outcomes, it nonetheless contended that, "a strong inference can be drawn that smaller school size contributes to improved student performance."¹¹ Though making no clear finding on whether school district secession would be beneficial for

students, and indicating that more research was needed before secession was deemed appropriate, the report dismissed concerns that secession would create or worsen inequality.¹² Besides suggesting further research, the committee proposed no specific actions. With no clear political momentum coming from the committee's work, lawmakers continued their efforts to pass HB 514.

In its first year under consideration (2017), HB 514 was passed by North Carolina's House, but got stuck in the Senate Education Committee. Committee members expressed concern that funding charter schools would require significant increases in taxes and wanted to slow down the bill's progress until fiscal implications were better understood.¹³ A revised version of the bill, which did not extend state health and retirement benefits to teachers in municipal-run charters (a move made to ensure the bill remained a "local act," discussed below) and added the towns of Cornelius and Huntersville,¹⁴ passed the Senate in late May. The bill was ratified in June of 2018 after passing in the House.

Because of the procedural rules in the North Carolina Constitution, the bill was safe from veto by Governor Roy Cooper (a Democrat). In North Carolina, a "local act"—a law that is passed by the General Assembly but only applies to specific municipalities—is not subject to veto, provided it applies to fewer than fifteen counties.¹⁵ Since HB 514 applied to only four municipalities, it was treated as a local act. However, some opponents dispute whether it was appropriate to characterize HB 514 in this way. A local reporter noted: "Legislators are treating HB 514 as a local law that does not require the governor's signature. CMS officials say it should be a state bill because it deals with teachers' state retirement pensions and in its final form, expanded to include the towns of Huntersville and Cornelius."¹⁶

In order to remove some legal barriers to funding town-based charter schools, legislators also passed a funding provision alongside

HB 514. Introduced in May of 2018, Section 38.8 of Senate Bill 99 (SB 99)¹⁷ allows local municipalities to finance local schools within their boundaries through local property taxes, a right formerly reserved to counties.¹⁸ Despite being a major policy change, the section garnered limited attention or debate, as it was buried in a non-education section of a lengthy budget bill, which was advanced via an unprecedented process that limited debate and prohibited amendments. Unlike HB 514, SB 99 was subject to veto. Citing insufficient funding for education, Governor Cooper vetoed it.¹⁹ However, significant Republican majorities in the House and Senate successfully overcame the veto, with votes of 34-13 and 73-44 respectively.

Together, these two bills have significant implications for educational equity and integration. Due in part to federal desegregation orders and in part to the political dynamics of Reconstruction, school districts in the South tend to be racially diverse and county-wide.²⁰ Today, only 11 of North Carolina's 100 counties contain more than one school district.²¹ In contrast, districts in Northeastern states tend to be smaller and more racially homogenous.²² Having large districts has both allowed for a more unified tax base and forced districts like CMS to grapple directly with race.²³

Prior to the passage of HB 514, only nonprofits could petition the state for charter school approval and run charter schools. These charters could not give preference to local students and were required to have a lottery if interest in the school exceeded the number of available spots.²⁴ With the passage of HB 514 and SB 99, four predominantly White local municipalities within the CMS district will now be able to petition the state for charter approval and run their own charters. Importantly, HB 514 allows these municipalities to give preference to local students.²⁵ Further, because of SB 99, these charter schools would be funded by local property taxes in addition to receiving funding from CMS. These measures fragment CMS's

unified tax base and allow communities to direct their tax money at specific municipal charter schools.²⁶ When students attend charters, CMS funding follows them, but the flight of students to charters does not lower CMS's operating costs.²⁷ Thus, CMS could lose resources that are vital for running its schools.

The Charter School Landscape in North Carolina

Even prior to HB 514, researchers and policy analysts have consistently voiced concerns about the tendency of North Carolina's charter schools to exacerbate segregation. In many parts of the country, the charter school movement has worked to help traditionally underserved students gain access to educational opportunities beyond their neighborhood schools. However, North Carolina charters have been a vehicle for White flight and segregation.

As a whole, charter schools in North Carolina tend to be wealthier and whiter than the state's public schools.²⁸ According to 2016 data, White students in North Carolina make up 55.8% of charter school students and only 48.6% of traditional public school students.²⁹ Nationally, White students make up only 32% of charter school students.³⁰ Further, research indicates that charter schools in North Carolina are racially bifurcated. A recent study found that 70% of charters in North Carolina were either predominantly White or predominantly students of color (more than 80%).³¹

Charters in Charlotte-Mecklenburg follow similar trends. As researchers noted in 2018, "while national discourse presents charter schools as an alternative to underperforming schools of poverty, in the Charlotte region, the majority of charter schools are located in suburban areas and serve primarily academically proficient, middle-class students who are largely White or Asian."³² Currently, 22 out of 36 CMS charters are segregated in one direction (i.e. either serve predominantly White students or students of color). Researchers noted that, "[o]f the 36 charter schools in the Charlotte region, 6 schools (17%) are hyper segregated and serve student bodies that are less than 2% White; while 16

schools (44%) are racially isolated White and enroll more than 60% White students.”³³

North Carolina’s laws do nothing to prevent this result. While North Carolina’s charter schools were at one time required to serve a diverse student population, the requirement that charter enrollment reflect the demographic makeup of the areas they served was abandoned in 2013.³⁴ Currently, charters must only “make efforts” to achieve demographics reflective of their surrounding community.³⁵ Of course, how one defines “surrounding community” matters, and state policies that help define this can help prioritize equity within a choice landscape. The state’s current definition of “surrounding community,” namely, “the racial and ethnic composition of the general population residing within the local school administrative unit in which the school is located or the racial and ethnic composition of the special population that the school seeks to serve residing within the local school administrative unit in which the school is located,”³⁶ falls short of this goal. In addition, state law does not require charters to provide transportation or school meals. This may affect the desirability and/or accessibility of charters for some parents.

The four communities that have been allowed by HB 514 to create town-based charters are likely to continue this trend. All four towns are significantly whiter and wealthier than the county at large. Creating local charters will therefore divert White, wealthy students from CMS’s traditional public schools and increase racial and socioeconomic segregation.

Implications of HB 514

The passage of HB 514 is likely to exacerbate segregation in the Charlotte-Mecklenburg district, which is already the most segregated district in the state. Even though this bill currently applies only to four municipalities, legislative leaders recently passed a law (again, buried inside a larger bill) re-inserting language that allows municipal charters to participate

in the state’s health and retirement plans.³⁷ The move makes it easier for legislators to add other municipalities via veto-exempt local acts. Coupled with SB 99’s local funding authority, other municipalities may use HB 514 as a model to push for the right to open municipal charters.

Activists and the Charlotte-Mecklenburg District have signaled their intention to challenge this new legislation in court.³⁸ While general levels of support for secession may be overblown, the challenge for advocates will be organizing and activating the “silent majority” in support of integration and regional equity. It is promising that a number of courageous residents from Matthews have spoken out against HB 514.³⁹ An opinion article by James Ford, a local activist and former North Carolina Teacher of the Year, opined:

*I don’t think many Matthews residents even support this measure. This is an area where more than 1,000 students go to a CMS school outside of the town limits and also overwhelmingly supported the school bond referendum last November. It did my heart good to hear of the many attendees speaking in opposition to HB 514. They made clear their love for the “small town” feel is not a proxy endorsement of segregation. This is a move more reflective of those in leadership.*⁴⁰

The creation of town-based charter schools threatens to undermine CMS’s efforts to address systemic inequities. There is concern that affluent (often White) parents use the “threat of escape” to charters as a way to manipulate educators and policymakers into making decisions that advantage their communities, with student assignment being a primary example.⁴¹ As mentioned at the outset, the HB 514 effort was partially put into motion when CMS undertook a two-phase plan to increase socioeconomic diversity in schools in 2016. Phase I increased the number of magnet schools and used a weighted lottery to facilitate socioeconomic diversity. The magnet initiative has had some success in increasing socioeconomic diversity, but data on the

program has been difficult to interpret.⁴² Phase II involved the redrawing of school assignment boundaries. As CMS deliberated new school assignment boundaries, White Charlotte parents threatened to flee to charter schools if the district did not draw boundaries in a way that allowed their children to attend school in their majority White neighborhood.⁴³ As a result, CMS adopted a school assignment plan that preserved neighborhood schools and did little to mitigate segregation.

HB 514 gives privileged parents and communities leverage to challenge initiatives aimed to address segregation and dismantle structural inequality. Though Matthews School Board members initially said they have no plans to open a charter, they emphasized that HB 514 gives them “options.”⁴⁴ Parents’ threats to flee may get used even more forcefully as a way to undermine CMS’s attempts to make good on equity and integration goals.

In response to HB 514, the CMS school board passed the “Municipal Concerns Act of 2018,” establishing an advisory committee and “prioritiz[ing] all future capital funding” for new

projects in towns that “are unable to create and operate their own municipal charter schools.”⁴⁵ Towns subject to HB 514 could become eligible for priority funding again “upon passage of a binding resolution...guaranteeing a 15-year moratorium on enacting” the new law.⁴⁶ The Act also directed CMS Superintendent Clayton Wilcox to assess the feasibility of reassigning students in Matthews, Mint Hill, Cornelius, and Huntersville and to examine options for relieving crowding and/or aligning school and town boundaries.⁴⁷

Wilcox delivered a report⁴⁸ in November showing:

- 2,000+ students from the four towns currently attend CMS schools in Charlotte.
- CMS schools in Huntersville educate 5,600+ students from other towns.
- CMS schools in the other three towns educate 8,500+ students from other towns.

The report offered no specific plans, but did acknowledge some of the complexities of assignment and boundary changes⁴⁹ for the CMS advisory committee to consider.

ADDITIONAL RESOURCES

“Segregation’s history repeats itself in North Carolina’s HB 514”

by Kimberly Quick

<https://tcf.org/content/commentary/segregations-history-repeats-north-carolinas-HB-514>

“Matthews vs CMS: Yes, the fight about charter schools is about race”

by James E. Ford

<https://www.charlotteobserver.com/opinion/op-ed/article209884959.html>

“Charlotte doesn’t have time for ‘That’s not my job’ from elected officials”

by Justin Perry

<https://www.charlotteagenda.com/57144/op-ed-charlotte-doesnt-time-thats-not-job-elected-officials>

OneMECK

A community-led effort focused on two priorities: ending practices and policies that promote highly concentrated poverty in schools and housing, and acknowledging how naturally intertwined they are.

<https://www.onemeck.org>

UNCERTAIN FUTURE FOR LOUISVILLE'S DIVERSITY PLAN

By Jennifer Pollan on behalf of Poverty & Race Research Action Council (edited by NCSD staff)

“We fought this battle over integration in the 1970s and, while it was a painful chapter in this city’s history, we are better for it. More importantly, our children are better for it. But the forced busing of the 1970s is gone, replaced with a thoughtful system of integrating schools while at the same time giving parents the choice of programs that interest them and their children.”¹

—Louisville Courier Journal Editorial Board

Although residents of Louisville, Kentucky vigorously opposed court-ordered integration in 1975, Louisville stands as an example of how attitudes about integration can shift over time. In 2011, the Civil Rights Project at UCLA reported that their survey of Louisville parents found that, overall, 80% were satisfied with their child’s school.² This is not to suggest that all Louisville residents wholeheartedly prioritize integration as a strategy—a healthy debate about these issues exists.³ Nonetheless, the local school district (known as Jefferson County Public Schools, hereinafter referred to as JCPS) maintained its commitment to integration in its elementary and secondary schools even after the Supreme Court struck down its race-based integration plan in *Parents Involved in Community Schools v. Seattle School District No. 1*⁴ (PICS) in 2007.

JCPS’s re-vamped student assignment plan, which was designed to be consistent with the Court’s ruling in PICS, assigns students to schools using a combination of parent preference and demographic characteristics of census tracts. The plan is designed to ensure that each school enrolls students from neighborhoods with varied characteristics in terms of race, income, and parental educational level. Moreover, instead of using the racial

characteristics of individual students, the plan aims to prevent students from racially isolated neighborhoods of concentrated poverty from being clustered in the same schools.⁵ Overall, JCPS is 44% White, 36% African American, 11% Hispanic, 9% other races; about 62% of JCPS students qualify for free lunch and another 5% for reduced lunch.⁶ Statewide, Kentucky serves a student population that is 77% White, 11% African American, 7% Hispanic, 6% other races; about 61% of its students are eligible for free or reduced-price meals.⁷

Recently, however, a proposed state takeover of JCPS threatened to dismantle longstanding integration efforts in Louisville. While the state ultimately backed away from the takeover—for now—it is important for integration supporters to be familiar with the surrounding context.

What evolved into discussions of state takeover began as a review of restraint and seclusion techniques within JCPS. Citing concerns about the use of improper restraint techniques,⁸ Stephen Pruitt (then State Education Commissioner) called for a review in July of 2016. Pruitt claimed the review revealed discrepancies in reporting on restraint and ordered a full management audit of JCPS in

February of 2017. Shortly before this, Kentucky’s Governor, Matt Bevin, publicly referred to JCPS as an “unmitigated disaster.”⁹ The comments provoked outrage from JCPS parents and employees, who noted that Bevin, a Jefferson County resident, had not visited JCPS and sends his children to private school.¹⁰

As the audit was being conducted, the Kentucky Legislature passed a bill giving local school districts the power to authorize charter schools. Previously, there was no law on the books authorizing charters, but Governor Bevin had campaigned on bringing “school choice” in the form of charter schools to Kentucky.¹¹ The bill¹² passed the State Senate and House by votes of 23-15 and 53-43, and Governor Bevin signed it into law in March of 2017.¹³

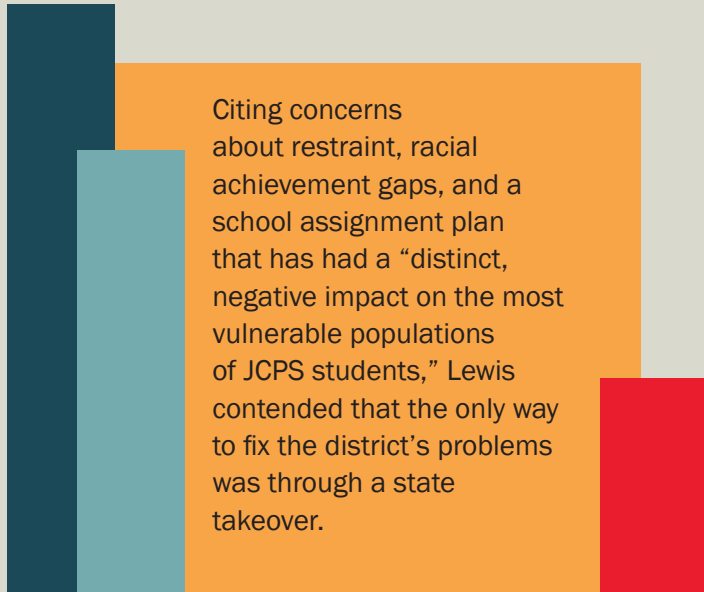
The two-year budget that the legislature passed in April 2018 did not include a mechanism for charters to receive state funding.¹⁴ When asked about the passing of the budget, the Republican Speaker of the House said, “there’s just a lot of our members that just frankly, given the environment around public school funding, the shortage of public school funding, just felt like it was inappropriate to put a mechanism in there to fund charter schools.”¹⁵ While charters are unlikely to open in Kentucky for some time, the charter infrastructure is steadily growing,¹⁶ and state officials have named securing a funding mechanism for charters as a 2019 policy priority.¹⁷

State Commissioner Pruitt’s review was not originally expected to lead to a state takeover. A JCPS board member felt Pruitt had been leaning towards putting the district under “state assistance,”¹⁸ which would allow the district to retain its decision-making power as it worked with the state to improve schools. However, shortly before he was set to release the report, Pruitt was pushed out of his position.¹⁹ His ouster came as Governor Bevin “packed... his own appointees”²⁰ on the Kentucky Board

of Education (KBE). In his stead, the board appointed Wayne Lewis, a professor and longtime proponent of charter schools to complete the audit process.²¹

A month after the legislature failed to secure funding for charters in the budget, and only weeks after he took over the audit, Education Commissioner Lewis released the audit results, which recommended a state takeover of JCPS.²² Under Kentucky law, the state can take over local school districts only when it is “necessary to correct the inefficiencies and ineffectiveness” of a district.²³ Citing concerns about restraint, racial achievement gaps, and a school assignment plan that has had a “distinct, negative impact on the most vulnerable populations of JCPS students,”²⁴ Lewis contended that the only way to fix the district’s problems was through a state takeover,²⁵ though he offered no research basis for this conclusion. Research into the results of state takeovers in Louisiana, Tennessee, and Michigan generally found that state takeovers of low-performing districts either had little effect on student performance or worsened test scores.²⁶ Further, takeovers can lead to fraud, poor fiscal management, high staff turnover, and harsh discipline measures against students of color and students with disabilities.²⁷

JCPS’s Board of Education voted unanimously to appeal the takeover. The 12-day appeal was scheduled to go before a Kentucky Department of Education (KDE) hearing officer in September and October.²⁸



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The relationship between Bevin and the Jefferson County Teachers Association (JCTA) further complicated the dynamic. The “[t]hreats of a state takeover of Jefferson County Public Schools” loomed “just as the district and the local teachers union [were] about to start negotiations on a new labor contract,”²⁹ to replace a past agreement that was set to expire on June 30. The original audit of JCPS was expected to, but did not, include an analysis of whether union contracts were contributing to disparities in student performance.³⁰ Educators feared that the audit would “blame the district’s deficiencies on teachers,”³¹ particularly after the KDE sought out a law firm to help it “determine whether teacher contracts were contributing ‘to critically ineffective or inefficient management of the JCPS.’”³² Commissioner Lewis has been publicly critical of the union, and signaled in early June that he would soon release data about union contracts.³³

Despite Lewis’s contention that the takeover was motivated by a desire to improve educational outcomes for all, others viewed it as a politically motivated move to get rid of JCPS’s voluntary integration plan and pave the way for charter schools.³⁴ Republican legislators failed to garner enough support to pass a bill that would have ended JCPS’s voluntary integration program in 2017.³⁵ Governor Bevin has spoken openly about his opposition to JCPS’s student assignment plan, and considers busing to be “an antiquated approach that frankly needs to be re-examined.”³⁶

In the event of a takeover, the state claimed it would work with the JCPS board, but it would have power over all aspects of the district (including student assignment).³⁷ The JCPS superintendent would continue to manage the day-to-day operations of the district, but would have reported directly to KDE.³⁸ The JCPS board would have had only an advisory role.³⁹

As the fate of JCPS weighed in the balance, residents seemed committed to the fight to retain local control over their schools.⁴⁰ While

awaiting the appeal hearing, several community groups organized to oppose the takeover, including #OurJCPS,⁴¹ Dear JCPS,⁴² and Alliance to Reclaim Our Schools—Louisville.⁴³ As of August 2018, over 10,000 people had signed a #OurJCPS petition opposing the takeover.⁴⁴ Additionally, on May 30th, teachers and students protested the takeover, bearing signs that said “Support public schools!” and “Keep public funds public.”⁴⁵

JCTA and JCPS settled on a five-year contract on August 1, 2018.⁴⁶ According to JCTA President Brent McKim, the resulting agreement “addresses many issues raised by the state”⁴⁷ in its audit. Had the teacher’s union not been able to reach an agreement before the proposed state takeover, JCTA would have been negotiating its contract with the KBE.⁴⁸ There was concern that, even if JCPS and JCTA did reach an agreement, the state might move to void or alter the contract in the event of a takeover.⁴⁹

On August 26, 2018 the JCPS board voted 4-3 to strike a compromise with the state instead of moving forward with their appeal.⁵⁰ Under the final settlement agreement, which was unanimously approved by the KBE several days later, the district and the state agreed to work together to develop corrective action plans for the areas of concern named in the audit.⁵¹

Under the deal, the locally-elected JCPS board will retain most of its power, but it did make a long list of concessions. Most relevant to this update:

- JCPS gave KDE veto authority over several aspects of state concern, including: special education, physical restraint or seclusion of students, and early childhood education.⁵²
- JCPS agreed to give KDE an opportunity to weigh in before making changes to two additional areas: career/technical education and facility maintenance/replacement.⁵³
- With regard to student assignment, the agreement states: “KDE understands that JCPS is currently reviewing the provisions of the JCPS student

assignment plan. JCPS agrees to continue its review and to have modifications to the existing student assignment plan in place for the 2020-2021 school year.”⁵⁴

- Another audit is to begin “no earlier than September 15, 2020.”⁵⁵

The agreement gave KDE less direct oversight than originally proposed when negotiations began in July, with KDE’s first offer requesting “enhanced oversight and responsibility” of eight programs, including student assignment.⁵⁶ Still, at least one member of the JCPS board felt that the agreement gave the state “way too much control” over the district, ultimately voting against it, reportedly because of “concerns about loopholes.”⁵⁷

Discussions preceding KDE’s vote to approve the agreement included questions about changes to JCPS’s student assignment plan, with one board member asking, “Why are we waiting two years to do it?”⁵⁸ According to an article in the Louisville Courier Journal, “Both Lewis and Pollio said any changes to the plan must be a community decision,” noting that JCPS’s plan is “a complicated but nationally lauded plan that seeks to increase diversity.”⁵⁹

An editorial published in the Louisville Courier Journal in August summarizes the importance of preserving and strengthening JCPS’s diversity plan:

The district’s student-assignment plan has been recognized nationally for increasing the racial and socioeconomic balance of schools, while giving parents a choice of where to send their children to school. Because of the district’s efforts, we have one of the most diverse school systems in the country. That’s something to be proud of, especially as we’ve watched other school districts across the nation resegregate.

The school district has made control over its student-assignment plan a priority – and for good reason.

We fought this battle over integration in the 1970s and, while it was a painful chapter in this city’s history, we are better for it. More importantly, our children are better for it.

But the forced busing of the 1970s is gone, replaced with a thoughtful system of integrating schools while at the same time giving parents the choice of programs that interest them and their children.

When Lewis recommended a state takeover of JCPS, he said the district’s method of assigning students to schools serves some but not all children. He also said it has “a distinct negative impact on the most vulnerable populations of JCPS students.”

Turning our backs on diversity would have a much more negative impact on not just the vulnerable populations but on all students who benefit from integrated classrooms.

JCPS officials know the current plan isn’t perfect, and they are working to make it more equitable. They should be allowed that opportunity, especially given that many parents and community members support choice and diversity. The world we live in is diverse, and children should be educated in a similar setting.”⁶⁰

In its August 2018 settlement with KDE, JCPS agreed “to continue its review and to have modifications to the existing student assignment plan in place for the 2020-2021 school year.”

PACIFIC LEGAL FOUNDATION CONTINUES ITS EFFORTS TO GUT INTEGRATION

By Jennifer Pollan on behalf of Poverty & Race Research Action Council (edited by NCSD staff)

“The Sheff plaintiffs agree that more needs to be done to ensure that every interested Hartford student receives an integrated education....But under the guise of seeking to help Hartford families, the Pacific Legal Foundation has brought a suit which, if successful, would erase the hard-won gains of Sheff and set the city and its suburbs back decades.”¹

—Cara McClellan (NAACP Legal Defense & Educational Fund)

A lawsuit filed early in 2018, *Robinson v. Wentzell*, represented the latest attack* on elementary and secondary school integration waged by the Pacific Legal Foundation (PLF). The complaint challenges the permissibility of Hartford’s nationally-recognized school integration system, which was put in place to comply with the Connecticut Supreme Court’s 1996 *Sheff v. O’Neill* decision.

Specifically, the lawsuit seeks to invalidate the *Sheff* compliance standard,² which counts as “integrated” a school with at least 25% White and Asian enrollment (or, conversely, a school with no more than 75% Black and Latino enrollment).³ The implications of this lawsuit are far-reaching, and should be of concern to advocates of school diversity and equity, particularly given the departure of Supreme Court Justice Anthony Kennedy.

PLF prides itself on knowing “what it takes to litigate the right cases with the right arguments

at the right time to establish the most broad-based precedent.”⁴ Founded in 1973 by former Reagan staffers, PLF is a conservative “public interest” law firm that is built around three main causes: property rights, personal liberties, and procedural guarantees.⁵ PLF has been involved with numerous efforts to systematically upend elementary and secondary school integration programs and affirmative action programs in higher education.⁶ The organization has grown from a single office in Sacramento to a nationwide network of lawyers who provide services to clients free of charge.⁷

A 2007 article⁸ by constitutional scholar Mark Tushnet explains that PLF was founded after former Supreme Court Justice Lewis F. Powell wrote to a friend in the U.S. Chamber of Commerce expressing concerns that liberals were developing sophisticated litigation strategies to advance their causes. Powell argued that conservatives should start their own non-profit litigation entities to fight for

* In the last weeks of 2018, the Pacific Legal Foundation challenged proposed changes to NYC’s Discovery Program, which helps students get into the city’s highly-coveted specialized high schools when they score just below the cutoff on the entrance exam (the sole criteria for admission). Recognizing that specialized high school enrollment (approximately 10% Black and Latinx) does not represent the student population in NYC (approximately 70% Black and Latinx), the city planned to expand “Discovery to eventually account for 20 percent of seats at each specialized high school,” and adjust program criteria such that “in order to qualify, students must come from a middle school where at least 60 percent of students are economically needy.” Representing Asian American parents and community organizations, PLF’s lawsuit alleged that the city’s plan would unlawfully impede on Asian American students’ chances of getting into specialized high schools. Quotes from Christina Veiga, *Lawsuit Seeks to Halt Program Designed to Increase Integration at New York City’s Specialized High Schools*, CHALKBEAT (Dec. 13, 2018), <https://www.chalkbeat.org/posts/ny/2018/12/13/lawsuit-filed-against-new-york-citys-integration-plans-for-specialized-high-schools>.

conservative, pro-business causes. According to the organization's website, PLF has won 11 out of the 13 cases it has litigated before the Supreme Court.⁹

Among PLF's "wins" include having "successfully participated in litigating"¹⁰ the 2007 *Parents Involved in Community Schools v. Seattle School District No. 1* case in the U.S. Supreme Court (referred to as "*Parents Involved*" or "*PICS*").¹¹ The *PICS* case challenged the constitutionality of voluntary race-based school assignment plans in Seattle, WA and Louisville, KY. PLF assisted in conceptualizing legal arguments, crafting messaging, and preparing for media appearances.¹² With the help of PLF, the plaintiffs prevailed.¹³ In a 4-1-4 decision (with Justice Kennedy representing the deciding vote), the Court invalidated the two race-based assignment plans at issue. In his plurality opinion, Justice Kennedy recognized the goals of pursuing diversity and avoiding racial isolation in primary and secondary public schools to be compelling government interests,¹⁴ though he ultimately agreed that the Seattle and Louisville plans were not narrowly tailored. *Parents Involved* placed constraints on districts seeking to undertake voluntary integration, but it did not make the pursuit of racial integration impermissible.

PLF is a well-funded organization that receives substantial support from donors with pro-business and conservative views.¹⁵ In 2017, PLF received \$13,267,056 in contributions.¹⁶ According to Source Watch, PLF is "partially funded by a range of corporations and conservative foundations."¹⁷ PLF's website states that, "[t]he great majority of PLF's donations come from individuals, estate gifts, and small family foundations...Of [its] 9,881 donors in 2014, 89.7% gave less than \$1000."¹⁸ Conservative Transparency¹⁹ reports that notable conservative foundations, such as Dunn's Foundation for the Advancement of Right Thinking,²⁰ the Sarah Scaife Foundation,²¹ the Carthage Foundation,²² and the Searle Freedom

Trust,²³ have made recent, substantial donations to the organization.

PLF fights integration initiatives²⁴ across the country both through direct litigation and through "friend of the court" briefs that support anti-integration positions in relevant cases.²⁵ Part of PLF's strategy involves finding students of color who are unable to attend a particular school due to an integration plan to serve as plaintiffs.

A Similar, Unsuccessful Challenge to the VICC Interdistrict Program in St. Louis

In a 2016 challenge to another longstanding interdistrict integration program, PLF represented a Black student who claimed his equal protection rights were violated when he was not allowed to continue attending his charter school in St. Louis (Gateway Science Academy) after he moved to the suburbs.²⁶ The school's policy provided that African American students living outside the city were not eligible for enrollment.²⁷

The target of PLF's lawsuit was the Voluntary Interdistrict Choice Corporation (VICC), a non-profit organization that manages a desegregation transfer program.²⁸ The program, which was put in place as a result of a desegregation order, allows African American students to transfer from city schools to schools in the surrounding suburbs. In an effort to reduce segregation in city schools, VICC also allows non-African American suburban students to transfer to magnet schools in St. Louis.²⁹

At its height (1999), VICC bused over 14,000 African American students from the city to the suburbs.³⁰ Over time, mounting pressures led to a transition from a mandatory program to a voluntary one, leading some districts to end their participation in the program.³¹ A series of voluntary settlement agreements in 1999, 2007, 2012, and 2016 have kept the desegregation program in place. Today, the program enables about 4,400 students to attend suburban schools.³²

PLF's lawsuit "reference[d] magnet schools and VICC's transfer policy for them,"³³ though

the student plaintiff never expressed interest in attending a magnet school. Although VICC has no direct oversight over charter schools in St. Louis, PLF argued that state law pertaining to charter school enrollment imposed VICC's transfer policy on charter schools. The law states that: "Nonresident pupils eligible to attend a district's school under an urban voluntary transfer program" were also eligible for enrollment in charters.³⁴ Thus, PLF asserted, this policy "prohibited [the plaintiff's] transfer because of his race."³⁵

PLF lost the case at the trial court on several grounds, including that St. Louis had yet to achieve "unitary status" under its original court order, and thus VICC was legally operating a court-approved race-conscious desegregation plan.³⁶ As a result, VICC was not required to prove that its race-conscious approach was narrowly tailored to further a compelling state interest.³⁷ This decision was affirmed on appeal, with the court holding that the plaintiff did not have an actual injury that could be traced to VICC because he did not have an intent to apply to a VICC-operated magnet school in the city, only a charter school.³⁸ The court found that a "generalized grievance about VICC's transfer policy...is insufficient to allege an injury in fact."³⁹ In short, since the plaintiff was merely unhappy about the transfer policy and not actually affected by it, he did not have standing to sue. The Supreme Court subsequently denied to hear the case.⁴⁰

Despite surviving this legal challenge, VICC has begun to explore revisions to its transfer program.⁴¹ In 2016, the VICC board voted to extend the program until at least 2023-24, but it has been "gradually reducing the total number of students participating despite the mutual benefits to all students involved."⁴²

PLF's characterizations in the St. Louis case ignore the history and context that creates the need for desegregation programs like VICC in the first place.⁴³ Segregation across district lines perpetuates patterns of inequality. St. Louis's schools are approximately 81% Black, 12% White, 4% Hispanic, and 3% Asian.⁴⁴ Meanwhile, suburban schools participating in the VICC program are predominantly White (61-81%), with far fewer students affected by poverty (12%-57%).⁴⁵ Many students in St. Louis continue to be stuck in chronically under-served schools in the city.⁴⁶ Seven times as many students would like to participate in VICC than there are spots.⁴⁷

Hartford, CT Becomes the Next Target

In Hartford, PLF represents several Black and Hispanic families who assert that integration efforts violate their equal protection rights.⁴⁸ Hartford's voluntary integration plan is the result of a long-fought legal battle over segregation and educational inequity in the Hartford region.⁴⁹ In 1989, seventeen Hartford area students and their families filed suit claiming that racial and economic school segregation between the Hartford school district and its suburban neighbors violated their state constitutional rights.⁵⁰ The Connecticut Supreme Court held that the system of separate school districts in the Hartford region reinforced segregation, which failed to provide students a "substantially equal educational opportunity" as required by the Connecticut Constitution.⁵¹ The court ordered no specific remedy, deferring to the state legislature to craft a remedy, and minimal progress was made in the first seven years after the decision. In 2003, after the plaintiffs went back to court, the parties entered into the first of a series of settlement agreements to implement the Connecticut Supreme Court's mandate.⁵²

Over the years, the Hartford region has become home to a two-way network of voluntary integration programs. In 2016, 18,950 city and suburban students were enrolled in 45

Hartford's voluntary integration plan is the result of a long-fought legal battle over segregation and educational inequity in the Hartford region.

interdistrict magnet schools, and several thousand additional Hartford students attended suburban schools through the “Open Choice” program (a descendant of the 1966 desegregation program known as “Project Concern”).⁵³

In order to monitor compliance, the court uses a standard which defines as “integrated” schools whose enrollment does not exceed 75% Black and Latino students.⁵⁴ Students are selected for both programs by a lottery, which does not look at the race of individual students. Rather, a number of guidelines designed to counteract housing segregation are in place. For example, each magnet school should aim to enroll a student body comprised of 50% Hartford students and 50% suburban students.⁵⁵

PLF filed suit claiming that the lottery and the integration goal discriminates on the basis of race in violation of the 14th Amendment. PLF represents students of color who applied to attend magnet schools, but did not receive a seat. The suit was filed after a series of Hartford Courant articles documented community frustration with the lottery.⁵⁶ The Courant, referring to the integration standard as a “quota,” emphasized unused capacity in magnet schools operated by Hartford Public Schools (HPS), attributing it to HPS’s inability to enroll enough White students in some of its magnets (often referred to as “empty seats”).⁵⁷ In other words, because admitting more Black and Latino students would bring schools out of compliance with the 75% integration goal (for which schools are given support in reaching over the course of several years), HPS’s magnet schools are not enrolled at their maximum capacity.

In the public discourse about how to improve *Sheff* implementation, less attention has been given to the fact that other magnet school operators often have the opposite recruitment challenge—they seek to enroll more Black and

Latino students from Hartford, and have existing capacity to do so in some circumstances. In 2017, the state cancelled construction on a Capitol Region Education Council (CREC) magnet school mid-project. Citing “Connecticut’s fiscal uncertainty and state enrollment caps,”⁵⁸ CREC (the other main magnet school operator in Hartford) merged two of its magnets when the project was pulled.

Sheff plaintiffs’ attorneys argue that there are many ways to address the issue of “empty seats,” including the state lifting its cap on the number of seats it will fund. Ironically, the race-neutral lottery process—rather than lack of interest from White families—may account for the system’s difficulty in placing White students in individual schools, to help achieve compliance. Decision makers hesitate to take a more race-conscious approach to the lottery, which would allow educators to fill any remaining seats by selecting children on the waitlist on the basis of their race. Glen Peterson, Director of Connecticut’s Regional Choice Office, has argued that, “[c]hoosing individual kids by race is constitutionally risky.”⁵⁹ Peterson is likely referring to *PICS*’s limitations on race-conscious actions. However, *PICS* did not completely bar the use of race in school integration plans (particularly court-ordered ones), it held that Seattle and Louisville’s voluntary use of race was not sufficiently narrowly tailored.⁶⁰ More specifically, the *PICS* court noted that neither district had exhausted all race neutral alternatives before turning to race-conscious student assignment.

Budget cuts have plagued the ability of many schools to serve all students, including magnets. This has subjected Hartford’s program to political backlash despite its successes. Nevertheless, data indicate that integration in Hartford has improved outcomes for participating students,⁶¹ mirroring an extensive research base that documents the educational and social benefits of integration.⁶² In short, integration in Hartford is worth fighting for.

A recent article by Rachel Cohen in the *The American Prospect* notes:

*The challenge, it turns out, isn't finding a system that works. Sheff is working: 48 percent of Hartford students are already in integrated schools, a massive improvement without parallel almost anywhere else in the nation. Instead, the challenge has been securing the long-term political commitment to sustain that system—and the financial support to ensure it runs well, which is often the same thing.*⁶³

In a 2009 article, “One Year Later: A Reflection on *Parents Involved in Community Schools v. Seattle School District* and the Pursuit of Racial Representation in Public Elementary and Secondary Public Schools,” PLF attorney Sharon L. Browne explains PLF’s narrow reading of the *PICS* holding.⁶⁴ Asserting any program that has not abandoned its diversity efforts has, in effect, “refused to comply with the Supreme Court’s decision,”⁶⁵ in *PICS*, she urges “parents, guardians, and community leaders [to] apply pressure on their school boards to eliminate race-based assignment plans.”⁶⁶ Browne’s article concludes with what appears to be a roadmap for PLF’s future efforts to upend voluntary integration efforts: “[u]ntil parents and community leaders bring pressure to bear, school districts in Jefferson County, Kentucky, Los Angeles, California; Boston, Massachusetts; Hartford, Connecticut; Milwaukee, Wisconsin and elsewhere may continue to classify their students by race in pursuit of the chimera of ‘diversity.’”⁶⁷

Thus, it is likely that PLF will continue to bring legal challenges against integration programs across the country, even against programs that are complying with the *PICS* ruling. School integration supporters should stay informed, maintain hope, and speak up in support of integration policies. Organizations such as the NAACP Legal Defense and Educational Fund

(LDF) are calling out PLF for co-opting civil rights narratives to promote school segregation.⁶⁸ In Hartford, LDF filed a motion on behalf of the *Sheff* plaintiffs to intervene in *Robinson*.⁶⁹

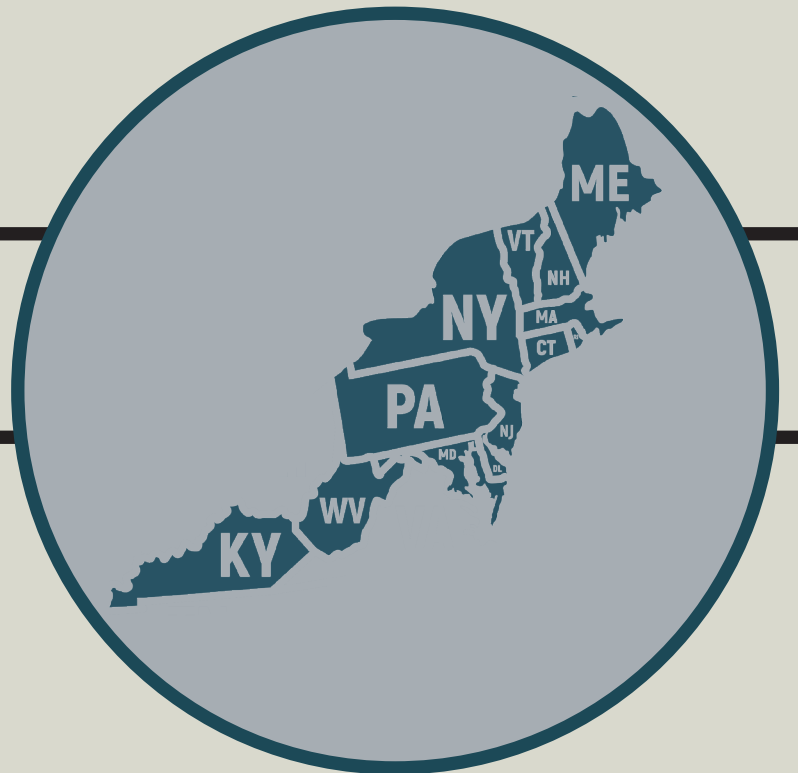
Parents and advocates must actively vocalize their support for school diversity efforts and acknowledge school integration as an important tool in addressing the link between segregation and educational disparities. Driven by the belief that young people throughout our society have the right to access schools in which they can thrive—and that diverse schools play an important role in creating those conditions on a systemic basis—parents and advocates will continue to fight back against PLF’s short-sighted war on integration.

The Sheff Movement is a Hartford-based coalition of educators, parents, students, and community members working to support school integration.

sheffmovement.org

REGION I

- The State of Integration in Maryland
- The State of Integration in Massachusetts
- The State of Integration in New Jersey
- The State of Integration in New York
- The State of Integration on Long Island
- The State of Integration in Monroe County
- Student Organizing for Integration (IntegrateNYC)
- The State of Integration in Pennsylvania



THE STATE OF INTEGRATION IN MARYLAND

By Gail L. Sunderman (Maryland Equity Project, University of Maryland)

Maryland is undergoing a demographic transformation in its public schools. Statewide, the proportion of White students has declined while the enrollment of students of color increased. Latino students are growing at a faster rate than other racial/ethnic groups (Figure 1). Maryland has outpaced many states in this transformation, with public school enrollment becoming “majority-minority” in 2005. At the same time, the percentage of students from low-income households* enrolled in Maryland public schools has nearly doubled over the past 24 years. In 1990, 22.4% of students were from low-income families, compared to 44.2% in 2014.

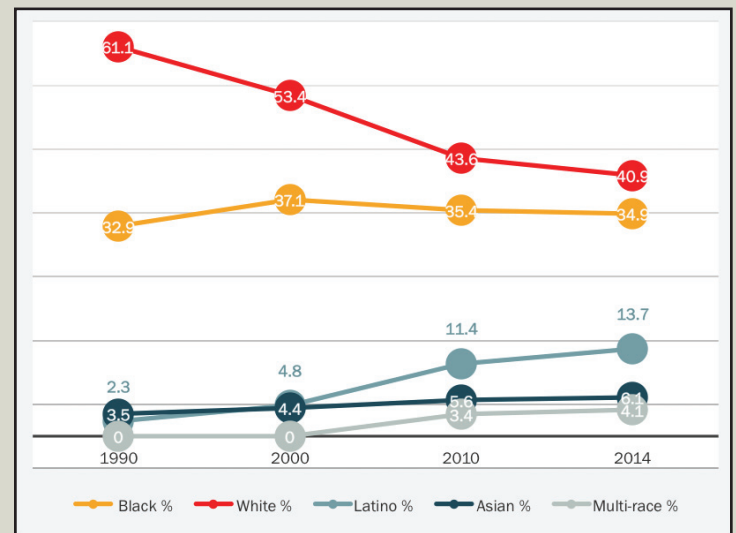
This summary examines whether Maryland public schools are becoming more or less integrated by race and income as the school population diversifies. Using data from the NCES Common Core of Data (CCD), it tracks trends in racial and economic integration between 1990 and 2014 at the state level.

Racial Concentration of Students

The concentration of students by race has shifted as school enrollment in Maryland diversified (Figure 2).

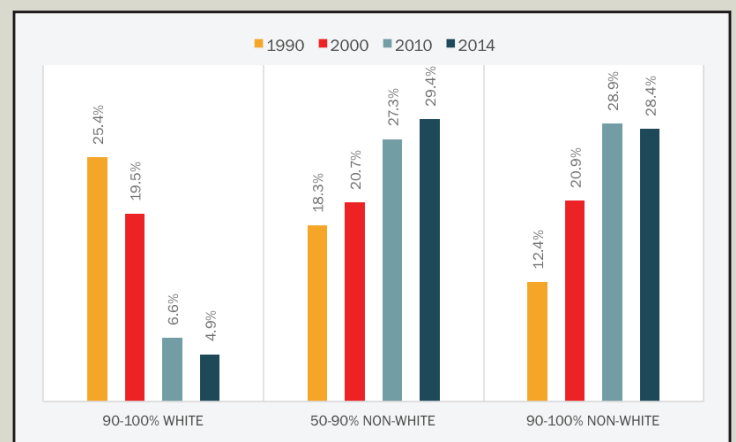
Across the state, the percentage of racially isolated White schools (90-100% White) declined substantially, from 25.4% of schools in 1990 to 4.9% in 2014. At the same time, the percentage of racially isolated minority schools (90-100%

Figure 1. Racial composition of Maryland public schools, 1990-2014



Source: U.S. Department of Education, National Center for Education Statistics, Common Core of Data.

Figure 2. Percentage of students by school-level racial concentration, Maryland public schools, 1990-2014



Source: U.S. Department of Education, National Center for Education Statistics, Common Core of Data.

minority enrollment) more than doubled between 1990 and 2014, increasing from 12.4% of schools to 28.4%. In total, 33.3% of public schools in the state were racially isolated White or non-White in 2014, about the same as in 1990 when 37.8% were racially isolated. However, the make-up of these racially isolated schools changed from predominately White to predominately non-White. The percentage of schools that enrolled 50-90% minority students also increased. Almost a third (29.4%) of Maryland's schools fell into this category in 2014 compared to less than a fifth in 1990.

Figure 3 shows the racial composition of a school attended by the typical student by race in the state of Maryland. This figure demonstrates, graphically, the very different types of student-bodies that students are exposed to are based solely on their race. For example, the typical White student in Maryland attends a school that is 64.5% White, 15.9% Black, 8.5% Latino, 5.9% Asian, and 5.2% other races. In contrast, a typical Black student in Maryland attends a school that is 18.7% White, 61.3% Black, 12.3% Latino, 4.2% Asian, and 3.5% other races. The last column—state average—indicates what the demographic composition of schools would look like if students were evenly distributed across schools in the state.

Economic Concentration of Students

As the percentage of low-income students increased in Maryland, the concentration of low-income students in schools also increased. Figure 4 shows the percentage of Maryland schools by the level of poverty concentration. In 2014, almost half (46.9%) of all schools in Maryland had poverty levels of 50% or greater, compared to 14.2% in 1990. The percentage of Maryland public schools with more than 75% of students from low-income

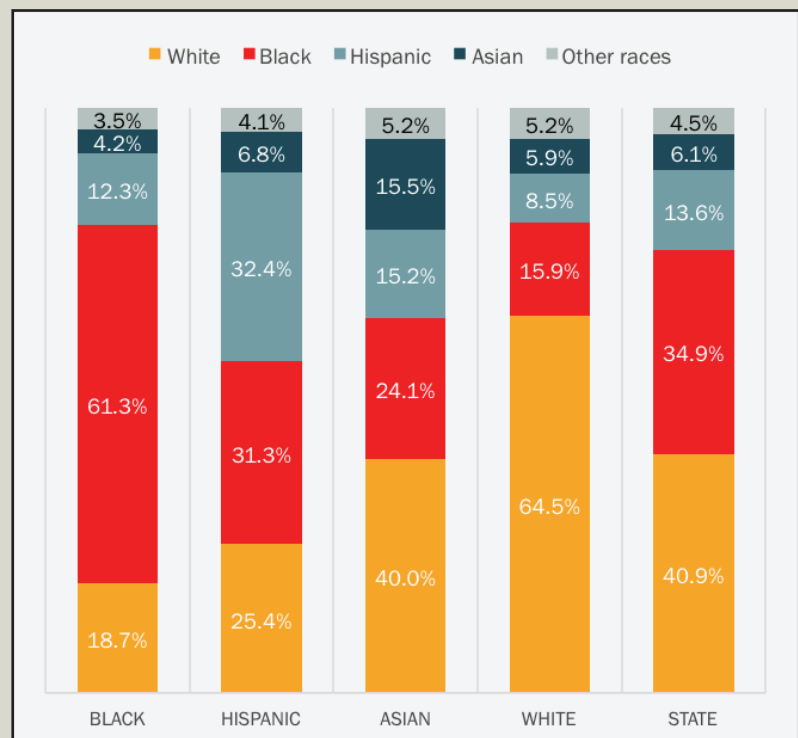
families increased three-fold, from 7.5% of all public schools in 1990 to 22.7% in 2014. At the same time, there are fewer schools with low concentrations of poverty. The percentage of schools with fewer than 25% of low-income students decreased from 64.4% in 1990 to 24.6% in 2014.

Figure 5 shows the income composition of a school attended by the typical low-income and non-poor student in Maryland in 2014. The typical low-income student attended a school that was 60.6% low-income and 31.2% non-poor, compared to a non-poor student who attended a school with 39.4% low-income students and 68.8% non-poor. If students were distributed evenly based on their FRPM status, a typical school would enroll 44.2% low-income and 55.8% non-poor students.

Addressing Increasing Segregation in Maryland

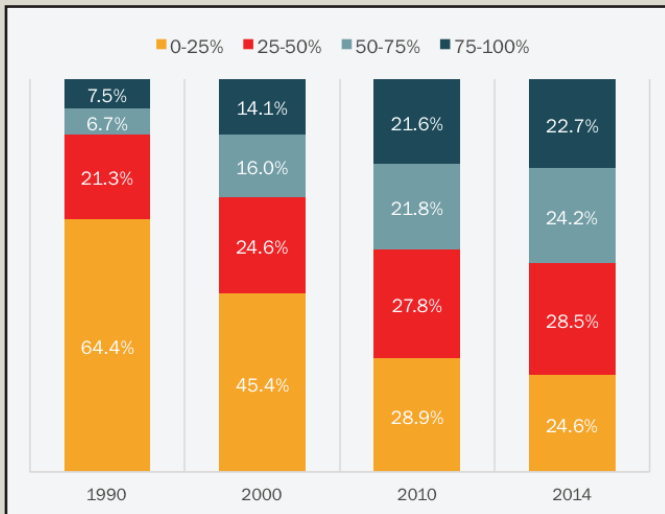
Maryland has done little to promote diverse schools or reduce the racial and socioeconomic

Figure 3. Demographic composition of school attended by typical Maryland public school student by race, 2014



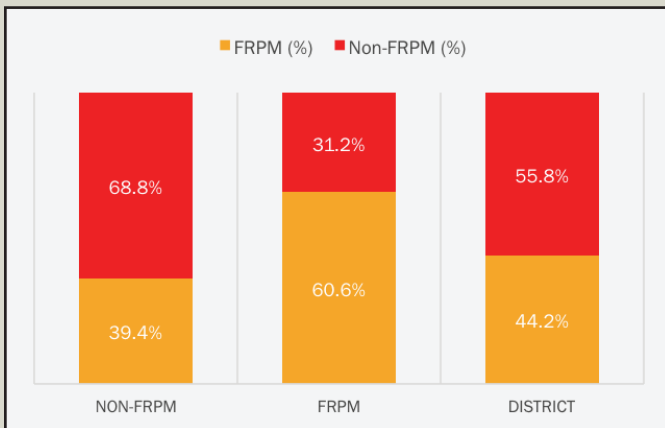
Source: U.S. Department of Education, National Center for Education Statistics, Common Core of Data.

Figure 4. Percentage of Maryland public schools by poverty concentration, 1990-2014



Source: U.S. Department of Education, National Center for Education Statistics, Common Core of Data.

Figure 5. Economic composition of school attended by typical Maryland public school student by poverty, 2014



Source: U.S. Department of Education, National Center for Education Statistics, Common Core of Data.

isolation of students. Maryland’s approach has been to provide additional resources or services to support students attending low-income, segregated schools. Maryland has taken some steps to address social-economic factors facing families, including raising the minimum wage, facilitating an ambitious building program in Baltimore City that encourages the inclusion of school-community partnerships, and expanding access to early education for low-income 4-year old children.

In 2018, the Commission on Innovation and Excellence in Education (often called the “Kirwan Commission”) reviewed the state’s funding formulas and discussed ways to improve them. Finding that the state is underfunding schools serving low-income students, the Commission was considering including a weight in the funding formula for concentrated poverty, increasing support for early education, expanding community schools, after-school academic and summer programs, and hiring more teachers of color. In the 2017 legislative session, the General Assembly passed HB 1415, which provided additional funding, based on the Commission’s preliminary recommendations. These included \$2.5 million in literacy grants for Title I schools, funding to maintain pre-kindergarten programs, and \$4.5 million for after-school and summer programs for students attending high-poverty schools. It also included provisions to create a teacher recruitment steering committee to recruit individuals from underrepresented racial/ethnic groups into teacher education programs.

However, there is little or no effort by the state to adopt programs or practices that decrease segregation by race or income. These decisions currently rest with the local school districts as they adopt new school attendance boundaries to accommodate growing—or shrinking—school enrollments.

* Eligibility for free and reduced price meals (FRPM) is used to measure the number of students from low-income households. Data for 1990 are estimated using the average proportion of free meal participants compared to the average proportion of FRPM participants for 2000, 2007, and 2010 since the 1990 data contains only the number of free meal participants.

THE STATE OF INTEGRATION IN MASSACHUSETTS

By Peter Piazza (*The School Diversity Notebook*)

Unlike other states that may have major, national stories regarding school integration, the Massachusetts landscape is characterized by an assortment of smaller stories. Though there is little focused attention on integration in Massachusetts by way of student assignment or enrollment patterns, many of the current policy debates address other dimensions of integration, such as funding or curriculum.

METCO

Each year, the well-known Metropolitan Council for Educational Opportunity (METCO) program transports about 3,300 Black and Latinx students daily to 190 suburban schools near the cities of Boston and Springfield.¹ In a major change for the organization, METCO hired a new Executive Director in late January after 43 years of leadership under Jean McGuire, a fierce advocate for the program.² Milagros (Milly) Arbaje-Thomas takes over at a complex time for the organization. Studies have shown

that METCO students outperform peers from their sending districts and graduate at a higher rate than the state average.³ However, recent reporting also notes that METCO students continue to face overt racial discrimination in the majority-White schools that they attend through the program.⁴ Among several priorities, Arbaje-Thomas has identified racially sensitive curriculum and teacher diversity as focus areas for her leadership.⁵

In previous years, METCO's activity has been hampered by a very limited budget allocation from the state. However, the program received a nearly \$1.5 million increase in funding in the FY19 budget from the legislature.⁶ This represents a significant increase, which METCO staff attributed to the legislative outreach of its supporters. Specifically, the increase will help METCO to keep pace with rising transportation costs, allowing more students to participate in after-school activities in their host districts.

Massachusetts School Funding Formula

A state house commission recently found that the state's school funding formula (last updated in 1993) is severely shortchanging local districts, due largely to outdated assumptions about the cost of serving low-income and special education students as well as English Learners (ELs).⁷ In May, however, the Massachusetts Senate voted 38-0 to pass a bill that would update the formula according to the review commission's recommendations.⁸ The new formula would

3,300 STUDENTS

PARTICIPATE IN

THE METCO PROGRAM

result in the state adding roughly \$1 billion in aid to local districts. Currently, wealthier districts are able to use local revenue to make up for shortcomings in state aid. Additional aid from the state, then, would represent a major step forward in closing funding gaps that exist between low-income and affluent school districts. In July, the Massachusetts House of Representatives passed its own version of legislation aimed at updating the funding formula; however, it differed significantly from the Senate's version, especially regarding funding increases for ELs and low-income students.⁹ The two sides were unable to develop compromise legislation before the end of the summer legislative session.¹⁰ As a result, debate over funding legislation is on pause until the next state legislature is seated. In the meantime, advocacy groups have begun to coalesce around a renewed campaign in the next session.¹¹

Boston Public Schools Opportunity Index

Boston Public Schools (BPS) commissioned the development of an Opportunity Index (OI) that aims to measure community-based factors that affect student performance in school.¹² Although the index is slightly different for elementary schools and secondary schools, it is primarily based on: neighborhood crime rates and gun use, income level, physical deterioration of buildings and public spaces, custodianship (or, for example, the likelihood that a resident would call the city to fix a broken street light), and students' previous school success.¹³

BPS calculated the OI for each census tract in the city and rated schools on a scale between .01 and .99, where a higher number indicates a higher level of need.¹⁴ For the 2018-19 school budget, the OI will primarily affect the district's allocation of \$5.8 million in "partnership dollars" that fund collaboration between district schools and important external service providers.¹⁵ BPS originally planned to allocate partnership dollars only to schools with an OI of .57 or higher; however this proposal has received significant resistance from students and staff in

affected schools as well as affiliated community members.¹⁶ Further complicating matters, the OI faces an uncertain future following the unexpected resignation of BPS Superintendent Tommy Chang three years into a five year contract.¹⁷

Boston Student Assignment Report and Boston Globe Segregation Coverage

In July, the Boston Area Research Initiative (BARI) released an evaluation of BPS's student assignment system, finding that the new system has led to more racial segregation.¹⁸ BPS' so-called home-based system was first implemented in the 2014-2015 school year. It uses an algorithm that aims to provide all students with school choices within the top 50% of all BPS schools as determined via the state assessment.

The BARI report was the first extensive evaluation of the system and, among other things, it found that "Black and Latinx students—but especially Black students—have a lot lower chance of being assigned to a BPS school with high MCAS scores than children of other racial groups."¹⁹ Relatedly, in late July, *The Boston Globe* conducted its own analysis of enrollment patterns in BPS and found that nearly 60% of BPS schools are "intensely segregated" (at least 90% Black and/or Latinx), representing a sharp increase from 1998, when 42% of BPS schools were intensely segregated.²⁰ Over the same period of time, more schools have also become majority White. Both the BARI report and the Boston Globe coverage sparked discussion about school integration in a city known for its resistance to 1970s-era desegregation.²¹

Recently, the Massachusetts Board of Elementary and Secondary Education approved new standards for history and social studies.²² Public debate about the standards raised important questions about the treatment of contemporary racial justice issues in history and social studies curriculum. Specifically, a Boston University professor—and former high school social studies teacher—noted in public comment that the standards do very little to address race after the Civil Rights Era and that they omit recent major events in racial justice history, such as the LA riots, the Black Lives Matter movement, and the federal response to Hurricane Katrina.²³ In response, the state Secretary of Education commented that he was concerned that such changes to the curriculum would cause it to “drift too far into current events.”²⁴ Consequently, the approved standards were not adjusted to include these, and other, events in the contemporary struggle for racial justice.

THE STATE OF INTEGRATION IN NEW JERSEY

By Paul Tractenberg (Center for Diversity & Equality in Education) and Elise Boddie (The Inclusion Project at Rutgers and the New Jersey Coalition of Diverse & Inclusive Schools)

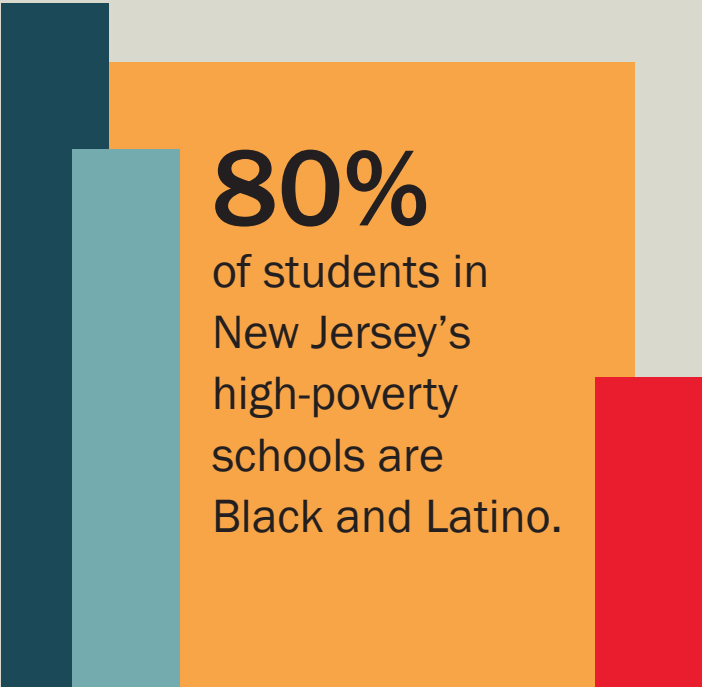
New Jersey is in the curious posture of having the nation's strongest state laws requiring racial balance in the public schools, but one of the worst records of school segregation in the nation. New Jersey was the first state (in 1947) to include an "anti-segregation" provision in its constitution—Connecticut and Hawaii followed—and is the only one in the country to explicitly prohibit segregation in public schools. However, New Jersey is the sixth most segregated state in the country for Black students and the seventh most segregated for Latinos.

The picture is even more complicated by recent demographic changes in the state's population that have resulted in increasingly diverse general and student populations, and a surprisingly large number of school districts whose student populations closely mirror the statewide demographic profile. To illustrate, the statewide student population has approximately 46% White students, 27% Latino students, 16% Black students and 10% Asian students. Additionally, approximately 25% of the state's students go to public schools that have student profiles that are relatively close to the statewide profile.

When current state demographic profiles are compared to the national profile, the picture gets even more curious and ironic. The four states that most clearly mirror the national profile are, in order, Illinois, New Jersey, New York and Connecticut, with Illinois almost perfectly replicating the national profile. Yet, when it

comes to school segregation, those four states are regularly among the nation's worst.

New Jersey's relative diversity may be encouraging, but major problems persist. One is that fully 25% of New Jersey's students are in desperately segregated, mostly urban school districts. Some districts, which have less than 1% White students, have been labelled "apartheid districts" by the UCLA Civil Rights Project. The statistics are striking. Of the approximately 585,000 Black and Latino public school students in New Jersey, 371,000 (63%) attend schools that are more than 75% non-White; 271,000 (46%) attend schools that are more than 90% non-White. It's important to note that students in these schools are overwhelmingly low-income: 80% of students in the state's high-poverty schools are Black and Latino.



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Another major problem is that diversity may not reach the school level, let alone the classroom and program level, even among New Jersey's diverse school districts. Only a handful of districts, with the Morris and South Orange-Maplewood school districts notable among them, have achieved diversity at the school level and are working to extend it to the classroom and program level.

Over the past year, several interrelated and major school integration initiatives have been launched. On May 1, the Center for Diversity and Equality in Education (CDEE) released a report entitled, "The New Promise of School Integration and the Old Problem of Extreme Segregation: An Action Plan for New Jersey to Address Both."

The Inclusion Project at Rutgers Law School in Newark is engaged in a companion effort to support school integration in New Jersey through community outreach, public lectures, and conferences that explore racial inequities in the state's public schools.

LAN et al v. State of New Jersey

On May 17, 2018 (the 64th anniversary of *Brown v. Board of Education*), a group of civil rights and faith organizations and nine public school children (by their guardians ad litem), under the auspices of the New Jersey Coalition of Diverse and Inclusive Schools, filed a historic lawsuit against the state of New Jersey alleging unconstitutional segregation by race and poverty in the state's traditional public schools and public charter schools.

The plaintiffs include the Latino Action Network, the Latino Coalition, the state chapter of the NAACP, the Urban League of Essex County, and the United Methodist Church of Greater New Jersey (representing 500+ congregations in New Jersey). The individual plaintiffs live in Newark, Paterson, Hoboken, Union City, Highland Park, Elizabeth, and Camden. Larry Lustberg of

Gibbons and Mike Stein of Pashman Stein are trial counsel.

The complaint asks the court to strike down, on state constitutional grounds, provisions of state law that drive segregation in the state's public schools, including charter schools. The complaint also asks the court to order the State Commissioner of Education to develop a detailed, comprehensive plan to desegregate and diversify the state's public schools.

Most of the data in the complaint were drawn from CDEE's report. The case itself marks the beginning of a long journey, but it also is the product of two years spent building community support among diverse constituencies, working with experts across the country, and raising awareness about the problems of segregation through many presentations at conferences and community forums and in conversations with various state leaders.

Governor Murphy and the state's largest teacher's union, the New Jersey Education Association, separately issued supportive statements when the case was filed. However, the state later moved to have the case transferred to the Office of Administrative Law, where the State Commissioner of Education, the main defendant in the case, would have rendered a decision about the legality of his own action. The judge denied the state's motion.

ADDITIONAL RESOURCES

The CDEE report and other integration projects, including a December 2016 report and an upcoming book to be published by Teachers College Press about the Morris school district, can be accessed at:
<http://www.centerfordiversityandequalityineducation.com>

LAN et al v. State of New Jersey can be accessed at:
<http://www.inclusiveschoolsnj.org>

These initiatives signal a serious and sustained effort to demand that New Jersey finally honor its longstanding state constitutional commitments to afford its students with education in a diverse setting. One of the constitutional underpinnings of this longstanding obligation is the state's 1875 education clause, which guarantees students, as a fundamental right, "a thorough and efficient system of free public schools." The New Jersey Supreme Court has clearly stated that this right is violated by racially imbalanced education wherever racial balance is feasible. The question now being urged on the state is when and how this right will be vindicated.



THE STATE OF INTEGRATION IN NEW YORK

By David Tipson (*New York Appleseed*)

In January 2018, the U.S. Department of Education approved the ESSA plan (“the Plan”) submitted by the New York State Education Department (SED).¹ Thanks in part to the advocacy of local members of the National Coalition on School Diversity going back to 2014, the Plan includes innovative features pertaining to school diversity and integration.² This chapter provides a basic overview of these features.

Features of the 2018 New York State Plan:

School diversity as an explicit equity goal—The opening section of the Plan expresses SED’s commitment to using “the development and adoption of policies and programs that promote the values of socioeconomic, racial, cultural, and other kinds of diversity.”³

Allocation of Title I School Improvement Funds to promote school diversity—Also in the opening section, the Plan reaffirms the use of “Title I School Improvement Funds to support the efforts of districts to increase diversity and reduce socioeconomic and racial/ethnic isolation.”⁴ Later sections of the Plan mention the use of these funds for a grant program to promote diversity and reduce socioeconomic and racial-ethnic isolation.⁵ The fact that a version of the grant program—known as the Socioeconomic

Integration Pilot Program⁶—predated the ESSA plan is a good example of how states can use the flexible ESSA framework to incorporate ongoing initiatives.

Diversity as an indicator of overall school quality—The Plan expresses an intention to expand the measures of school quality and student success in the State’s accountability system.⁷ The Plan explicitly offers “Integration of Students” as one of the possible new measures—specifically “A measure of the extent to which students of different subgroups (by race/ethnicity, socioeconomic status, English language learners and students with disabilities) are in schools and classrooms together, relative to their presence in the district as a whole.”⁸ Such a measure would be an exciting and potentially groundbreaking development in state accountability measures for schools and districts.

Availability of critical data and analysis—The Plan commits to making data available to schools and districts on its Public Data Access site and to producing annual state and district-level Equity Reports that “will compare the rates of assignment of ineffective, out-of-field and inexperienced teachers between minority and low-income students in Title I schools

and non-low-income, non-minority students in non-Title I schools.”⁹ The Plan also commits to annual cycles of “resource-allocation reviews” that will include “analysis of school-level fiscal data, human resource data, data from certain Opportunity to Learn Standards, and data from district-level Equity Report[s]” to determine if there are gaps in resource allocation among schools.¹⁰ This kind of data and analysis is crucial in crafting effective strategies for reducing segregation and its harmful effects.

Evidence-based interventions—Another way that the Plan promotes school diversity is by insisting that schools facing the largest challenges receive interventions that are grounded in real evidence and research.¹¹ The strong body of evidence supporting the educational benefits of school integration should allow policymakers to aggressively pursue integration as a school-level-improvement strategy.

A strong statement on school conditions—Diverse schools cannot thrive without intentional efforts to foster the right school conditions. The Plan makes it a priority “that New York State schools foster a culture and climate that makes school a safe haven where every student feels welcome and free from bias; harassment; discrimination; and bullying.”¹² Pursuant to this priority, the Plan commits to promoting “the understanding of diverse cultural characteristics, positive disciplinary practices, improving school climate, and providing students with social-emotional support.”¹³

Efforts to increase diversity of educators—A diverse faculty and administration prepared to serve the needs of a diverse student population are central to the success of a diverse school. The Plan’s discussion of the use of Title II emphasizes the need for teachers and administrators to be ready teach diverse students populations.¹⁴

Specifically, the Plan:

- Reaffirms the State’s efforts to “attract more diverse, culturally competent, and highly effective teachers, principals, and other school leaders to the profession.”¹⁵
- Reaffirms its existing Plan to Promote Equitable Access to the Most Effective Educators¹⁶—another example of how states can use the flexible ESSA framework to incorporate ongoing initiatives.¹⁷
- Commits to ensuring “that the pipeline of future educators includes culturally competent and ethnically and linguistically diverse candidates such that the demographics of the educator workforce can better mirror the demographics of New York State’s student population.”¹⁸

THE STATE OF INTEGRATION ON LONG ISLAND

By Nyah Berg (*ERASE Racism*)

ERASE Racism has been challenging segregation and discrimination, particularly in public education and housing, since our founding in 2001. We do this via community organizing, advocacy, research, public education, and litigation. Our research has been used by the media, public officials, academics, other nonprofits, and community members, and our activities have mobilized a cross section of Long Island leaders, students, teachers, tenants, homeowners, and other partners. With these allies, we have formulated and pursued remedies to persistent regional inequities rooted in imbedded institutional and structural racism.

ERASE Racism's base is Long Island, NY – a metropolitan area of three million residents and one of the ten most racially segregated regions in the United States. Our work encompasses state-wide organizing and engagement with national coalitions.

Background: Long Island (i.e. Nassau and Suffolk counties, NY) is home to 2 counties, 2 cities, 13 towns, 95 villages and 125 school districts – a multiplicity of government entities that establish local control.¹ This structure reinforces longstanding segregation, systemically excludes “outsiders,” and favors short-term decisions rather than comprehensive, regional solutions.

The highly fragmented governance of Long Island runs parallel with a history of deeply entrenched racial segregation. Post-World War

II, Long Island was a goldmine for suburban development. However, homeownership was made available to only White people, laying the foundation for the residential segregation we still see today.² Residential segregation created residential lines that soon became district boundaries, resulting in school segregation.

Despite this history, Long Island overall has become markedly more diverse in recent decades. According to recent census data, in 2017 the population of non-Hispanic Whites fell to 63.74% of the population.³ This is down from 77% in 2000 and 84% in 1990.⁴ Yet segregation remains extreme, and school segregation is going in the wrong direction. In 2004, the region had five intensely segregated districts. That number more than doubled by 2016, to 11.⁵

Strategy: Educational equity on Long Island cannot be achieved unless constituents persuade local decision makers who control school policies and practices that school integration should be embraced.

While we are encouraged by New York State's Every Students Succeeds Act Plan use of strong language in favor of educational equity,⁶ Long Island needs both state and local support. Grassroots organizing and coalition building on Long Island is imperative to unifying our educational equity goals with those recently outlined by the state.

ERASE Racism's Education Equity Initiative is building a multifaceted coalition for change. We are mobilizing educators, students, parents, advocates, academics, and other stakeholders to advance our mission and our five-point policy agenda for 2018-2019. We also bring together students from diverse backgrounds and districts to learn about the history and structural factors that underlie segregation, the benefits of diverse learning environments, and leadership skills they can use in advocating for education equity and throughout their lives. Cross sector collaboration allows for innovation.⁷ One-dimensional solutions do not exist.⁸ That's why we strive to include all Long Island stakeholders in the Education Equity Initiative.

Gains we are making include:

Education Equity Working Group (EEWG)—Over the past year, our EEWG has increased to 180 teachers, principals, superintendents, parents, local leaders, academics, advocates, and others. Through connecting people with a variety of skill sets and educational backgrounds, the EEWG developed a five-point agenda that our constituents find to be attainable: (1) Increasing Teacher and Administrator Diversity; (2) Implementation of Culturally Responsive Curricula; (3) Support for the Expansion of Pre-K; (4) Support for Diverse Districts; and (5) Implementation of Restorative Justice Practices.

Student Voices Campaign—ERASE Racism launched the Student Voices Campaign in 2017 because we believe students not only have a voice, but can influence school policy. Moreover, we wanted to provide students with a platform and space to learn in a racially diverse environment,⁹ due to research that intergroup contact has tangible benefits including lowering intergroup prejudice.¹⁰

Our Student Voices Campaign has grown to over 100 students with extremely dedicated students becoming leaders of our Student Task Force for Racial and Socioeconomic Equity. Our students have been able to connect with their counterparts from across Long Island, while also making connections with educators through speaking at forums and being present on social media. While it is a geographic challenge to bring students together from across a large metropolitan area, our Student Task Force continues to work together to brainstorm ways to reach as many students as possible and give others within their community a chance to be heard on issues that are important to them.

Professional Development—Our professional development workshops equip teachers, community advocates, parents and students with knowledge on topics such as, culturally responsive teaching, implicit bias, and structural and institutional racism.

Since fall 2016, 300 educators have taken our workshops. Overwhelmingly, they have given the workshops high marks on evaluation forms. Outside of our own offerings for professional development, we work to connect our constituents with a variety of PD experiences. For example, we recently partnered with the Rauch Foundation and Teachers College, Columbia University to send over 25 educators to Teachers College "Reimagining Education" Summer Institute.

ERASE Racism will continue to expose forms of racial discrimination, advocate for laws and policies that eliminate racial disparities, increase understanding of how structural racism and segregation impact our communities and region, and engage the public in fostering equity and inclusion. Our coalitions of educators, students, parents, and local advocates and policymakers is our strongest asset to cultivating our own power as constituents for change.

Long Island is home to 2 counties, 2 cities, 13 towns, 95 villages and 125 school districts – a multiplicity of government entities that establish local control.

THE STATE OF INTEGRATION IN MONROE COUNTY

By Mario Roque, Sujata Ramaiah, and Lindsey Feigenbaum (Empire Justice Center)

New York State has the most segregated schools in the country.¹ While much research and focus falls on New York City, Upstate New York struggles with racially segregated schools too. Rochester, as a microcosm of the state and country as a whole, is a prime example of such disparities. The Rochester City School District, in Monroe County, serves a student population with approximately 86% Black or Latino students.² Meanwhile, suburban school districts which ring the city are largely made up of White students. Indeed, Gates-Chili Central School District is the “most diverse” of the suburban school districts and only has 30% Black and Latino students.³

The negative effects of this extreme segregation manifest in various pernicious ways. For example, Rochester School District has a graduation rate of 51.9%.⁴ Meanwhile Brighton Central School District, a district just outside the city with a Black and Latino enrollment of 12%⁵ has a graduation rate of 95%.⁶ Further, Black and Latino students are subject to discipline at much higher rates than their White counterparts.⁷ These disproportionate disciplinary statistics can likely be attributed in large part to conscious and unconscious bias due to the lack of teachers of color. As a recent study found in Monroe County, of which Rochester is the seat, only 6% of the teachers are Black or Latino.⁸

Currently, there is not an existing, robust legal framework from which top-down integration efforts in New York can flourish. New York

Education Law allows the State Commissioner of Education to order the reorganization of a school district to “provide the best, most efficient and most economical education facilities” and serve “the best educational interests of the children in the area,”⁹ but to our knowledge, this mechanism has not been used to mitigate socioeconomic segregation since the law was passed in 1956.

The Commissioner of Education can also create new “central school districts”—consolidations of adjoining school districts—but these consolidations exclude city school districts with taxable real estate worth more than \$15,000;¹⁰ this statutory limit has lagged far behind inflation since its passage in 1947. Essentially, these Commissioner powers exclude school districts—particularly districts with high socioeconomic segregation—from consolidating with neighboring suburban, and often more affluent, areas.

A bill to direct the Commissioner to create one school district per county was introduced by Senator Kevin Parker, but it has remained in the Senate Education Committee since January 2017.¹¹ Such a plan could have the impact of spreading fiscal resources equitably within a county, as well as balancing out the negative effect of redlining and other housing policies that have produced modern-day segregated neighborhoods. Several Monroe County school districts, including Rochester City School District, participate in “Urban-Suburban,” the country’s first voluntary interdistrict desegregation

program introduced in the 1960s. Despite the implementation of Urban-Suburban program, both academic disparities and segregation persist along lines of race and class. Generally, integration efforts in Monroe County have not had the necessary structural supports or community buy-in to succeed.

Even without top-down legal structures to work within, grassroots efforts are active. Starting in September 2017, two Education Fellows at Empire Justice Center (Sujata Ramaiah and Mario Roque) have worked towards understanding how parents and students interact within the boundaries of the local school districts in Monroe County. The local school districts are fortunate to have engaged and deeply invested communities of parents and advocates that have elevated the needs of local students for years. Any effective effort to advocate for local students must meaningfully partner with these stakeholders from the outset, as opposed to a top-down approach. While grassroots campaigning is a long-term approach, achieving the ultimate goal of school integration cannot be done without healing the mistrust and fear within local communities.

Community members hold deep concerns over school integration. Informed by the history of school desegregation efforts after *Brown v. Board of Education* in 1954, these concerns include: (a) tokenism; (b) exposing students to racism without the capacity to address systemic issues within the Rochester City School District; and (c) placing economically advantaged families of European ancestry—primarily three generations or beyond their initial immigration to the United States—on a pedestal as saviors for the struggling city school district.

The Education Fellows' work rests on collaborating with grassroots efforts to improve the school climate within Rochester City schools. The goal is twofold:

1. to reduce chronic absenteeism and bolster Rochester City's academic achievements and make it a local example of success; and
2. to elevate issues of disproportionate discipline, including discipline policies in suburban districts.

The logic behind this approach is to help shift the negative narrative that has been looming over Rochester schools and discouraging suburban families from relocating to the city or sending their students to city schools through the Urban-Suburban Program.

At its core, the project hopes to make apparent to the community at large how a "relational" model that embraces multiple, intersecting backgrounds and restorative practices improves educational outcomes for all, and facilitates healing throughout communities.

While grassroots campaigning is a long-term approach, achieving the ultimate goal of school integration cannot be done without healing the mistrust and fear within local communities.

STUDENT ORGANIZING FOR INTEGRATION

By Amina Fofana (IntegrateNYC + Student at School of Visual Arts)

Everyone wants young people to be successful in order to push our nation forward, but this is impossible as long as education is treated like a possession. It is a basic public right all students of all identities are entitled to. Excluding a group of young people from educational opportunity for any reason is unacceptable. Students like myself aren't able to explore their full potential because they don't have the opportunities to.

We need integrated schools so we can educate a generation of students who are civically engaged and work alongside people of different identities to eliminate injustice, inequity, and discrimination throughout our society. We need collective liberation, and it starts with creating policies that integrate our schools.

Students have been the collateral damage of this segregated school system. We are directly affected by every decision made about education, so we started to design our own solutions. We were inspired to become the agents of change. In 2015, my classmates and I started an organization called IntegrateNYC.¹ We are students from all around the city with different backgrounds and school experiences who all stand for integrating schools. We are taking the initiative to ensure that students are in the room when policies that have huge impacts on our lives are being written.

We are inspired by past youth leaders in the movement for integration and equity including

Linda Brown, Sylvia Mendez, the Little Rock 9, the Young Lords, the Black Panther Party, and all who have stood for their dignity and the rights of their community.

We know integration is not just throwing different races and ethnicities together. We created a five-point platform called the "5Rs for Real Integration" which includes fair and equitable access to resources, a culturally responsive curriculum, a restorative justice approach to disrupt the school-to-prison pipeline, diverse representation on school faculty and staff, and fair enrollment approaches that promote racial diversity. We have developed the platform into a Student Constitution for Real Integration,² which students under 25 across the country can sign onto and a Real Integration Blueprint³ that details the changes we will be working toward in NYC.



- Race & Enrollment
- Resources
- Relationships
- Restorative Practices
- Representation

The root of the issues we face today must be addressed through integration. We all need to better learn how to relate to people who are different from us. We all need to ensure every community has fair access to resources. We all need to be honored by our schools. All parents, of all backgrounds, should understand inclusivity in schools will promote a healthier educational system for all children, including their own. Integration in our schools would build a stronger society.

We are thrilled to see the growth of student-led advocacy around this issue and have been honored to work with groups like Teens Take Charge in NYC,⁴ ERASE Racism in Long Island,⁵ and the NJ Coalition for Diverse and Inclusive Schools⁶ who are committed to youth advocacy.

We founded the IntegrateUS Network to coach youth and their adult allies across the country in developing similar models of transformed student leadership in their local environments. Participants from California, Connecticut, Florida, Indiana, Massachusetts, Michigan, New Jersey, and North Carolina have joined the youth leaders of IntegrateNYC on a virtual platform to connect visions for integration and equity while designing strategies and actions to make those visions a reality.

IntegrateNYC worked with the IntegrateUS network to create the #StillNotEqual hand sign and campaign for the 64th Anniversary of *Brown v. Board of Education*. Organizations across the country stood with us as allies in the campaign including The Century Foundation, Southern Poverty Law Center, City University of New York, Columbia University, New York University, and over a dozen local lawmakers, community organizations, and advocates.

Our vision is a living national monument made up of us — you and me — raising our hand with an equal sign across our palm and fingers declaring separate is #StillNotEqual.



In a five-week Month of Mobilization starting in April, we focused on one of the 5Rs of Real Integration each week. We shared virtual teach-in's written by students about the history of youth leadership in the movements for integration and equity. Each week, our entire community shared their stories and stormed celebrities and decision makers with our message. Our Week of Action in May kicked off with a student-led teach-in and concluded with "Day in Our Shoes"—a Teens Take Charge initiative where policymakers shadowed students—and a student-led press conference on the steps of the Department of Education.

During the campaign, \$23 million for culturally responsive education⁷ was released by the Mayor and the City Council cited our 5R Platform for Real Integration as a solution for integrating our schools.⁸ We have also attended countless community meetings, spoke at the United Nations, presented at the American Educational Research Association (AERA) convention,⁹ co-designed recommendations on the NYC DOE School Diversity Advisory Group¹⁰ and District 15 Working Group,¹¹ and filed a class action lawsuit to stand against the disparate impact of sports inequity.¹²

The intention of this campaign and our work is to honor and join all the youth activists, parents, and educators who have fought against segregation and stood for equitable and integrated schools. Our vision is a living national monument made up of us — you and me raising our hand with an equal sign across our palm and fingers declaring separate is #StillNotEqual.

We believe true education begins with diversity, cultural understanding, and building a strong school community to enrich students and support their growth. We will continue to raise our hands for justice. Will you?

THE STATE OF INTEGRATION IN PENNSYLVANIA

By Heather Bennett (Pennsylvania School Boards Association) and Stephen Kotok (St. John's University)*

*The views expressed in this piece should not be taken as the views of the Pennsylvania School Boards Association or St. John's University.

Similar to other Northeastern states, Pennsylvania is characterized by intense housing and school segregation. Pennsylvania has a history of state-mandated segregated schools (de jure segregation) that supposedly ended in 1881; however, Pennsylvania has continued to operate racially and economically segregated neighborhood district and school zone boundaries (de facto segregation).

While Pennsylvania's cities and metropolitan areas remain extremely segregated, recent demographic shifts across the state have brought new challenges and opportunities for integration in many suburban and smaller urban districts. These districts are having to adjust to the needs of more racially, economically, and linguistically diverse student populations.

Although the demographic changes offer opportunity for diverse school settings, the intense fragmentation of metropolitan areas and advent of school choice in the state often work in opposition to integration efforts. In some increasingly diverse districts, residents are mounting movements to separate from their current districts to join districts with less racial and economic diversity. At the same time, although charter schools have emerged throughout the state with the potential to break up segregation because charter enrollment crosses district boundary lines, research

suggests that they have led to greater levels of segregation.¹

Demographic Shifts and Responses

Throughout Pennsylvania's history, the rhetoric regarding racial demographics and segregation contended with the experiences and conditions of White and Black students, but the state has undergone significant demographic changes in the last two decades. According to the 2016 U.S. Census Bureau's Population Estimates, 77% of the Pennsylvania population was White (down from 88.5% in 1990).² However, the 2016-17 Pennsylvania public school population is much more racially diverse, with about 66.5% of students classified as White, 15% Black, 11% Latino, and 4% Asian. Just ten years ago, almost three-fourths of the student body was White.

One major significant demographic change in recent years is the influx of Latino students. Between 2000 and 2010, the Latino student population in the state tripled, primarily in Pennsylvania cities such as Lebanon, York, Allentown, Bethlehem, Reading, and Philadelphia.

However, Latino families also moved to new smaller urban, suburban and rural centers throughout the state such as in Adams County, Hazleton, Kennett Square, Norristown.

This past school year saw a stream of Puerto Rican students and their families to school districts in Pennsylvania after Hurricane Maria.

For example, in Hazleton, the community went from 5% Latino in 2000 to over 50% today.³ Supporting Latino families and integrating communities and schools such as Hazleton has not been easy, but there has been some success.⁴ For instance, in 2016-2017, the high school enrollment was 50% Latino and 47% White students.

This past school year saw a stream of Puerto Rican students and their families to school districts in Pennsylvania after Hurricane Maria. According to the Centro Center for Puerto Rican Studies, almost 3000 Puerto Rican students moved to Pennsylvania.⁵ Although many Puerto Rican children moved to cities with large Puerto Rican populations such as Philadelphia and Allentown, hundreds of students enrolled across the state in smaller urban and suburban communities. These demographic shifts have a huge impact on the needs of and type of services provided by the district related to language, trauma, community and family engagement, and access to academic opportunities. The Commonwealth of Pennsylvania government released resource guides from the departments of Education and Health and Human Services to help school districts and communities provide services for those that have been displaced.⁶

National studies indicate that increasing numbers of students of color are moving to suburban communities.⁷ In Pennsylvania, suburban school districts served 10.4% students of color during the 2000-01 school year; that percentage grew to 23.1% in 2016-17. These shifts indicate the potential for integrating suburban schools; however, recent studies on these demographic shifts show that students of color and low-income students are moving into certain suburban communities over others due to continued racial and economic discrimination in housing. Therefore, some suburbs are turning into segregated racial and economic enclaves

rather than spreading demographic change evenly throughout metropolitan areas.⁸

Charter Schools

Charter schools have also been found to exacerbate racial segregation in schools.⁹ Charter schools enroll more students of color compared to traditional public schools. In 2015-16, Black students accounted for 14.7% of Pennsylvania's public school enrollment, but 42.8% of enrollment in charters.¹⁰ In contrast, White students accounted for 67.6% of Pennsylvania's public school enrollment, but 34.6% of enrollment in charters.¹¹ Philadelphia has the state's largest concentration of charters, but charters have grown throughout the state.

Utilizing student data from 2008-09 to 2011-12 school year, a 2017 study measured student movements between traditional public schools and charters in Pennsylvania.¹² Researchers found that, in general, Black and Latino students transferred from more racially diverse traditional public schools to more racially isolated charter schools.¹³

Moreover, within the charter sector, White students are far more likely to attend cyber charter schools, where they do not physically interact with other students. Almost 70% of cyber charter students are White and some of these students opt for cyber schools over diverse in-person options.¹⁴ When only analyzing students attending brick and mortar charter schools, Black students actually comprise over half of all charter students and White students make up 23% of enrollees.¹⁵

School District Separation Petition

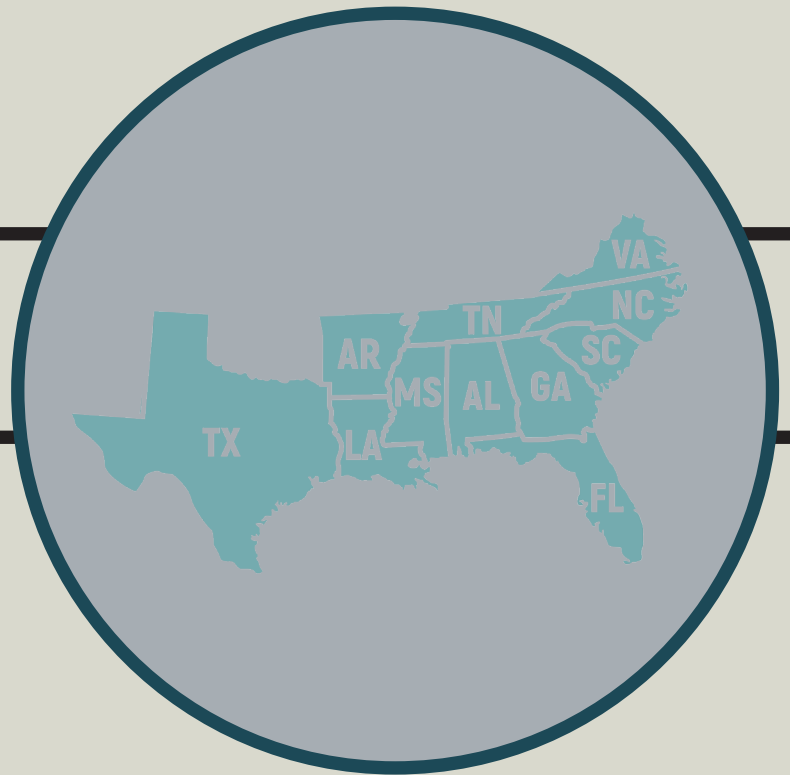
Even in seemingly diverse districts, integration remains arduous to achieve. For example, recently parents from the Highspire (a majority White community within the suburban district of Steelton-Highspire) launched a campaign to transfer their children out of the school district to the neighboring Middletown Area School District.¹⁶ The school district currently serves two

municipalities: Steelton Borough and Highspire Borough. Steelton Borough is a small borough of about 6,000 people with over half of the population classified as non-White (35.7% Black, 15.8% Latino, 11% mixed). Highspire Borough is smaller, with a population of 2,399, but only about 20% of residents are non-White. Moreover, the poverty rate of Highspire is about half that of Steelton. The Steelton-Highspire district serves predominately students of color, with a non-White student population of over 80%. Nearly all (99.5%) students in the district are on free and reduced lunch (FRL). Middletown Area School District, on the other hand, is only about one-third non-White and less than half FRL.

Highspire parents argue that Steelton-Highspire School district is failing their children academically. In terms of standardized testing, about 15% of the students in the school district were proficient on the Pennsylvania System of School Assessment (PSSA). The Pennsylvania Department of Education rejected the Highspire's transfer petition, concluding that even though students may benefit educationally from transferring to Middletown, the transfer would negatively affect the district's finances.¹⁷ Underlining this "academic" debate is a concern over the race and class of the school district. The choice to secede would only exacerbate the racial and economic isolation of the district. As districts change demographically and become racially and economically diverse, the response of teachers, students, parents and communities will shed light on whether these spaces are moving towards integrated mindsets and practices or retrenching.

REGION II

The State of Integration in Washington, D.C.
The State of Integration in Richmond



THE STATE OF INTEGRATION IN WASHINGTON, D.C.

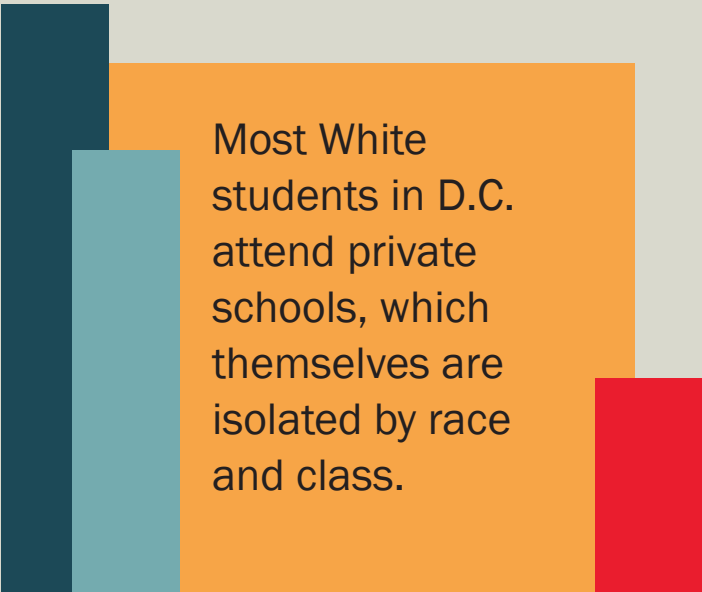
By Andrew Hairston on behalf of Learn Together, Live Together

Like in many other jurisdictions across the country, the full promise of *Brown v. Board of Education* remains unrealized in the District of Columbia well into the twenty-first century. In a February 2017 report, the UCLA Civil Rights Project concluded that D.C. schools remain doubly segregated when one considers race and poverty.¹ The report notes that there has been a proliferation of charter schools in the nation's capital, and they generally only serve Black children.² Though there are some charter schools in D.C. that pursue diverse and inclusive student bodies, national studies have suggested that charter schools can undermine school integration.³ Another challenge is that most of the White students in D.C. attend private schools, which themselves are isolated by race and class.⁴

In D.C., there have been small strides to reduce the level of segregation. For example, the number of Black children who attended apartheid schools (99-100% non-White schools) went from 90% in 1992 to 71% in 2013.⁵ However, the reduction in these percentages over an approximately twenty-year period has not alleviated the geographic segregation that largely remains in place in the District of Columbia. According to a 2015 analysis, the east half of D.C. is overwhelmingly Black, with less than 1 to 2 percent of its residents being White, while the west half of D.C. is overwhelmingly White, with less than 10 percent of its residents being Black.⁶ Exacerbating this fact is the exponential rise in property values across the

District of Columbia; previous Black strongholds like Petworth and Brookland are experiencing the displacement of a large number of long-time Black residents.⁷

With these realities in mind, much work remains to ensure that the language of *Brown* is not merely just symbolic in the District of Columbia. Increased investments in neighborhood schools, a deliberate, socioeconomic and racially-conscious lottery system, strategic magnet programs, and other solutions are necessary to ensure the District of Columbia's schools better reflect its diverse student population. If not, a legitimate risk emerges—that the schools in the nation's capital could be worse off more than 64 years after *Brown's* proclamation that “separate is inherently unequal.”



Most White students in D.C. attend private schools, which themselves are isolated by race and class.

Efforts are taking place in Washington, D.C. to address these issues. Several local organizations are working to organize movements and conversations around school diversity and equity, including Learn Together, Live Together; Integrated Schools D.C.; and Kindred.

Learn Together, Live Together (LTLT) is a group that is seeking to educate, inform, and engage the community around school diversity and equity to build the public and political will around the issue. In February, it partnered with D.C.'s Integrated Schools chapter to host a parent discussion forum around school diversity and equity to brainstorm ways that a larger movement may happen in Washington, D.C., and further similar discussions will be planned in the future. Recently, LTLT hosted its launch event featuring former Secretary of Education John King, and more than 100 engaged members of the D.C. community attended.

THE STATE OF INTEGRATION IN RICHMOND

By Genevieve Siegel-Hawley (Virginia Commonwealth University) and Kimberly Bridges (Virginia Commonwealth University)

A new regional magnet high school with a focus on computer science, called CodeRVA, is Richmond, Virginia's fledgling attempt to overcome decades of policy that constructed segregated schools and neighborhoods. Because school district boundaries—the lines between city and suburb, for instance, or inner ring and outer ring suburb—solidify and maintain the vast majority of school segregation today,¹ Richmond's efforts to overcome segregation must deal with the issue of district boundary lines.

Conversations with area leaders and local superintendents helped seed interest in new regional approaches, inspired in part by a joint conference of researchers, policymakers, educators, community leaders and students at Virginia Commonwealth University and the University of Richmond. The 2013 event, "Looking Back Moving Forward," recognizing the fortieth anniversary of the Supreme Court decision that blocked consolidation of the Richmond, Henrico, and Chesterfield school divisions and impeded regional desegregation efforts. The conference focused not only on segregation's impact in the Richmond metropolitan region, but also on potential contemporary strategies for advancing high-quality, diverse K-12 learning opportunities.

The conference planners built upon this interest by hosting a presentation less than a year later on diverse and equitable magnet schools. As part of the event, area superintendents heard about federal magnet school funding

opportunities from Scott Thomas, then executive director of Magnet Schools of America. Leadership, outreach, articles in the local media, ongoing email updates to conferees, and a report on the segregating impacts of one school rezoning effort all continued to build awareness of the benefits of integrated and inclusive K-12 experiences and ways to bring those benefits to students in the region.

Located in a resurgent industrial district situated along still-active railroad lines, CodeRVA draws students across 13 area school divisions. Its student body is nearly a perfect reflection of the cumulative gender, racial, ethnic and socioeconomic enrollment in those thirteen divisions. CodeRVA's enrollment flows from carefully calibrated diversity goals, innovative instruction, free transportation, extensive and targeted outreach, and a weighted lottery system.

A modest state grant dealing with high school innovation gave the school its initial boost. The school's principal, then one of the grant reviewers at the state department of education, recalls seeing the application. "It was the only regional proposal that came through."

Cultivating an attitude of regionalism and equity

In addition to the network described above, a set of regional "Governor's Schools" for gifted students in the state offered a pre-existing model for regionalism. Over the past several decades, often thorny issues of governance,

funding, and transportation were worked out through this model.²

But CodeRVA's focus on serving all interested students set it apart from the Governor's Schools model. "There were really limited options for kids, especially those who are gifted in a different way, gifted in ways that can't be measured by a standardized test or that can't be readily observed all of the time," a former superintendent noted, "we wanted something different."

A commitment to providing equitable access for students ultimately led to the adoption of the weighted lottery, an evidence-based practice for producing school enrollments that roughly reflect the demographics of surrounding communities even if the pool of applicants does not.³ It is the first lottery-based school in a region with many criteria-based options.

Clearing the political hurdles to the weighted lottery's adoption was no easy task. Regular questions of "Well, what do you do with the kids who don't know anything about computer science?" or "Why would you let kids who really aren't interested in the school in over kids who've been coding since they were five?" surfaced. From the outset, standing firmly behind the core value of equity allowed the school's leadership to counter such questions, which often arose during the planning process and at informational events.

By talking honestly about how parents with means can advantage their children, for example by sending them to summer camp, or by paying for tutors or extra-curricular experiences, more parents began to understand the logic of an equity-based lottery system. In the end, the message was: this school isn't specifically for advantaged children, but for all children. Reflecting on early conversations, the principal noted that he was defensive at first, "but then realized I needed to drop the defense. What we are doing is in the best interests of kids, we

really are serving the greater good and leading the way for other schools to provide more opportunities to other types of kids. I could rest assured."

In its first year, CodeRVA was highly sought after by families from every part of the region. More than 700 students applied for 90 seats. Extensive and targeted outreach efforts garnered a pool that was so racially and economically diverse that weights weren't even necessary to achieve a diverse student cohort in the first year. Another critical piece of building support for the equitable admissions process was the prospect of a multimillion dollar federal desegregation grant—a hugely significant financial incentive that leaders could point to while working to overcome political resistance. As one of the key leaders in the development of the school noted: "We wrote the [state grant] on the front end thinking about this [federal desegregation] grant, and I think had we not thought about that grant, we may not have been able to retain the equity focus, the intentional diversity focus. Because I think that we really had to fight tooth and nail through the whole planning process to keep people out of the 'how is this not about the cream of the crop coders?'"

From CodeRVA's inception, the leadership of the area superintendents emphasized coalition-building. If equity was one piece of the core mission, so too were innovation and workforce development. This multi-pronged emphasis allowed the leadership to bring together a broad group of stakeholders from education, academia, and business that each saw their own interests and passions reflected in the school. And the shared vision pushed the school into existence, even as some of the area leaders noted that initial commitment from area school divisions was "really soft."

In Summer 2018, CodeRVA enrolled its second class of students, welcoming them with an orientation focused on creating an inclusive academic and social environment—programming funded in part by its 2017 Magnet Schools Assistance Program award.

The Richmond region continues to grapple with issues of educational equity and diversity. One hope is that CodeRVA offers a model for thinking about voluntary school integration in other parts of the community or even the state. One of the superintendents crucial to the CodeRVA effort is now the state superintendent who is working together with a state education board increasingly focused on equity and diversity. Can current criteria-based schools, for example,

be converted to purely interest-based schools? Might the region consider expanding CodeRVA into a set of secondary choice options that draw students across division lines and that prioritize diversity in addition to quality programming? Would communities consider a more systemic regional choice model with diversity at the forefront?

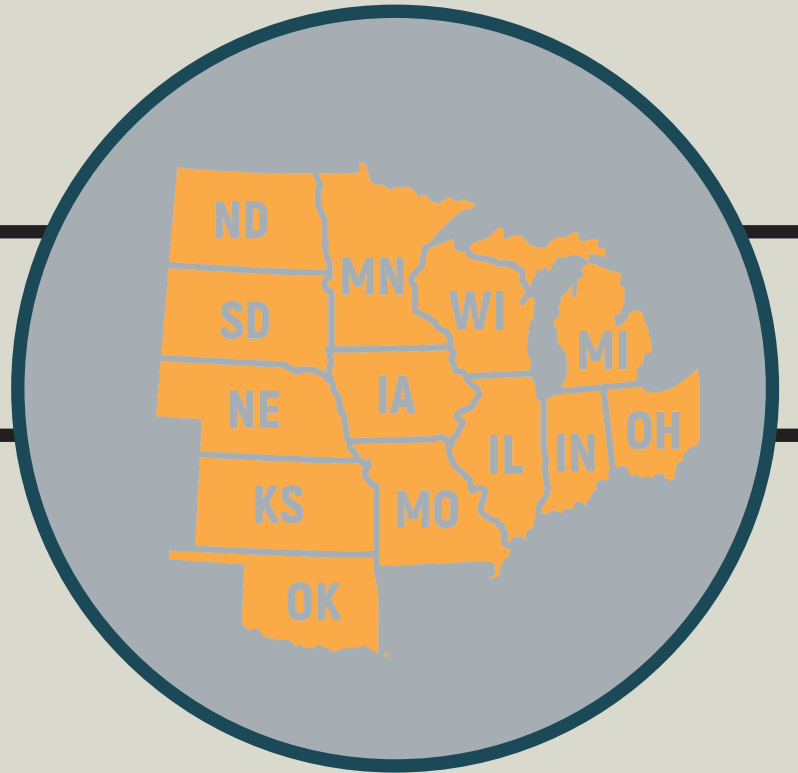
The conversation—and the work—continues.



Photo courtesy of CodeRVA Regional High School (Richmond, VA)

REGION III

- The State of Integration in Chicago
- The State of Integration in Detroit
- The State of Integration in Minnesota
- The State of Integration in St. Louis
- The State of Integration in Ohio



THE STATE OF INTEGRATION IN CHICAGO

By Candace Moore (Chicago Lawyers' Committee for Civil Rights) and Niketa Brar (Chicago United for Equity)

Chicago Public Schools (CPS), which serves the entirety of Chicago, is one of the most racially and economically segregated school districts in the nation. Enrollment is comprised of approximately 10% White students, 39% Black students, and 46% Latinx students.¹ Additionally, 91% of Black students and 89% of Latinx students attend schools where the majority of students are low-income.² Moreover, CPS' most under-resourced schools are largely attended by Black or Latinx students while White students are disproportionately represented in the city's premier schools and programs.³

Some of today's most prevalent challenges regarding school segregation can be framed as a reverse of the 1960's "Willis Wagons" dilemma.⁴ The term "Willis Wagons" came from the then-CPS Superintendent, Benjamin Willis, who used aluminum trailers to add seats in overcrowded Black schools on the South and West Sides of the city,⁵ instead of increasing access to underenrolled predominantly White schools.⁶ Some community members alleged that the initiative was a coded attempt to resist desegregation attempts.⁷ Today, eerily similar methods are used to deal with overcrowding, however, the racial dynamics are reversed,⁸ with many Black and Latinx schools suffering from severe under-enrollment while schools with higher proportions of White students are over-enrolled.⁹ To address over-enrollment CPS has opted for multimillion-dollar school annexes and satellite campuses instead of evenly distributing students throughout existing schools.¹⁰ In 2013,

CPS used under-enrollment as one of the criteria to justify closing 50 schools, a majority of which served Black students.¹¹ In the past six years, the district has spent \$650 million on new school construction and additions, and over 75% of funds have been spent in schools with a relatively large White population – in a district where White students are less than 10 percent of the overall population.¹² This practice only further entrenches the status quo of segregated and inequitable schools in Chicago.

Current Reports on the State of Integration in Chicago

*I. Metropolitan Planning Council (MPC) and the Urban Institute: "Our Equitable Future: A Roadmap for the Chicago Region"*¹³

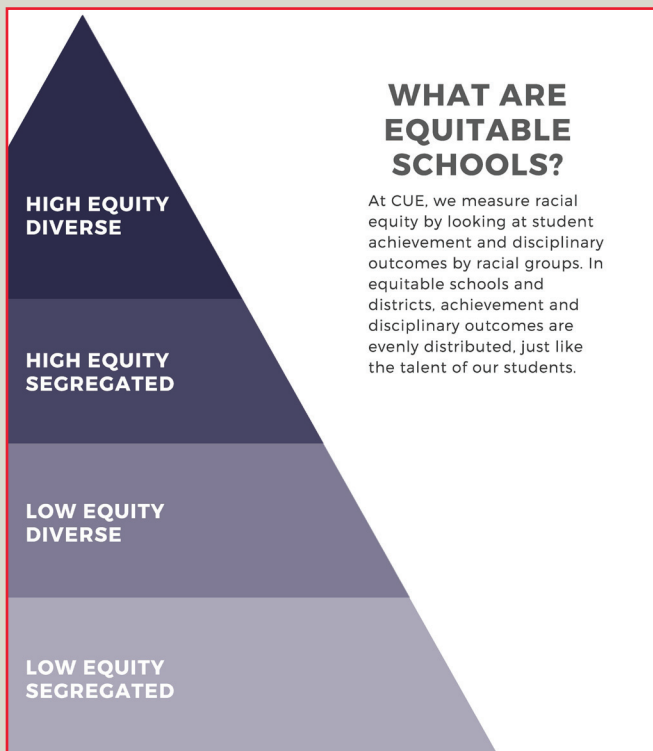
In 2015, MPC released "The Cost of Segregation," a ground-breaking report that detailed the detrimental effects of segregation on Chicago residents.¹⁴ Three years later, "Our Equitable Future: A Roadmap for the Chicago Region," followed up with specific recommendations for advancing equity in several sectors including education.¹⁵ The Education section begins with the following call to action: "If we focus on equity first within and across our schools, desegregation becomes just one strategy of many to promote equity. Equitable schools and equitable school districts don't just promote a more just and inclusive society today; they lay the foundation for a stronger future."¹⁶ According to the piece, there are three ways to

heighten the equity of the Chicago education system: an equity-based funding formula, an Equity in All Policies Approach, and a community-based approach to merging underutilized and geographically proximate schools.¹⁷

II. Chicago United for Equity: Defining Equity in Our Schools¹⁸

This report puts forth a pyramid model for racial equity in Chicago schools, ranking them according to two metrics: equity and diversity.¹⁹

The model illustrates that while integration is beneficial, if there is not attention to equity it is simply diversity for diversity's sake. In order to build more equitable schools, steps must be taken to improve access, resources, outcomes, and representation for all students and families.²⁰



Source: Chicago United for Equity

On-the-Ground Reports of CPS School Actions

I. Community Strides Toward Integration: Jenner Academy of the Arts and Ogden International School of Chicago²¹

Jenner, an under-utilized, predominately Black elementary school in the Cabrini Green neighborhood, was in danger of being closed due to low academic achievement.²² Conversely, Ogden, a nearby high-performing IB elementary school that is 41% White, was suffering from over-enrollment. Members of both school communities came together to craft a proposal to merge the two schools for the 2018-2019 school year, allowing Jenner to remain open while relieving Ogden's overcrowding.²³ Although the Board recently approved the proposal, the merger has not been without continued challenges. Some Ogden families have opted to switch schools, citing concerns about the alleged behavior and academic attainment of Jenner students as well as the supposed ineffectiveness of Jenner teachers.²⁴

II. A Misguided District Proposal: National Teachers Academy (NTA) and South Loop Elementary²⁵

NTA is a K-8 predominately Black and low-income school in the near southside, one of the fastest growing communities in Chicago.²⁶ It is a Level 1+ school, which is the highest school quality rating available in CPS.²⁷ However, because of the desire some residents and interested parties have for a new neighborhood high school, NTA is scheduled to be closed and repurposed as a high school.²⁸ Under this plan, current NTA students would be moved to South Loop Elementary, a more affluent school with a higher population of White students.²⁹ The district has labeled this as an opportunity for integration.³⁰

However, this merger is quite controversial. A prominent issue is that the plan lacks equity by placing the burden of school disruption and transition on the predominantly Black student body.³¹ Also, there is already a high school that serves the area, Wendell Phillips

Academy, that is underutilized.³² This school is 98% Black, 95% low-income and considered to be underperforming.³³ Instead of seeking to invest in Phillips, proponents of this plan raise concerns about commutes and safety as reasons why this school is not a viable option.³⁴ On the other hand, others argue that this plan prohibits more meaningful integration by cutting Phillips off from future investment and destroying the thriving NTA school community.³⁵

Believing that the basis for this proposal utilized discriminatory criteria and violated Illinois school law, the Chicago Lawyers Committee for Civil Rights has filed a lawsuit against CPS on behalf of NTA parents to challenge the closure of the school.³⁶ The potential closing of NTA is an unprecedented and seemingly irresponsible action—a top-rated school has never been closed in CPS’ history.³⁷

Overlooked Opportunities³⁸ for Integration

In a 2016 article, “How Chicago School Construction Furthers Race and Class Segregation Overlooked Opportunities,” WBEZ, a local news source, outlined several cases in which Chicago Public Schools failed to take advantage of opportunities for integration.³⁹ The article discusses expansions for overenrolled schools with significant White populations that neglected opportunities to invest in underutilized, low-income, Black schools less than 2 miles away.⁴⁰

Some cases mentioned in the article include:

- Near West Side: Skinner West Elementary and Brown Elementary
- Lincoln Park/Old Town: Lincoln Elementary and Manierre Elementary
- Southwest Side: Edwards Elementary and Hearst Elementary (focuses on integration between Black and Latinx communities)⁴¹



THE STATE OF INTEGRATION IN DETROIT

By Joshua Bassett (Institute for Social Progress at Wayne County Community College District)

Nearly 45 years after the Supreme Court's historic *Milliken v. Bradley* decision, which barred interdistrict desegregation between Detroit and its neighboring suburban schools (setting a precedent to dismantle desegregation across the nation), school segregation rates in Detroit and the State of Michigan at large remain among the highest in the U.S. And yet, there have been no direct policy efforts to promote integration in response to these dynamics.¹ Indeed, *Milliken's* durative impacts here have been so significant that scholars have argued reversing the decision is the only viable way to integrate Detroit Public Schools (DPS), though no serious legal efforts to this end have been advanced.²

In 1996, Michigan implemented its "Schools of Choice" program, which was intended to allow students to enroll across district lines in participating schools. It could have been utilized to develop pathways to promote integration. Instead, in effect, it has driven significant cycles of segregation/resegregation in districts throughout the state.³ Moreover, the state has provided no policy/curriculum/educational support for this program, as experts had informally advised. Charter schools have failed to raise academic outcomes for the state's most vulnerable students, with a few noted exceptions, and have predictably drawn valuable resources from their public school counterparts.⁴

The Institute for Social Progress (ISP) at Wayne County Community College District is engaged in what appears to be the only formal effort to

promote integration in the Detroit Metro.

Prior to the 2016 election, ISP worked with members of the National Coalition on School Diversity to develop a pilot program that DPS could potentially adopt to promote policies encouraging voluntary integration. We hosted a major integration conference in 2016 ("Detroit and the Future of Integration") and directly worked with DPS leadership. Our efforts have been slowed with the election of President Trump and the new direction of the U.S. Department of Education under Secretary Betsy DeVos, who continues to champion charter schools and choice policies that, as noted, have driven segregation and harmed educational outcomes across the state. ISP has also operated a high-school dual-enrollment program for 15 years, which allows high school students from highly segregated districts to study and earn college credit at no cost in a diverse environment otherwise unavailable to them.⁵

ISP, however, is still directly engaged in advancing voluntary integration efforts in Detroit and our metro-area schools, including convening a 2018 national summit on integration and educational equity that featured leading scholars/educators across the U.S.⁶ We feel very strongly that despite the current national political climate, there is a very real and viable opportunity to build an influential coalition across partisan lines to promote integration efforts in Detroit and its metro-area schools for the first time since the 1974 *Milliken* decision.

THE STATE OF INTEGRATION IN MINNESOTA

By Will Stancil (Institute on Metropolitan Opportunity)

The previous half-decade has seen a number of dramatic developments related to school integration in Minnesota.

First, from 2014 to 2016, the state attempted, and failed, to alter its school desegregation rule. Adopted in 1999, the rule was part of an effort to reduce integration efforts that had been underway in Minnesota since a 1972 court order. In 1999, the Minnesota Attorney General dramatically scaled back a proposal for a new integration plan, arguing that the U.S. Supreme Court was likely to soon decide that there was no compelling government interest in racial integration absent proof of intentional discrimination. If such a decision occurred, it would effectively forbid most voluntary integration efforts by states. The Attorney General's 1999 modifications conditioned most remedies on a finding of intentional discrimination, and placed heightened evidentiary standards on such a finding. It also totally exempted charter schools from any integration standards whatsoever.

After these changes were made, the number of segregated schools in Minnesota increased dramatically. The number of segregated schools more than 60 percent nonWhite grew from 148 to 388, and the number of hypersegregated schools more than 90 percent nonWhite grew from 42 to 129. Charters accounted for more than 70 percent of the new hypersegregated schools. Moreover, the attorney general's prediction that voluntary integration would be

eliminated was proven false by the U.S. Supreme Court's *Parents Involved in Community Schools v. Seattle School District No. 1* decision.

The legislature issued an instruction to the state Department of Education in 2014, requiring it to promulgate a new desegregation rule that "address[ed] the need for equal educational opportunities and racial balance." In response, the Department proposed eliminating much of the existing rule, including mandatory interdistrict integration remedies, and all procedures for addressing intentional discrimination. Instead, it proposed that districts adopt "integration plans," largely free of oversight. It did, however, propose including charters in this new scheme.

In July 2018, Minnesota's Supreme Court held that it is "self-evident" that segregation violates the state legislature's constitutional duty to create a "general and uniform" system of schools.

In 2016, this entire new proposed rule was struck down in administrative rulemaking, after pressure from both civil rights advocates and charter schools. The former argued it violated the legislature’s statutory directive and conflicted with federal civil rights obligations, while the latter asserted that, as schools of choice, charters could not be considered segregated, had no mechanism by which to integrate, and therefore could not be included in an integration rule. Ignoring the state legislative directive for rulemaking, the Department abandoned the rulemaking proceeding.

As this rulemaking process was concluding, a major school segregation lawsuit, called *Cruz-Guzman v. State*, was filed against the state of Minnesota. The plaintiffs were students of color in the Minneapolis and Saint Paul school districts, as well as a grassroots community group. The lawsuit alleged that growing segregation in the state’s schools had violated a number of constitutional and statutory requirements. These included the state Human Rights Act, the Due Process and Equal Protection Clauses of the state constitution, and most notably, the state constitution’s Education Clause, which required that the legislature create a “general and uniform” system of schools. Previous state supreme court decisions had held this phrase created a fundamental right to an adequate education in Minnesota, and the desegregation plaintiffs argued that a system of schools with large and increasing amounts of segregation was per se inadequate.

Shortly after the filing of *Cruz-Guzman*, a group of charter schools joined the suit as third-party intervenors, requesting a declaratory judgment that schools of choice are unbound by state law requiring integration or forbidding segregation. In the district court, most of the

lawsuit’s claims, including its Education Clause claims, survived a motion to dismiss from the state and intervenors, but that holding was subjected to interlocutory appeal. An appellate panel dismissed the entire suit on the basis that Education Clause claims were nonjusticiable.

In July 2018, the Minnesota Supreme Court issued a decision in *Cruz-Guzman*, holding that it is “self-evident” that segregation violates the Minnesota legislature’s constitutional duty to create a “general and uniform” system of schools. The court recognized that the state’s fundamental right to an education is real and enforceable, and protects against school segregation. The court fully embraced its obligation to prevent segregation in Minnesota schools, making no exception or carveout whatsoever for charter schools, alternative schools, parental choice, or any other consideration.

Overruling the Court of Appeals decision, which had held that school segregation was a consideration for the legislature, the decision stated that “courts are well equipped to decide whether a school system is segregated, and have made such determinations since *Brown*.” The language of the decision indicates the state supreme court’s willingness to pursue a broad program of school integration if necessary: “We will not shy away from our proper role to provide remedies for violations of fundamental rights merely because education is a complex area.” The *Cruz-Guzman* case now returns to trial court, where plaintiffs will seek to prove that Minnesota schools are, in fact, segregated. If they succeed, the supreme court’s decision strongly suggests the Minnesota legislature will be obligated to take action to eliminate school segregation within its borders.

THE STATE OF INTEGRATION IN ST. LOUIS

By David Glaser (Voluntary Interdistrict Choice Corporation)

The St. Louis student transfer program was established to increase racial integration in metropolitan area public schools under a settlement agreement reached in a desegregation case (*Liddell v. Board of Education*), which was approved by a federal court in 1983. This settlement agreement allows African-American students residing in the city of St. Louis to attend participating school districts in St. Louis County, provided certain eligibility requirements regarding residency and behavior records are met. The program also provides for non-African-American students who live in participating suburban school districts to transfer into St. Louis-based magnet schools.

In 1999, a revised settlement agreement was reached amongst the various parties, which transformed the federally-supervised program into a voluntary program under the jurisdiction of the Voluntary Interdistrict Choice Corporation (VICC). Under this agreement, suburban school districts would continue accepting new transfer students and maintain certain targeted enrollment levels for at least a 10 year period ending in 2008-09. Since that time, the program has been extended three times and, as a result, new students may continue to be enrolled through the 2023-24 school year. Once enrolled, students are allowed to continue their education in their chosen suburban district through graduation.

Since the inception of the program, over 70,000 students have participated and many of the students currently enrolled are second-generation students with even a few third-generation students. In general, families in the city choosing to take advantage of the program recognize the benefits of enrolling their children in a suburban district. Similarly, suburban school districts also recognize the benefit of a more diverse student population to prepare their students for the future. With the nation and the St. Louis community becoming increasingly diverse, most families recognize this program as being mutually beneficial and a “win-win” opportunity for everyone involved. The program has a long track record of increasing graduation and attendance rates and achievement levels of students enrolled in the program. Other key factors that have led to the success of the program include a fair reimbursement rate to participating school districts (currently \$7,000 per pupil), and the effective management of

4,500 STUDENTS

PARTICIPATED IN

THE VICC PROGRAM

the transportation of the students by VICC. Since the state aid payments simply follow the students from their district of residence to the VICC program, there are no additional costs to Missouri taxpayers.

In 2018, about 4,500 students participated in the program, which is down from the peak participation of over 14,000 students in the 1999-2000 school year. Unfortunately, due to certain legal limitations on the indefinite continuation of a race-based school integration program, we have been gradually reducing the total number of students participating despite the mutual benefits for all students involved.

One of our biggest current challenges is figuring out how to continue a program which has proven to be beneficial in light of the legal and financial challenges. Racial segregation since the inception of the program has certainly not diminished and, in fact, has likely increased in many areas of metropolitan St. Louis. Our program has realized and demonstrated much success over the years, as documented by empirical data as well as the many individual success stories of countless students. We need to work together as a community and a nation to identify opportunities to continue to expand upon the successes that our students have experienced.

THE STATE OF INTEGRATION IN OHIO

By Kyle Strickland and Kelly Capatosto (Kirwan Institute for the Study of Race & Ethnicity)

Ohio's schools are among the most economically and racially segregated in the nation.¹ While this is due to a variety of factors, a contributing factor is Ohio's open enrollment policies. The vast majority of Ohio's public school districts have adopted open enrollment policies, which allow them to recruit students who live outside of their district boundaries.² These policies were established roughly three decades ago in order to increase options for families, a precursor of school choice.³ However, the students that participate in open enrollment are disproportionately White and middle class.⁴ Additionally, many suburban school districts close themselves off from students in the cities, which has been cited as one of the causes of growing social inequities through economic disinvestment and increased racial segregation.⁵

The school districts that decline open enrollment are predominantly in suburbs that surround Ohio's "Big 8" urban school districts: Akron, Canton, Cincinnati, Cleveland, Columbus, Dayton, Toledo and Youngstown.⁶ These Big 8 urban districts accept open enrollment and are composed of more than 70% students of color and a large number of low-income students, while the suburban school districts that decline transfers have fewer than 30% minority students.⁷

School districts across the state have taken a variety of steps to address the impact of open enrollment practices. In Youngstown, Liberty Local School District recently adopted policies against open enrollment practices of students leaving for Girard City Schools, a nearby school district.⁸ Each year, the district loses 250 students to open enrollment, with 100 of them going to Girard City Schools.⁹ Liberty School District argues that since nearly 90% of the students who leave its school district are White, it contributes to a racial imbalance in its schools.¹⁰

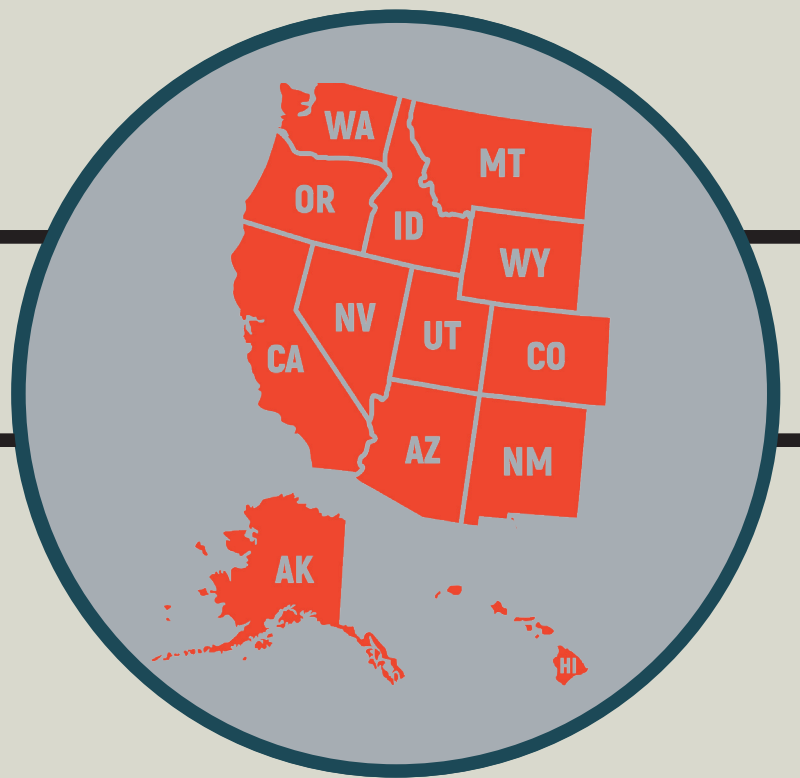
Racial isolation and segregation aren't just a problem for Ohio's traditional public schools – its charter schools are some of the most segregated schools in the state and the country. In the 2014-15 school year, more than 6,000 Black students attended Ohio charter schools where 99% or more of the students were Black.¹¹ That same school year, nearly 25,000 minority students attended 107 charters, which each enrolled 10 or fewer White students.¹² These trends are compounded when considering the connection between racial segregation and concentrated poverty, which continues to affect Ohio's students. In fact, Ohio holds 6 of the country's 20 most economically segregated school districts—the most of any state.¹³

Ohio holds 6 of the country's 20 most economically segregated school districts—the most of any state.

In 2011, the Kirwan Institute assisted the State of Ohio in drafting its diversity strategies guidance, which led to the revision of Ohio's Equal Education Opportunity Policy.¹⁴ This revision was designed to reflect contemporary legal parameters, including recommendations for diversifying K-12 schools and reducing racial isolation.¹⁵ While the State of Ohio remains committed to diversity and inclusion, more attention must be paid to policies such as open enrollment, charter school accountability and oversight, and school assignment plans that might contribute to economic and racial segregation.

REGION IV

The State of Integration in Pasadena
Parent Organizing for Integration (Integrated Schools)



THE STATE OF INTEGRATION IN PASADENA

By Jennifer Miyake-Trapp (Pepperdine University), Shannon Mumolo (Pasadena Unified School District), and David Spiro (Pasadena Educational Foundation)

PUSD Integration Efforts in Historical Context

With support from community organizations, the Pasadena Unified School District (PUSD), serving the cities of Pasadena, Altadena, and Sierra Madre, is actively engaged in a variety of internal and external initiatives to promote school integration. Historical context, however, is needed to fully appreciate these efforts. In 1970, PUSD became the first “northern” school district in the country to be held responsible for willfully segregating schools. Court-ordered desegregation and compulsory busing resulted in massive White and middle class flight from district schools. Between 1970 and 2015, the White student population in PUSD declined from 53.7% to 16.1%. Since 2000, overall district enrollment also declined from 23,559 to just under 17,000 students in 2018, representing only 55% of eligible school-age children within district boundaries enrolled in PUSD. Approximately 13,000 students attend the more than 50 private or charter schools in the area. 27.5% of students who live within PUSD boundaries attend private school, roughly three times the national average. Another 15% attend charter schools or transfer to public schools in neighboring districts. A variety of push-pull social, economic, and political factors at the local, state, and federal levels have contributed to declining enrollment and increased racial, ethnic, and socioeconomic segregation in PUSD schools.

In 2006, with support from the Pasadena Educational Foundation (PEF), Richard D. Kahlenberg, a Senior Fellow at The Century Foundation and an expert on school integration, published *One Pasadena: Tapping the Community’s Resources to Strengthen the Public Schools*. The report outlined a three-pronged approach for school improvement:

1. Create magnet programs to attract more middle class students to PUSD and improve educational offerings;
2. Adopt fairness guidelines to ensure that low-income students have access to economically integrated schools; and
3. Build partnerships with the community’s world-class institutions to enrich the curriculum and spur instructional innovation.

Guided by these recommendations as well as interest from families within and outside of the district, PUSD immediately pursued a number of initiatives, including the establishment of two new dual language immersion programs, Spanish and Mandarin, in the fall of 2009. PUSD also pursued a \$7.8M federal MSAP grant in 2013 to establish four new magnet schools featuring signature STEM and visual and performing arts programs. Importantly, the grant funding advanced teacher training and the development of specialized curriculum.

School and community leaders also collaborated to increase partnerships across the district at the elementary and secondary levels. Formal community partnerships with leading arts and STEM organizations were established or strengthened to provide students with authentic, embedded experiences with local experts. For example, renowned institutions such as the California Institute of Technology (Caltech) and the Jet Propulsion Laboratory (JPL) supported STEM mentoring and enrichment activities across campuses. PEF has sponsored, “My Masterpieces: Discovering Art in My Community,” a districtwide K-6 visual arts program in partnership with ten regional museums and cultural centers. Additionally, local business and community supporters collaborated with PEF and PUSD to offer work-based learning opportunities and mentorship programs for high school students.

In 2016, PEF invited Kahlenberg back to PUSD to assess its school integration efforts and make new recommendations. Kahlenberg’s 2016 follow-up report, “Better Together: How Innovative Mixed-Income Magnet Schools Can Benefit All Children in Pasadena Unified School District,” offers eight specific recommendations supported by the evidence of the district’s achievements over the previous decade as well as compelling research on similar actions taken by successful districts from around the nation.

To capture community views of local public schools, the district also commissioned a survey from Goodwin Simon Strategic Research. In February and March of 2016, the firm surveyed more than 2,500 community members including

but not limited to parents of former and current students and parents of students who live within the district boundaries but do not send their children to district schools. In response to survey data and Kahlenberg’s recommendations, the Board of Education adopted an Educational Master Plan confirming the district’s commitment to a systemic desegregation reform effort that takes socioeconomic diversity into account.

Using the MSAP Grant as a Catalyst for Continued Change

PUSD has continued to support the growth of magnet schools as a cornerstone of its integration efforts. Accordingly, the district applied for and was awarded a \$14.5M Magnet Schools Assistance Program (MSAP) grant in 2017. It leveraged these funds to build on prior successes, replicating existing successful magnet programs at different grade spans to design thematic K-8 pathways. PUSD established an elementary Visual and Performing Arts magnet to feed into the existing middle school arts magnet and a STEAM/Spanish Dual Language Immersion middle school magnet to extend the existing STEM/Spanish Dual Language Immersion elementary program. PUSD also strengthened its collaboration with Pasadena City College by creating an Early College High School Magnet. Unlike most Early College High Schools, PUSD’s Early College High School Magnet provides all students the opportunity to enroll in Early College courses, thereby eliminating barriers to access such as entrance examinations.



Also funded by the 2017 MSAP grant, PUSD administrators partnered with Richard Kahlenberg, John Brittain, and Michael Alves, renowned experts in their respective fields of socioeconomic integration, civil rights in education law, and student assignment plans, to recommend system-wide efforts to increase school diversity. In the spring and summer of 2018, teams conducted a thorough analysis of PUSD’s current student assignment policies and facilitated a series of community meetings to inform recommendations for continued integration efforts.

Formal recommendations supported a multifaceted approach to increase districtwide enrollment of underrepresented groups and increase diversity within schools by replicating successful, attractive programs at schools that are under-enrolled and socioeconomically isolated; providing increased and improved access to parents for current school and enrollment information; creating socioeconomically balanced attendance clusters; and implementing improvements to the district’s Open Enrollment lottery. Key challenges to implementation include providing transportation to families to ensure school choice is a true choice for all families and ensuring all programs are adequately funded and sustainable over time. Focus group participants raised common themes such as the need to define diversity inclusively and to ensure it is intentionally celebrated and embodied throughout the school community through daily practices and environments. Groups also emphasized the need to support all schools, including those that don’t yet have magnet or signature programming.

Community Collaborations in Pursuit of School Integration

PUSD actively collaborates with community organizations to implement robust academic and extracurricular opportunities for its students. In addition to developing high quality, distinctive

programming, community partners, such as the Pasadena Education Network and the Pasadena Educational Foundation, are actively engaged in efforts aimed at promoting PUSD to a wide range of potential families residing in and out of district boundaries. These efforts have focused on changing the negative perception of PUSD schools to an asset-focused narrative that embraces diversity as a necessary element of school success.

The Pasadena Education Network (PEN), a grassroots nonprofit network of PUSD parents, offers year round programming to help families “explore, evaluate, and engage” with PUSD schools. PEN has been instrumental in facilitating intimate and difficult conversations about diversity and inclusion among parents and stakeholders.

PEN’s Outreach Initiatives:

School and Tour Information—Detailed PUSD and individual school fact sheets provide interested families with site specific information and school tour dates and times. Convincing families to tour schools is often the first step in reframing perceptions of local public schools.

Parent Ambassador Program—PEN encourages prospective families to speak directly with current PUSD Parent Ambassadors who can share their experiences as public school parents. These personal interactions provide opportunities for honest questioning and authentic relationship-building.

Family Workshops—Family education is a critical component of PEN’s outreach initiatives. Throughout the year, PEN hosts a variety of community workshops focused on empowering parents with accurate information as they navigate the PUSD. Examples of popular workshops include: Choosing an Elementary School, Middle School Myth vs. Reality, High School Options 101, and Navigating Open Enrollment in PUSD.

More information about PEN can be found on their website: www.penfamilies.org.

The Pasadena Educational Foundation “supports, enhances, and supplements the programs, initiatives, and priorities of the Pasadena Unified School District.” Through a variety of coordinated efforts, PEF raises \$12-15M annually to support PUSD’s innovative programs. Additionally, PEF has developed unique initiatives that directly challenge negative perceptions of PUSD by engaging key community members in fact-based and school-based events that promote wider investment in and appreciation for our diverse public schools.

PEF Outreach Initiatives:

Realtor Initiative—This nationally recognized program was developed by PEF Board Members to intentionally engage the realtor community in a variety of social and educational events that highlight PUSD’s distinctive programs. Often the first source of information about local schools, PEF endeavors to equip realtors with accurate and timely information they can share with their clients and prospective PUSD families.

Principal for a Day—During this annual event, civic and business leaders are invited to PUSD campuses to shadow a public school principal and participate in campus activities. In addition to gaining valuable insight into the complexities of our public school system, participants build lasting relationships with school leaders and share their experiences with the wider community.

Summer Enrichment Program—The PEF-sponsored Summer Enrichment Program offers robust PK-12 programming for local families during a 5-week summer session. Affordable enrichment classes provide opportunities

for families to take classes at PUSD schools, often their first time on PUSD campuses. Nearly 40% of students received scholarships, extending access to valuable summer learning experiences.

More information about PEF can be found on their website: www.pasedfoundation.org.

Promising Results

Initial results of these collaborative efforts are encouraging. PEN is reporting increased interest in PUSD schools and participation in school tours from a cross section of potential families. PEF continues outreach initiatives aimed at shifting the district’s narrative while gaining support from community partners for key instructional programs that enrich the educational experiences of all students. Most importantly, once programs, curriculum, and marketing plans were fully implemented, all four of PUSD’s 2013 grantees reduced socioeconomic isolation by 8.7% or more over a four-year period, and 2 of the 4 magnet schools reduced the isolation of Latinx students while increasing enrollment of students from underrepresented Asian, White, and Multi-Racial subgroups. 3 of the 4 magnet schools also saw increases in both English Language Arts and Mathematics scores from the previous year with gains between 6% and 14%. While it has been a challenge to increase and diversify enrollment at two magnet schools within the Northwest corridor, PUSD remains committed to placing and supporting innovative programs at these sites. Creating equity and pursuing school integration are works in progress that cannot be left to chance.



PARENT ORGANIZING FOR INTEGRATION

By Courtney Everts Mykytyn (Integrated Schools)

Integrated Schools, a national nonprofit grassroots movement of, by, and for parents who are intentionally, joyfully, and with humility enrolling their children in integrating schools, has enjoyed tremendous growth over the past two years. The Integrated Schools model consists of a few core components, including: 1) the Two Tour Pledge campaign; 2) a monthly Book Club and weekly online “Happy Hours”; and 3) a parent mentorship program. Parents have started Integrated Schools chapters in cities across the country to help facilitate more local dialogue and organizing.

The Two Tour Pledge campaign, which asks parents to commit to touring two schools that serve a predominantly global-majority, FRPM* population, has been gaining traction over the past year. In our autumn relaunch, we partnered with local education groups and Integrated Schools chapters to build greater momentum. The organization is also working to identify follow-up programs and parent resources. As an example, Integrated Schools is working with a nonprofit in Chattanooga, TN to target the two tour pledge campaign to their school board members in addition to parents.

On our social media platforms, we found that parent discussion of school integration required a much safer place than a Facebook main page; upon opening the “closed Facebook group,” we have been able to generate more honest and

active conversations. In addition to sharing news and updates, these community groups have been places of good discussion between parents (less so on Twitter). We are continuing to look for platforms outside of Facebook/Twitter in order to reach more parents but have yet to find better alternatives.

Integrated Schools has worked deeply with a few partner groups around the country. Integrated Schools participated in a webinar with EmbraceRace, supported the IntegrateUS #StillNotEqual campaign as an ally organization, and is working with Black Lives Matter in Schools for its “Week of Action” in February 2019. We have also worked with groups dedicated to “supporting local public schools” (all of which are led by White and/or privileged parents). Though the leaders are fueled by the best of intentions, the potentially colonizing impact of their work is not easily recognized by their boards. Through video-conferencing, we have been able to generate productive discussion and reflection with board members that has dramatically shifted some of the “White savior” practices.

Over the past year, Integrated Schools has been connecting with individuals and groups across the United States who have come to think about school integration from a Christian faith perspective. We have begun intentional outreach to influential pastors who are speaking out on

*Eligibility for free and reduced price meals (FRPM) is used to measure the number of students from low-income households.

this issue and are in early collaborative talks with three faith-based organizations in Albany, Tallahassee, and Dallas.

Our online Book Clubs remain a popular means of outreach. Making the decision to enroll one's children in integrating schools and become a part of the school community is rarely an easy one; engaging in deep discussion about race, class, parenting, and—of course—schools is part of the process. We have found that our Book Clubs provide spaces for needed dialogue—often with parents who feel they have no 'like-minded' friends with whom to talk through these issues. Connecting with other parents across the country and reflecting together on the 'homework' material has supported many of the 100+ parent participants—whether in making their initial decision, helping them enter integrating spaces with deep reflection, and/or in remaining at integrating schools even while their local social networks are encouraging them to leave.

Integrated Schools also offers a mentorship program that pairs a parent thinking about enrolling their White and/or privileged child in an integrating school with a parent who has already made this choice. The program has already been remarkably successful. The deep work of walking through this decision that feels, in the words of one parent, "so utterly counternarrative to 'good' parenting," has enabled many parents enroll their children and to be thoughtful about the ways in which they show up in the school community. One parent, having read Nikole Hannah-Jones's work, reached out to Integrated Schools. After numerous phone conversations with mentor-parents, the family decided to pull

their elementary school daughters from their local, White/privileged segregated school and drive them across town to an under-enrolled, low-rated school in which their children would be the only White/privileged children. This decision and commitment to this as a family led them to spend their summer vacation touring museums and plantations in the South discussing slavery and its legacies. Said the mother: "this decision has been transformational for our whole family and yet I know we wouldn't have made this leap on our own." Integrated Schools is working to scale up its program and begin more widespread advertising of this resource.

A number of local chapters of Integrated Schools have popped up over the last few years. These chapters each have their own approach to the work, and rely on volunteers.

- Following multiple "house" meetings, the Washington D.C. Chapter hosted a citywide panel on school integration that offered both "expert" speakers as well as break-out sessions.
- The Minneapolis, Seattle and Nashville chapters have been hosting multiple meetings with an eye toward leveraging their growing group voice at the school board level.
- The Houston chapter has been actively speaking out for integration and equity around magnet rezoning, state takeover of the district, and the closure of Black and brown schools.
- New chapters are forming in Dallas and Los Angeles with activated and passionate local leaders.



Our challenge with these groups lies in supporting local efforts more comprehensively and consistently. While leaders in local chapters bring a wide range of organizing goals and skill sets, we are strategically thinking about ways to keep these leaders connected and learning from one another.

Integrated Schools also tries to compensate for the ways that social networks influence school decision-making practices, and the reality that much of this dialogue takes place at the playground, during birthday parties, in post office lines, etc. Parents repeatedly ask for help in navigating these conversations: “How do I talk about this without sounding so sanctimonious?” In response, Integrate Schools is currently developing resources, such as talking points and a series of poD.C.asts, that will provide parents with information and conversation framing. Similarly, Integrated Schools parents are frequently in deep discussion around best practices for engaging in integrating spaces. Drawing from the rich research and volumes of stories it has collected on this topic, Integrated Schools is developing a resource aimed at White and/or privileged parents who are entering these schools. Because even the most well-meaning of parents can be colonizing forces in a school community, Integrated Schools is working to share straightforward action-steps and cautionary tales to support equity for all students, families, and staff.

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²¹ KRIS NORDSTROM, NORTH CAROLINA JUSTICE CENTER, STYMIED BY SEGREGATION: HOW INTEGRATION CAN TRANSFORM NORTH CAROLINA SCHOOLS AND THE LIVES OF ITS STUDENTS 12 (2018), <http://www.ncpolicywatch.com/wp-content/uploads/2018/03/STYMIED-BY-SEGREGATION-Integration-can-Transform-NC-FINAL-2.pdf>.

²² Barry Yeoman, *Why Southern Schools Are Talking Secession*, CITY LAB, Feb. 16, 2018, <https://www.citylab.com/equity/2018/02/why-southern-schools-are-talking-secession/553517> (“The state’s 10 largest cities are all in unified county systems—in contrast to places like New Jersey or the Chicago area, where a single county might contain dozens of independent districts.”).

²³ *Id.*

²⁴ Article 14A of the North Carolina General Statutes pertains to charter schools. See specifically §115C-218.45 regarding admission requirements. https://www.ncleg.net/EnactedLegislation/Statutes/PDF/ByArticle/Chapter_115C/Article_14A.pdf.

²⁵ Under Section 5(f) of the revised legislation, charter schools are allowed to grant enrollment priority to “domiciliaries of the municipality,” “if the charter school is operated by a municipality.” H.B. 514, 2017 Gen. Assemb., Reg. Sess. (N.C. 2018), <https://www.ncleg.net/Sessions/2017/Bills/House/PDF/H514v7.pdf> (Session Law 2018-3: An act to permit certain towns to operate charter schools).

²⁶ Bryant, *supra* note 3.

²⁷ T. Keung Hui, *Charter Schools Are Taking Money Away from NC School Districts, Study Says*, THE NEWS & OBSERVER, Jan. 12, 2018, <https://www.newsobserver.com/news/local/education/article194381019.html> (“Charter schools in North Carolina are taking money away from traditional public schools and reducing what services those school districts can provide to their students,” according to a 2017 research paper co-authored by Duke University professor Helen Ladd and University of Rochester professor John Singleton.).

²⁸ JENN AYSUCUE, AMY HAWN NELSON, ROSLYN ARLIN MICKELSON, JASON GIERSCH & MARTHA CECILIA BOTTIA, THE CIVIL RIGHTS PROJECT & UNC CHARLOTTE, CHARTERS AS A DRIVER OF RESEGREGATION 9 (2018), <https://www.civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/charters-as-a-driver-of-resegregation/Charters-as-a-Driver-of-Resegregation-012518.pdf>; Helen F. Ladd, Charles T. Clotfelter, &

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²⁹ NORTH CAROLINA STATE BOARD OF EDUCATION, REPORT TO THE NORTH CAROLINA GENERAL ASSEMBLY: CHARTER SCHOOLS ANNUAL REPORT 11 (2018), <https://simbli.eboardsolutions.com/Meetings/Attachment.aspx?S=10399&AID=121933&MID=3982>. For discussion of this report, see T. Keung Hui, *New Report Praises NC Charter Schools, Marking a Shift from Previous Years*, THE NEWS & OBSERVER, Feb. 2, 2018, <https://www.newsobserver.com/news/local/education/article198017579.html>.

³⁰ NATIONAL CENTER FOR EDUCATION STATISTICS, THE CONDITION OF EDUCATION 2019: PUBLIC CHARTER SCHOOL ENROLLMENT (2019), https://nces.ed.gov/programs/coe/pdf/coe_cgb.pdf (see Percentage distribution of public charter school students, by race/ethnicity: Fall 2000 and Fall 2016 at 3).

³¹ Ladd, Clotfelter, & Holbein, *supra* note 28 (“In both periods, most charter schools were racially imbalanced, in that they were either predominantly white (less than 20 percent non-white students) or predominantly minority (more than 80 percent nonwhite).” At 542.).

³² Ayscue, Hawn Nelson, Mickelson, Giersch & Bottia, *supra* note 28 at 1.

³³ *Id.* at 9.

³⁴ See, e.g. Nordstrom, *supra* note 21 at 12-13 (“It is important to note that when charter schools were first introduced in North Carolina, the schools were required to ‘reasonably reflect the racial and ethnic composition’ of the population of the district in which the charter school is located. This requirement was watered down in 2013. Under current law, North Carolina charter schools must only ‘make efforts’ to achieve demographic parity with the local school district.”).

³⁵ To see the revised language, see H.B. 250, 2013 Gen. Assemb., Reg. Sess. (N.C. 2013), <https://www.ncleg.net/Sessions/2013/Bills/House/PDF/H250v7.pdf> (Session Law 2013-359: An Act to provide for enrollment priority and procedures for certain students applying to charter schools and to make changes as to what qualifies as a material revision to a charter application). Regarding charter school enrollment & charter revisions, the law states, “Within one year after the charter school begins operation, the charter school shall make efforts for the population of the school to reasonably reflect the racial and ethnic composition of the general population residing within the local school administrative unit in which the school is located or the racial and ethnic composition of the special population that the school seeks to serve...”

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³⁶ *Id.*

³⁷ Kris Nordstrom, *Hidden Policies in General Assembly "Technical Corrections" Bill Should Be Rejected*, THE PROGRESSIVE PULSE, Dec. 20, 2018, <http://pulse.ncpolicywatch.org/2018/12/20/hidden-policies-in-technical-corrections-bill-should-be-rejected>.

³⁸ Ann Doss Helms, *Segregation in 2018? Resistance Builds as NC Town Charter School Bill Labeled Racist*, THE CHARLOTTE OBSERVER, June 5, 2018, <http://www.charlotteobserver.com/news/local/education/article212517324.html>.

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⁴⁰ *Id.*

⁴¹ Bryant, *supra* note 3.

⁴² Ann Doss Helms, *New CMS Diversity Lottery Shows Change for Come Magnets, But Questions Remain*, THE CHARLOTTE OBSERVER, June 12, 2017, <https://www.charlotteobserver.com/news/local/education/your-schools-blog/article155730579.html>.

⁴³ Ayscue, Hawn Nelson, Mickelson, Giersch & Bottia, *supra* note 28, at 1 ("The proliferation of charters in Mecklenburg County was grist for the political activism of suburban parents who threatened a middle-class exodus from CMS to the charter sector if new assignment boundaries did not honor their current neighborhood school assignments. These threats indirectly undermined policy actors' initial willingness to act boldly and decisively in revamping pupil assignments to curb socioeconomic segregation.").

⁴⁴ Jim Morrill, *Controversial NC Charter Bill Approved. Now, These Four Towns Could Open Schools*, THE CHARLOTTE OBSERVER, June 6, 2018, <https://www.charlotteobserver.com/news/politics-government/article212658354.html>.

⁴⁵ CHARLOTTE MECKLENBERG SCHOOLS, THE MUNICIPAL CONCERNS ACT OF 2018 3 (2018), [https://www.boarddocs.com/nc/cmsnc/Board.nsf/c4cf1644198dfd9986257503000d636f/c620331c0dfbc9b872582f7007718ad/\\$FILE/MCA%20of%202018%20v12.pdf](https://www.boarddocs.com/nc/cmsnc/Board.nsf/c4cf1644198dfd9986257503000d636f/c620331c0dfbc9b872582f7007718ad/$FILE/MCA%20of%202018%20v12.pdf). See also Ann Doss Helms, *CMS Plays Hardball with Suburbs: Vote Could Change Assignments, Construction Plans*, THE CHARLOTTE OBSERVER, Aug. 28, 2018, <https://www.charlotteobserver.com/news/local/education/article217480235.html>.

⁴⁶ Charlotte Mecklenberg Schools, *supra* note 45 at 3.

⁴⁷ *Id.* at 3-6.

⁴⁸ CHARLOTTE MECKLENBERG SCHOOLS, MUNICIPAL CONCERNS ACT: ARTICLE III REPORT (2018), [https://www.boarddocs.com/nc/cmsnc/Board.nsf/c4cf1644198dfd9986257503000d636f/b5bb733d8616d63e8725833f00521295/\\$FILE/Municipal%20Concerns%20Act%20Report%20\(FINAL%20Nov%2008%2018\).pdf](https://www.boarddocs.com/nc/cmsnc/Board.nsf/c4cf1644198dfd9986257503000d636f/b5bb733d8616d63e8725833f00521295/$FILE/Municipal%20Concerns%20Act%20Report%20(FINAL%20Nov%2008%2018).pdf).

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Education, which, on the same day, called for a special meeting for April 17, during which Pruitt was forced to resign.”).

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²⁸ Kevin Wheatley, *12-day Hearing Set for JCPS Takeover Appeal*, WDRB, July 13, 2018, <http://www.wdrb.com/story/38639332/12-day-hearing-set-for-jcps-takeover-appeal>.

²⁹ Ladwig, *supra* note 19.

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

³³ Jones, *supra* note 20 (“And although the audit itself didn’t examine teachers’ unions, Lewis nevertheless announced the day of the audit’s release that the next contract for the district’s

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bargaining unit must 'reflect systemic changes that have begun or that will take place as a result of state management.'"). See also Kevin Wheatley, *Analysis of Contract Between JCPS, Teachers' Union Expected in Coming Weeks*, WDRB, June 13, 2018, <http://www.wdrb.com/story/38418040/analysis-of-contract-between-jcps-teachers-union-expected-in-coming-weeks> ("The Kentucky Department of Education hopes to have its review of Jefferson County Public Schools' collective bargaining agreement with the teachers' union complete 'within the next couple of weeks,' interim Education Commissioner Wayne Lewis told reporters.").

³⁴ Bean & Schreiner, *supra* note 19 ("The decision was met with skepticism from teachers and others who view the takeover as a political move by Republican Gov. Matt Bevin, who has pushed for charter schools in Kentucky to give parents more options. Nearly two weeks ago, Bevin replaced a majority of the state Board of Education with his own appointees. The next day, the board ousted former Education Commissioner Stephen Pruitt, forcing him to resign with about 18 months left on his contract. The move came after weeks of protests at the state Capitol by thousands of teachers pushing for better funding and against changes to their pension system. 'I think it's funny that a governor who has been pushing school choice under the guise of increased local and parental control would try to take away the duly elected board of education elected by the parents and citizens of Jefferson County,' said Seth Pollitt, who teaches ninth-grade social studies at Southern High School. 'It just seems a little counterintuitive given his position on parent and local control in the students' education.'"); Darcy Costello, *Tax Rates, Charters and More: The Powers JCPS Could Lose in a Takeover*, LOUISVILLE COURIER JOURNAL May 23, 2018, <https://www.courier-journal.com/story/news/education/2018/05/23/jcps-could-lose-powers-tax-rates-charters-kentucky-takeover/615829002>.

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³⁶ Loftus & Ross, *supra* note 9 ("Also in Wednesday's radio interview, Bevin asked why JCPS was still busing children. 'Are we really helping these children by taking them from one community, putting them on a bus ... to another community where arguably they should be getting a better education but frankly they may or may not be, and then pulling them out of there before they can participate in any kind of extracurricular activities ...' Bevin said. Bevin said such students 'don't actually belong to any community anywhere.' He called them 'educational nomads that are moving around on JCPS buses.' He called busing 'an antiquated approach that frankly needs to be re-examined.'").

³⁷ Costello, *supra* note 34.

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³⁹ *Id.*

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⁵⁴ *Id.* at 4 (see D[11]).

⁵⁵ *Id.* at 4-5 (see E[1]).

⁵⁶ Mandy McLaren & Allison Ross, *Kentucky Is Backing Down on JCPS Takeover Demands, Negotiations Show*, LOUISVILLE COURIER JOURNAL, Aug. 14, 2018, <https://www.courier-journal.com/story/news/education/2018/08/14/jcps-takeover-heres-whats-latest-settlement-offer/985525002> (“Lewis’ original offer called for the state to have ‘enhanced oversight and responsibility’ over eight key areas – special education, restraint and seclusion of students, early childhood education, student assignment, career and technical education, building maintenance and replacement, student transportation and human resources. The district would have needed the state’s approval of any changes to these areas.”)

⁵⁷ McLaren & Ross, *supra* note 50 (“Board member Chris Kolb, who voted against the settlement, said he thought Lewis’ recommendation of state management was ‘unwarranted’ and that JCPS would have prevailed in a fight against it. He said the agreement was ‘not terrible’ and that there were ‘very good things in it’ but that he was voting against it largely out of concern about loopholes that could allow the state to still take over the district.”).

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¹¹ 551 U.S. 701 (2007).

¹² Tushnet, *supra* note 8 ("But it was a little-known, Sacramento-based organization called the Pacific Legal Foundation — a conservative public interest law firm involved in the case from the beginning — that developed many of the legal arguments five justices ultimately found persuasive."); Cara Sandberg, *Getting Parents Involved in Racially Integrated Schools*, 2012 BYU EDUC. & L.J., 449 (2012), <https://digitalcommons.law.byu.edu/elj/vol2012/iss2/8> (discussing PLF's role in the case at 477-78, e.g. "[PLF] provided training for Kathleen, as spokesperson for [PICS], on how to conduct herself in front of national media, instructing her how to stay "on task with the sound bite, 'We are not against diversity, we are against discrimination.'""); Cara Sandberg, *The Story of Parents Involved in Community Schools*, UNIVERSITY OF CALIFORNIA BERKELEY SCHOOL OF LAW (2011), https://www.law.berkeley.edu/files/The_Story_of_Parents_Involved_Sandberg.pdf.

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²⁵ See Brief Amicus Curiae of Pacific Legal Foundation in Support of Petitioners, *Doe ex rel. Doe v. Lower Merion School Dist.*, 665 F.3d 524 (3d Cir. 2011), (No. 11-1135), 2012 WL 1332585 (supporting challenge to integration plan in Lower Merion, PA); Brief Amicus Curiae of Pacific Legal Foundation in Support of Appellant James M. Friery, *Friery v. Los Angeles Unified School Dist.*, 448 F.3d 1146 (9th Cir. 2006) (No. 01-56016), 2001 WL 34644428 (supporting challenge to teacher transfer program in Los Angeles, CA); Brief Amicus Curiae of Pacific Legal Foundation in Support of Appellants and in Support of Reversal, *Boston's Children First v. City of Boston*, 98 F.Supp.2d 111 (D. Mass. 2000). (No. 03-2021), 2003 WL 25796338 (supporting challenge to a controlled choice student assignment plan in Boston, MA).

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origin, disability, income level, proficiency in the English language or athletic ability, but may limit admission to pupils within a given age group or grade level.” The text of this statute can be found at <http://revisor.mo.gov/main/OneSection.aspx?section=160.410&bid=35245&hl=>.

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stating his reason therefor by orders made by him and entered in his office. Such order shall identify the affected school districts and shall designate all school districts by name, number or such other description as the commissioner shall deem proper. The commissioner shall forward a copy of such order to the clerk or in the event there is no clerk, the trustee or trustees of such school district located in the affected area or areas.").

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² Matt Barnum, *In Ohio, Suburban School Districts Close Themselves Off from City Students, Study Finds*, *CHALKBEAT*, June 6, 2017, <https://www.chalkbeat.org/posts/us/2017/06/06/in-ohio-suburban-school-districts-close-themselves-off-from-city-students-study-finds>.

³ *Id.*

⁴ Doug Livingston, *Open Enrollment in Ohio Schools Leads to Racial, Economic Segregation in Akron and Elsewhere*, *AKRON BEACON JOURNAL*, Mar. 2, 2014, <https://www.ohio.com/akron/news/open-enrollment-in-ohio-schools-leads-to-racial-economic-segregation-in-akron-and-elsewhere>.

⁵ *Id.*

⁶ *Id.*

⁷ Barnum, *supra* note 2.

⁸ Nadine Grimley, *Liberty Schools Change Open Enrollment Policy to Avoid Segregation*, *WYTV*, Apr. 24, 2018, <https://www.wytv.com/news/local-news/liberty-schools-change-open-enrollment-policy-to-avoid-segregation/1138431900>.

⁹ *Id.*

¹⁰ Samantha Phillips, *Liberty School Board Fights White Student Flight to Girard*, *THE VINDICATOR*, Apr. 23, 2018, <http://www.vindy.com/news/2018/apr/23/liberty-school-board-fights-white-student-flight-g>.

¹¹ Bill Bush, *Charter Schools Among Most Segregated in Ohio*, *THE COLUMBUS DISPATCH*, Dec. 3, 2017, <http://www.dispatch.com/news/20171203/charter-schools-among-most-segregated-in-ohio>.

¹² *Id.*

¹³ *FAULT LINES*, *supra* note 1.

¹⁴ KIRWAN INSTITUTE FOR THE STUDY OF RACE & ETHNICITY, *DIVERSITY STRATEGIES FOR SUCCESSFUL SCHOOLS* (2011), <http://education.ohio.gov/getattachment/State-Board/State-Board-Reports-and-Policies/Diversity-Strategies-Policy/Diversity-Strategies-Report-Final-Recommendations-9-12-11.pdf.aspx>.

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