



**MODEL STATE
SCHOOL INTEGRATION
POLICIES**

POLICY BRIEF 11 | MAY 2020

PRRAC

*Poverty & Race
Research Action Council*

**The National Coalition
on
School Diversity**

TABLE OF CONTENTS

INTRODUCTION	p. 03
OVERVIEW OF KEY RESOURCES	p. 04
MODEL POLICIES	
AN ACT TO INCORPORATE MEASURES OF SEGREGATION INTO STATE ACCOUNTABILITY MODELS	p. 05
AN ACT TO SUPPORT MAGNET SCHOOLS	p. 09
AN ACT TO PROMOTE INTERDISTRICT PART-TIME AND SUMMER PROGRAMS	p. 14
AN ACT TO PROMOTE EQUITABLE STUDENT ASSIGNMENT IN TAXPAYER-FUNDED SCHOOLS	p. 19
AN ACT TO SET OUT PROCEDURES AND REQUIREMENTS FOR NEW SCHOOL CONSTRUCTION	p. 27
AN ACT TO SET OUT PROCEDURES AND REQUIREMENTS FOR DISTRICT REORGANIZATION	p. 31
ACKNOWLEDGMENTS	p. 36



INTRODUCTION: WHEN WE RETURN TO SCHOOL

As educators across the country make a valiant effort to meet the needs of their students in response to the coronavirus crisis, the educational impacts of disparities in family resources and school funding are apparent. The crisis also reminds us of the many roles that schools play beyond academics. When students eventually return to school, will we merely continue our current policies, or might we make some progress in developing a fairer public school system, including, potentially, a more integrated one? Our movement's leading thinkers are pushing us to face this question squarely.¹

State governments are in the best position to reverse the tide of increasing racial and socioeconomic segregation in our public schools, if the political will is present. The federal government, through the Every Student Succeeds Act ("ESSA"), provides significant compensatory funding for lower-income schools in Title I. Related sections of ESSA can also provide funding incentives for school integration, as could Congress. But for the past few decades, Congress has been reluctant to impose any real

accountability for integration on state and local governments. This leaves a very large policy vacuum for state governments to fill.

The model policies that follow represent small but meaningful steps that state legislatures can take to begin to bring students and communities back together. These policies would begin to provide greater flexibility and support for districts that understand the value of racial and socioeconomic integration, and greater accountability for segregation both within and across districts. They propose funding for a variety of voluntary integration efforts, put stronger limits on school district secession, require assessments of the segregation impacts of significant capital investments, and institute systems of measurement for school segregation—something only a handful of states currently require.

As we wait to reboot “live” K-12 education, we urge state policymakers to put education policies in place that embody the lessons the COVID-19 crisis implores us to confront—we are interdependent and our fates interconnected, but we still have a lot of work to do to actualize a just, inclusive society.

¹ We are compiling related thought pieces at www.school-diversity.org/covid-19.

OVERVIEW OF KEY SOURCES

The model policies in this brief draw from a few key sources. We have cited specific policies when applicable, but here we provide an overview of the most foundational policies, for easy reference:

- The **Strength in Diversity Act** is a piece of legislation currently under consideration in Congress. It would provide funding for local planning and implementation of voluntary integration. A past version of this bill (known as the **Stronger Together Act**) was based on a grant program initiated by former U.S. Secretary of Education John King known as **Opening Doors, Expanding Opportunities** (this program was defunded by the current administration before any grants were awarded). In this brief, we most often refer to **Strength in Diversity** as a source. We note here that all versions of this concept will be helpful for anyone looking to replicate this idea in a state context.
- The policies referenced above draw from another grant program, known as the **Socioeconomic Integration Pilot Program** ("SIPP") in New York, which was originally put into place by John King (then serving as New York's commissioner of education). The SIPP program was designed to "increase student achievement in [the state's] Priority and Focus Schools by encouraging greater socioeconomic integration in these schools."¹ Over time, improvements to the policy have helped respond to concerns about its effectiveness in fostering integration.
- In 2009, the **Technical Assistance in Student Assignment Plans** ("TASAP") program provided "one-time competitive grants to local educational agencies...to procure technical assistance in preparing, adopting, or modifying, and implementing student assignment plans to avoid racial isolation and resegregation in the [n]ation's schools, and to facilitate student diversity, within the parameters of current law."²
- Established in 1976,³ the federal **Magnet Schools Assistance Program** ("MSAP") provides grants to local educational agencies to establish and operate magnet schools to facilitate the desegregation of public schools. Magnet schools are public schools or education centers that offer "a special curriculum capable of attracting substantial numbers of students of different racial backgrounds."⁴
- Connecticut's **Interdistrict Cooperative Grant Program** provides funding for after-school and summer "programs that increase student achievement and reduce racial, ethnic, and economic isolation."⁵

¹ See <http://www.p12.nysed.gov/funding/2015-18-title-1-ses-integration-grant/home.html> for additional information.

² See <https://www2.ed.gov/programs/tasap/index.html> for additional information.

³ GENEVIEVE SIEGEL-HAWLEY & ERICA FRANKENBERG, CIVIL RIGHTS PROJECT/PROYECTO DERECHOS CIVILES, REVIVING MAGNET SCHOOLS: STRENGTHENING A SUCCESSFUL CHOICE OPTION 8 (2012), <https://civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/reviving-magnet-schools-strengthening-a-successful-choice-option/MSAPbrief-02-02-12.pdf>; *Brown v. Board of Education at 65: Hearing Before the H. Comm. on Educ. & Labor, 116th Cong.* (2019) (written statement of Dr. Linda Darling-Hammond, President & CEO, Learning Policy Institute), https://learningpolicyinstitute.org/sites/default/files/product-files/House_EdLaborComm_Darling_Hammond_04302019_TESTIMONY.pdf.

⁴ ESSA § 4402.

⁵ CONN. GEN. STATUTES ch. 164 §10-74d. The RFP for the 2020-21 Interdistrict Cooperative Grant Program is available at https://portal.ct.gov/-/media/SDE/RFP/RFP001_Interdistrict_Cooperative_Grant_Program_2019-20.pdf.

AN ACT TO INCORPORATE MEASURES OF SEGREGATION INTO STATE ACCOUNTABILITY MODELS

The purpose of this bill is to promote school accountability indicators that measure racial and socioeconomic integration as well as equality of access, consistent with the requirements of the Every Student Succeeds Act (“ESSA”).

Under ESSA, states were given the ability to tailor their accountability plans to address the particular conditions affecting students’ success and to help them collect meaningful data. Each statewide assessment system was required to include five accountability indicators.

While no federal standards explicitly require states to develop accountability indicators that measure levels of racial or socioeconomic segregation, ESSA directs state education agencies to include at least one "indicator of school quality or student success" in addition to the four required indicators outlined in ESSA.¹ Thus, ESSA gives states the flexibility to incorporate such measures into their accountability systems, so long as they: (1) allow for meaningful differentiation in school performance; and (2) are valid, reliable, comparable, and statewide.²

¹ ESSA § 1111(c)(4)(B).

² ESSA § 1111(c)(4)(B)(v)(I). Per ESSA, appropriate indicators might include measures for student or educator engagement; student access to/completion of advanced coursework; postsecondary readiness; school climate and safety; or "any other indicator the state chooses that meets the requirements of this clause." ESSA § 1111(c)(4)(B)(v)(II).

SOURCES

This model legislation was written in collaboration with Kris Nordstrom of the North Carolina Justice Center. It includes text and concepts from:

- Paul L. Tractenberg & Ryan W. Coughlan, The Center for Diversity and Equality in Education, *The New Promise of School Integration and the Old Problem of Extreme Segregation: An Action Plan for New Jersey to Address Both* (2018)
- Strength in Diversity Act (proposed federal legislation)

ADDITIONAL LEARNING

- National Coalition on School Diversity, *Including Racial and Socioeconomic Diversity in ESSA District Plans* (2020)
- Have You Heard (podcast): *The Mismeasure of Schools: Data, Real Estate, and Segregation* (Aug. 14, 2017)
- Jack Schneider, *Beyond Test Scores: A Better Way to Measure School Quality* (2017)

An Act to Incorporate Measures of Segregation into State Accountability Models

An act to add Chapter ___ (commencing with Section ___) to _____ of the Education Code.

The people of the State of _____ do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

- a) The U.S. Supreme Court has declared that school diversity and the reduction of racial isolation are compelling government interests.
- b) Racial and socioeconomic isolation in schools affects students' ability to access experienced and qualified teachers, advanced coursework, high-quality instructional materials, and adequate facilities on an equitable basis.
- c) Decades of research have found that racial and socioeconomic integration of schools benefits all students.¹
- d) The Elementary and Secondary Education Act of 1965, 20 U.S.C. § 6301, et seq., as amended by the Every Student Succeeds Act, P.L. 114 95 requires state accountability systems to include an indicator of school quality or student success which must meaningfully differentiate among schools and be valid, reliable, and comparable statewide.

SECTION 2. PURPOSE. The purpose of this Act is to include measures of racial and socioeconomic integration and equality of access in annual school report cards.

¹ See, e.g. Brief of 553 Social Scientists as Amicus Curiae for Respondents, Parents Involved in Community Schools v. Seattle School District No. 1, 551 U.S. 701 (2007) (Nos. 05-908 & 05-915). Available at https://civilrightsproject.ucla.edu/legal-developments/court-decisions/statement-of-american-social-scientists-of-research-on-school-desegregation-submitted-to-us-supreme-court/amicus_parents_v_seattle.pdf.

SECTION 3. Chapter __ (commencing with Section __) is added to _____ of the Education Code, to read:

Incorporating measures of segregation into state accountability models.

a) Calculation of School Proportionality Score

For each school, the State Board of Education shall calculate a proportionality score that compares the demographic profiles of each school to the demographic profile of the county in which the school is located in order to measure the degree of racial and economic segregation in each county, and the degree of progress being made over time toward greater diversity. The State Board shall calculate the proportionality score for each school as follows:

- (1) Multiply the proportion of the first subgroup found in the county times the total population of the school
- (2) Subtract from this amount the population of the first subgroup in the school
- (3) Convert the number calculated in steps 1 and 2 to an absolute value
- (4) Repeat steps 1 through 3 for every identified subgroup and sum the values
- (5) Divide by an amount equal to the total number of students in the school multiplied by two.

b) Reporting of School Proportionality Score

A school shall receive a designation of "Highly Proportional" if their proportionality score is less than 10 percent. The school shall receive a designation of "Proportional" if their proportionality score is between 10 percent and less than 25 percent. The school shall receive a designation of "Somewhat Disproportional" if their proportionality score is between 25 percent and less than 50 percent. The school shall receive a designation of "Highly Disproportional" if their proportionality score is 50 percent or above.

c) Measures of Equality of Access for Certain Subgroups of Students Served by a School

In addition to the overall school performance scores and grades awarded under this section, for each school that serves any historically underserved student subgroup comprising at least 5 percent of the school's student population, the State Board of Education shall calculate measures of equality of access which demonstrate the extent to which each school's population of historically underserved student subgroups has access to school resources associated with high educational achievement.

For (1) each racial or ethnic subgroup within a school and (2) economically disadvantaged and non-economically disadvantaged students, the State Board shall calculate each subgroup's participation in or exposure to:

- (1) Gifted and talented programs or advanced courses;
- (2) Teachers with at least three years of experience; and
- (3) Teachers with certification from the National Board for Professional Teaching Standards.

For (1) each school, (2) each racial or ethnic subgroup within a county, and (3) economically disadvantaged and non-economically disadvantaged students in the county, the State Board shall calculate the school or subgroup's average:

- (1) Number of field trips;
- (2) Hours of instruction in arts or music;
- (3) School-level ratio of students to psychologists;
- (4) School-level ratio of students to guidance counselors;
- (5) School-level ratio of students to nurses; and
- (6) School-level ratio of students to media specialists.

d) Reporting

The data calculated in Sections (b) and (c) shall be reported separately on the annual school report card in a way that allows for easy comparison of school-level and county-level data. The school report card shall also indicate whether each school is making progress towards reducing school segregation and providing students with equality of access to school resources associated with high educational achievement.

AN ACT TO SUPPORT MAGNET SCHOOLS



Breakthrough Magnet School in Hartford, CT

This purpose of this bill is to provide technical assistance to local educational agencies seeking to establish and operate magnet schools to aid in the desegregation of public schools. Compared to traditional public schools, magnet schools are more likely to be diverse and are often associated with increased student achievement and satisfaction.¹ In addition, students attending socioeconomic and racially integrated schools have been found to exhibit higher levels of critical thinking as well as other positive outcomes.²

¹ See GENEVIEVE SIEGEL-HAWLEY & ERICA FRANKENBERG, NAT'L COALITION ON SCH. DIVERSITY, *MAGNET SCHOOL STUDENT OUTCOMES: WHAT THE RESEARCH SAYS* (2011), <https://www.school-diversity.org/pdf/DiversityResearchBriefNo6.pdf>.

² INSTITUTE ON METROPOLITAN OPPORTUNITY, *INTEGRATED MAGNET SCHOOLS: OUTCOMES AND BEST PRACTICES* (2013), <https://magnet.edu/files/integrated-magnets-best-practices.pdf>.

Given the potential benefits of magnet schools, it is important to provide support for the establishment and operation of high-quality magnet schools.

SOURCES

This model legislation includes text and concepts from:

- Magnet Schools Assistance Program (federal)
- Strength in Diversity Act (proposed federal legislation)

ADDITIONAL LEARNING

- Magnet Schools of America, *Five Pillars of Magnet Schools*

An Act to Support Magnet Schools

An act to add Chapter ___ (commencing with Section ___) to _____ of the Education Code.

The people of the State of _____ do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:¹

- a) Racial and socioeconomic diversity in schools is associated with higher achievement in mathematics, science, language, and reading in addition to higher rates of high school graduation and college attendance.²
- b) Racial and socioeconomic diversity in schools also results in long-term social and academic benefits, including reduced neighborhood, college, and workplace segregation; higher levels of social cohesion; a reduced likelihood of racial prejudice; enhanced critical thinking skills; and the development of skills to navigate and find comfort in racially diverse settings.³
- c) Concentrating disadvantage in [insert name of state]’s schools is counterproductive to our goal of creating equitable educational opportunities for all students.⁴
- d) Black and Latino students in [insert name of state] are exposed to concentrated poverty in schools at disproportionate rates than their White and Asian peers. [Include a more specific state-level finding if available.]
- e) Magnet schools are a significant part of [insert name of state]’s effort to achieve voluntary desegregation in [insert name of state]’s schools.
- f) It is in the best interests of [insert name of state] to continue to desegregate and diversify schools by supporting magnet schools, recognizing that racial/ethnic and socioeconomic isolation exists between and affects students of all different racial/ethnic and socioeconomic backgrounds.

SECTION 2. PURPOSE. The purpose of this Act is to support magnet schools that aid in the desegregation of public schools.

¹ Language adapted from Stronger Together and Strength in Diversity.

² See, e.g. Brief of 553 Social Scientists as Amicus Curiae for Respondents, Parents Involved in Community Schools v. Seattle School District No. 1, 551 U.S. 701 (2007) (Nos. 05-908 & 05-915). Available at https://civilrightsproject.ucla.edu/legal-developments/court-decisions/statement-of-american-social-scientists-of-research-on-school-desegregation-submitted-to-us-supreme-court/amicus_parents_v_seattle.pdf.

³ *Id.*

⁴ See, e.g. sean f. reardon, Ericka S. Weathers, Erin M. Fahle, Heewon Jang & Demetra Kalogrides, *Is Separate Still Unequal? New Evidence on School Segregation and Racial Academic Achievement Gaps* (Stanford Ctr. for Educ. Policy Analysis, Working Paper No.19-06, 2019).

SECTION 3. Chapter __ (commencing with Section __) is added to _____ of the Education Code, to read:

Grant Program for Magnet Schools.

- a) The State Board of Education shall maintain a competitive grant program for the purpose of assisting local educational agencies (“LEAs”), regional educational service centers, and nonsectarian nonprofit organizations approved by the Commissioner of Education with the operation of magnet schools designed to reduce racial/ethnic isolation and concentrated poverty for students in [insert name of state]’s taxpayer-funded elementary schools and secondary schools.
- b) **Funding.** With funding provided for this purpose in the annual Budget Act or other legislation, the Commissioner of Education shall allocate grants in an amount not to exceed \$xx,xxx per applicant. A maximum of xx total applicants will receive grants under this section.
- c) **Eligibility.** An entity that is eligible for a grant under this section may be an LEA or consortia of LEAs.
- d) **Application process.** Applicants may apply for a grant under this section pursuant to a process determined by the Commissioner of Education. To be eligible for a grant under this section, an applicant must provide the following:⁵
 - (1) A description of the proposed program, including:
 - i. an analysis of the existing challenges with respect to racial/ethnic isolation and concentrated poverty in the relevant district(s), including data showing the degree of racial/ethnic or socioeconomic isolation within or across the schools served by the applicant;
 - ii. a description of how the applicant proposes to use funds under this part to promote desegregation, including how the proposed magnet school programs will increase interaction among students of different racial/ethnic, socioeconomic, and social backgrounds;
 - iii. a description of how the funds under this part would increase student academic achievement in instructional areas offered;
 - iv. a description of any available evidence, or if such evidence is not available, a rationale based on current research, regarding how the proposed project will increase diversity;
 - (2) a description of how the applicant will identify and define racial/ethnic isolation and/or income level and socioeconomic status, to the extent relevant to the proposed project;
 - (3) a description of the applicant’s plan for continuing the proposed project after funding under this part ends;

⁵ Language adapted from the Magnet Schools Assistance Program.

- (4) an estimate of the number of students to be served under the proposed project; and
 - (5) an assurance that, to the extent practicable, the applicant has developed the plan in consultation with other relevant entities, including local housing or transportation authorities.
- e) An LEA or consortium of LEAs may use funds received under this part for any of the following activities:⁶
- (1) Planning and promotional activities directly related to the development, expansion, continuation, or enhancement of academic programs and services offered at magnet schools, to include inclusive, culturally and linguistically appropriate outreach activities and support to inform parents about the availability of and enrollment process(es) for magnet schools, including through digital and other social media platforms, community events, etc.;
 - (2) The crafting of inclusive, equitable admissions policies, within the parameters of current law.⁷
 - (3) The acquisition of books, materials, and equipment and the maintenance and operation of materials, equipment, and computers, with the requirement that any books, materials, or equipment purchased with the grant funds must be:
 - i. Necessary to conduct programs in magnet schools; and
 - i. Directly related to improving student achievement;
 - (4) The payment or subsidization of the compensation of highly-qualified elementary and secondary school teachers or instructional staff who are necessary to conduct programs in magnet schools, and whose employment is directly related to improving student achievement;
 - (5) Activities, which may include professional development, that will build the recipient's capacity to operate magnet school programs once the grant period has ended;
 - (6) Activities to enable the LEA or consortium of LEAs to have more flexibility in the administration of a magnet program housed within a school, in order to serve students attending the school who are not enrolled in the magnet program;
 - (7) Activities to enable the LEA or consortium of LEAs to have flexibility in designing magnet schools for students in all grades; and
 - (8) The provision of transportation to and from the magnet school, provided that—such transportation is sustainable beyond the grant period; and the costs of providing transportation do not represent a significant portion of the grant funds received by the eligible local educational agency under this part.

⁶ Language primarily adapted from the Magnet Schools Assistance Program.

⁷ See, e.g. Claire Smrekar & Ellen Goldring, *Magnet Schools, MSAP, and New Opportunities to Promote Diversity*, in *INTEGRATING SCHOOLS IN A CHANGING SOCIETY: NEW POLICIES AND LEGAL OPTIONS FOR A MULTIRACIAL GENERATION* 232-240, 233 (Erica Frankenberg & Elizabeth DeBray eds., 2011).



- f) In determining whether an application shall be approved and funds awarded pursuant to this section, the Commissioner of Education shall consider the following factors:⁸ (1) the specific objectives and strategy proposed; (2) the magnitude or severity of the problem to be addressed by the proposed strategy; (3) the potential contribution of the proposed project to increased knowledge or understanding of educational problems, issues, or effective strategies; (4) whether the proposed strategy is likely to: (A) meaningfully reduce racial/ethnic isolation and/or poverty concentration, and (B) increase student achievement; (5) the proposed cost, relative to (A) the number of students that will benefit, and (B) the relative need of the applicant.
- g) Priority. Priority for grants shall be given for applicants that demonstrate a track record of successful community engagement, innovation, and project implementation. Priority may also be given to specific geographical areas or educational goals, at the Commissioner of Education's discretion.
- h) Use of funds. The State Board of Education shall retain some portion, up to xx percent of the amount appropriated pursuant to this section, for state-wide technical assistance, program monitoring and evaluation, and administration.

SECTION 4. DEFINITIONS.

- a) For the purpose of this part, the term "magnet school" means a public elementary or secondary school or education center that offers a special curriculum, focus, or theme in order to attract substantial numbers of students of different racial/ethnic and socioeconomic backgrounds.⁹
- b) "Local educational agency," or "LEA," means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public elementary schools or secondary schools.

⁸ Language adapted from the Department of Education general selection criteria, 34 CFR § 75.210.

⁹ A definition of magnet schools might also reference specific elements that make such programs effective. See, e.g. ERICA FRANKENBERG, GENEVIEVE SIEGEL-HAWLEY & GARY ORFIELD, CIVIL RIGHTS PROJECT/PROYECTO DERECHOS CIVILES, THE FORGOTTEN CHOICE? RETHINKING MAGNET SCHOOLS IN A CHANGING LANDSCAPE (2008), <https://civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/the-forgotten-choice-rethinking-magnet-schools-in-a-changing-landscape> ("At their best, magnet schools offer[] special curricular offerings along with the following: integrated staffs of teachers drawn by interest, strengthened by training and curricular materials; very good parent information; free transportation to interested students; desegregation standards for student body composition; outreach to eligible students; and selection methods that rel[y] on student interest rather than screening tests. Magnet schools provided choice with the three essential civil rights policies -- information, open access, and desegregation standards -- along with truly distinctive educational offerings." *Id.* at 3.).

2020 Magnet Schools of America student poster contest winners (from top):

- Vivienne Kim (Nevada)
- Violet Funk (Minnesota)
- Ngina Rowe (Maryland)

AN ACT TO PROMOTE INTERDISTRICT PART-TIME AND SUMMER PROGRAMS



Photo from RE-Center in Hartford, CT

The purpose of this bill is to promote racial and socioeconomic integration through grants to interdistrict part-time and summer programs. Research has demonstrated the importance of fostering contact between young people of different backgrounds.¹ Segregation is not limited to the school day, and intentionally integrated programs such as the Mosaic Project in Oakland provide valuable opportunities for students from different backgrounds to come together outside of the traditional school setting.

In addition, part-time and summer programs may be a more feasible approach to addressing segregation in states and regions where major challenges to school integration occur across school districts, and are therefore difficult to address by

individual LEAs. While it may take time for states to pursue larger-scale integration reforms, part-time and summer programs offer an approach to foster student diversity in the short term. In addition, part-time and summer programs may be used to supplement policies that promote integration during the regular school day and year.

SOURCES

This model legislation includes text and concepts from:

- Grants for Interdistrict Cooperative Programs (Connecticut)
- Strength in Diversity Act (proposed federal legislation)

¹ LINDA R. TROPP & SUCHI SAXENA, NAT'L COALITION ON SCH. DIVERSITY, RE-WEAVING THE SOCIAL FABRIC THROUGH INTEGRATED SCHOOLS: HOW INTERGROUP CONTACT PREPARES YOUTH TO THRIVE IN A MULTIRACIAL SOCIETY (2018), https://school-diversity.org/wp-content/uploads/2018/05/NCSD_Brief13.pdf.

An Act to Promote Interdistrict Part-Time and Summer Programs

An act to add Chapter ___ (commencing with Section ___) to _____ of the Education Code.

The people of the State of _____ do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:¹

- a) Racial and socioeconomic diversity in schools is associated with higher achievement in mathematics, science, language, and reading in addition to higher rates of high school graduation and college attendance.²
- b) Racial and socioeconomic diversity in schools also results in long-term social and academic benefits, including reduced neighborhood, college, and workplace segregation; higher levels of social cohesion; a reduced likelihood of racial prejudice; enhanced critical thinking skills; and the development of skills to navigate and find comfort in racially diverse settings.³
- c) In some areas in [insert name of state], significant racial and socioeconomic isolation exists between school districts.
- d) In order to make socioeconomically and racially integrated learning opportunities available to all students and to address school segregation across district lines, [insert name of state] must commit to supporting strategies implemented outside of the traditional school context and/or outside of the standard school day.
- e) After school and summer enrichment programs play an important role in providing students access to a well-rounded education.
- f) Not all students have access to out-of-school opportunities, whether due to available family resources, logistical constraints, or other factors.
- g) After school and summer enrichment programs are particularly valuable for students who are unable to access enrichment opportunities outside of the standard school day. Summer programs, in particular, may help students avoid learning loss from the school year.

¹ Language adapted from Stronger Together and Strength in Diversity.

² See, e.g. Brief of 553 Social Scientists as Amicus Curiae for Respondents, Parents Involved in Community Schools v. Seattle School District No. 1, 551 U.S. 701 (2007) (Nos. 05-908 & 05-915). Available at https://civilrightsproject.ucla.edu/legal-developments/court-decisions/statement-of-american-social-scientists-of-research-on-school-desegregation-submitted-to-us-supreme-court/amicus_parents_v_seattle.pdf.

³ *Id.*

SECTION 2. PURPOSE. The purpose of this Act is to support increased access to interdistrict after school and summer programs that reduce racial/ethnic isolation and concentrated poverty for the students attending [insert name of state]'s taxpayer-funded elementary schools and secondary schools.

SECTION 3. Chapter __ (commencing with Section __) is added to _____ of the Education Code, to read:

Interdistrict Part-Time and Summer Programs.

- a) The State Board of Education shall maintain a competitive grant program for the purpose of assisting local educational agencies (“LEAs”), regional educational service centers, and nonsectarian nonprofit organizations approved by the Commissioner of Education with the implementation of part-time and summer programs designed to reduce concentrated poverty and racial isolation for students in [insert name of state]'s taxpayer-funded elementary schools and secondary schools.
- b) Funding. With funding provided for this purpose in the annual Budget Act or other legislation, the Commissioner of Education shall allocate grants in an amount not to exceed \$xx,xxx per applicant. A maximum of __ total applicants will receive grants under this section.
- c) Eligibility. An entity that is eligible for a grant under this section may be a cooperative arrangement on behalf of two or more LEAs; a regional educational service center solely or pursuant to a cooperative arrangement with one or more LEAs, by a nonsectarian nonprofit organization approved by the commissioner.⁴
- d) Application process. Applicants may apply for a grant under this section pursuant to a process determined by the Commissioner of Education. To be eligible for a grant under this section, an applicant must provide the following:
 - (1) A description of the proposed program, including:
 - i. an analysis of the existing challenges with respect to racial/ethnic isolation and concentrated poverty in the relevant district(s), including data showing the degree of racial/ethnic or socioeconomic isolation within or across the schools served by the applicant;
 - ii. a description of how the applicant proposes to use funds under this part to improve the academic and life outcomes for students of different racial/ethnic, socioeconomic, and social backgrounds, particularly those from historically underserved groups;
 - iii. a description of any available evidence, or if such evidence is not available, a rationale based on current research, regarding how the proposed project will increase diversity;

⁴ Language adapted from Connecticut interdistrict cooperative programs statute.

- (2) a description of how the applicant will identify and define racial/ethnic isolation and/or income level and socioeconomic status, to the extent relevant to the proposed project;
 - (3) a description of the applicant’s plan for continuing the proposed project after funding under this part ends;
 - (4) an estimate of the number of students to be served under the proposed project; and
 - (5) if the applicant plans to charge tuition, indicate the amount of tuition per student and justify the need for tuition fees in order to assure that students are not prevented from participating due to economic hardship;⁵
 - (6) an assurance that, to the extent practicable, the applicant has developed the plan in consultation with other relevant entities, including local housing or transportation authorities.
- e) Allowable activities. Grants issued under this section may be used for any of the following activities:⁶
- (1) Teachers/providers;
 - (2) School social workers, counselors, psychologists;
 - (3) Clerical assistance;
 - (4) Recruitment and admission costs;
 - (5) Instructional supplies, materials, and equipment;
 - (6) Staff development appropriate to the project (up to 5 percent of the total grant);
 - (7) Student transportation;
 - (8) Development of instructional units;
 - (9) Parent activities (up to \$1,000); and
 - (10) Food.

⁵ Language adapted from the 2020-21 Request for Proposals for Interdistrict Cooperative Grant Program, available at https://portal.ct.gov/-/media/SDE/RFP/RFP001_Interdistrict_Cooperative_Grant_Program_2019-20.pdf. Because the intent of this policy is to make part-time and summer programs accessible to students of different racial/ethnic and socioeconomic backgrounds, programs funded through this grant should not be cost prohibitive. Policy architects could also add an explicit requirement that programs be offered at no-cost to participants.

⁶ Language adapted from the Connecticut interdistrict cooperative program.

- f) In determining whether an application shall be approved and funds awarded pursuant to this section, the Commissioner of Education shall consider the following factors:⁷ (1) the specific objectives and strategy proposed; (2) the magnitude or severity of the problem to be addressed by the proposed strategy; (3) the potential contribution of the proposed project to increased knowledge or understanding of educational problems, issues, or effective strategies; (4) whether the proposed strategy is likely to: (A) meaningfully reduce poverty concentration and/or racial/ethnic isolation, and (B) increase student achievement; (5) the proposed cost, relative to (A) the number of students that will benefit, and (B) the relative need of the applicant.
- g) Priority. Priority for grants shall be given for applicants that demonstrate a track record of successful community engagement, innovation, and project implementation.
- h) Use of funds. These funds are available to applicants seeking to implement interdistrict afterschool, weekend, and summer programs. Each program shall be no less than 45 operating hours, of which at least 30 hours must be face-to-face contact time among students from the cooperating LEAs.⁸ The State Board of Education shall retain some portion, up to 5 percent of the amount appropriated pursuant to this section, for state-wide technical assistance, program monitoring and evaluation, and administration.

SECTION 4. DEFINITIONS.

- a) “Local educational agency,” or “LEA,” means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public elementary schools or secondary schools.

⁷ Language adapted from the Department of Education general selection criteria, 34 CFR § 75.210. The “face-to-face contact time” requirement among students may need to be temporarily modified in light of COVID-19, e.g. through a shift to “engagement” that allows for participation through digital platforms.

⁸ Language adapted from the Connecticut interdistrict cooperative program.

AN ACT TO PROMOTE EQUITABLE STUDENT ASSIGNMENT IN TAXPAYER-FUNDED SCHOOLS

The purpose of this bill is to provide incentives to local educational agencies (“LEAs”) and related agencies to devise and implement student assignment plans designed to reduce racial/ethnic isolation and concentrated poverty in taxpayer-funded schools. Currently, there is a lack of support for LEAs that wish to develop student assignment plans aimed at increasing diversity, equity, and student achievement. This bill aims to provide support for those LEAs, while encouraging all LEAs to consider new approaches to student assignment.

The bill would establish a technical assistance grant program, to be administered by the Commissioner of Education, under which an applicant LEA (or consortium of LEAs and other related agencies) may apply for grants¹ for planning and implementation of equitable student assignment policies designed to reduce poverty concentration and racial/ethnic segregation, within the parameters of current law² and in accordance with specified conditions and requirements.

¹ TASAP capped awards at \$250,000 to each LEA, 24 months total; SIPP allocated up to \$1,250,000 per school for planning and implementation combined.

² In *Parents Involved in Community Schools v. Seattle School District No. 1*, a majority of the Supreme Court recognized that seeking diversity and avoiding racial isolation are compelling interests for school districts and that school districts can voluntarily adopt measures to pursue these goals. 2011 guidance issued by the Department of Justice and Department of Education is still an excellent tool for ensuring compliance with the law, though it was rescinded by the Department of Education in 2018.

SOURCES

This model legislation includes text and concepts from:

- Technical Assistance in Student Assignment Plans, or "TASAP" (federal)
- Socioeconomic Integration Pilot Program, or "SIPP" (New York)
- Grants for Interdistrict Cooperative Programs (Connecticut)
- Strength in Diversity Act (proposed federal legislation) + Opening Doors, Expanding Opportunities grant program (federal, not currently active)

ADDITIONAL LEARNING

The NCSL has compiled a collection of resources, *School Integration After Parents Involved*, at <https://school-diversity.org/postpicsresources>.

An Act to Promote Equitable Student Assignment in Taxpayer-Funded Schools

An act to add Chapter ___ (commencing with Section ___) to _____ of the Education Code.

The people of the State of _____ do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:¹

- a) Racial and socioeconomic diversity in schools is associated with higher achievement in mathematics, science, language, and reading in addition to higher rates of high school graduation and college attendance.²
- b) Racial and socioeconomic diversity in schools also results in long-term social and academic benefits, including reduced neighborhood, college, and workplace segregation; higher levels of social cohesion; a reduced likelihood of racial prejudice; enhanced critical thinking skills; and the development of skills to navigate and find comfort in racially diverse settings.³
- c) Concentrating disadvantage in [insert name of state]'s schools is counterproductive to our goal of creating equitable educational opportunities for all students.⁴
- d) Black and Latino students in [insert name of state] are exposed to concentrated poverty in schools at disproportionate rates than their White and Asian peers. [Include a more specific state-level finding if available.]
- e) In general, most students in [insert name of state] attend traditional public schools. Currently in [insert name of state], ### percent of students attend traditional public schools, ### percent of students exercise some form of public school choice, and ### percent attend private schools.
- f) Not all parents and/or caregivers have access to the same opportunities, whether due to available resources, logistical constraints, or other factors. Parents and/or caregivers consistently express a desire to have quality educational options within a reasonable distance of where they live.

¹ Language adapted from Stronger Together and Strength in Diversity.

² See, e.g. Brief of 553 Social Scientists as Amicus Curiae for Respondents, Parents Involved in Community Schools v. Seattle School District No. 1, 551 U.S. 701 (2007) (Nos. 05-908 & 05-915). Available at https://civilrightsproject.ucla.edu/legal-developments/court-decisions/statement-of-american-social-scientists-of-research-on-school-desegregation-submitted-to-us-supreme-court/amicus_parents_v_seattle.pdf.

³ *Id.*

⁴ See, e.g. sean f. reardon, Ericka S. Weathers, Erin M. Fahle, Heewon Jang & Demetra Kalogrides, *Is Separate Still Unequal? New Evidence on School Segregation and Racial Academic Achievement Gaps* (Stanford Ctr. for Educ. Policy Analysis, Working Paper No.19-06, 2019).

- g) In order to make racially and socioeconomically integrated schooling available to all students, [insert name of state] must commit to supporting strategies that apply to traditional public schools in addition to providing school choice.
- h) Effective student assignment planning is costly, technically challenging, and time consuming, and requires substantial information gathering, including the need to provide opportunities for community input.
- i) Providing guidance, funding, and technical assistance to support planning and implementation costs can help remove barriers to LEAs in establishing equitable student assignment policies, within the parameters of current law.

SECTION 2. PURPOSE. The purpose of this Act is to support the development, implementation, and evaluation of student assignment plans that reduce concentrated poverty and racial isolation in [insert name of state]'s taxpayer-funded elementary schools and secondary schools.

SECTION 3. Chapter __ (commencing with Section __) is added to _____ of the Education Code, to read:

Equitable student assignment in taxpayer-funded schools.

- a) The State Board of Education shall maintain a competitive grant program for the purpose of assisting local educational agencies (“LEAs”); consortia of LEAs; or consortia consisting of one or more LEAs in addition to one or more agencies governing public housing, zoning, transit, or other related areas with the planning and implementation of student assignment policies that are designed to reduce racial/ethnic isolation and concentrated poverty in [insert name of state]'s taxpayer-funded elementary schools and secondary schools.
- b) Funding. With funding provided for this purpose in the annual Budget Act or other legislation, the Commissioner of Education shall allocate grants in an amount not to exceed \$250,000 per LEA. Consortium applicants may receive a maximum of \$250,000⁵ for each LEA within the consortium. A maximum of ___ total applicants will receive Planning Grants, and a maximum of ___ total applicants will receive Implementation Grants.
- c) The State Board of Education may retain up to 5 percent⁶ of the amount appropriated pursuant to this section for state-wide technical assistance, program monitoring and evaluation, and administration.

⁵ SIPP allocated up to \$250,000 per school for planning grants.

⁶ This is the proportion allocated under Stronger Together.

- d) **Eligibility.** An entity that is eligible for a grant under this section may be a local LEA, a consortium of LEAs, or a consortium consisting of one or more LEAs in addition to one or more agencies governing public housing, zoning, transit, or related areas.
- e) **Application process.** Applicants may apply for a Planning Grant pursuant to a process determined by the Commissioner of Education. To be eligible for a Planning Grant or Implementation Grant under this section, an applicant must provide the following:⁷
- (1) a description of the project for which the applicant is seeking a grant, including:
 - i. an analysis of the existing challenges with respect to racial/ethnic isolation and concentrated poverty in the relevant district(s), including data showing the degree of racial/ethnic or socioeconomic isolation within or across the schools served by the applicant;
 - ii. a description of how the applicant proposes to use funds under this part to improve the academic and life outcomes for students of different racial/ethnic, socioeconomic, and social backgrounds, particularly those from historically underserved groups;
 - iii. a description of any available evidence, or if such evidence is not available, a rationale based on current research, regarding how the proposed project will increase diversity;
 - (2) a description of how the applicant will identify and define racial/ethnic isolation and/or income level and socioeconomic status, to the extent relevant to the proposed project;
 - (3) a description of the applicant’s plan for continuing the proposed project after funding under this part ends;
 - (4) a description of how the applicant will assess, monitor, and evaluate the impact of the activities funded under this part on student achievement and student enrollment diversity;
 - (5) an assurance that the applicant has conducted, or will conduct, robust parent and community engagement, and where appropriate, tribal consultation, while planning for and implementing a program under this part;
 - (6) an estimate of the number of students to be served under the proposed project;
 - (7) an assurance that the applicant will cooperate with the evaluation process, including any evaluation that might require data and information from multiple recipients of grants under this part;
 - (8) an assurance that, to the extent practicable, the applicant has developed the plan in consultation with other relevant entities, including local housing or transportation authorities; and

⁷ Language adapted from Stronger Together.

- (9) an assurance that, to the extent possible, the applicant has considered the potential implications of the grant activities on the demographics and student enrollment of nearby taxpayer-funded programs and schools.

In addition, to be eligible for an Implementation Grant under this section, an applicant must have received a Planning Grant and successfully completed the Planning Period.

For both Planning Grants and Implementation Grants, applicants must submit a budget and should demonstrate that the proposed expenditures are appropriate, reasonable, and necessary to support the project activities and goals. Applications shall be submitted annually to the Commissioner of Education at such times and in such manner as the commissioner prescribes.

- f) In determining whether an application shall be approved and funds awarded pursuant to this section, the Commissioner of Education shall consider the following factors:⁸ (1) the specific objectives and strategy proposed; (2) the magnitude or severity of the problem to be addressed by the proposed strategy; (3) the potential contribution of the proposed project to increased knowledge or understanding of educational problems, issues, or effective strategies; (4) whether the proposed strategy is likely to: (A) meaningfully reduce poverty concentration and/or racial/ethnic isolation, and (B) increase student achievement; (5) the proposed cost, relative to (A) the number of students that will benefit, and (B) the relative need of the applicant.
- g) Priority. Priority for grants shall be given for applicants that (1) demonstrate a track record of successful community engagement, innovation, and project implementation; and (2) propose to use funds to support a program that extends beyond one LEA, such as an inter-district or regional program.⁹
- h) Use of funds. These funds are available to applicants seeking to design, modify, adopt, and implement student assignment plans that are designed to meaningfully reduce racial isolation and/or poverty concentration in [insert name of state]'s elementary and secondary taxpayer-funded schools, using strategies that are permissible within the parameters of current law. Intradistrict and interdistrict strategies will be considered. Grants may be awarded for planning and implementation. The State Board of Education shall retain some portion, up to 5 percent of the amount appropriated pursuant to this section, for state-wide technical assistance, program monitoring and evaluation, and

⁸ Language adapted from the Department of Education general selection criteria, 34 CFR § 75.210.

⁹ Language adapted from Stronger Together.

administration.

1. Planning Grants (12-24 months)

Planning Grants shall cover activities designed to maximize the effectiveness of student assignment policies in reducing racial/ethnic isolation and concentrated poverty. Allowable activities include, but are not limited, to the following items:¹⁰

- a) Studying student assignment practices in comparable contexts;
- b) Studying available demographic data to plan strategies;
- c) Consulting with student assignment specialists, demographers, community relations specialists, facility and transportation planners, civil rights and/or housing experts, parents/families, union representatives, curriculum specialists, etc.;
- d) Design and administration of surveys and other strategies to gain a better understanding of local issues and concerns, barriers, etc.;
- e) Community and stakeholder engagement;
- f) Coordination across schools and/or between LEAs;
- g) Setting reasonable thresholds and determining the appropriate geographic area(s) to be used (a district-wide approach may be appropriate and sufficient in some circumstances, whereas in others a regional approach is most relevant);
- h) Identification of all resources needed to implement proposed activities;
- i) Identification of potential federal, state, and local funding sources;
- j) Development of a sustainable transportation plan to facilitate/enable participation by students regardless of socioeconomic status;
- k) Provision of extensive public information and outreach to all key stakeholders;
- l) Development of a Family Resource Center to facilitate the assignment process;
- m) Professional development, coaching, and support services for administrators, teachers, and school staff; and
- n) Development and/or revision of LEA (or consortium) policies.

At the end of the Planning Period, the applicant shall provide a report to the State Board of Education documenting the following: (1) all activities funded by the Planning Grant; (2) any information gathered as

¹⁰Language adapted from TASAP and SIPP.

a result of those activities; and (3) specific integration/diversity goals and achievement benchmarks to be reached in the next 24-36 months.

2. Implementation Grants (24-36 months)

Implementation Grants shall cover the activities associated with implementing and executing the student assignment policies. Implementation Grants must supplement, not supplant, core instructional activities to be provided by the applicant. Allowable activities include, but not limited, to the following items:¹¹

- a) Maintaining community and stakeholder engagement;
- b) Maintaining a Family Resource Center to facilitate the assignment process;
- c) Monitoring and coordination across LEA (or consortium) as a whole;
- d) Monitoring school-specific integration goals and achievement benchmarks;
- e) Supplemental transportation costs for students;
- f) Parent outreach and assistance, including activities done in partnership with outside groups, such as faith-based or community-based organizations, business leaders, etc.; and
- g) Implementing and monitoring professional development to support teachers working in diverse classrooms.

Performance measures and annual reports.¹² The Commissioner of Education shall establish performance measures for the programs and activities carried out through a grant under this part. These measures, at a minimum, shall track the progress of each applicant in:

- a) improving academic and other developmental or noncognitive outcomes for each subgroup that is served by the applicant on measures including, as applicable, by
 - (1) increasing school readiness;
 - (2) increasing student achievement and decreasing achievement gaps;
 - (3) increasing high school graduation rates;
 - (4) increasing readiness for postsecondary education and careers; and
 - (5) any other indicator the Commissioner or applicant may identify; and

¹¹ Language adapted from SIPP.

¹² Language adapted from Strength in Diversity.

- b) increasing diversity and decreasing racial/ethnic and/or socioeconomic isolation in taxpayer-funded schools served under this part.

An applicant that receives an Implementation Grant under this part shall submit to the Commissioner of Education an annual report that includes (1) information on the progress of the applicant on the performance measures specified in this section, and (2) data supporting that progress.

District-level administration and support activities for each period should not exceed ## percent of the total funding request for each school unless the applicant demonstrates compelling need for a higher percentage to serve the goals of this grant program.

The grant funds shall supplement, not supplant, existing services, and shall not be used to supplant federal, state, local, or non-federal funds or to pay for existing levels of service funded from any other source.

Distribution of funds. Grant funds shall be disbursed to an applicant within ## days of approval based on evidence of anticipated or incurred costs provided by the applicant. The Commissioner of Education shall apportion funding to applicants that meet both of the following conditions:

- a) The grant application has been approved by the governing board(s) of the LEA(s); and
- b) The applicant submits a proposed budget of how it intends to expand grant funding pursuant to the requirements of this section.

SECTION 4. DEFINITIONS.

- a) “Student assignment” means the process used to determine the taxpayer-funded school in which a given student is to be enrolled.
- b) “Local educational agency,” or “LEA,” means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public elementary schools or secondary schools.

AN ACT TO SET OUT PROCEDURES AND REQUIREMENTS FOR NEW SCHOOL CONSTRUCTION



The purpose of this bill is to ensure that the construction of new schools and expansion of existing schools do not contribute to increased racial/ethnic isolation and poverty concentration; cause property values in one district to rise at the expense of another; or result in an inequitable allocation of financial or other resources. School construction and funding decisions can have major impacts on student experiences and outcomes, and have historically been used as tools to increase segregation. For example, school siting decisions in Raleigh, North Carolina and Nashville, Tennessee resulted in the concentration of new schools in wealthier and whiter neighborhoods in the 1920s and 50s.¹ Even today, school construction funding can have the effect of perpetuating or increasing racial/ethnic and socioeconomic isolation. Such outcomes are especially likely in the absence of policy to

ensure that funding for new schools is in the interests of all students in a district and/or region. We note that this proposal may not work in states with extremely low shares of state support for school construction.

The bill would require that significant public expenditures for new or expanded public schools (including charters) satisfy two requirements: (1) a petition signed by 25 percent of voters in each proposed district, or by a majority of the members of the governing boards for the affected district(s); and (2) approval by the State Board of Education, subject to criteria relating to equity and diversity.

SOURCES

This model legislation includes text and concepts from:

- Strength in Diversity Act (proposed federal legislation)

¹ GENEVIEVE SIEGEL-HAWLEY, WHEN THE FENCES COME DOWN: TWENTY-FIRST-CENTURY LESSONS FROM METROPOLITAN SCHOOL DESEGREGATION 44-45 (2016).

An Act to Set Out Procedures and Requirements for New School Construction and Funding

An act to add Chapter ___ (commencing with Section ___) to _____ of the Education Code.

The people of the State of _____ do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:¹

- a) Racial and socioeconomic diversity in schools is associated with higher achievement in mathematics, science, language, and reading in addition to higher rates of high school graduation and college attendance.²
- b) Racial and socioeconomic diversity in schools also results in long-term social and academic benefits, including reduced neighborhood, college, and workplace segregation; higher levels of social cohesion; a reduced likelihood of racial prejudice; enhanced critical thinking skills; and the development of skills to navigate and find comfort in racially diverse settings.³
- c) Concentrating disadvantage in [insert name of state]'s schools is counterproductive to our goal of creating equitable educational opportunities for all students.⁴
- d) Black and Latino students in [insert name of state] are exposed to concentrated poverty in schools at disproportionate rates than their White and Asian peers. [Include a more specific state-level finding if available.]
- e) Capital funds for school construction or expansion may have the effect of perpetuating separate and unequal education in [insert name of state].

SECTION 2. PURPOSE. The purpose of this Act is to ensure that the creation and construction of new schools or the expansion of existing schools does not increase racial/ethnic isolation and concentrated poverty for the students attending [insert name of state]'s taxpayer-funded elementary schools and secondary schools (including publicly-funded charter schools).

¹ Language adapted from Stronger Together and Strength in Diversity.

² See, e.g. Brief of 553 Social Scientists as Amicus Curiae for Respondents, Parents Involved in Community Schools v. Seattle School District No. 1, 551 U.S. 701 (2007) (Nos. 05-908 & 05-915). Available at https://civilrightsproject.ucla.edu/legal-developments/court-decisions/state-of-american-social-scientists-of-research-on-school-desegregation-submitted-to-us-supreme-court/amicus_parents_v_seattle.pdf.

³ *Id.*

⁴ See, e.g. sean f. reardon, Ericka S. Weathers, Erin M. Fahle, Heewon Jang & Demetra Kalogrides, *Is Separate Still Unequal? New Evidence on School Segregation and Racial Academic Achievement Gaps* (Stanford Ctr. for Educ. Policy Analysis, Working Paper No.19-06, 2019).

SECTION 3. Chapter __ (commencing with Section __) is added to _____ of the Education Code, to read:

Requirements for New Schools.

a) Requirements for New Schools

- (1) A proposal to construct or create a new taxpayer-funded school or substantially expanded public school may only be approved if all of the following conditions are met, in the following order:
 - i. A petition is filed with the State Board of Education, subject to the requirements in Section 3(b); and
 - ii. The State Board of Education approves the proposal, subject to the requirements in Section 3(c).

b) Petition for New School

- (1) An action to create a new school may be initiated upon the filing, with the State Board of Education, of a petition to construct or create a new school signed by any of the following:
 - i. At least 25 percent of the registered voters in the territory for each district which would encompass the new school; or
 - ii. A majority of the members of the governing boards of each district that would encompass the new school.
- (2) The petition shall state the following:
 - i. Specific reasons why the new school would be in the best interests of residents of the relevant district;
 - ii. An explanation of the new school's effect on the funding of the existing schools in the district;
 - iii. The expected student count of the new school, and the geographic area the school will serve;
 - iv. The expected impact of the new school on racial/ethnic diversity; and
 - v. The expected impact of the new school on socioeconomic diversity.

c) Approval by the State Board of Education

- (1) The State Board of Education may approve proposals for the creation of a new school if it determines that all of the following conditions have been met:
 - i. The new school and all of the existing schools in the district will be adequate in terms of number of students enrolled;
 - ii. The proposal will result in an equitable division of property and facilities;
 - iii. The new school and all of the existing schools in the district will receive an adequate amount of funding in relation to the number of students served;
 - iv. The average property values of the region to be served by the new school does not substantially differ from the average property values of the regions served by neighboring schools;
 - v. The creation of the new school will not promote racial/ethnic discrimination or result in increased racial/ethnic isolation;
 - vi. The creation of the new school will not result in more concentrated poverty in other district schools;
 - vii. The creation of the new school will promote educational performance, both for the students attending the new school and the students attending neighboring schools;
 - viii. The creation of the new school will not significantly disrupt the educational programs in the affected districts; and
 - ix. Any other criteria that the State Board of Education may prescribe.
- (2) The State Board of Education shall give preference to proposals if the new school is open to student transfers from outside the school assignment zone (or school district, via interdistrict transfer), if such transfers will foster racial/ethnic or socioeconomic integration.
- (3) After considering each of the conditions specified in Section 3(c)(1), the State Board of Education shall issue an order either granting or denying the creation of the new school. The order shall state the Board's rationale and include an evaluation of each of the conditions specified in Section 3(c)(1).
- (4) The State Board of Education shall publish an annual report listing each proposals funded under this part.

AN ACT TO SET OUT PROCEDURES AND REQUIREMENTS FOR DISTRICT REORGANIZATION

This bill commits the state to ensure that school district reorganizations do not lead to increased racial/ethnic isolation and poverty concentration. School district secessions have become increasingly common in recent years, and typically involve the creation of new school districts with higher property values, higher incomes, and less diversity than the districts they left behind.¹

Due to the funding structure for most school districts, such secessions inevitably result in increased resource inequities. Some states have made it easier for districts to self-segregate by loosening regulations or passing new legislation, while other states have adopted measures to prevent communities from using district reorganization as a means to increase segregation.

This bill is modeled after legislation in Arizona, California, and Wisconsin, three states that have enacted somewhat more stringent requirements for districts seeking to secede. It would require that proposed school district reorganizations satisfy three requirements prior to implementation: (1) a petition signed by 25 percent of voters in each proposed district, or by a majority of the members of the governing boards for the affected district(s); (2) approval by the State Board of Education, subject to criteria relating to equity and diversity; and (3)

approval by a majority vote in each proposed district. The bill seeks to ensure that school districts are not reorganized in ways that exacerbate racial/ethnic or socioeconomic segregation; lack voter support in any of the resulting districts; cause property values in one district to rise at the expense of another; or result in an inequitable allocation of financial or other resources.

SOURCES

This model legislation includes text and concepts from:

- Arizona Revised Statutes § 15-458 (“Formation of New District or Districts by Subdivision of Existing District”)
- California Education Code §§ 35700-68 (“Reorganization of School Districts”)
- Wisconsin Statutes Ch. § 117 (“School District Reorganization”)
- Strength in Diversity Act (proposed federal legislation)

ADDITIONAL LEARNING

- Susan Eaton, How a ‘New Secessionist’ Movement Is Threatening to Worsen School Segregation and Widen Inequalities, *The Nation*, May 15, 2014
- Nikole Hannah-Jones, The Resegregation of Jefferson County, *N.Y. Times*, Sept. 6, 2017

¹ EdBUILD, *FRACTURED: THE ACCELERATING BREAKDOWN OF AMERICA’S SCHOOL DISTRICTS (2019 Update)*, <https://edbuild.org/content/fractured/fractured-full-report.pdf> (last visited March 6, 2020).

An Act to Set Out Procedures and Requirements for District Reorganization

An act to add Chapter ___ (commencing with Section ___) to _____ of the Education Code.

The people of the State of _____ do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:¹

- a) Racial and socioeconomic diversity in schools is associated with higher achievement in mathematics, science, language, and reading in addition to higher rates of high school graduation and college attendance.²
- b) Racial and socioeconomic diversity in schools also results in long-term social and academic benefits, including reduced neighborhood, college, and workplace segregation; higher levels of social cohesion; a reduced likelihood of racial prejudice; enhanced critical thinking skills; and the development of skills to navigate and find comfort in racially diverse settings.³
- c) Concentrating disadvantage in [insert name of state]’s schools is counterproductive to our goal of creating equitable educational opportunities for all students.⁴
- d) Black and Latino students in [insert name of state] are exposed to concentrated poverty in schools at disproportionate rates than their White and Asian peers. [Include a more specific state-level finding if available.]
- e) The reorganization of school districts should not be used as a tool to increase racial/ethnic or socioeconomic isolation, or to increase inequities in funding or other resources.

SECTION 2. PURPOSE. The purpose of this Act is to ensure that school district reorganizations do not increase racial/ethnic isolation and concentrated poverty for the students attending [insert name of state]’s taxpayer-funded elementary schools and secondary schools.

¹ Language adapted from the Stronger Together and Strength in Diversity Acts.

² See, e.g. Brief of 553 Social Scientists as Amicus Curiae for Respondents, Parents Involved in Community Schools v. Seattle School District No. 1, 551 U.S. 701 (2007) (Nos. 05-908 & 05-915). Available at https://civilrightsproject.ucla.edu/legal-developments/court-decisions/statement-of-american-social-scientists-of-research-on-school-desegregation-submitted-to-us-supreme-court/amicus_parents_v_seattle.pdf.

³ *Id.*

⁴ See, e.g. sean f. reardon, Ericka S. Weathers, Erin M. Fahle, Heewon Jang & Demetra Kalogrides, *Is Separate Still Unequal? New Evidence on School Segregation and Racial Academic Achievement Gaps* (Stanford Ctr. for Educ. Policy Analysis, Working Paper No.19-06, 2019).

SECTION 3. Chapter __ (commencing with Section __) is added to _____ of the Education Code, to read:

Requirements for School District Reorganization.

a) Requirements for Reorganization

- (1) A proposal to reorganize one or more districts may only be approved if all of the following conditions are met, in the following order:
 - i. A petition for reorganization is filed with the State Board of Education, subject to the requirements in Section 3(b);
 - ii. The State Board of Education approves the proposal, subject to the requirements in Section 3(c); and
 - iii. The proposal is approved by a majority vote in each of the proposed districts, as set forth in Section 3(d).

b) Petition for Reorganization

- (1) An action to reorganize one or more districts may be initiated upon the filing, with the State Board of Education, of a petition to reorganize one or more school districts signed by any of the following:⁵
 - i. At least 25 percent of the registered voters in the territory for each district under the proposed reorganization; or
 - ii. A majority of the members of the governing boards of each of the districts that would be affected by the proposed reorganization.
- (2) The petition shall state the following:
 - i. Specific reasons why the proposed reorganization would be in the best interests of residents of each of the resulting districts;
 - ii. An explanation of how the resulting districts will be funded;
 - iii. The proposed boundaries and expected student count of the school districts to be formed by the reorganization;
 - iv. An inventory of the property and facilities in the original district, along with a description of how they would be allocated by the reorganization;

⁵ Language adapted from Cal. Educ. Code § 35753 (West); Wis. Stat. Ann. § 117.105 (West).

- v. The expected impact of the reorganization on socioeconomic diversity; and
- vi. The expected impact of the reorganization on racial diversity.

c) Approval by the State Board of Education

- (1) The State Board of Education may approve proposals for the reorganization of school districts if it determines that all of the following conditions have been met:⁶
 - i. The proposed reorganized districts will be adequate in terms of number of students enrolled;
 - ii. The proposal will result in an equitable division of property and facilities of the original district or districts;
 - iii. Each resulting district will receive funding sufficient to support the school district in a manner comparable to other school districts of comparable size;
 - iv. If one district is proposed to be divided into multiple districts, the average property values in the resulting districts do not substantively differ; or if multiple districts are proposed to be reorganized, the proposed reorganization does not result in greater disparities among the average property values of the districts;
 - v. The proposed reorganization will not promote racial or ethnic discrimination or segregation;
 - vi. The proposed reorganization will not result in more concentrated poverty in one or more of the resulting districts;
 - vii. The proposed reorganization will promote educational performance;
 - viii. The proposed reorganization will not significantly disrupt the educational programs in the affected districts; and
 - ix. Any other criteria that the State Board of Education may prescribe.
- (2) After considering each of the conditions specified in Section 3(c)(1), and after providing notice and an opportunity to be heard by interested parties, the State Board of Education shall issue an order either granting or denying the proposed reorganization. The order shall state the Board's rationale and include an evaluation of each of the conditions specified in Section 3(c)(1).

⁶ Language adapted from Cal. Educ. Code § 35753 (West); Ariz. Stat. § 15-458.

d) Referendum

- (1) If the State Board of Education finds that all of the criteria in Section 3(c)(1) have been met, the [insert relevant authority] shall call a referendum to determine whether the proposed reorganization should proceed.⁷
- (2) The referendum shall be held in the territory encompassing every school district to be affected by the reorganization.
- (3) The language to appear on the ballots used for voting on the adoption or rejection of the proposed reorganization shall be determined by the State Board of Education.
- (4) For the proposed reorganization to pass, it must be approved by the majority of the votes cast by the qualified electors in each of the territories proposed as a new school district.

⁷ Language adapted from Wis. Stat. Ann. § 117.105 (West).



ACKNOWLEDGMENTS

These model state policies were written with the assistance of Sue Lin from Hogan Lovells. We are extremely grateful to Sunil Mansukhani and James Colligan from The Raben Group, and members of NCSD's

policy development working group for their important foundational contributions and insights: Derek Black, Gina Chirichigno, Nicole Dooley, Matt Gonzales, Kris Nordstrom, and Will Stancil.

This brief template was designed by Jessica Bellamy of the Root Cause Research Center (rootcauseresearch.org).

Images used with permission of One Nation Indivisible project (onenationindivisible.org), Magnet Schools of America (magnet.edu), and RE-Center (re-center.org).

