

PARENTS INVOLVED IN COMMUNITY SCHOOLS v. SEATTLE SCHOOL DISTRICT NO. 1

■ **The Seattle School District:** During the 2001-02 school year, the Seattle school system served approximately 46,000 students. Of those students, about 60% identified themselves as ethnic minorities (African-American, Asian American, Hispanic or Native American) and 40% as white. The Seattle area is residentially segregated: over 75% of the District's minority students live in the southern half of the city, while 67% of white students live in the northern half.

■ **The Seattle Plan:** Under the 2001-02 plan, students entering ninth grade were able to choose any three of Seattle's ten high schools, and rank them in order of preference. If more students ranked a given high school first than there were spaces available at that school, the school district applied a series of "tiebreakers" to determine student assignment. In 2001-2002, five of the District's high schools were oversubscribed.

■ **The Tiebreakers:** First, preference was given to students with a sibling attending the oversubscribed school. Students were then assigned based on how close they lived to the school, unless the oversubscribed school was racially imbalanced, i.e. the racial makeup of the oversubscribed school's student body differed from the District average by more than 15 percentage points. In 2001-2002, only three District high schools were racially imbalanced, meaning that race played no role at all in student assignment in seven out of Seattle's ten high schools.

■ **The Result:** Under this plan, 80.3% of the three thousand incoming ninth graders in 2001-2002 received their first choice of high schools. Nearly all of the remaining students were assigned to their second or third choice schools under the plan. The racial tiebreaker had a miniscule impact on student choice: if the tiebreaker had not been used, the percentage of students receiving their first choice school assignment would have increased by only a tenth of a percentage point, to 80.4%.

■ **The Ninth Circuit's Decision:** In 2001, Parents Involved in Community Schools, a group of parents whose children were not (or might not have been) assigned to their first-choice schools, sued the District claiming that the integration tiebreaker violated the Equal Protection Clause of the Fourteenth Amendment. In 2005, an *en banc* panel of the Ninth Circuit rejected this claim and affirmed the constitutionality of the District's plan. *Parents Involved in Cmty. Sch. v. Seattle Sch. Dist. No. 1*, 426 F.3d 1162 (9th Cir. 2005) (*en banc*). That court held that:

[T]he District has a compelling interest in securing the educational and social benefits of racial (and ethnic) diversity, and in ameliorating racial isolation or concentration in its high schools by ensuring that its assignments do not simply replicate Seattle's segregated housing patterns ... the District's Plan is [also] narrowly tailored to meet the District's compelling interests.

■ For further information, please visit LDF's website at www.naacpldf.org.