

THE SEATTLE AND LOUISVILLE VOLUNTARY SCHOOL INTEGRATION CASES

Briefing Paper

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On December 4, the Supreme Court will hear two cases regarding whether public school districts in Seattle and Louisville can voluntarily use race-conscious measures to avoid racial isolation and achieve racial diversity in their elementary and secondary schools. (*Parents Involved in Community Schools v. Seattle School District*, 05-908 and *Meredith v. Jefferson County Board of Education*, 05-915). Petitioners in these cases seek to prohibit school districts from using race-conscious student assignment policies. This would effectively end America's half-century long effort, since *Brown v. Board of Education*, to integrate public schools. School districts would be left without the tools necessary to prevent widespread resegregation of their schools.

Research has consistently demonstrated the educational and social benefits of racially diverse schools and the harms of racial isolated schools for children of all races. Yet, since the Supreme Court's unanimous decision in *Brown*, the nation has struggled to integrate its public schools. Unfortunately, *Brown's* 52-year history has been marred, first by decades of local resistance, and more recently by the termination of many court-ordered desegregation plans. The resulting withdrawal of court supervision has already led to widespread resegregation across the country: public primary and secondary schools today are more segregated than they were in 1970. It has also placed the burden on local school boards to take measures to voluntarily integrate their schools.

Locally-elected school boards nationwide have recognized that due to residential segregation and other factors, a strict policy of neighborhood school assignment would result in racially identifiable elementary and secondary schools. Recognizing the educational harms of racial isolation, these school districts have undertaken voluntary steps to integrate their schools. In some instances, school districts have determined that to be effective these measures need to include the consideration of race as a factor in school assignment. This is the case in both Seattle, Washington (which was never ordered by a court to desegregate), and in Louisville, Kentucky (which was under court order to desegregate from 1973 to 2000).

The Seattle and Louisville plans seek, first and foremost, to preserve educational choice; they rely on the voluntary choices, by parents and students, to apply to and transfer to integrated schools. Parents and students also have the ability to choose to attend their neighborhood schools. Indeed, Seattle and Louisville have adopted modest measures to achieve integration, by considering race as a factor in school assignment only when a school is racially isolated.

To be clear, these cases do not involve "forced busing" programs. Nor are they affirmation action cases. Traditional K-12 school assignment is fundamentally distinct from the admissions process to competitive, elite magnet schools or colleges. In the vast majority of K-12 public schools there is no competitive admissions process or attempt to evaluate students' "merit" in determining student assignment. Every student will be assigned to a public school within the district; the only question is which children will be educated together. Or, put another way, the choice is whether to pursue integration in student assignment through voluntary transfers and other mechanisms, or whether to leave schools racially isolated.

The Seattle and Louisville school districts simply want to retain their traditional authority over local education matters to continue to pursue Brown's promise of integrated public schools.

The Importance of Integrated Schools

Overwhelming evidence confirms that racially integrated schools provide compelling benefits to students of all races, and to society at large. For example,

- Racially integrated schools create environments where students of different racial/ethnic backgrounds can interact with one another, break down students' racial stereotypes and prejudices. Additionally, students in integrated schools are not only more tolerant, but more comfortable interacting and forming friendships with students of other races/ethnicities, skills students need to live and work effectively in today's multi-racial society.
- Research demonstrates that attending racially integrated schools has modest positive benefits for the academic achievement of black and Latino students, and seems to have little effect on the academic achievement of white students. Indeed, there is evidence that integrated schools improve critical thinking skills for students of all races.
- Students who attend integrated K-12 schools are more likely to work in diverse environments, live in integrated neighborhoods, favor integrated schools for their own children, and have increased civic participation. Additionally, racially integrated schools promote minority students' ability to attend selective colleges, attain higher-status jobs, and connect to professional and social networks.
- Racially integrated schools not only help individual students, but benefit society as a whole. They are correlated with higher graduation rates and college attendance, which results in a more educated workforce with experience working together in interracial settings that are increasingly important in the 21st Century. Areas with extensive school integration also tend to be more residentially integrated.
- *The Impact of Race-Neutral Alternatives* - School districts using race-neutral plans are having little to no success at providing educationally effective and racially integrated learning environments for students. In fact, even those school districts touted as successes by the U.S. Department of Education – Wake County, NC; Charlotte, NC; San Francisco, CA; La Crosse, WI; and Brandywine, DE – have struggled to achieve racial diversity without taking race into account. Indeed, the shift from a race-conscious to a race-neutral student assignment plan has often resulted in significant resegregation and negatively impacted the achievement of African-American students.

In short, these cases are about whether parents and their elected representatives retain the ability to choose integrated schools for their children, or whether the era of Brown has come to an end. When the Court rules on these education cases, it has an opportunity to preserve some measure of racial integration in public schools and to unequivocally signal that it will not return the nation's public schools to its segregated past.