



Voluntary Integration After *Parents Involved*:
What does research tell us about available options?

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In the aftermath of separate, lengthy opinions by five members of the Supreme Court in the Louisville and Seattle voluntary school integration cases, educators in local districts across the United States are surely wondering whether or not their desegregation policies are legal and what their options are for maintaining racial diversity. In a 4-1-4 decision, in the consolidated case, *Parents Involved in Community Schools v. Seattle School Dist. No. 1*, the Court struck down the use of race as employed in the particular voluntary school desegregation plans in Louisville and Seattle. However, the Court also allowed for the use of race in some circumstances and affirmed the maintenance of diverse schools—as well as the prevention of racially isolated schools—as compelling state interests.

This paper reviews research and examples of options intended to achieve or maintain racial diversity in K-12 public schools. It is not an exhaustive review of different policies and should not be mistaken for legal guidance. However, the work provides practical information and a starting point for educators sorting through their options after *Parents Involved*.

Part I reviews the demographics of today's student population. A discussion of the rationale for integration policies comes next, as research has long noted the need to continuously educate the community about the rationale for such policies (e.g. Hawley et al., 1983, chapter 5). The bulk of the paper explores a variety of student assignment policies -- including both inter-district and intra-district policies -- and what available research says about their effectiveness in creating racially integrated schools. The paper examines whether or not housing integration efforts and other kinds of school policies might improve the chances that traditional student assignment policies will create racially diverse learning environments.

I: Changing Student Demographics in the United States

The rapidly shifting demographics of the nation are manifest most clearly in the nation's public schools. The now multiracial nature of school enrollment limits the usefulness of much early research on student assignment plans, which were often based upon an outdated black-white paradigm. In the late 1960s, when educators began to craft many of the first desegregation plans, public school enrollment was still about 80 percent white and plans usually involved bringing black students into formerly all-white schools. Desegregation efforts were most widespread in the South, where the vast majority of districts included a mix of black and white students. Many larger districts here were organized along county, rather than municipal lines, and therefore encompassed both a city and its often predominantly white suburbs.

Today, fewer than three of five public school students are white (Orfield & Lee, 2006). Latino students outnumber black students. Most of the largest urban districts have few white students left. Rates of student poverty are also disproportionately high here. Meanwhile, patterns of racial segregation and concentrated poverty common to urban districts continue to spread quickly into suburbia. In large part because of immigration, other suburban areas are experiencing substantial minority growth for the first time (Frey, 2001). Therefore, in 2007, school segregation is not only multiracial but multidimensional, in that it affects various groups differently depending upon location. Segregation exists within school districts, certainly. It also occurs *between* established school district boundary lines – in other words, between a city and its suburbs and now between certain 'mixed' suburbs and other still mostly white suburbs.

Increasingly, racial segregation is closely correlated with segregation by poverty and by language. In light of these demographic changes and shifting judicial opinions--and despite two prior decades of declining black-white segregation--segregation has been on the rise for black and Latino students since the late 1980s. Although the recent Supreme Court decision concerned itself with in-district integration plans, some analyses suggest that segregation *between* districts and across metropolitan areas may be an even greater source of segregation than segregation within an established district (Clotfelter, 1998).

II: Rationale for Racially Integrated Public Schools

A. Research Demonstrates Benefits of Integrated Schools and Harms of Racially Isolated Schools Serving Disproportionate Shares of Children of Color

The Supreme Court has long recognized the central importance of public education in developing citizens and productive workers. In our increasingly diverse, interconnected nation, it is more important than ever that students not only gain important skills to compete in a changing economy but that they develop cross-cultural and cross-racial understanding that might lead to improvements in the life opportunities of all students. Historically, public schools prepared future citizens for participation in our democracy and are perhaps the last truly shared institutions of which everyone can be a part. Public schools offer the opportunity to learn skills in diverse environments. This may be particularly valuable for white students, who, on average, grow up in the most racially isolated neighborhoods and are least likely of any racial group to be in contact with people from other races and ethnicities.¹

Allport's Intergroup Contact Theory. More than fifty years ago, a Harvard psychologist named Gordon Allport suggested that an essential condition for reducing prejudice is for people from various racial groups to be in contact with one another (1954). It is particularly valuable, he stressed, that each group possess relatively equal status and work cooperatively toward a shared goal. Racially desegregated schools are not a panacea—many racially diverse schools may not meet Allport's conditions— and the extent of benefits will depend on how desegregation plays out in a particular school. What research studies do demonstrate, though, is that racially integrated schools tend to provide benefits not present in segregated schools. Generally, programs that rely on the transmission of information about other groups -- for example, those that attempt to diffuse stereotypes through role-playing or traditional classroom instruction -- may have some positive short-term effects, but they are unlikely to affect student behavior and attitudes over the long-term.

Cross-Racial Understanding. Experience in racially diverse schools, most notably for young children, introduces opportunities for interracial contact that provide students several benefits. Such schools provide opportunity for students to form interracial friendships. In turn, students become more tolerant and inclusive towards other members of the racial groups to which their friends belong. Additionally, simply having more contact with individuals of other races makes students more likely believe that exclusion based on race and ethnicity is wrong. Research consistently finds larger reductions in racial prejudice and bias occur when optimal conditions for intergroup contact – including support by authority for intergroup contact, equal status for all participants, cooperative interdependence, and direct interaction -- are established (Pettigrew & Tropp, 2006; Tropp & Prenovost, in press).

¹ This section is drawn from research summarized in the 553 Social Scientists Brief; more detail and citations can be found there (available at http://www.civilrightsproject.ucla.edu/research/deseg/amicus_parents_v_seattle.pdf).

Critical Thinking and Academic Achievement. Learning in racially diverse classrooms, in which students have different backgrounds and experiences that inform the perspectives they share in class, promotes complex thinking. Because students of different races and ethnic backgrounds often bring a variety of cultural knowledge and perspectives into school, diverse classrooms are more likely to enhance critical thinking merely by exposing students to new information and understandings. Research in higher education finds that interactions with a racially diverse group of students are related to higher level, more complex thinking. (Gurin, et al).

Longstanding research finds a modest positive relationship between attendance of desegregated or racially diverse schools and academic achievement levels of African American students. The strength of the relationship between achievement and desegregation varies by school contexts. For example, the positive relationship is stronger for younger students, and, too, in voluntary programs. The most recent reviews suggest that, depending upon the nature of desegregation, there also seem to be modest gains associated with desegregation for Latinos (e.g., Schofield, 1995). Numerous studies confirm earlier findings that school desegregation has had little or no negative effect on white students' test scores, especially when schools remain majority white.

Life Opportunities. Studies demonstrate a relationship between previous attendance at a racially diverse school and long-term life opportunities. This is especially true among students of color. Such benefits include higher high school graduation rates (relative to those of similar students who attended racially isolated schools); higher college matriculation and graduation rates; access to higher-status social and professional networks that provide information about college-going opportunities and professional jobs. Partially as a result of the higher levels of education, studies found that the incomes of African Americans who attended desegregated schools were higher than the incomes of otherwise similar peers who had attended segregated schools.

Community Benefits. Students who graduate from integrated schools may be more adept working with people of other racial/ethnic backgrounds, which is a vitally important skill for workers in global economy (Hawley, 2007). Integrated schools tend to benefit from relatively higher levels of parental involvement and community support. Studies also suggest that students of all racial and ethnic groups who had attended racially diverse schools have a stronger commitment to civic engagement than their peers who attended segregated schools.

Research indicates that communities with high levels of school desegregation, particularly where desegregation is in place across the region, experience declines in residential segregation. This may be because full implementation of desegregation guarantees that even if parents move, their children will still attend schools of similar racial composition (e.g., Orfield & Luce, 2005; Pearce, 1980; Frankenberg, 2005). Desegregation that encompasses most of a region can also stem white flight by eliminating white enclaves in close proximity that might be

appealing to parents who want their child to attend a school with a substantial share of white students.

Summary. The non-partisan National Academy of Education (NAE) convened a panel of distinguished scholars to analyze conclusions to be drawn from the 64 amicus briefs submitted in the *Parents Involved* cases. In its 2007 report, the academy concluded that there is convincing evidence about the harms of racially isolated schools. (It is still unclear, they concluded, at what level of isolation the harms accrued). Second, from the multitude of studies about academic achievement effects, the Academy concluded that white students' achievement was not hurt in desegregated schools and African American students' achievement was heightened in desegregated schools, particularly when desegregation occurred at a young age.

The Academy concluded that the effects on African Americans' achievement were larger in more methodologically rigorous studies. This suggests that earlier research may have understated the academic benefits of attendance at a desegregated school. Panel members drew no conclusions about the achievement of students of other racial/ethnic backgrounds, perhaps because the literature on these questions is so limited. Regarding social outcomes, the report concludes that racially diverse schools, when structured according to conditions noted above, are constructive environments that improve inter-group relationships. Specifically, such schools have the potential to reduce prejudice among students and enhance the formation of interracial friendships, which, in turn, shows promise in improving race relations among adults. Finally, the NAE panel concluded that race-conscious policies are the most effective way to achieve racially diverse schools. Ironically, this paper was released just days after the *Parents Involved* decision, which sharply limited the ability of school districts to achieve racially diverse learning environments.

B. There is widespread support for racially integrated schools

One of the myths about school desegregation is that it lacks public support—particularly among African Americans. In fact, during recent questioning by the Supreme Court, some justices expressed skepticism about whether the public cares about integrated schools. However, students, parents, and members of communities that have experienced integration tend to believe such schools provide valuable learning opportunities. Because most school boards are popularly elected, public support is critical to ensure the continuance of voluntarily adopted desegregation plans.

A recent Gallup poll found that most of those surveyed (90 percent) believe educational opportunities for black children have improved since 1954, the year of *Brown v. Board of Education*. However, 38 percent say they believe that black children in the United States do not have educational opportunities equal to those of white children. Almost a third of these respondents believe this disparity is due to discrimination (Ludwig 2004).

Preference for racially integrated schools is strong among African Americans. More than 90 percent of those surveyed favored them. A 1995 review of public opinion on school desegregation found Americans increasingly in favor of desegregation. This is particularly true among people who have personal experience with desegregated schools (Orfield, 1995). In 1994 a majority of Americans said they believed the government should do more to integrate schools. This included the vast majority of African Americans -- 84 percent -- in agreement.² A 2003 survey of more than 3,000 adults, found that nearly three-fifths of respondents--including 60 percent of white parents -- said they believed integrated schools were better for their children. (Metropolitan Center, 2005).

Existing survey evidence suggests that teachers, many with everyday experience in racially diverse schools, see benefits of racial diversity for both student learning and students' economic and civic participation in American society. Teachers tend to agree that such benefits are difficult to realize in single-race classrooms (Goldring & Smrekar, 2000). Further, diversity enables building respect for and understanding of people of other races and cultures, which teachers cite as one of the most important goals of education (Gallup, 1985). In another recent survey, virtually all teachers and about 90 percent of students stated that it was important for students of different races/ethnicities to interact, though far fewer believed that such interaction was occurring in their schools (Bagnishi and Sheer, 2004).

Parents tend to agree with teachers and students: ninety-one percent of parents in a national survey said they believed "acceptance of people of different racial and ethnic backgrounds" was a value that should be taught in school (Rlose and Gallup, 1999). Additionally, in a 1993 Gallup survey, virtually all parents -- white parents as well as parents of color -- said they believed it was "very important" for children to learn about other groups in the society: 96 percent of public school parents responded that this was an important value for the schools to impart. A random sample of parents in Louisville in 1996 showed that 86 percent of parents with children in school and 92 percent of African American parents said it was important "that schools have students from different races and backgrounds in the same school" and 68 percent of white parents and 73 percent of black parents thought diversity would produce a "higher quality of education" for their own children. Significantly, parents supported specific mechanisms that the district could use to create integrated schools. For example, more than half of white parents and three fourths of black parents thought the district should "have guidelines to achieve racial balance" (Wilkerson, 1996).

² 1994 Gallup poll cited in Orfield, 1995.

III: Permissible Strategies for Creating Racially and Ethnically Diverse Schools

Regardless of what strategy or strategies a district or state chooses, social science research points to specific conditions that help ensure a desegregation plan does not unintentionally stratify students by race or ethnicity. For example, the provision of free transportation to school should be a component of any plan. Without it, choices of working families or poor families who do not own cars are severely constrained. Another important component is equal provision of information about the plan, including the presenting of options in accessible language.

The strategies explored in the following section involve **race-conscious** student assignment plans. This is followed by examination of several race-neutral alternatives for achieving diversity. In the third section, we turn to interdistrict strategies, which may be more appropriate for districts that are largely homogeneous but close to districts that enroll students from different racial groups. Some strategies offered here have been elements of court-ordered desegregation plans. Others have been included in voluntarily-adopted integration plans. Still others did not necessarily have integration as a stated aim but will likely be permissible under *Parents Involved* and, if combined with other strategies, might achieve racially diverse schools. It has been less than a decade since local educators who desired voluntary integration began to consider alternatives to race-conscious student assignment plans. This might be why there is so little research available on several strategies explored here.

One permissible strategy under *Parents Involved* is to use a student's individual race in a manner similar to that permitted under the *Grutter* decision of 2003. Such an approach would include a student's race and/or ethnicity as one element of a multifactor index that is used as admissions criteria for a magnet school or as the basis for making school assignments in a so-called managed choice system. These strategies would likely be constitutional so long as a student's race is not the determining factor in school assignments. It is not clear that any school or district has, until now, implemented such an approach or even what the specific mechanisms for such an approach would be in order to make it appropriate for younger students.

Berkeley Unified School District uses a plan that manages parents' choices for elementary schools using several factors to assign "planning areas" (4-8 neighborhood blocks) a so-called "diversity number or index." The diversity index has a value of between 1 and 3. The index is calculated by equally weighting the percentage of students of color, the parental income level, and the parental education level. Berkeley also stipulates several categories in which a student has preferential consideration for transfer (e.g., a sibling at school, etc). This plan has been upheld as constitutional under California's Proposition 209, which forbids preference based on an individual's race/ethnicity (*Avila v. Berkeley Unified School District, 2004*).

One of the race-conscious suggestions in Justice Kennedy's opinion was to draw boundary lines to maximize diversity in schools. Some student assignment plans, including that of Omaha, Nebraska, divide large districts into zones. Educators permit students who live within such zones preferential treatment in choosing schools in that area. (One component of

Louisville’s plan that was not deemed unconstitutional was educators’ creation of similarly conceived “resides zones.”) Such zones are usually designed in a way that provides equal distribution of students of each racial group across zones. An earlier study suggested that such zoning might cause parents to relocate to another zone where they deemed the racial composition more desirable (Rossell & Ross, 1979 cited in Hawley et al, 1983). Thus, even if zones were racially balanced initially, the theory is that their existence might destabilize the district.

Siting schools in areas that would naturally draw a diverse student body was another race-conscious suggestion in Kennedy’s opinion. Charlotte, North Carolina, for example, requires its school board to consider the socioeconomic diversity of nearby housing and the availability of public transit lines in decisions about where to build schools. These criteria could conceivably include consideration of neighborhood racial compositions.

Despite some evidence to the contrary,³ it is conceivable that a plan based on geographical considerations might achieve racial diversity. Acknowledging the reciprocal link between housing and schooling segregation patterns is crucial to designing stable plans: that is, school segregation is both caused by—and causes—residential segregation. Further, because such plans consider the racial composition of a neighborhood, and not the race of an individual student, they are likely to pass muster under *Parents Involved*. It is possible that such considerations of geography are not even formal policy given the need to craft plans unique to each district. For example, Capistrano Unified School District in California is allowed to consider race when drawing school boundaries, even though such considerations are not formally mentioned as school district policy. In several communities, school districts provided an exemption from busing as an incentive for desegregated residential areas (Orfield, 1981). However, evidence also demonstrates that under certain circumstances, including the pairing of adjoining neighborhoods that contain different demographic makeups, that drawing school boundary lines might destabilize pockets of racial integration within districts. One of the difficulties of such plans is that many of the organically diverse areas are on the border of a predominantly minority central city and an overwhelmingly white suburban area. Thus, the students who live in such areas might also be viewed as potential participants in a desegregation plan with a more isolated city or suburban area and not be permitted to remain in their neighborhoods. These plans should be based not only on demographics at the time of the plan’s implementation but also take account of demographic projections in every part of the district over several years. Planners also need to be aware of differential birth rates by race/ethnicity in addition to immigration trends in the region. (Hawley et al., 1983).

Race-neutral alternatives to creating racially diverse schools received significant media attention after *Parents Involved*. This section considers evidence about their efficacy.

Multifactor approaches. After the passage of Proposition 209, and while still subject to a desegregation consent decree, San Francisco adopted a multifactor, race-neutral diversity index to manage the choices students made under an assignment plan. The index accounted for: 1) socioeconomic status; 2) academic achievement; 3) English-language learner status; 4) mother’s

³ Most geography-based plans discussed below are race-neutral—colorblind—and thus, not only do not have integration as a goal, but more likely than not, do not attain racial integration.

educational background; 5) academic performance at prior school; 6) home language; and 7) geographic location.

Despite this multifactor approach, a judge ordered abandonment of the index, concluding from the court monitor's report that use of the index may have even exacerbated school segregation in the district (see Biegel, 2005). While this approach failed in San Francisco, it still may be successful in a community with different demographics, where for example racial status is highly correlated with one or more of the other factors, and/or in a system of approximately equal schools, thereby making most, if not all schools "desirable."

Similarly, the Kirwan Institute at Ohio State University recently constructed a model that involves the identification of "low educational opportunity" neighborhoods. Kirwan constructs its models of Louisville and Seattle, specifically, with publicly available Census data of the entire population and U.S. Department of Education data regarding the concentration of student poverty in schools. The factors included in their analysis include: median income, median home value, poverty, educational attainment for adults (associate degree or higher), child poverty, and school poverty. Using these factors, they identify neighborhoods of "low educational opportunity" according to the characteristics of neighborhood residents. The Institute suggests that districts could use this information to draw school boundaries in a way to ensure that students from low educational opportunity neighborhoods are spread across schools in the district. At this stage, the Kirwan analysis is theoretical and has not been implemented. One matter to consider is exactly how the multifactor approach to student assignment would be used. Kirwan's report is less explicit about what to do once such neighborhoods of educational disadvantage are identified. As suggested, it could be employed as part of a systemic approach to assign all students to schools or, in a more limited manner, to give students from such neighborhoods preference in transfer requests.

Socioeconomic (SES) approaches: Aside from LaCrosse, Wisconsin, the use of socioeconomic-based approaches for desegregating schools has been relatively recent. Again, there is limited social science evidence about their efficacy in creating racially diverse schools. Advocates of socioeconomic integration tout this strategy as a politically—and judicially—viable alternative to using race to assign students to schools. (Kahlenberg, 2007). Some of the 40 districts discussed here use SES and additional factors besides SES (as in Berkeley, San Francisco, Charlotte) to assign students. For example, they may employ SES in prioritizing students' transfer requests. Many of the other commonly cited districts that use socioeconomic status to assign students (e.g., Department of Education, 2004) are relatively small and enroll a large share of white students. This raises the question of whether or not such plans would achieve racial diversity in larger districts with smaller shares of white students.⁴

Analysis of five districts that use SES-based plans and have been endorsed by the U.S. Department of Education as successful race-neutral alternatives, in fact, shows that in two

⁴ However, the recent report by the leading advocate of socioeconomic integration, Richard Kahlenberg, notes several districts with few white students that are using such approaches (Miami-Dade, selected New York City community districts), which suggests that in districts where the loss of white students makes racial integration an unlikely prospect, SES policies might help to limit concentrations of poverty that are too often found in schools that are overwhelmingly comprised of students of color (see Orfield & Lee, 2006).

districts, schools resegregated after implementation of the plan. In three districts, racial isolation actually *increased* (Brief of the ACLU, 2006).⁵ A separate statistical analysis suggests that, because of the racial distribution of poor and middle-class or wealthy students, SES-based student assignment plans would be unlikely to produce racial diversity in most of the nation's largest school districts. This is true, the analysis says, particularly if socioeconomic status were measured only by students' free-lunch eligibility (Reardon, Yun, and Kurlaender, 2006).

The largest district that uses a student assignment plan based on students' socio-economic status, Wake County (Raleigh), North Carolina, filed a brief with the Court last fall explaining that though racial integration has been a by-product of their SES plan, this is due not to the plan per se, but to the particular and uncommon demographics in the Raleigh area. Specifically, in Wake County, 88 percent of poor families are black while 12 percent are white. Since the district's plan attempts to spread poor students evenly through the district, this means that nine of ten times they assign a poor student, that student is also a black student. Wake County also has a cap on low-achieving students assigned to any given school. Racial segregation rose slightly in after implementation of the socioeconomic plan (Flinspach & Banks, 2005) but since then, the district has remained relatively desegregated.

Cambridge, Massachusetts is another district which, like Wake County, switched from a race-based integration plan—in this case, controlled choice in which a student's race was considered in deciding whether to grant a choice—to a race-neutral controlled choice plan. Cambridge's policy formally retains a number of diversity factors, but in practice, family socioeconomic status is used to ensure that each school is within 10 percent of the district's overall socioeconomic composition.⁶ Additionally, students are given preference if they have siblings in a school and if they live nearby. Race and gender are retained as factors in case of racial or gender imbalance, but in the six years that the plan has been in effect, race has not been used, despite racial imbalance within the district. The white percentage of five out of the eleven K-8 schools in Cambridge is more than fifteen percentage points from the district's overall percentage of white students.⁷ In two schools, more than 50 percent of the students are white. In three other schools, the enrollment is less than 20 percent white (calculations from NCES data, 2004-05). Earlier research suggests that just one out of Cambridge's then-fifteen schools would be balanced under an assignment policy based solely on neighborhood residence (Willie and Alves, 1996).

Other districts, such as Charlotte-Mecklenburg, give preference to low-income students when such a transfer would improve the socioeconomic diversity. In other words, preference is given to students if they are transferring from a school with a higher concentration of poor students to a school that has lower than the system's average of poor students.

The research seems to suggest that an approach using *only* socio-economic status to determine preference in transfer requests may be limited in its ability to create a larger system of

⁵ It should be noted that racial integration may not necessarily be the aim of these policies, and this discussion does not consider whether they are effective in creating economically diverse schools. Instead, this discussion evaluates whether they are successful strategies to create and maintain racially integrated schools.

⁶ Cambridge, MA's superintendent has also noted that their SES-system is not replicable (Jan, July 23, 2007).

⁷ There is also a dual-immersion Spanish-language K-8 school in Cambridge, which is exempted from diversity guidelines due to the unique educational focus of this school.

desegregated schools. This is because it would, require: 1) availability of space in low-poverty schools; 2) equal levels of knowledge about the district policy among eligible families 3) information about alternative schools for those eligible to transfer; 4) that transferring students feel welcome in schools in potentially distant neighborhoods that may predominantly serve higher-status families; and 5) transportation to other schools. (Fuller, Elmore and Orfield, 1996; e. as. 2000; see also Goodwin et al,2006).

Choice-based approach. Most plans explored here incorporate some form of family choice into student assignments. Sociological theory and evidence from the implementation of choice-based student assignment plans suggest that choice plans often lead to further stratification by race/ethnicity—*not* racial integration (Saporito and Sohoni, 2006; Saporito, 2003). One reason is that because of racially segregated social networks, not everyone is knowledgeable about available choice options (Fuller and Elmore, 1996). Further, if transportation is not provided to all schools, socioeconomic factors may make it impossible for families living in the city to transport their children to suburban schools. This is particularly true if parents work one or more jobs. A second reason is the segregative nature of choice requests: a study of San Diego’s different choice programs found the applicants who applied were choosing schools with higher white percentages (Betts, et al., 2006). Thus, ensuring that schools are attractive to applicants of all races/ethnicities on a similar basis (e.g., through surveying applicants to understand why they make school choices and making changes to schools accordingly) might help achieve diversity.

While it was still under court order, the Charlotte-Mecklenburg school district used a systematic race-conscious student assignment plan that resulted in thorough desegregation across the district. In the early 1990s, it was replaced with a system in which about half the schools were converted to magnets. This resulted in an increase of segregation within the district (Mickelson, 2001). Furthermore, none of the promised improvement in academic outcomes materialized (Smith & Mickelson). Once declared unitary in 2002, Charlotte’s race-neutral approach to student assignment was coupled with targeting more resources to predominantly minority schools. This strategy, too, was unsuccessful in closing the achievement gaps for their black and Latino students (Mickelson, 2003). Neither did these approaches address the underlying problem of racial segregation. Further, when the district adopted the choice-based plan in 2002, educators discovered a high demand for schools in white neighborhoods. Given the policy’s preference for allowing students to attend school in their neighborhood, these schools became largely inaccessible to children of color (Goodwin, et al., 2006). Charlotte failed to provide transportation for students who wanted to attend schools outside their zone’s designated schools.

The No Child Left Behind Act includes a provision that allows students in chronically low-performing schools to transfer out of these schools. However, only 1.6 percent of eligible students have used this option in recent years (Center for Education Policy, 2006; Sunderman, Kim, and Orfield, 2005). As the provision stands, students must choose a school within their district unless schools outside the district have agreed to accept transfers. According to a new Department of Education analysis of nine urban districts, students using the NCLB choice provision generally transferred to more racially balanced schools—though this is at least partially

due to the fact that schools designated as “in need of improvement” tend to disproportionately have high concentrations of minority students.⁸

Originally, local educators used magnet schools as part of a court-ordered remedy usually with a curricular theme and racial guidelines that ensured that the school’s enrollment would be diverse. Usually, transportation was guaranteed. These schools were often popular among parents (Steele & Blank, 1994). More recently, however, the U.S. Department of Education requires that recipients of federal funding under the Magnet School Assistance Program (MSAP) use race-neutral admissions criteria for magnet schools. The Department’s own review of the program concluded that in almost half of the nearly 300 schools receiving MSAP desegregation funding, the percentage of students in predominantly minority schools *increased* or did not change. Another 35 percent of schools had minimal reduction of students in predominantly minority schools. The report concluded that “limitations placed on the use of race as a factor in selection of students” is a “potentially important factor” that may “help explain why more than 40 percent of desegregation-targeted schools were not successful in making progress on their desegregation objective” (IV-11). Further, an analysis of the impact of race-neutral magnet schools on a district’s overall racial segregation found that more than half of the districts that were MSAP recipients -- 35 out of 57 -- had more students in 90-100% minority schools than they did before they received the grant (Brief of the ACLU, 2006). This evidence suggests that race-neutral magnet schools may not be effective in creating racially diverse schools and can even exacerbate district-wide racial isolation (see also Hawley et al, 1983, pp. 30-31).

Geographically-based approaches. Plans in most districts, whether race-conscious or race-neutral, have at least some geographic component. Under a choice plan, students’ proximity to a school may give them some preference over more distant students. Plans like that of Cambridge, while most prominently weighting a student’s socioeconomic status, do provide preference for students who choose one of their two “proximity” schools.

High levels of residential segregation are exactly why many educators have come to see voluntary integration policy as necessary. Segregation by race is much more widespread and entrenched than segregation by income *within* a racial group. Studies have long found that while current demographic patterns stem from a combination of factors, segregation is a result, at least in part, of past governmental policies and discrimination in the housing market.⁹ Congress passed the Fair Housing Act almost 40 years ago. However, the fragmented nature of the housing market makes the Act unable to remedy existing patterns of segregation. Seemingly race-neutral policies, such as those determining where public housing will be built and what areas will be zoned for what uses, still have a substantial effect in reinforcing and perpetuating such patterns. This generally means that in residentially segregated areas, neighborhood schools will also be segregated schools.

⁸ In six out of seven districts, white students (N=347) moved to schools with a higher white percentage (average change in racial composition for all students was from a 28% white school to 45% white school); in six of nine districts, black students (N=2,051) moved to schools with a lower black percentage (average change was from a 69% black school to a 52% black school); and in six of seven districts, Latino students (N=1,092) moved to schools with a lower Hispanic percentage (64% Latino to 51% Latino, on average). See Zimmer et al, 2007.

⁹ Such policies included FHA and VA mortgage programs, racial covenants, block busting, racial steering, and discriminatory public housing policies.

After a federal court in 1995 released Denver from its court order educators returned to a neighborhood school system. Within six years, there was an overall decline in the percentage of white students but the number of racially isolated white schools actually increased. Overall, the number of racially isolated schools increased drastically (Lee, 2006).

In 1985, the school district in Norfolk, Virginia became one of the first to dismantle its court-ordered desegregation plan after being declared unitary by a federal court. The local school board based its decision to dismantle desegregation on court testimony from social scientists who concluded that the city's neighborhoods were integrated enough to create integrated schools and that ending mandatory desegregation would trigger a return of white students to the school district. However, the predictions did not come true. In the first year after desegregation in Norfolk, there were ten nearly all black elementary schools and three white elementary schools. While the district retained a majority-to-minority transfer option for black students, it was rarely used (Orfield & Eaton, 1996, chapter 4) and was not advertised. By 2003, only 26 percent of the students in Norfolk's public schools were white, demonstrating that there was no white return to the city and that white flight continued (Orfield & Lee, 2006).

Political Considerations. Districts that have voluntarily adopted race-conscious integration plans are generally committed to overcoming the historical racial segregation and inequality in their communities. There is not likely in these districts to be the same understanding or commitment to diversifying by socio-economic status or geography, or perhaps even the same moral imperative. Officials from a handful of overwhelmingly white suburban districts outside of Boston, for example, have questioned whether they would continue participating in a city-suburban desegregation program if it included white students since one of the reasons for participation is the program's ability to racially diversify the suburban schools. The coordinator of the program in one suburban district commented, "We don't need more white children... Not that they're not deserving of a quality education, but it's not desegregation" (Boston Globe, 7/26/07).

While Justice Kennedy does allow for race-conscious approaches to integrate schools, the possibilities he outlines are limited¹⁰. Less-systemic piecemeal approaches to desegregating schools across districts, such as using race or other factors to decide whether to grant transfer requests, can lead to instability and white flight (see also Kahlenberg, 2007). Further, under a choice-based system, parents may decide to send their children to schools where they imagine they will feel most comfortable. Analogous to studies of racial housing preferences, this could be partially driven by the fact that many people are anxious about interacting with people from other groups, but the level at which they will "tolerate" racial diversity varies (Holme, 2002; Charles, 2005). Thus, a system with relatively small differences in racial composition among schools may find these differences exacerbated over time as families perceive the racial composition of schools to be places where their children will not be comfortable.

¹⁰ "School boards may pursue... through other means, including strategic site selection of new schools; drawing attendance zones with general recognition of the demographics of neighborhoods; allocating resources for special programs; recruiting students and faculty in a targeted fashion; and tracking enrollments, performance, and other statistics by race" (127 S.Ct. 2738, 2792 (2007)).

What is possible beyond the school district lines? The 1974 *Milliken* decision made it difficult to create desegregation plans across district boundary lines. As predicted by Justice Thurgood Marshall in his dissent in that case, metropolitan areas across the country are divided into black and Latino central cities and white suburbs. Thus, school segregation *between* districts remains high (Clotfelter, 1998; Rivkin, 1994) and in many districts, integration plans whether race-conscious or race-neutral will have limited effect in creating racial integration within district boundaries alone (Reardon et al, 2006). A comparison of the racial integration in both districts with various types of desegregation plans and districts with no desegregation plan found that the districts with the most comprehensive plan (e.g., city-suburban busing and magnet programs) had the most stable black-white integration (Frankenberg and Lee, 2002). Further, districts with no desegregation plan were just as likely to experience a loss of white students as those with partial desegregation plans.

This section reviews strategies that encompass more than one district. Since these strategies are employed infrequently, there is also less research about them. Interdistrict policies may sometimes be considered politically undesirable, particularly where town boundaries or notions of “local control” are entrenched. But they may offer integration opportunities that might not otherwise be available and provide promising approaches. Most examples of interdistrict magnet schools have been put in place as part of a court-ordered desegregation remedy. It is important to note that some of these policies may have to be altered in order to comply with *Parents Involved* (i.e., to expand consideration of race to also include new eligibility criteria such as zip code of residence or socioeconomic status.) Many of the programs discussed below, such as METCO, have long enjoyed political support and crossed lines of race and class in metropolitan areas.

Using NCLB to Create Interdistrict Transfers. Similar to some of the strategies discussed above that, for example, NCLB’s transfer provision could be invoked to allow students in schools judged to be low-performing to transfer across district boundaries. According to one analysis, only 8 percent of districts’ students who were eligible to transfer had the opportunity to transfer across district boundaries (Center for Educational Policy, 2006). To ensure that this choice can be utilized effectively, districts should be required to take students provided that there is space available, that free transportation is provided, and that states pay suburban districts for any extra costs incurred.

Interdistrict magnet schools. Maggie Walker Governor’s School, in Richmond, Virginia is an interdistrict magnet school that accepts applications from students in eleven surrounding districts. The admissions criteria are academically selective,¹¹ but administrators allot a certain number of spaces for each participating district. Although the school is disproportionately white in comparison to the metropolitan area, it provides an opportunity for selected students to experience a more diverse educational opportunity than would have been available in either the overwhelmingly white suburban districts or the racially isolated Richmond city district. Further,

¹¹ For specifics, see <http://www.gsgis.k12.va.us/admissions/index.html>.

the school is currently in the process of evaluating its admissions criteria to determine why black applicants are not selected at a rate similar to other students.

Interdistrict magnet schools are one of the remedies that Connecticut adopted in response to a state Supreme Court ruling ordering the desegregation of schools in the Hartford region. Students are chosen from a lottery of applicants from both Hartford and suburban districts with preference given to siblings of students already attending the school. In the 2006-07 school year, 7,000 students attended the magnets, but only 9 out of 20 schools were within the broad racial guidelines set by the settlement agreement. The schools enrolled 973 Hartford students of color.¹² It seems that 40 percent of all minority students in the magnets are from suburbs. Given the lower rates of participation among white suburban students, many of the magnets are heavily minority. The most difficult to integrate have been the schools operated by the Hartford public schools. Further, it should be noted that interdistrict magnet schools, like intradistrict magnet schools, may create integrated schooling experiences for students attending such schools, but are unlikely to affect overall integration levels within a system.

Kansas City's desegregation remedy was remarkable for the amount of money (\$1.5 billion) spent to create a system of magnet schools (half of all elementary schools and all middle and high schools in the district). The theory was that the schools would be so attractive they would lure surrounding suburban families into the city thereby creating desegregated schools. While the racial distribution of students in Kansas City was more even after the implementation of the magnet schools, the white percentage of students being educated in the district declined slightly from 1986 to 1992 (Morantz, 1995). District officials argued, however, that white declines were steeper elsewhere; further, there was a retention rate of 66% of white suburban transfers. In the late 1990s, the state phased out its funding for the magnet school program following the 1995 *Missouri v. Jenkins* Supreme Court ruling that said desegregation orders should be viewed as temporary rather than indefinite. As funding dried up and the district was released from court supervision in 2003, the exposure of black students to whites fell sharply (Orfield & Lee, 2004).

City-Suburban Transfer Programs. St. Louis, like Hartford, operates two-way interdistrict programs: a city-suburban transfer program and interdistrict magnets. St. Louis has long operated the nation's largest interdistrict desegregation program, originally implemented in the early 1980s under court order and continued under voluntary terms since 1999. Recently, the participating districts extended the program through at least 2013-14. At its peak, nearly half of St. Louis children were participating in one of the interdistrict programs (Heaney and Uchitelle, 2004). Unlike Kansas City and Hartford, St. Louis suburban districts were required to participate and to accept enough St. Louis students to meet specific desegregation targets. The state initially bore the costs of the program but since 1999 programs have been funded through a voter-approved tax increase.

¹² More students are counted towards the settlement because of a three year grace period to achieve compliance with racial composition guidelines (the school must have a minority percentage of no more than 30 percentage points above the minority share of the entire region; in the school year 2006-07 this meant a school that was 74% or less minority). Source: Dougherty et al, 2007.

METCO is a city-suburban desegregation program begun in Greater Boston in the 1960s, prior to the tumultuous desegregation of the Boston school system. Annually, about 3,300 students and 38 suburban districts participate. The program is funded through a Massachusetts law that provides funding for initiatives that reduce racial imbalance statewide. The program is popular among Boston families, demonstrated by a waiting list that is more than 10,000 students long. Research on the program finds that METCO students perform at rates similar to their suburban peers: 87 percent of METCO students attend college vs. 90 percent of their suburban peers and 100 percent of METCO students in the Class of 2004 passed the English & Math MCAS (compared to only 75 percent of Boston Public School students).¹³ Although parents reportedly value the interracial experiences of their children as a result of program participation, the most important reason cited for participation is the academic quality of the suburban schools (Orfield et al., 1997). In one qualitative study, alumni reported that they would participate in the program if they had to choose again (Eaton, 2001) and, in fact, many children of METCO students participate themselves. Over more than 40 years, METCO has won widespread political support and popularity among educators in suburban districts.

Minneapolis offers a promising race-neutral interdistrict model. Unlike other interdistrict programs, student eligibility is based on family socioeconomic status, not race. The program, called “The Choice Is Yours” began in 2001-02 with 472 students as part of a consent decree in response to a city-suburban segregation lawsuit. By 2006-07, nearly 2,000 students were participating. Eligibility for the program is based on a student’s low-income status and a lottery assigns students to schools based on the choices they submit. Students usually receive either their first or second choice school. Current efforts include giving participating families priority for low-income housing in the suburban districts in an effort to reduce housing segregation (M. Orfield, 2006). While the program is still trying to gain recognition and more widespread use—since most students come from families living in northern Minneapolis—suburban districts, in general, have become more diverse since most of the students participating are students of color (IRP, 2006).

Comparison of city-suburban desegregation programs¹⁴

	Boston	Minneapolis	St. Louis	Hartford
Number of participating students	3,300	1,977	8,800	1,070
Participating	38	10	15	27

¹³ This research, and other information, is part of an annual data collection and analysis by METCO Inc. Available at http://www.metcoinc.org/METCO_Policy_Initiatives_Updated_1-19-07.pdf.

¹⁴ See also Zoffer and Palmer, 2005.

suburban districts				
Funding per student	\$3700	Per-pupil allotment	Per-pupil allotment (\$6,430)	\$2000
Year Began	1966	2001	1983	1966
Magnet schools/ Intra-city choice option	No	Yes	Yes	Yes
Transportation	Operated by METCO Inc. or provider chosen by district; reimbursed by state	Reimbursed through state desegregation aid; districts provide supplemental funding after-school, in summer, for parents	Operated by state; geocoded area to make transportation more efficient	Operated by CREC; funded by state
Support services provided by service provider	Yes (METCO Inc.)	Yes (WMEP)	Yes (VICC)	Yes (CREC)
Support services in suburban districts	METCO Director employed by each suburban district	Some districts have parent liaison or support staff for city students	Teacher exchange Specially-designed curriculum materials	On an as-needed basis

Publicity	Annual Lobby Day at State Legislature; coordinated with parents, alumni, suburban supporters	School choice videos distributed; paid advertising on radio, TV, billboards, newspapers; parent information centers	Mail brochure with information about participating districts and application to every St. Louis family	Limited advertising a few years ago by CREC
Research on program	Through annual survey of districts	Done annually by Aspen Associates	Former annual reports by court monitor	Most research is several decades old

Adapted from Frankenberg (2007).

District consolidation. During the 20th century, the overall number of school districts declined as states came to see that consolidating districts would be more efficient (Orfield, 2001). Southern states have generally had larger districts, often operating on a countywide basis. North Carolina policy, for example, encourages district consolidation, and has just more than 100 school districts for 1.4 million students; Florida, meanwhile, has 67 districts that enroll 2.7 million students. By contrast, Michigan and New Jersey each have over 500 school districts, while each state educates less than 1.5 million students (Tilove, 2005).¹⁵

Raleigh and Charlotte in North Carolina had consolidated with other districts in the county prior to desegregation. Under pressure from federal judges, Louisville consolidated with surrounding Jefferson County, Kentucky. In Jefferson County, the newly merged district in 1975 became 81 percent white as it incorporated a municipal Louisville system that was only 50 percent white, a second small district (Anchorage Independent), and the overwhelmingly white suburban Jefferson County (Jordan and Dale, 1980). Several decades ago, some school districts, such as Nashville, consolidated specifically for the purpose of racial integration. More recently, local district officials consolidated for purposes other than desegregation, such as for financial efficiency (e.g., Chattanooga and Knoxville, Tennessee). Several of these districts have enjoyed

¹⁵ Student enrollment data taken from NCES Common Core of Data, 2005-06.

decades of stable integration, which would have been unlikely to occur if the city and suburban districts had remained separated.

Delaware offers an interesting example of consolidation. A court found the state liable for reinforcing segregation across metropolitan Wilmington and ordered officials to consolidate all thirteen districts in New Castle County (*Evans v. Buchanan*). The district was subsequently divided into four pie-shaped districts containing parts of both the city and suburban areas. The districts were under court order until 1996. During this period, Delaware became one of the states with the highest levels of desegregation for black students (Orfield & Lee, 2004).

Housing Integration Strategies. Some communities have also recognized the importance of partnering with housing officials to sustain and enhance their school desegregation efforts. Ultimately, if housing integration efforts are successful, this would diminish the need for school-based policies. A common suggestion regarding the partnerships between housing and school plan efforts is the need to alter existing government housing programs so that racial integration is an outcome. Some of the programs and policies outlined below were implemented on a small scale—or at this point represent promising suggestions. One identified policy is improved counseling for prospective renters or buyers that would better inform them about housing choices that would reduce residential segregation. An oft-cited example is “directed counseling” by the Kentucky Human Rights Commission. Under this program, a staff member drove black Section 8 recipients to areas with a relatively higher percentage of white residents. This practice more evenly spread black recipients throughout the metropolitan region (Orfield & Eaton, 1996). Ohio, Washington, and Wisconsin provide low-cost mortgage financing for residents who make moves that contribute to integration. Seattle provided \$2,000 tax credits to low or moderate-income home buyers—a practice which the school superintendent at the time noted could pay for itself by eliminating the costs of busing those children elsewhere (Orfield & Eaton, 1996).

A second prominent suggestion is requiring that new housing, including affordable housing (which seeks to create economically diverse communities), be integrated by race. For example, the Low-Income Housing Tax Credit is the federal government’s largest program providing housing opportunities for low-income families. However, research shows that, as administered, the program concentrates affordable housing in poor, inner-city neighborhoods and schools (Freeman, 2004). One positive change would be to require that a share of low-income units be built in low poverty neighborhoods. This would ensure that the government does not subsidize housing that exacerbates racial segregation and concentrated poverty. A number of states such as New Jersey, Massachusetts, Pennsylvania, Connecticut, and Montgomery County, Maryland require scattered-site affordable housing, or the building of low or moderate-cost housing in communities to avoid concentration of below-market cost housing. These laws or court remedies have produced thousands of units in suburban areas which, if combined with counseling for minority residents about such opportunities, could lead to more racially integrated communities.

Research documents the positive effects of the *Gautreaux* program in Chicago. Under this program, counseling and housing subsidies provide low-income families access to well-functioning, desegregated schools in low-poverty, predominantly white suburban neighborhoods.

Begun in the mid-1970s in response to a Supreme Court decision, by 1998 Gautreaux had placed 25,000 African-American residents of public housing in distant suburban communities as a way to deconcentrate the poverty and reduce racial segregation in Chicago exacerbated by densely populated public housing (see generally, Polikoff, 2006). Families were randomly assigned to housing units and provided counseling to assist in their adjustment to the suburbs. Thousands of low-income black families participated in relocating to predominantly white suburban Chicago communities. After nearly two decades, 70 percent of them remain in suburbia (Rosenbaum, DeLuca, and Tuck, 2005). Despite initial hesitation about moving to such a different environment, families and students succeeded in their new schools (Rosenbaum, 1993).

Other efforts include partnerships between school officials, housing developers and planners. For example, in some suburban communities planning new developments, school boards promised to build a new school if a portion of new units went to residents of color (Orfield & Eaton, 1996). Charlotte-Mecklenburg, for instance, has long worked with housing officials to ensure that new schools or new affordable or public housing will not impede desegregation efforts.¹⁶

Finally, Minneapolis, which has both intra- and inter-district school transfer programs, connects participating families with low-cost housing in the suburban communities where their children attend schools. This option is particularly promising since these parents already have a significant connection to the community through their child's school.

¹⁶ According to a 2001 Board Resolution, "The Board shall also seek the cooperation of the Board of County Commissioners and the Charlotte City Council in promoting the growth and dispersion of affordable housing throughout Mecklenburg County and in expanding public transit serving houses, apartments and schools. In choosing sites for future construction of schools, the Board shall consider, in addition to other criteria in no prescribed order of priority, the socioeconomic diversity of nearby housing and the availability of public transit lines to serve the schools. In particular, to enhance the likelihood of reducing socioeconomic segregation and racial isolation in schools, the Board shall work with the Commissioners and Council Members to encourage the implementation of an affordable housing initiative in conjunction with the ten-year Capital Improvement Plan." Available at <http://www.cms.k12.nc.us/studentAssignment07-08/plan/boardresolution2001.asp>.

IV: Other Variables to Consider in Making Diversity Work

A National Institute of Education (NIE) panel of desegregation experts in the early 1980s pointed to several necessary components of a desegregation plan. The NIE experts stressed that for desegregation to be effective, educators must:

- constantly gather and analyze data
- partner with housing officials
- involve parents and the wider community
- include teacher & principal professional development in creating healthy diverse environments
- make organizational changes within desegregated schools such as inclusive curriculum and instructional techniques, and encouragement of extracurricular activities that encourage diversity
- create a shared vision embracing diversity
- enact policies that fairly arbitrate school rules and avoid perceived racial inequality or discrimination (Hawley et al., 1983; Hawley, 2007)
- carefully and equally disseminate information about available choices in accessible language at a variety of venues and in a variety of forms
- provide transportation

In light of the judicial skepticism towards any use of race—and the concern that even non-racial measures may be viewed as a proxy for race and deemed illegal-- gathering and analyzing data so as to become and remain aware of changing demographics is more important than ever. As discussed, demographics in a district are important to consider when deciding what type of plan will be most effective in creating diverse schools. Wake County, North Carolina's demographics, for example, are one reason why the socio-economic-based plan maintains racial integration there but might not work in other types of districts.¹⁷ Demographic changes may not be immediately apparent by looking at the overall population of a school at only one point in time. Examining the demographics of the lowest grade in a school will help project trends and help administrators adjust policies accordingly before schools become racially isolated. Data help educate community members as to why desegregation plans are needed in the first place. Relative stability in assignments also helps parents to know what to expect in terms of their child's school assignment and will likely lead to greater support for the district's policy and create stability in residential patterns. Continually demonstrating to the public the success of the plan and honestly assessing areas in need of improvement might also contribute to parental and community support.

Given the overwhelming percentage of white teachers (85 percent of the teaching force in public schools) and the fact that many of these teachers grew up in white, middle-class environments, teachers need professional development to ensure that they fairly and effectively reach all students in their classrooms. School districts and teacher preparation institutions have important roles in educating teachers for the nation's increasingly multiracial student population.

¹⁷ Doubtlessly, they were also aided by the prior voluntary racial integration plan that was in place for several decades prior to the adoption of the current SES-based plan.

Just as important, school and district leaders must vigilantly assess data to ensure that racial/ethnic segregation or inequality does not occur within schools and that all groups are accorded equal status and respect (see generally, Frankenberg & Orfield, 2007).

As Justice Thomas noted in his concurring opinion in *Parents Involved*, studies demonstrate that even in some schools that were diverse at the school level, students were often not exposed to students of other races/ethnicities because of segregation that occurs within schools. For example, tracking is a method of assigning students to classes based on perceived academic ability or achievement, which often sorts students—unintentionally—by race (Oakes, 2004). Detracking is an approach to eliminate these segregating mechanisms by creating heterogeneously-grouped classes. A case study of a district in New York that detracked its curriculum by offering college-preparatory classes to all students, demonstrated that many of the above points about data collection, analysis, and community buy-in also are relevant to policy changes within school(s) (Burriss & Welner, 2007). Educators also found that detracking helped to close the racial achievement gap. Research in this area is important both in terms of demonstrating a comprehensive, systemic approach to diversity and because of voluminous research supporting the benefits that come when schools are structured according to the conditions of Allport's intergroup contact theory.

V: Conclusion

Available research on permissible options demonstrates that race-neutral alternatives have been far less effective than race-conscious ones. This is not to imply that districts should not consider alternatives; partially, this conclusion is a reflection of the lack of research on available alternatives. In many cases, too, adopting policies that are actively trying to create integrated schools—even if not completely successful in fully desegregating all district schools by race—may be more effective than trying to do nothing at all, at least until we learn more about what works in different contexts. In fact, a number of examples of policies portray “works in progress” as districts continue to try to understand what motivates families’ choices or how to make particular schools attractive to more families. This information can help ensure that policies intended to create diverse schools do not unintentionally result in racially isolated schools.

This discussion also makes clear that the need to think about integration efforts outside of K-12 school districts is essential. If all the strategies school districts have been left with are partially successful plans, educators must collaborate with housing officials, regional planners and others in an effort to mitigate the well-established detrimental effects of racial and class stratification in American society.

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