

“A Time for Sight”

The Debate over Color Blindness and Race-Consciousness in School Integration Policy

Rationale: The purpose of this lesson is for students to examine the current debate over school integration within the broader context of the *Brown v. Board of Education* decision and 50th anniversary of the desegregation of Central High School in Little Rock, AK. Students first listen to an interview of a member of the Little Rock Nine to set the historical context and reflect on their personal beliefs about school integration. In small groups, students then analyze and discuss the 2007 U.S. Supreme Court decision on voluntary school integration plans, *Parents Involved in Community Schools v. Seattle School District* and *Meredith v. Jefferson County Board of Education*. Students apply their learning in a mock school board meeting, in which they role play a debate over the future of a district wide school choice plan promoting racial integration.

Objectives:

- Students will reflect on their beliefs and attitudes regarding school integration.
- Students will explore the connections between *Brown v. Board of Education*, the crisis at Little Rock and current struggles over school desegregation and integration.
- Students will analyze the 2007 U.S. Supreme Court decision on voluntary school integration.
- Students will consider the impact of the Supreme Court decision and current attitudes about school integration on the educational experiences of all students.

[National Standards](#) (.pdf format -35 KB - requires [Acrobat Reader](#))

Age Range: Grades 10-12

Requirements:

[Handouts](#): (.pdf format -35 KB - requires [Acrobat Reader](#))

- OPTIONAL: Understanding the Language of School Integration
- Quotes about School Integration
- Key Questions
- Case Study: Voluntary School Integration
- School Board Meeting: Voluntary School Choice Plan

Supporting Documents (on the Web):

- [Interview with Minnijean Brown Trickey](#) (audio clip from “Little Rock Marks Desegregation Anniversary,” July 12, 2007, National Public Radio)
- [Interview with Melba Pattillo Beals](#) (January 31, 1995, Scholastic.com)
- [Parsing the High Court’s Ruling on Race and Schools](#) (June 28, 2007, National Public Radio)
- OPTIONAL: [The School Plans at Issue](#) (June 28, 2007, SCOTUSBLOG)
- OPTIONAL: [Decision Summary](#) (NAACP Legal Defense and Education Fund)
- OPTIONAL: [State of Segregation](#) (The Civil Rights Project, UCLA)
- OPTIONAL: [Social Science Findings about School Integration](#) (The Civil Rights Project, UCLA)

Other Materials: chart paper, markers, Internet access (optional)

Time: Approximately 2 hours or 2-3 class periods

(Note: if time is limited, skip Part IV of the lesson)

Techniques and Skills: case study, connecting past to present, cooperative group work, critical thinking, debate, forming opinions, historical understanding, large and small group discussion, reading skills, research skills, role play, using the internet

Key Words: affirmative action, compelling, concurrence, de facto, de jure, demographic, desegregation, dissent, diversity, integration, majority, plurality, race-conscious, remedial, restrictive, scrutiny, segregation, standard, unconstitutional, unitary

Procedures

NOTES:

- This lesson presupposes that students have a basic understanding of *Brown v. Board of Education* and efforts toward school desegregation. If your students require more in-depth instruction on these topics, see the ADL curriculum unit, [Looking Back Reaching Forward: Exploring the Promise of Brown v. Board of Education in Contemporary Times](#).
 - Terms such as segregation, desegregation and integration are used frequently throughout this lesson. It is recommended that educators review the meanings of these terms with students so that they are used accurately and consistently. See [Understanding the Language of School Integration](#) for a listing of definitions.
 - During this lesson, students are challenged to explore and articulate their personal feelings about sensitive topics including segregation, discrimination, and the value of diverse school communities. Talking about themes related to diversity requires that students demonstrate maturity and compassion for others. It is recommended that educators use the guidelines in the ADL document, [Establishing a Safe Learning Environment](#), to set some ground rules for discussion.
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Part I: Historical Context (5-10 minutes)

1. Prior to the lesson, preview the audio [Interview with Minnijean Brown Trickey](#) and the transcript of the [Interview with Melba Pattillo Beals](#). Decide whether to use both or one of the interviews for this lesson.

NOTE: Trickey and Beals are both members of the “Little Rock Nine,” a group of African-American students who were initially prevented from attending Little Rock Central High School in Arkansas in early September 1957, but who were ultimately admitted later that month under the protection of the U.S. Army and subjected to a year of physical and verbal abuse by many of the white students.

2. The day before the lesson, assign students to either read the transcript of the interview with Melba Pattillo Beals or listen to the audio interview with Minnijean Brown Trickey for homework. Tell students that both women are members of the “Little Rock Nine” and ask for a volunteer to explain what that term refers to (or provide a brief explanation if no student is aware of the term). Ask students to be prepared on the next day to share what they know about Little Rock and the Supreme Court case, *Brown v. Board of Education*, and to pose any questions they have about these topics.

OPTIONAL: If students are unfamiliar with the terms commonly used in school integration discussions, have them review the handout [Understanding the Language of School Integration](#) as part of their homework assignment.

Part II: Personal Beliefs about School Integration (20-30 minutes)

3. Prior to the next class, write up some of the [Quotes about School Integration](#), each on a separate sheet of chart paper, and display them around the classroom. (Select enough quotes so that you can form small groups of four to six students for each quote.)
4. During the next class, ask for a few volunteers to share what they learned from the interview they read/heard for homework, what they know about Little Rock and its relationship to *Brown v. Board of Education* and to ask any questions they have as a result of the homework. Spend about 10 minutes on this discussion.
5. Tell students that you asked them to reflect on the events that occurred at Little Rock Central High School in 1957 in preparation for today’s lesson about an important Supreme Court case that also relates to school desegregation and integration, decided 50 years after the events in Little Rock. Ask students to bear in mind the experiences and perspectives of the “Little Rock Nine” as they consider this modern-day court case.

6. Tell students that before delving into the facts of the court case, they will be asked to reflect on their beliefs about school integration. Draw their attention to the quotes about school integration displayed around the classroom. Instruct students to walk silently around the room, read all of the quotes and then stand by the one that most resonates for them or that most reflects their opinion about school integration at the moment.

OPTIONAL: To keep small groups to a manageable size, tell students that there may not be more than five people gathered at any one quote, and to select their second choice if their first choice is already “full.”

7. When all students have selected a quote, instruct the members of each small group to discuss why they chose that particular quote, what it means to them and how they think it relates to the current debate in U.S. society about school integration. Allow 5-10 minutes for discussion.

OPTIONAL: If you feel it would not be safe or productive for students to physically stand next to a quote and publicly reveal their opinion on the issue of school integration, have them privately select a quote and do some individual reflective writing in response to the above discussion prompts.

Part III: Analyzing the 2007 Supreme Court Decision (40-50 minutes)

8. Tell students that you’d like them to delve deeper into the issue of integration, as it relates to today’s schools, by considering a very significant court case that was decided in June 2007. Write the name of the case on the board or a sheet of chart paper:

*Parents Involved in Community Schools v. Seattle School District
and Meredith v. Jefferson County Board of Education*

Ask students if they have heard of this case. Point out that it is actually two cases that were decided together by the U.S. Supreme Court because they both dealt with voluntary school integration plans (one in Seattle, WA and the other in Louisville, KY) that use race as a factor in student enrollment. Allow students to share what they already know about the case.

9. Have students get back into their small groups. Tell them that they will be receiving background information about the case and some questions for discussion. Instruct students to read over the materials and then discuss the *Key Questions*. After explaining the task, hand out the documents listed below. Allow about 30 minutes for this small group process.
 - [Parsing the High Court’s Ruling on Race and Schools](#)
 - [Key Questions](#) (either distribute or write questions on chart paper/board)
 - OPTIONAL: [The School Plans at Issue](#)
 - OPTIONAL: [Decision Summary](#)

NOTE: Decide which handouts and how many you will incorporate into this activity based on the ability level of your students. Depending upon time and student skill level, you may consider searching for more basic texts and assigning them for homework prior to the activity. It may also be necessary for you to provide a brief overview of the case for students, verbally summarizing the key points.

10. Reconvene the group and ask for volunteers to share highlights from the group discussions. Ask students if they agree with the majority, concurring or dissenting opinion in this case and why. Clarify any outstanding questions students may have about the decision and what it means for public schools around the U.S.

NOTE: In this case, the opinions of Justices Kennedy and Thomas were considered *concurring* opinions, which means that they agreed with the judgment of Chief Justice Roberts and the other justices representing the majority opinion, but not their reasoning, and therefore presented different rationales as the basis for their decisions. Justice Kennedy's concurrence was of particular importance because while he asserted that the Seattle and Louisville plans lacked adequate justifications for their specific racial classifications, he disagreed with the majority conclusion that the Constitution requires school districts to ignore de facto segregation in schooling and affirmed that a district may consider it a compelling interest to avoid racial isolation and achieve a diverse student population.

Part IV: Role Play—Voluntary School Choice (40-50 minutes)

NOTE: If you do not have time to implement Part IV, skip ahead to step #15 below to conclude this lesson.

11. Tell students that for homework they will prepare to participate in a role play that will allow them to apply their ideas about school integration to a real-life situation. Distribute copies of [Case Study: Voluntary School Integration](#) and [School Board Meeting: Voluntary School Choice Plan](#). Explain that this fictionalized case study of a community struggling over its school integration plan is based on actual events. Instruct students to read both handouts and to prepare comments for a mock school board meeting that will take place in class the next day. Tell students that they will be participating in the role play as themselves, so their comments should reflect their actual viewpoints.

OPTIONAL: You may also wish to share with students the following brief documents, which provide an overview of the extent to which schools are segregated nationally and what impact this has on the educational experience for all students.

- [State of Segregation](#)
 - [Social Science Findings about School Integration](#)
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12. The next day in class, set up the role play by telling students they have been invited to a school board meeting to discuss Greenfield School District's voluntary school choice plan. Point out that in light of the Supreme Court decision in *Parents Involved*, many community members are questioning the legitimacy of the program and that this forum will provide an opportunity to hear from all sides before a vote is taken on whether or not to continue with the plan.
13. After setting the stage, designate a spot at the front of the room that will serve as the podium and invite student volunteers up to make their case one at a time. After each speaker, allow members of the audience to respond or to ask clarifying questions before inviting the next speaker up.
14. To close the meeting, have students vote on whether or not the plan should be eliminated, continued as is or continued with changes. Debrief by asking students what surprised them about the class discussion and voting results and whether or not they changed their thinking as a result of this exercise.
15. To conclude the lesson, ask students to reflect back on the interview of Minnijean Brown Trickey or Melba Pattillo Beals that they read/heard. Remind students that you initially asked them to bear in mind the experiences and perspectives of the "Little Rock Nine" as they considered the modern-day debate over school integration. Ask students how they think those students who were involved in the early days of school integration might view the current case and debate over school integration. Ask students if they think that the current decision, in Chief Justice John Roberts' words, "is faithful to the heritage of *Brown*" or, in the words of dissenting Justices Stevens and Breyer, "rewrites the history of one of this court's most important decisions" and "undermines *Brown's* promise of integrated primary and secondary education."

UNDERSTANDING THE LANGUAGE OF SCHOOL INTEGRATION

When discussing racial equity in schools, there are several important and unique terms, such as integration and integration that may be unfamiliar or mean different things to different people. Because these terms are frequently used in such discussions, it is important to work from shared definitions. The following list includes these commonly used terms and their definitions, as defined by ADL.

Desegregation

Desegregation describes the efforts to eliminate *segregation* by removing laws or practices that require or encourage separation. *Desegregation* aims to reduce racial imbalances, usually by moving and mixing racial populations to end racial isolation. As it has played out in most U.S. educational settings, *desegregation* requires students of the non-dominant group (most often students of color) to assimilate into the school and culture of the dominant group (most often white) without changes in school structures to meet the needs of the new students. **NOTE:** It is important not to use the words *desegregation* and *integration* interchangeably, as the spirit of each term is markedly different.

Equality

Equality is the quality, fact, or state of being equal (not varying from one person or part to another).

Equity

Equity is the fairness or justice in dealings between persons.

Integration

Integration is the incorporation of individuals from different racial, ethnic, and socioeconomic groups as equals into a school. *Integration* moves beyond removing legal barriers and simply placing students of different backgrounds together. It addresses the racial hierarchies and prejudices that exist in school communities by reforming structures to be more inclusive and transforming the culture of the school. **NOTE:** It is important not to use the words *desegregation* and *integration* interchangeably, as the spirit of each term is markedly different.

Segregation

Segregation is the policy or practice of separating people of different race, class or ethnic group, as in separate educational facilities. *De facto* segregation occurs by fact, rather than by law; usually on the basis of socioeconomic factors, while *de jure* segregation occurs by law. **NOTE:** The term *segregation* should not be used to refer solely to the experiences of “minority” communities, as majority or dominant groups also bear the consequences of racial separation in U.S. society.

Resegregation

Resegregation traditionally refers to the growth of *segregation*, where schools have once experienced periods of *desegregation*. *Resegregation* can occur because of school districts abandoning or altering race conscious *desegregation* plans, either by choice or court order, as well as the result of segregated racial housing patterns or school district practices that reinforce *segregation*.

QUOTES ABOUT SCHOOL INTEGRATION

“What was wrong in 1954 cannot be right today...Because ‘our Constitution is colorblind, and neither knows nor tolerates classes among citizens’...race-based decision making is unconstitutional.”
—Supreme Court Justice Clarence Thomas, 2007

“The purpose of the Equal Protection Clause [of the U.S. Constitution] is to ensure that people are treated as individuals rather than based on the color of their skin.” — Supreme Court Chief Justice John Roberts, 2007

“There is no question but that the principle of *Brown* is that a child’s skin color should not determine what school he or she should be assigned to.” —Roger Clegg, President and General Counsel, Center for Equal Opportunity, 2007

“You just don’t sort kids by color and deny benefits to them because of the color of their skin.”
—Chester Darling, Massachusetts Constitutional Lawyer, 2007

“Instead of spending zillions of dollars around the country to place a black child next to a white child, let’s reduce class size. All the schools are equal. We will no longer accept that an African-American majority within a school is unacceptable.” —Teddy Gordon, attorney from Louisville, KY, 2007

“Without meaningful social contact, talk of tolerance and cooperation is nothing but an abstraction.”
—US Federal District Court Judge Nancy Gertner, 2007

“You don’t get rid of racism unless you deal with the issues of racial segregation and separation [in schools]...There’s no other way to do it.” —Jean McGuire, Executive Director, The Metco Program, Massachusetts, 2007

“Racially integrated schools prepare students to be effective citizens in our pluralistic society...reinforce democratic values...reduce prejudice, improve...academic achievement, and enhance life opportunities for students of all races.” —From Amicus Brief of 553 American Social Scientists in *Parents Involved in Community Schools v. Seattle School District* and *Meredith v. Jefferson County Board of Education*, 2006

“The notion that race-conscious efforts to address racial inequality are racially discriminatory is like telling a physician that she cannot make a diagnosis when treating a disease because the diagnosis equals the disease. There is no equivalency, moral or legal, between race-conscious attempts to address racial inequality on the one hand, and racial discrimination based in notions of superiority and inferiority on the other.” —Theodore Shaw, Director-Counsel of the NAACP Legal Defense Fund, 2007

“The work of racial justice does not require us to gouge out our eyes so that we cannot see race...The question is not whether we see race; the question is, having seen it, what is its significance? This is not a time for blindness. This is a time for sight.” —Theodore Shaw, Director-Counsel of the NAACP Legal Defense Fund, 2007

* The reference to a “colorblind” Constitution is from Supreme Court Justice John Marshall Harlan’s dissent in *Plessy v. Ferguson* in 1896, where the Court held that “separate but unequal” was constitutional.

KEY QUESTIONS

Parents Involved in Community Schools v. Seattle School District and Meredith v. Jefferson County Board of Education

1. What does *Parents Involved* have to do with Little Rock, *Brown v. Board of Education* and past efforts to desegregate schools?
2. Since forced and legally sanctioned segregation has been eliminated, do we still need to be concerned about *de facto* segregation in schools? Why or why not? [*De facto* refers to separation that happens as a matter of fact, usually because of housing patterns, but that is not required by law, referred to as *de jure*].
3. Is there value in promoting racial integration and diversity in schools? Why or why not? Are there positive educational benefits to students? If so, what are they?
4. Is diversity in schools a “compelling governmental interest,” something crucial for the government to address rather than something merely preferable? Why or why not? If it is a compelling interest, how should it be achieved? Should other factors in addition to race be considered?
5. Are voluntary integration plans a form of racism or discrimination? Do you think that considering race in school admissions—even if it’s one of many factors used—violates the constitution or promotes inequality?

CASE STUDY: VOLUNTARY SCHOOL INTEGRATION

Greenfield is a suburb of a large East Coast city. During the 1800s and early 1900s, Greenfield was a prosperous farming community, but decreasing agricultural opportunities left the town depressed after World War II. From the 1970s to the 1990s, Greenfield's white population dropped from 90% to 60% and a new population of predominantly working class black and Latino/a people moved in to escape rising housing costs in the neighboring city, where many of them work in service industries, including hotels and restaurants.

By 2000 Greenfield's neighborhoods were significantly segregated and eight of the town's twenty-two schools had a greater than 90% white enrollment. In response to the population change and increasing racial conflict, the Greenfield School District implemented a "voluntary school choice plan" with the goals of both desegregation and diversity in Greenfield schools.

Today the 13,000-student Greenfield School District has fourteen elementary schools, five middle schools, and three high schools. Roughly 45% of the district's students are white, 23% are African American, 26% are Latina/o, 4% are Asian, and the remaining 2% are multiracial or Native American.

For the purposes of the school choice plan, the Greenfield School District defined a public school as "racially balanced" if it was composed of between 40% and 70% students of color, keeping it within 15% of the people of color population in the general community. Schools with student of color populations above this range were defined as "racially imbalanced" while those below were defined as "racially isolated."

According to the school choice plan, students are initially assigned to schools in their neighborhoods, and race becomes a factor only when they (or their parents) request a transfer from the students' area school. All students are allowed to transfer as they like between "racially balanced" schools, and they can transfer to and from "racially imbalanced" or "racially isolated" schools when the transfer will help to promote racial balance. However, a transfer is not permitted if it would further segregate the "racially imbalanced" or "racially isolated" schools.

Through this method, approximately 5,500 Greenfield students (42% of the total student body) are assigned to non-neighborhood schools each year. About 200 transfer requests are denied—to both white students and students of color—in order to maintain racially balanced schools.

Since implementation of the school choice plan, race relations have improved, graduation rates are up and Greenfield's schools have performed better academically across the board. Despite these gains, a growing number of parents have complained that the plan is unfair and violates the Equal Protection Clause of the U.S. Constitution by discriminating against students based on their race.

Following the U.S. Supreme Court decision in *Parents Involved in Community Schools v. Seattle School District* and *Meredith v. Jefferson County Board of Education*, a school board meeting was scheduled to discuss the benefits and shortcomings of the school choice plan, and to evaluate its validity in light of the Court's ruling.

SCHOOL BOARD MEETING: VOLUNTARY SCHOOL CHOICE PLAN

Questions for Consideration

1. What value, if any, do you place on going to a racially diverse school? What sacrifices are you willing to make to help ensure integrated schools?
2. Is there an important reason for the school district to deal with the issue of racial segregation or is this not a problem that schools are responsible for addressing?
3. In what ways does the school choice plan both benefit and limit students? Do the positives outweigh the negatives or vice versa?
4. Does the plan violate the rights of some students? If so, does it need to be eliminated or are there ways to change it to be more fair and in line with the law?
5. Are there ways to achieve diversity without categorizing students by race? Are there other aspects of diversity that need to be taken into account by the plan?

Speaking Legalese

The following are some of the issues that the courts take into account when considering cases that involve voluntary school integration plans.

Both the Equal Protection Clause of the 14th Amendment* of the U.S. Constitution and Title VI of the Civil Rights Act of 1964** require that policies involving race be subject to “**strict scrutiny**,” which is a test used by the courts to examine both the goals of a disputed policy and the way in which those goals are achieved. This standard is used to consider policies that discriminate against racial minorities as well as those designed to benefit them. To pass strict scrutiny, a law or policy must satisfy the following conditions:

- **Compelling Governmental Interest:** The policy must be justified by a “compelling governmental interest”—something necessary or crucial, as opposed to something merely preferred. “Governmental interests” include both attempts to deal with the effects of past discrimination as well as more forward-looking efforts to promote diversity. In either case, there must be a “strong basis in evidence” to prove a compelling interest, such as statistics, scientific reports or testimony from experts who can support the need for the policy.
- **Narrowly Tailored:** The policy must demonstrate a careful fit between the policy and the policy’s goal. It should not cover too much or fail to address enough. If there other ways to achieve the goal that do not involve categorizing people by race or that are “less restrictive,” then a policy is likely to be struck down as not being “narrowly tailored.”

* The Equal Protection Clause of the 14th Amendment of the U.S. Constitution prohibits states from denying any person the equal protection of the laws and says that a state must treat an individual in the same manner as others in similar conditions and circumstances.

** Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving funds from the federal government.