



# Curriculum Connections

A free online publication for K-12 educators provided by ADL's A WORLD OF DIFFERENCE® Institute.

[www.adl.org/lesson-plans](http://www.adl.org/lesson-plans)

UPDATED AUGUST 2016

FALL 2007

## “A Time for Sight”

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

## In This Issue

In light of the 2007 Supreme Court decision in *Parents Involved in Community Schools v. Seattle School District* and *Meredith v. Jefferson County Board of Education*, ADL offers a lesson for high school students that examines the debate over school integration within the broader context of the Court's *Brown v. Board of Education* decision in 1954 and the desegregation of Central High School in Little Rock, AK in 1957.

In the activities, students will reflect on their beliefs and attitudes about school integration, explore connections between past and present cases about school desegregation and integration, analyze and consider the impact of a 2007 Supreme Court decision on voluntary school integration. This curriculum unit is divided into four parts as outlined below.

### Part I: Historical Content – “Little Rock Nine”

Students gain some historical background about segregated schools based on interviews of two of the members of the “Little Rock Nine,” a group of African-American students who were the first to Little Rock Central High School in Arkansas in early September 1957.

### Part II: Personal Beliefs about School Integration

Based on historical information, students share and discuss their beliefs about school integration.

### Part III: Analyzing the 2007 Supreme Court Decision

Students study background information on the *Parents Involved in Community Schools v. Seattle School District* and *Meredith v. Jefferson County Board of Education* cases, then analyze and discuss the 2007 U.S. Supreme Court decision on voluntary school integration plans.

### Part IV: School Integration Role Play

Using a fictionalized case study of a community struggling over its school integration plan is based on actual events, 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.

## Contents

Correlation of Lessons to  
Common Core Standards ..... 3

### Lesson Parts

Part I: Historical Context – “Little  
Rock Nine” ..... 6

Part II: Personal Beliefs about  
School Integration ..... 8

Part III: Analyzing the 2007  
Supreme Court Decision ..... 10

Part IV: School Integration Role  
Play ..... 12

### Resources

Looking Back Reaching Forward:  
Exploring the Promise of *Brown v.  
Board of Education* in  
Contemporary Times (*Curriculum  
Connections*)

Understanding the Language of  
School Integration

Establishing a Safe Learning  
Environment

# Correlation of Lessons to Common Core Standards

Content Area/Standard
Reading
R.1: Read closely to determine what the text says explicitly and to make logical inferences from it; cite specific textual evidence when writing or speaking to support conclusions drawn from the text.
R.2: Determine central ideas or themes of a text and analyze their development; summarize the key supporting details and ideas.
R.6: Assess how point of view or purpose shapes the content and style of a text.
Writing
W.3: Write narratives to develop real or imagined experiences or events using effective technique, well-chosen details and well-structured event sequences.
W.7: Conduct short as well as more sustained research projects based on focused questions, demonstrating understanding of the subject under investigation.
Speaking and Listening
SL.1: Prepare for and participate effectively in a range of conversations and collaborations with diverse partners, building on others' ideas and expressing their own clearly and persuasively.
SL.2: Integrate and evaluate information presented in diverse media and formats, including visually, quantitatively, and orally.
SL.3: Evaluate a speaker's point of view, reasoning, and use of evidence and rhetoric.
Language
L.1: Demonstrate command of the conventions of standard English grammar and usage when writing or speaking.
L.2: Demonstrate command of the conventions of standard English capitalization, punctuation, and spelling when writing.
L.3: Apply knowledge of language to understand how language functions in different contexts, to make effective choices for meaning or style, and to comprehend more fully when reading or listening.
L.4: Determine or clarify the meaning of unknown and multiple-meaning words and phrases by using context clues, analyzing meaningful word parts, and consulting general and specialized reference materials, as appropriate.
L.6: Acquire and use accurately a range of general academic and domain-specific words and phrases sufficient for reading, writing, speaking, and listening at the college and career readiness level; demonstrate independence in gathering vocabulary knowledge when encountering an unknown term important to comprehension or expression.

## Lesson for Grades 10–12

# “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 debate over school integration within the broader context of the *Brown v. Board of Education* decision and 50<sup>th</sup> 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.

## Time

Approximately 2 hours or 2–3 class periods (NOTE: If time is limited, skip Part IV of the lesson)

## Requirements

Handouts and Resources:

- “Little Rock Marks Desegregation Anniversary”: Interview with Minnijean Brown Trickey audio clip (NPR, July 12, 2007, [www.npr.org/templates/story/story.php?storyId=11912932](http://www.npr.org/templates/story/story.php?storyId=11912932))
- Interview with Melba Pattillo Beals (Scholastic, January 31, 1995, <http://teacher.scholastic.com/barrier/hwyf/mpbstory/interview.htm>)
- (Optional) [Understanding the Language of School Integration](#)
- [Quotes about School Integration](#) (for teacher use)
- [Key Questions](#) (one for each student or posted on board/smart board)
- [Case Study: Voluntary School Integration](#) (one for each student)
- [School Board Meeting: Voluntary School Choice Plan](#) (one for each student)
- “Parsing the High Court’s Ruling on Race and Schools” (NPR, June 28, 2007, [www.npr.org/templates/story/story.php?storyId=11507539](http://www.npr.org/templates/story/story.php?storyId=11507539), for each student)
- (Optional) “The School Plans at Issue” (SCOTUSBLOG, June 28, 2007, [www.scotusblog.com/2007/06/the-school-plans-at-issue/](http://www.scotusblog.com/2007/06/the-school-plans-at-issue/))
- (Optional) “The School Plans at Issue” (SCOTUSBLOG, June 28, 2007, [www.scotusblog.com/2007/06/the-school-plans-at-issue/](http://www.scotusblog.com/2007/06/the-school-plans-at-issue/))
- (Optional) “Justices Limit the Use of Race in School Plans for Integration” (*The New York Times*, June 29, 2007, [www.nytimes.com/2007/06/29/washington/29scotus.html?\\_r=1](http://www.nytimes.com/2007/06/29/washington/29scotus.html?_r=1))

## 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

- (Optional) “High court rejects school integration plans” (*The Seattle Times*, June 28, 2007, [www.seattletimes.com/seattle-news/high-court-rejects-school-integration-plans/](http://www.seattletimes.com/seattle-news/high-court-rejects-school-integration-plans/))
- (Optional) Social Science Findings about School Integration (The Civil Rights Project, UCLA, <https://civilrightsproject.ucla.edu/legal-developments/court-decisions/resources-on-u.s.-supreme-court-voluntary-school-desegregation-rulings/crp-social-science-talking-points-2007.pdf>)
- (Optional) “Choosing a School for My Daughter in a Segregated City” (*The New York Times Magazine*, June 9, 2016, [www.nytimes.com/2016/06/12/magazine/choosing-a-school-for-my-daughter-in-a-segregated-city.html?\\_r=1](http://www.nytimes.com/2016/06/12/magazine/choosing-a-school-for-my-daughter-in-a-segregated-city.html?_r=1))
- (Optional) Segregation Now: Investigating America’s Racial Divide (ProPublica, <https://www.propublica.org/article/segregation-now-the-resegregation-of-americas-schools#intro>)

Other Material:

- smart board/board, markers, Internet access

### Advanced Preparation

- Reproduce handouts as directed above.
- Have students preview the [audio interview with Minnijean Brown Trickey](#) and the [transcript of the interview with Melba Pattillo Beals](#) for homework (see Part I).
- 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 (see Part II).

### 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

### NOTES FOR CONSIDERATION

- 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](#),” which also includes pictures of those identified as the “[Little Rock Nine](#)” referenced throughout this lesson.
- 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, document, “[Establishing a Safe Learning Environment](#),” to set some ground rules for discussion.

## Part I: Historical Context–“Little Rock Nine” (5–10 minutes)

### Time

5–10 minutes

### Procedures

1. The day before you start this 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. Assign students to either read [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.

---

# 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.

## 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.]

## 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.]

## 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.

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

### Time

20–30 minutes

### Procedures

1. Prior to conducting this portion of the lesson, post the selected quotes from the [Quotes about School Integration](#), prepared in advanced, around the classroom.
2. 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.
3. 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.
4. 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.”

---

5. 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 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.

---

# Quotes about School Segregation

“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.

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

#### Time

40–50 minutes

#### Procedures

1. 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.

2. 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, distribute 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) [Justices Limit the Use of Race in School Plans for Integration](#)
- (Optional) ["High court rejects school integration plans"](#) (*The Seattle Times*, June 28, 2007, [www.seattletimes.com/seattle-news/high-court-rejects-school-integration-plans/](http://www.seattletimes.com/seattle-news/high-court-rejects-school-integration-plans/))

---

**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.

---

3. 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.

---

# 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?

## Part IV: School Integration Role Play (40–50 minutes)

**[NOTE:** This activity has the potential for students to make racially insensitive remarks or perpetuate bias as students are asked to reflect their points of view about a school district that aims to create “racially balanced” schools. Before engaging students in this activity, consider the maturity and sophistication level of the students and the extent to which the conversation can go in a negative and potentially hurtful direction. If you do decide to conduct the activity, review the “ground rules” in your classroom and/or consult “[Creating an Anti-Bias Learning Environment](#).”

If you do not have time to implement Part IV, skip ahead to step #5 below to conclude this lesson.]

### Time

40–50 minutes

### Procedures

1. 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 resources, 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.

- [Social Science Findings about School Integration](#)
  - “[Choosing a School for My Daughter in a Segregated City](#)”
  - [Segregation Now: Investigating America’s Racial Divide](#) (Interactive website with a full text option)
- 

2. 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.
3. 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.
4. 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.
5. 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.”

## 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.