

The National Coalition
on
School Diversity

A SCHOOL INTEGRATION POLICY AGENDA FOR 2019 AND BEYOND

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INTRODUCTION

In an increasingly diverse nation that exhibits ever-sharper divisions along racial, ethnic, socioeconomic, social, and political lines, it has become even more critical for public policy to incentivize integration across all walks of life. This is particularly true for today's students, who will become tomorrow's leaders. In education, research on the benefits of diversity are clear. Students attending socioeconomically and racially diverse schools have better test scores and higher college attendance rates than peers in more economically and racially segregated schools. The benefits from attending diverse schools also continue into adulthood. These include subsequent reduced segregation in neighborhoods, colleges, and workplaces, higher levels of social cohesion, and reduced racial prejudice.

Despite this wealth of research on the benefits of diversity, and while the demographics of America's public schools continue to grow more racially and ethnically diverse, our students are increasingly educated in classrooms settings as segregated as they were in 1970. Taking action to curb this disturbing trend is imperative, as recent federal research from the Government Accountability Office indicates rates of student isolation continue to rise. Segregated schools contribute to a number of negative academic and social outcomes, including an increased performance gap and depressed graduation rates for low-income students and students of color.

Across the nation, there are numerous examples of states and local communities engaging in thoughtful discussion, planning, design, and implementation of policies and programs to reduce racial and poverty concentration and achieve meaningful integration in elementary and secondary schools. While some of this work was initially motivated by court-ordered desegregation following findings of unlawful discrimination, much of the modern school integration movement is being led by students, parents, educators, and community members who understand—and want to disrupt—the relationship between segregation and structural educational inequality. Their visions of integration are broad, bold, and multi-faceted. The policy proposals outlined in this document provide recommendations for what the federal government should be doing to incentivize integration as the 116th Congress begins its work.

Remove Section 426 of the General Education Provisions Act.

Section 426 of the General Education Provisions Act (GEPA, 20 U.S. Code § 1221) is a federal law that has been in place since the early 1970s that stifles school districts' efforts to pursue diversity. Section 426 bars the use of federal funds to transport students for the purposes of racial integration.

Specifically, Section 426 of GEPA:

- Limits state and local flexibility under the Every Student Succeeds Act, which was designed to return power to the states and local school districts.
- Limits school improvement strategies.
- Hampers innovators' ability to explore new and potentially significant school improvement techniques.
- Perpetuates racial segregation and the government's role in fostering it.

There is no cost to removing this provision. The time for removing it is long past due. In FY 2019, both the Senate and House of Representatives removed similar provisions in appropriations legislation, so Section 426 is the last remnant of this bygone era.

Section 426 should be removed.

Support the Strength in Diversity Act.

U.S. Senator Chris Murphy (D-CT), and U.S. Representative Marcia L. Fudge (D-OH-11), introduced the Strength in Diversity Act (S.3413 and H.R.6722) in September 2018 and are expected to reintroduce the bill in 2019. This legislation is designed to promote diversity in schools. Specifically, it authorizes \$120 million in competitive grants to support new and expand existing voluntary community-driven strategies to increase diversity in schools.

Grants could fund a range of proposals, including, but not limited to:

- Studying segregation, evaluating current policies, and developing evidence-based plans to address socioeconomic and racial isolation.
- Establishing public school choice zones, revising school boundaries, or expanding equitable access to transportation for students.
- Creating or expanding innovative school programs that can attract students from outside the local area.
- Recruiting, hiring, and training new teachers to support specialized schools.
- Supporting school districts, independently or in collaboration with neighboring districts, as well as regional educational authorities and educational service agencies.

Increase funding for Equity Assistance Centers.

Congress should increase funding for Equity Assistance Centers (EACs), which “provide technical assistance and training, upon request, in the areas of race, sex, national origin, and religion to public school districts and other responsible governmental agencies to promote equitable education opportunities.” This technical assistance includes supporting school districts that are seeking to increase diversity both within and between schools. Funding for EACs has dropped significantly since 1980, from \$45 million then to \$6.575 million in FY 2019. Over the same time period, schools have been re-segregating, with integration peaking in the 1980s then decreasing such that schools are as segregated now as they were decades ago. EACs are also responsible for assisting districts in reducing disparities based on their race, sex, national origin, and religion. These disparities cross multiple areas, like the administration of school discipline, the provision of special education services, and access to advanced educational programming. EACs are designed to help school districts work towards promoting “social justice and equity.” EACs need more funding, not less, to be able to properly assist school districts in ensuring that all children have equal access to a quality education.

Congress should increase the appropriation for EACs to at least \$7.4 million to account for inflation between 2011 (the last time funding for EAC’s increased) and today, as well as the growth in student population.

Create Equal Educational Access Grants for interdistrict school planning.

Congress should introduce and pass a bill that would provide for Equal Educational Access (EEA) grants. This would be a new federal grant program designed to support holistic, consensus-based regional school planning and integration. EEA Grants would be modeled after successful policy interventions designed to promote equal educational opportunity, including voluntary integration initiatives in regions like Raleigh and Louisville, and the proposed Strength in Diversity Act federal grant program. The initial budget request for the EEA program is \$120 million, although EEA grants are designed to function effectively at a variety of funding levels. While a variety of entities can receive EEA grants, planning conducted with grant resources is intended to be regional or multijurisdictional in scope, and coordinated across multiple local educational agencies.

Purpose

The EEA Grant program would help reduce and overcome institutional barriers that create differing levels of educational access across a metropolitan region. Specifically, the program's objective is to ensure that no subgroup of students within a region is restricted to a different set of physical school facilities and educational programs on the basis of membership in a particular socioeconomic, racial, or ethnic group.

The EEA Grants would be designed for use *across multiple districts* instead of focusing on a single school district. Social science research has demonstrated that patterns of racial and economic segregation within metropolitan regions increasingly fall along district borders, as well as within individual districts.

The EEA Grant program would focus on educational “infrastructure” – siting and construction of facilities, the location of district and attendance boundaries, the creation of schoolwide programs like magnet programs, and transportation. Because changes to educational infrastructure directly alter the distribution of a region's students, they almost invariably affect demographic enrollment patterns beyond the school and district implementing the change. For that reason, there is an important policy rationale for coordinated infrastructure planning and decision making across a region, even while preserving local autonomy in other areas.

Application and Award

Potential applicants for EEA Grants can include school districts, collections of school districts, or a regional educational authority, including a state educational authority acting in that role. Awards proceed in two stages: planning and implementation. Planning grants are to be awarded for a one-year period and will be capped at an appropriate level. Planning grants will be used to support the creation of a regional educational access plan. This can include forming a standing regional body, made up of school districts and other stakeholder agencies, such as municipalities, housing authorities, and a region's United States Department of Transportation-designated Metropolitan Planning Organization. The regional plan will identify disparities in educational access faced by particular socioeconomic, racial, and ethnic groups, and will recommend policy and action steps to reduce those disparities. The regional planning must take into account existing racial and demographic residential living patterns. The plan may incorporate housing factors, including planned subsidized housing construction.

Implementation grants will be awarded to planning grant recipients after completion of their regional educational access plan. It is not expected that all planning grant recipients will immediately receive an implementation grant. Only one grant may be awarded per metropolitan area and priority should be given to applicants who demonstrate that their regional plan has a high probability of success and significant support from most or all necessary stakeholders. Applicants must also demonstrate that the grantee will be able to serve as the designated regional planning organization throughout the duration of the grant.

The implementation grants may be used to support elements of the regional educational access plan that improve educational access across district boundaries. This includes school infrastructure construction, interdistrict transportation systems, and magnet programs. They may also be used to provide continued support for coordinated planning or regional planning bodies. Participation in the EEA grant program will be voluntary.

Increase Magnet Schools Assistance Program funding.

The Magnet Schools Assistance Program (MSAP) was reauthorized in the Every Student Succeeds Act and provides multi-year grants to local school districts to establish, expand, or improve magnet schools. It is the only federal education grant designed specifically to promote innovation, choice, and diversity in the classroom. MSAP funds may be used for the implementation of specialized curricula and instruction, teacher professional development, transportation, and the purchase of equipment and technology, and other resources that will enable magnet programs to operate and sustain themselves at a high performing level.

Program Need

Magnet schools are public schools that provide specialized theme-based curriculum and instruction in subject areas including STEM, Fine and Performing Arts, or International Baccalaureate. There are approximately 4,340 magnet schools in the United States that serve nearly 3.5 million students. Free to attend and accessible to all students, magnet schools enroll a higher proportion of low-income students and are more racially and ethnically diverse than traditional public schools. Furthermore, magnet schools are administered by local public school districts, ensuring they are accountable for delivering great results to the communities they serve.

In a 2017 nationwide survey, 67 percent of magnet schools reported having a waiting list of parents eager to get their students into these high-performing schools. As policymakers and school districts seek to provide more opportunities for students and more choices for parents, with sustained and increased funding, magnet schools can continue to answer the call for high-quality public education. The Every Student Succeeds Act authorized \$105 million for the Magnet Schools Assistance Program in FY 2019.

There is no other program in the Department of Education that addresses racial diversity. It is critical that the government acknowledge the importance of reducing minority group isolation, and it can do so by continuing to provide increases to public schools that have goals of furthering racial diversity.

Request

To continue the important work being done by magnet schools, Congress should increase funds to \$117 million, to help more schools achieve the critical goal of furthering racial and socioeconomic diversity. With this additional support, Congress and the White House can ensure that more parents have the option to send their child to a school that focuses on their strengths, engages them, and motivates them to learn.

Include an appropriation of joint MSAP and Choice Neighborhoods program grants in the 2020 budget.

During the Obama Administration, the U.S. Department of Housing and Urban Development (HUD) and the U.S. Department of Education (ED) began to work together on their signature place-based reinvestment programs: the “Choice Neighborhoods Initiative,” focused on neighborhood-wide public housing redevelopment plans; and “Promise Neighborhoods,” a similarly neighborhood-based multi-service initiative based loosely on the Harlem Children’s Zone. This important collaboration, however, did not appropriately plan for any major demographic changes in the neighborhoods, and assumed that the children affected by the programs would remain in their current school. Thus, this interdepartmental collaboration did not directly advance school and housing integration.

We know that well-designed magnet schools can attract students from across a wide range of socioeconomic and racial backgrounds, and that a significant number of white, middle class families are willing to send their children to high quality themed magnets, even in areas near public housing developments. We also know that interdistrict transfer programs have successfully helped low-income students in urban areas access high performing suburban schools in several major metro areas.

Given the Magnet Schools Assistance Program’s (MSAP) emphasis on reducing racial isolation, and the Fair Housing Act’s emphasis on residential integration and interdepartmental collaboration, we recommend further prioritizing through budget allocation magnet school development for children in the most racially and economically isolated communities – in or near distressed public housing undergoing major redevelopment – and including higher-income students (including suburban students) in the new schools’ design capacity.

This type of funding allocation would not require new legislation, since both programs are already fully authorized, and both already include clear language on reducing racial and economic isolation. What would be necessary would be a new appropriation or allocation of competitive MSAP and Choice Neighborhood funds for a group of metropolitan areas that were committed to promoting cooperative planning. We suggest initially funding six joint sites.

The appropriations language (or appropriations report language) could be as simple as:

“Each of the designated Choice Neighborhoods/MSAP grant recipients shall establish, in partnership with the state department of education and local school superintendents, a plan for transforming the schools that serve the revitalized Choice Neighborhood sites into high performing regional magnet schools, and encouraging two-way (i.e. open to both suburban and urban students) interdistrict transfer opportunities to break down concentrated poverty and racial isolation in the schools serving the children in the Choice Neighborhoods development, and to give other children in the Choice Neighborhoods sites access, on a voluntary basis, to low-poverty suburban schools.”

Alternatively, to expand the number of potential sites eligible to apply for funding, the set-aside could be expanded to include schools identified for comprehensive improvement by the state under the Every Student Succeeds Act.

Reinstate priorities for socioeconomic and racial diversity for competitive grant programs in the Department of Education.

The U.S. Department of Education (ED) periodically issues a set of supplemental grant priorities that provide ED offices with a menu of options to choose from when carrying out their respective grant programs. Specifically, these priorities provide preferences for applicants that can demonstrate they can meet the stated priority.

In 2018, ED eliminated supplemental priorities related to the promotion of racial and socioeconomic diversity in our nation's public schools. These priorities should be reinstated. They would give an edge to state and local funding proposals that incorporate school diversity goals, expanding parents' ability to choose integrated schools for their children.

Given the vast body of research highlighting the importance of diverse schools, these priorities should be a part of any administration's menu of options.

Reinstate guidance letters that explained how school districts could lawfully pursue racial diversity.

The Trump Administration announced on July 3, 2018 that they had rescinded seven Obama-era policy guidance documents related to diversity in K-12 and higher education, including “Guidance On The Voluntary Use Of Race To Achieve Diversity And Avoid Racial Isolation In Elementary And Secondary Schools.”

This guidance had explained how—*consistent with existing law*—elementary and secondary schools could voluntarily consider race to further compelling interests in achieving diversity and avoiding racial isolation.

The Obama-era policy guidance merely offered guidelines to schools looking to pursue school diversity legally. It was entirely consistent with current U.S. Supreme Court precedent, and consistent with Constitutional requirements.

This guidance should be reinstated.

Modify the Charter School Grant Program to further incentivize diversity.

The Department of Education operates the Charter Schools Program (CSP) Grants for Replication and Expansion of High Quality Charter Schools. The CSP awards grants on a competitive basis to Charter Management Organizations (CMOs) that will replicate and expand their charter schools.

As part of the competition, ED has established priorities and preferences for certain types of CMOs. In past years, ED has created an absolute priority for charter operators who serve large percentages of low-income students. The absolute priority “requires applicants to demonstrate that at least 60 percent of the students in the charter schools it operates or manages are from low-income families.” In 2018, ED revised that priority by lowering the poverty threshold to a minimum of 40 percent low-income students.

While reducing the minimum poverty threshold from 60 percent to 40 percent can have a positive effect on integration, the fact that there is no poverty level ceiling can exacerbate segregation. National data indicates that charter schools already serve a higher percentage of low-income students than traditional public schools.

The lack of a poverty level ceiling undermines the goals of other competitive preferences. ED currently has a separate competitive preference for charters that promote student diversity. This priority is part of the Every Student Succeeds Act. The preference “awards additional points to applications that demonstrate a record of, and an intent to continue, taking active measures to promote diversity by bringing together students of different backgrounds, such as different racial, ethnic, and socioeconomic backgrounds, and to serve students with disabilities and English learners at rates comparable to the rates at which these students are served in public schools in the surrounding area.” The current absolute priority for charter school operators, however, makes it difficult for applicants to propose and operate diverse charter schools.

To solve this dilemma, ED should create a maximum poverty threshold. Capping the percentage of low-income students in traditional public schools has been shown to be effective in increasing equitable access to high quality and diverse learning environments.

Enhance the Civil Rights Data Collection.

The U.S. Department of Education’s Civil Rights Data Collection, which reports on the prevalence of ongoing desegregation efforts, is deficient. Data collection relies on biennial district self-reporting of desegregation plans and orders, and ED frequently changes its definition of those terms, creating dramatic and artificial changes in the data between periods. Moreover, available data focuses on the presence or absence of a school desegregation order or plan, but does not include important qualitative or historic information, such as the conditions that led to the creation of the order or plan, previous remedies that have been implemented, or the results of such remedies. Legal information about the status of a given desegregation plan is also often lacking, and a surprising number of legally critical court orders related to desegregation are difficult to locate, or even lost altogether.

Improving federal civil rights data collection would support desegregation efforts, increase accountability in school districts under desegregation orders, reduce legal uncertainty for those districts, and assist research into school integration. The first step to improving data collection would be implementing and funding a one-time national survey of districts, in order to collect complete qualitative information about the history of current and previous desegregation orders and plans. This would include documentation of the plan’s existence, the conditions that led to its enactment, the specific policy remedies implemented, and any data on outcomes. It would also include, to the extent practicable, a summation of the legal history of the plan. Once collected, data could be updated on a biennial basis, as is the current practice. A complete data set would assist educators and civil rights advocates in determining the current legal obligations of districts around the nation. Equally importantly, a complete data set would enable policy researchers to conduct rigorous comparative analyses of desegregation outcomes in order to determine best practices.