

August 24, 2009

Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Ave. SW, Room 6W219
Washington, DC 20202

Re: Race to the Top Fund Comments

To whom it may concern:

On behalf of the undersigned organizations and individuals supporting quality, racially and economically integrated education, we submit comments in response to the “Notice of Proposed Priorities, Requirements, Definitions, and Selection Criteria,” for the Department of Education’s Race to the Top Fund, 74 Fed. Reg. 37803 (July 29, 2009).

Our primary concern is that the proposed standards overlook the continuing importance of avoiding racial and economic segregation in public schools, and promoting voluntary school integration. The importance of promoting integration and avoiding racial isolation was recently reaffirmed as a compelling government interest by five Justices of the U.S. Supreme Court in *Parents Involved in Community Schools v. Seattle School District #1*.¹ Yet this important interest is altogether absent from the draft standards for the Race to the Top Fund, which is by far the largest source of new federal funding for local schools. We recognize the challenges in creating and maintaining racial and economic diversity. However, we believe that it is inappropriate to use federal money to perpetuate existing harmful conditions of racial and economic isolation in our public schools.

The importance of avoiding racial and economic segregation in new school funding is important not just for its own sake, but because of the documented benefits to students that flow from more integrated, lower poverty schools.² Indeed, using the language of the American Recovery and Reinvestment Act of 2009 (ARRA), voluntary school integration is recognized as one of the key “innovative strategies that are most likely to lead to improved results for students, long term gains in school and school system capacity, and increased productivity and effectiveness.”³ School integration strategies are particularly important in achieving the goals set out in §14005(c) of ARRA, to improve academic achievement, graduation rates, and other outcomes for children in identified subgroups (including racial and ethnic minorities and economically disadvantaged students).

We urge the Department to redraft its notice to reflect the goal of supporting racial and economic integration in public schools. We suggest that the statement of purpose and each section of the NOFA reflect this commitment. Otherwise, the potential harmful effects of a proposal that may worsen segregation and isolation of disadvantaged students

¹ 551 U.S. 701 (2007).

² For an overview of this compelling research literature, see Roslyn Mickelson, *Twenty-first Century Social Science on School Racial Diversity and Educational Outcomes*, 69 Ohio St. L.J. 1173 (2008).

³ Race to the Top Fund, 74 Fed. Reg. 37803, 37804 (Dep’t of Ed. July 29, 2009) (notice).

of color runs the risk of being overlooked both by applicants and by US DOE proposal reviewers.

We recommend the following additions to the Notice:

¶ Each of the “Proposed Priority” areas should include an analysis of how the proposal will increase or decrease racial and economic isolation and segregation of students in the jurisdiction applying for funds.

¶ Proposed Priority 2, “Competitive Preference Priority, Emphasis on Science, Technology, Engineering, and Mathematics,” should give priority to proposals that promote racial and economic integration – both within districts and across district lines. There are many examples of highly successful math/science magnet schools across the country, and if the Department is funding the development of new schools and programs, it has an obligation to ensure they will be inclusive and avoid the exacerbation or creation of segregation.

¶ Under the proposed “Invitational Priorities,” we recommend adding a Proposed Priority 6, “Innovative Approaches to Voluntary School Integration” (this could encourage not only interdistrict magnet schools but also new charter schools that achieve racial and economic integration), and a Proposed Priority 7, “Interdistrict School Transfers to Promote Integration” (this would build on the experience of successful programs in metro areas across the country, including Boston, St. Louis, Hartford, and Minneapolis).

¶ Under Section II A, “Eligibility Requirements,” we suggest the addition of the following two criteria. These are already likely obvious to many DOE grantees. In practice, however, these principles are often disregarded:

(c) the State’s proposal will attempt to ameliorate, and not increase, school based poverty concentration and racial isolation in the schools affected by the proposal;

(d) the State may not use these federal funds to create new racially concentrated or high poverty schools.

¶ Under Section II D, “Other Program Requirements,” include language supporting voluntary school integration efforts.

¶ Under Section III A, “Standards and Assessments,” include a new section, (A)(4), “Supporting voluntary school integration: The extent to which the State in collaboration with its participating LEAs, has a high quality plan for substantially reducing the isolation and segregation of low income children of color in separate schools, through innovative intra- or inter-district collaborations, magnet schools, transfer programs, or school restructuring and consolidation.”

¶ Under Section III B, “Data Systems to Support Instruction,” include a new section (B)(4) to require data collection and a plan to reduce conditions of racial isolation for low income students.

¶ Under Section III D, “Turning Around Struggling Schools,” include incentives and requirements that charter schools funded under this section take affirmative constitutional steps to become racially and economically integrated, both in the initial recruitment for the school and in ongoing marketing. Any new school (charter or otherwise) created or funded under the Race to the Top Fund should meet this criteria.

¶ In Section III D(3), which lists specific techniques for “Turning Around Struggling Schools,” include creation of magnet schools and magnet programs as part of an overall school restructuring plan; and expanded use of interdistrict transfers to permit low income parents to voluntarily send their children to low poverty, high performing public schools immediately.

Thank you for the opportunity to present these comments. Please let us know if you need additional information; we would be happy to consult with the Department further on the issues addressed in this letter.

Sincerely,

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