



## School Integration and Asian Americans

*Opportunities for Communities and Districts to Promote Racial Diversity*

September 2007

**Diversity and integration in public education benefit Asian American students.** The Asian American Legal Defense and Education Fund (AALDEF), Chinese for Affirmative Action (CAA), and 14 other Asian American community based organizations nationwide filed an *amicus* brief in the recent Seattle and Louisville school integration cases (Meredith v. Jefferson County Board of Education, et al., and Parents Involved in Community Schools v. Seattle School District No. 1). Asian Americans, like African Americans and Latinos, have endured discrimination and segregation in public education. In 1884, San Francisco established a segregated Chinese school after the California Supreme Court ordered enrollment of a Chinese American student in Tape v. Hurley. Furthermore, our brief showed that today:

- Immigrant Asian parents value racially integrated schools because they will prepare all children including Asian American children to succeed in a diverse society and global economy.
- A diverse learning environment decreases incidents of harassment and violence against Asian American students, which can contribute to poor attendance and hampers educational attainment.
- Racially segregated schools impede the social and educational attainment of all students, in particular vulnerable groups like linguistically isolated Asian Americans.

**Many school integration strategies remain legal under the Supreme Court's Decisions.**

In the Seattle and Louisville school integration cases, a majority of Supreme Court justices agreed that school districts have a compelling interest in avoiding racial isolation. This majority consists of the four dissenters who disagreed with the Court's decision to strike down Seattle's and Louisville's plans, and Justice Anthony Kennedy who wrote a separate opinion in support of school integration despite voting to strike down those plans. In Justice Kennedy's opinion, he found that "Race may be one component of [student] diversity, but other demographic factors. . . should also be considered." Some remaining options for school boards wishing to promote school integration include the following:

- School placement policies may consider race in addition to other diversity criteria like income, linguistic ability, and unique talents. According to Justice Kennedy, these criteria must be considered in a "nuanced, individual evaluation of school needs and student characteristics."
- Justice Kennedy indicated that a valid race conscious school placement policy would be similar to higher education admission policies endorsed by the Supreme Court in the University of Michigan cases (Grutter v. Bollinger and Gratz v. Bollinger). Those cases endorsed an individualized consideration of a broad array of diversity criteria including but not limited to race.

- According to Justice Kennedy, the specific diversity and other criteria relevant and appropriate for public school placement “would differ based on the age of the students, the needs of the parents, and the role of the schools.” This seems to contemplate the inclusion of criteria such as sibling enrollment and geographic considerations in addition to the broad diversity criteria discussed above.
- The Justices’ reasoning as to why Seattle’s and Louisville’s plans were not legal indicates pitfalls that school districts can avoid in fashioning their student placement plans.
  - School districts should take care to articulate precise and specific justifications for any consideration of race, as well as compile evidence to support the need for racial considerations.
  - School districts should avoid lumping students from different racial groups into broad and over-simplified racial categories like “black and non-black” or “white and non-white.”
  - School districts should avoid strategies that seem to use race in an inflexible, “non-individualized”, or “mechanical” way.
  - If possible, school districts should gather evidence on how race neutral plans have failed at achieving integration either in that community or comparable communities.
- In addition to race conscious measures in student assignment, Justice Kennedy also recommended the following alternative race conscious integration strategies.
  - Strategic site selection for new schools.
  - Considering neighborhood demographics in drawing attendance zones.
  - Allocating resources for special programs.
  - Targeted recruitment of students and faculty.
  - Tracking enrollment, performance, and other statistics by race.

Unfortunately, experience has shown that many of these strategies do not work, or are far less effective than race conscious student placement policies.

### **School integration plans must reflect our multi-racial society.**

One of the Supreme Court’s major criticisms of Seattle’s and Louisville’s school integration plans was their lumping of race into only two categories: “black and non-black” in Louisville and “white and non-white” in Seattle. Those plans – and many others – are remnants of an era where “race” meant black or white, and do not reflect today’s multi-racial society.

- Asian Americans were not considered a separate category in many existing school integration plans. The Seattle and Louisville cases’ emphasis on a broader array of diversity criteria could benefit our community by encouraging school districts to consider specific racial and ethnic categories in their integration plans.
- School districts must recognize the unique value that students from many diverse racial and ethnic backgrounds bring to the schoolyard and fine tune their integration plans to consider a broader array of diversity criteria. Such criteria can include specific racial and ethnic background, income, linguistic ability, and unique talents like sports and music.
- A well fashioned school assignment policy should consider diversity criteria reflecting its community’s racial and ethnic makeup. For example, districts with a significant Asian American community should create a separate category for Asian American students. If the district’s Asian American population is broad and diverse, it is important to further

disaggregate the racial and ethnic groups within the Asian American category to truly address the needs of all Asian American students.

**San Francisco now has the opportunity to explore ways to reverse the current trend of re-segregation in its schools using the new Supreme Court standard.**

Since 2001, more public schools in the San Francisco Unified School District (SFUSD) have become racially segregated in San Francisco. Judge Alsup who presided over San Francisco's school integration consent decree in 2005 stated that the district's current system "has not achieved diversity in any meaningful sense" but instead "has allowed, if not caused, re-segregation."

- San Francisco has already experimented with a race neutral student assignment plan and found that its schools are rapidly re-segregating without the inclusion of race. This makes a strong case for why race conscious measures are necessary.
- San Francisco's student placement policy already considers the broad array of diversity criteria recommended by Justice Kennedy, including among others extreme poverty, socioeconomic status, home language, academic rank of sending school, and student academic achievement. *Race merely needs to be added as an additional diversity criteria.*
- The district's current attendance areas are outdated and should be revised with the consideration of neighborhood demographics.
- The district's transportation routes also need to be evaluated to support new school integration plans.

**San Francisco should also implement policies to support classroom integration and related curriculum development.** Even in schools with racial diversity, there is still segregation in classrooms and as a result, students don't have the opportunity to benefit from racial diversity.

- SFUSD should focus on how to develop policies and a monitoring mechanism that would ensure school as well as classroom integration.
- The district should develop strategies to improve recruitment of minority teachers to ensure that staff is reflective of SFUSD's diverse student population.
- Teachers need professional development and ongoing administrative support to effectively work with students from different racial and ethnic backgrounds.
- Students need opportunities in the classroom to learn about the culture of their peers in order to maximize the benefits of school integration and prepare them for today's society. This can be accomplished when the appropriate curriculum is provided to support a diverse learning environment.

*For more information about "School Integration and Asian Americans," please see our amicus brief at: [http://www.aaldef.org/articles/2006-10-10\\_257\\_AALDEFAmicusBr.pdf](http://www.aaldef.org/articles/2006-10-10_257_AALDEFAmicusBr.pdf) or contact Christina Wong at (415) 274-6750 or [cwong@caasf.org](mailto:cwong@caasf.org) and Khin Mai Aung at (212) 966-5932 or [kaung@aaldef.org](mailto:kaung@aaldef.org)*

## HISTORICAL HIGHLIGHTS OF SAN FRANCISCO'S SCHOOL INTEGRATION POLICY

1983

The San Francisco NAACP files a lawsuit alleging that the San Francisco Unified School District (SFUSD) had illegally segregated its schools and had discriminated against African American students. To resolve these allegations, the federal court approves a consent decree requiring the district to eliminate segregation in SFUSD schools and to improve education for all SFUSD students. The Consent Decree required that no single racial group could represent more than 45% of the student body and that at least four different groups be represented in every school. For alternative schools, there could not be more than 40% of one group.

1993

CAA and Latino groups unsuccessfully attempt to intervene in the desegregation lawsuit against the San Francisco Unified School District to improve educational services for educationally disadvantaged minority students, especially low-income and immigrant students.

1994

Another federal lawsuit, *Ho v. SFUSD*, is brought against the District challenging the use of race/ethnicity as a factor in school assignments. The court finds that SFUSD's consideration of race and ethnicity in the school assignment process violates the U.S. Constitution.

2001

The federal court approves revisions to the original consent decree covering student assignment requirements, including recruitment efforts and a diversity index without the use of race/ethnicity as a factor.

2003

The State's independent consent decree monitor, Stuart Biegel, projects "severe re-segregation" of incoming class levels at 22 elementary schools, 4 middle schools and 1 high school. "Severe re-segregation" is defined as those schools with 60% or higher of one race/ethnicity at one or more grade levels.

2005

The Community Advisory Committee on Student Assignment recommended a variety of options to the Superintendent that would reserve seats for students residing within attendance area and outside the attendance area. There was also an option to determine all assignment offers using random lottery. The Superintendent decides not to make any recommendations to the School Board.

The Consent Decree expires on December 31, 2005. The federal court rejects the parties' final proposal to extend the consent decree and finds that the SFUSD is in a better position to determine the future assignment process than the federal court. Any revisions to the current assignment process is left to the sole discretion of the San Francisco School Board.

2006

SFUSD operates without court supervision and continues to receive desegregation funds from the State which are called Targeted Instructional Support Funds. Most of these funds are currently being used for transportation.

2007

The US Supreme Court once again affirms racial diversity as a compelling government interest in the cases of *Meredith v. Jefferson County Board of Education, et al.* and *Parents Involved in Community Schools v. Seattle School District No. 1*. Although the Court strikes down both assignment plans, districts like SFUSD will continue to have the opportunity to design plans that ensures racial integration.