



## VOLUNTARY INTEGRATION IN THE AGE OF TRUMP: A Q&A WITH NEPC FELLOW ERICA FRANKENBERG



Americans may take for granted that, pursuant to *Brown v. Board of Education*, racially segregated schools are anathema to our core values, and that policymakers are legally prevented from separating students on the basis of race/ethnicity and are encouraged to address the problem. But in 2007, the integration encouraged under *Brown* was dealt a severe blow with *Parents Involved in Community Schools v. Seattle School District #1*. The case invalidated voluntary integration plans that assigned students to school on the basis of a student's racial or ethnic status. Yet based on Justice Kennedy's decisive concurring opinion, Obama-era guidance advised districts that they still had the ability to adopt voluntary (i.e., not court-ordered) race-conscious integration plans if race is only considered in a non-individualized way (or as a last resort). For example, while the school-assignment decision for a student could not hinge on that student's race, a school district could take a neighborhood's racial makeup into account in decision-making about the school to which all students in that neighborhood would be assigned.

Yet in July, the Trump administration rescinded that guidance. So is voluntary integration still permitted? Are districts still doing it? In a recent article in the *Kappan*, NEPC Fellow Erica Frankenberg and her co-author, doctoral student Jeremy Anderson, say "yes." Frankenberg is an associate professor of education and demography at the Pennsylvania State University, and director of the university's Center for Education and Civil Rights. In the Q&A below, she takes stock of district efforts to voluntarily integrate their schools in a politically and legally uncertain time.

**Q: What are voluntary integration plans? Do they all tend to have the same components, or do some look different from others?**

**A:** *I think they differ in a number of ways, but the key part is that they are all voluntarily*

adopted by a school board. Virtually all are within-district, although there are some voluntary between-district integration plans that are quite popular. In my work, I classify integration plans in two ways:

- 1. By definition of diversity:** For example, is the plan
  - Race-conscious or race-neutral?
  - Based on individual students' characteristics or the characteristics of a larger area like Census block group?
  
- 2. By the assignment mechanism the plan is using to achieve diversity:** For example:
  - Controlled choice
  - Magnet schools
  - Transfers
  - Attendance zone boundary adjustments
  - Some combination of the above

These two classifications overlap. Many districts use these assignment mechanisms regardless of whether they are trying to achieve diversity; but in integration plans, these are designed to further diversity. For example, a transfer request is prioritized if it will enhance the diversity in the sending and/or receiving school.

**Q: What are some reasons why districts adopt voluntary desegregation plans?**

**A:** Virtually all of the districts that I can think of have some prior experience with desegregation efforts. Many, but not all, had a prior desegregation order from a court, while others had voluntarily implemented an integration policy (think *Berkeley, CA in late 1960s*). So then another question arises as to why, of the thousands of districts that once had desegregation, some districts maintain a commitment to desegregation? Sometimes it comes down to some incredibly committed leaders, either in the district or in the community. Some districts realize they have a relatively effective, mostly popular plan, and there's political will to continue. A number cite the benefits of diversity and/or the harms of segregation as reasons to continue. These latter reasons, by the way, not only reflect current *research consensus* but were endorsed by the Supreme Court in 2007 as compelling interests school districts across the country might have as rationale for adopting integration policies.

**Q: Which types of student assignment/enrollment policies are more and less effective at increasing racial integration? What about socioeconomic integration?**

**A:** We found that race-conscious integration policies are associated, on average, with lower racial segregation in schools than districts with race-neutral plans, although there are a number of factors that might affect these findings. In particular, I think plans that affect the assignment of all students in a district—like a controlled choice plan—are more likely to be more effective in terms of districtwide segregation levels than diversity-focused plans like magnet schools that might only affect a subset of schools or students. Also, the relative weighting of diversity factors alongside other student assignment factors like proximity are likely to relate to effectiveness. In other words, you might expect to see more integration in a district that weights diversity more heavily than proximity when assigning stu-

dents to schools. Finally, other district policies and practices are important. For instance, if white students and students of color typically live across town from one another, it may be easier to integrate schools if the district provides transportation than if it provides for choice—as a means to integrate—but requires families to transport their children to what may be distant schools.

These factors apply too for socioeconomic integration. Additionally, though most districts still use student eligibility for free or reduced-price lunch (FRL) as their socioeconomic status measure for integration, a growing number of districts use multiple measures such as participation in Head Start programs for individual students or neighborhood characteristics like median household income or adult educational attainment for their Census block group. I think these alternate measures are important because there are concerns about the accuracy of FRL generally that could affect the usefulness of relying on it as an integration measure. This is likely to vary based on community characteristics. Districts have to balance measures that would likely give them better effectiveness for socioeconomic integration with the tradeoff of privacy considerations.

**Q: How, if at all, can districts today incorporate race into such policies without risking legal repercussions in the current political and legal environment?**

**A:** There are approximately a dozen districts we found that have within-district, race-conscious voluntary integration plans. (There may well be more, but it is hard to identify such districts because some are concerned about having to defend them.) There are a few ways districts can do this through student assignment. First, districts can take account of the racial composition of an area, for example, in redrawing attendance zone boundaries or in controlled choice plans using the racial composition of a small area where a student lives as part of its diversity measure. Such policies have routinely been affirmed by courts since the Parents Involved decision. Second, race can be considered alongside other factors, like socioeconomic status, language, etc. Last, there are other ways that school boards can take race into account, like recruitment, deciding where to locate schools, etc. that should be permissible ways to consider race.

**Q: To what extent and how have the Obama and Trump administrations encouraged or discouraged efforts at voluntary integration?**

**A:** The Obama administration encouraged voluntary integration in a number of ways. One of the most critical actions was in 2011, to rescind the Bush administration's Office of Civil Rights' "Dear Colleague" letter offering their interpretation of the Parents Involved decision, which many felt was a restrictive, narrow reading of the decision. In its place, the U.S. Departments of Education and Justice issued a robust guidance document asserting the benefits of voluntary integration in K-12 schools, affirming the permissibility of achieving integration, and offering very practical suggestions for implementing these strategies. In 2018, the Trump administration rescinded this guidance and reinstated the Bush Dear Colleague letter. This [article](#) explores these issues around the use of guidance letters.

There were other ways in which the Obama administration tried to incentivize voluntary integration efforts, through instituting priorities in federal grant programs, convening

planning sessions to support districts that were implementing integration, reallocating Title IV funds to Equity Assistance Centers with a focus on furthering integration, using the *bully pulpit* to talk about why integration mattered (particularly effectively with John King as Secretary of Education), and proposing a grant program that would have provided planning and implementation grants to districts pursuing voluntary integration. This program was *shut down/not funded* in March 2017 by current Secretary of Education Betsy DeVos. The Department of Justice also supported districts whose integration efforts were challenged, and it reinvigorated a number of court-ordered desegregation cases as well.

Obviously, as already mentioned, there have been a number of ways in which the Trump administration has explicitly discouraged voluntary desegregation efforts. Yet with ESSA giving more power to the states, there may be some opportunities for states that want to encourage efforts. In fact, we continue to see local integration efforts (e.g., in New York City) progressing despite the dampening effect of the Trump administration. Arguably, the many actions during this administration that have illustrated the ways in which race still matters in our society perhaps make it easier for local policymakers to make the case about why school integration matters.

**Q: Your research has found that inter-district voluntary desegregation often has only a limited impact. In an ideal world, how might schools implement a more effective desegregation plan? What, if anything, would have to change in order for this to occur?**

**A:** *I think voluntary integration policies that cross district boundary lines are essential to having a broader impact, but most interdistrict plans are limited in scope. The Boston METCO program, for example, has a long waiting list of families that want to participate. I recommend thinking about three things:*

- 1. Make integration efforts a more important part of the student assignment plan:** *Many voluntary integration efforts are limited. Districts may have a diversity preference but it may only apply to elementary schools, or it might be a second, third, or fourth priority that may or may not make much of a difference. In a society that is still segregated and unequal in many ways, it is important to account for race and/or socioeconomic status in a more robust way. Proximity preferences might be considered politically important, but they can limit the effectiveness of integration efforts because of segregated housing patterns. Academic or behavioral prerequisites for magnet schools are another way that magnet schools may not achieve their goal of reducing racial isolation, and may not provide equitable access for all students. Leaders should engage communities in a discussion of the tradeoffs of various parts of the student assignment plan.*
- 2. Consider school integration objectives beyond diverse student enrollments:** *Court-ordered desegregation efforts have often involved many aspects of schools besides student assignment alone—addressing teacher integration, staff integration, etc. Many plans have looked at educational opportunities by race as well. Getting diverse student enrollments is surely important and not always*

*easy to accomplish, but it is not enough in itself. Districts' efforts must go beyond that to ensure diversity among faculty and staff, and integration within the school. One model for this in voluntary efforts is the 5Rs framework in NYC.*

- 3. Integrate across regions and sectors:** *Segregation across educational units—districts, charter schools, etc.—is significant as well. So integration efforts must be regional in scope. Ideally, such efforts are paired with initiatives to integrate other areas of society, such as housing. The Obama administration released a [Dear Colleague letter](#) endorsing such cross-sector integration efforts, and that is essential to sustainability. Efforts to create new districts or new charter schools *must be carefully assessed with regard to their segregating impact.**

At the root of many of these suggestions is the idea that we need to rethink our current conceptualization of schools as a private good for our children, or for ourselves (e.g., affecting the values of our homes). Until we think of schools as a public good, helping to prepare all citizens and future community members, families are making housing and schooling decisions that may appear to be race-neutral and in the best interest of their children/household but, in fact, are furthering racial segregation.

## NEPC Resources on School Segregation

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