



***The National Coalition***  
***on***  
***School Diversity***

POLICY BRIEF 12 | JAN 2021

**SCHOOL INTEGRATION  
PRIORITIES FOR A BIDEN/  
HARRIS ADMINISTRATION**



## INTRODUCTION: LEARNING TOGETHER, LIVING TOGETHER

Our country is being called—with great urgency—to confront and overcome racial injustice in all its forms. PK-12 education is a particularly important space for this reckoning: it sets the foundation for our children’s lives and, as the Supreme Court recognized in *Brown v. Board of Education*, also represents the “very foundation of good citizenship.” As we strive to live up to the ideal of being “one nation, indivisible,” we heed Justice Thurgood Marshall’s words: “Unless our children begin to learn together, there is little hope that our people will ever begin to live together.”<sup>1</sup>

Educational injustice is deeply entrenched, and addressing it requires multiple approaches. **Our coalition believes that school integration is a critical pathway to achieving equity across our educational systems and that, as such, it must be prioritized.** Given our country’s long legacy of racial injustice, as a society we need to take proactive steps to cultivate the knowledge, skills, and relationships that help people navigate life in a multi-racial democracy.


<sup>1</sup> This excerpt from Justice Marshall’s 1974 *Milliken v. Bradley* dissent was adopted by the Washington, DC-area school integration group “Live Together, Learn Together.” ([www.learnlivetoegether.org](http://www.learnlivetoegether.org))

Integration is one such step.

Importantly, the benefits of attending diverse schools accrue to children from all racial and socioeconomic backgrounds. The benefits include, but are not limited to, [higher academic achievement](#). These [gains](#) continue into adulthood, leading to higher levels of social cohesion and civic engagement; reduced racial prejudice; and less segregation in neighborhoods, colleges, and workplaces. Social science also demonstrates [the democratic value of meaningful, sustained cross-racial contact](#) among youth.

The Biden/Harris Administration has many opportunities to demonstrate concrete support for efforts to build cross-racial understanding and facilitate more equitable distribution of resources and power through school integration.

In December 2020, we released [ten ideas the Biden/Harris Administration can implement within its first 100 days](#) to support school integration. In this brief, we outline a broader, longer-term school integration agenda for the administration’s first term. Future publications will describe additional ideas in more detail.



Policy is, of course critical, but strong leadership that affirms the importance of school integration and the benefits of diverse schools for all children, etc. can inspire and encourage state and local leaders to act.

**We urge President Biden and Vice President Harris to provide that leadership.**

As the Biden/Harris Administration establishes its place in the education space, we encourage it to consider the following:

- Successful school integration will require commitment from and collaboration across agencies and sectors, given the intersectional nature of this work. At times, it will also require strong accountability and enforcement.
- Over the last few years, student leaders have pushed our movement to recommit to a holistic vision of what integration can and should be.<sup>2</sup> We hope that the Biden/

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<sup>2</sup> See, e.g. IntegrateNYC, <https://integrateNYC.org/mission>. While IntegrateNYC's "5Rs of Real Integration" were developed by students in NYC in the past few years, they harken back to the so-called "Green factors" adopted by the federal courts in the 1960s and 70s for defining a fully integrated school system. The *Green* factors included measures of equity in facilities; student, faculty and staff assignments; transportation; and extracurricular activities. See *Green v. County School Board of New Kent County*, 390 U.S. 936 (1968).

Harris Administration will draw inspiration from and be guided by the courageous and dynamic work of youth throughout the country.<sup>3</sup>

- Existing disparities—in education and beyond—have been compounded by the ongoing COVID crisis, which has disproportionately affected communities of color. The crisis has reminded us of the many roles that schools play beyond academics. It has also provided an opportunity to examine our systems. Of course, there are urgent needs that must be met immediately. But, we call on this administration to set a vision and agenda for developing an equitable and more integrated public school system as part of its response to COVID.

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<sup>3</sup> See, e.g. IntegrateNYC ([www.integrateNYC.org](http://www.integrateNYC.org)), Teens Take Charge ([www.teenstakecharge.com](http://www.teenstakecharge.com)), and Epic Theatre Ensemble ([www.epictheatreensemble.org](http://www.epictheatreensemble.org)).

## **POLICY AND ENFORCEMENT**

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### **DEVELOP STRONG POLICY TO SUPPORT AND INCENTIVIZE INTEGRATION EFFORTS ACROSS THE PK-12 CONTINUUM.**

1. The administration should publicly affirm its support for the **Strength in Diversity Act**, which is designed to promote school integration. Introduced by Senator Chris Murphy and Representative Marcia L. Fudge, the Strength in Diversity Act would provide competitive grants to support new and expand existing voluntary community-driven strategies to increase diversity in schools. If passed, Strength in Diversity would be the first major federal investment in school integration in decades.

Grants would fund a range of activities, 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 state governments

A version of the bill [passed in the U.S. House](#) in September 2020, and included the following important amendments:

- A priority for projects that extend beyond one local educational agency (e.g. interdistrict or regional programs)
- A priority for projects that demonstrate meaningful coordination with local housing agencies to increase access to schools that have a disproportionately low number of low-income students
- Efforts to increase teacher diversity as an allowable grant activity
- Replacing entrance exams or other competitive application procedures with methods of student assignment to promote diversity as an allowable grant activity

## **POLICY AND ENFORCEMENT (CONT'D)**

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2. Issue guidance recognizing that [integration strategies are an acceptable use of Title I funds](#) under the Every Student Succeeds Act; gather examples of how states are using ESSA's 7% state set-aside to advance racial equity and integration (New York provides one example).<sup>4</sup>
3. Convene experts to identify concrete ways to successfully reform Title I to [remove disincentives for integration](#) without undermining Title I's equity goals, including the following considerations:
  - Creating financial consequences for states and/or school districts that enact policies or practices that increase the concentration of poverty and/or exacerbate racial isolation in particular schools or school districts; conversely, creating financial incentives to reward states and/or school districts that do the opposite
  - Applying the existing comparability requirements to all school resources by addressing the teacher salary loophole
  - Narrowing comparability standards beyond the current requirement that school districts provide Title I schools with at least 90 percent of the resources at other schools
  - Enforcing existing teacher equity and quality provisions, ensuring that children of color are not disproportionately taught by less experienced, out-of-field, and ineffective teachers and requiring experienced, in-field, and effective teachers to be fairly and equitably distributed between high- and low-poverty schools and school districts
4. Incentivize development/implementation of systems that look beyond Title I/free and reduced priced lunch (FRPL) measures; leverage more nuanced measures for poverty to promote socioeconomically integrated schools. Given the Court's 2007 *Parents Involved* decision, a more nuanced system of measuring SES can be used to promote schools that are both racially and socioeconomically integrated.<sup>5</sup>
5. Increase capacity and funding for federal Equity Assistance Centers; ensure that they are able to offer high-quality technical assistance on integration.

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<sup>4</sup> As we [previously noted](#), in addition to state Title I support for school integration, Title IV-A funds can be used as well. Title IV-A grants go to districts, making this a district-level decision. See, e.g. Testimony of Chancellor Richard A. Carranza, New York City Dep't. of Educ., *Brown v. Bd. of Educ.* at 65: Hearing Before the H. Comm. on Educ. & Labor (2019), <https://edlabor.house.gov/imo/media/doc/CarranzaTestimony043019.pdf> ("Based upon our efforts to increase diversity in District 15, we have launched a \$2 million grant program to support school districts to develop locally driven diversity plans in communities across New York City.").

<sup>5</sup> An example of this can be found in San Antonio ISD. See, e.g. Bekah McNeel, *SAISD Plans to Tackle Poverty One School at a Time*, SAN ANTONIO REPORT, Oct. 11, 2017, <https://sanantonioreport.org/saisd-plans-to-tackle-poverty-one-school-at-a-time>; Emily Donaldson, *How an SAISD System Helped Transform the Way the State Views Poverty in Schools*, SAN ANTONIO REPORT, Dec. 31, 2019, <https://sanantonioreport.org/how-an-saisd-system-helped-transform-the-way-the-state-views-poverty-in-schools>. SAISD's methodology was taken statewide through a [major school finance reform bill](#), which was passed in 2019, to allocate funding to high-poverty schools and districts in a more progressive manner.

## **POLICY AND ENFORCEMENT (CONT'D)**

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6. Devise policies that facilitate integration in Pre-K.<sup>6</sup>
  - Provide guidance to publicly funded Pre-K programs on effective strategies for establishing “braided” classrooms<sup>7</sup> that allow students from Head Start to learn in the same classrooms as private-pay peers and/or others that receive some form of subsidy.
  - Offer guidance/incentives to Pre-K providers that actively recruit for racial and/or socioeconomic diversity (e.g. matching funds to state programs that meet a minimum threshold for diversity).
  - Launch a competitive grants program like “Opening Doors, Expanding Opportunities” that is focused on public Pre-K.

### **STRENGTHEN SUPPORT AND ACCOUNTABILITY FOR MAGNET SCHOOLS AND DIVERSE-BY-DESIGN CHARTERS.**

7. Increase funding for the Magnet Schools Assistance Program (MSAP) in the agency’s 2022 budget request; provide sustainability funding for existing magnets that are successfully achieving racial and socioeconomic integration goals.
8. Align MSAP program application requirements with the components of effective magnet schools;<sup>8</sup> tighten program regulations to ensure that the program fulfills its purpose of fostering racial and socioeconomic integration.
9. To the extent that the federal government invests in charter schools, support for diverse-by-design charters should be made clear. Revise the Charter Schools Program (CSP) to explicitly strengthen civil rights assurances regarding enrollment procedures, discipline, etc. and support more diverse-by-design charters.<sup>9</sup> CSP could draw from MSAP application requirements, e.g. around defining diversity, transportation, and outreach goals, and encourage coordination with surrounding districts so as to not exacerbate segregation.<sup>10</sup>

<sup>6</sup> PETER PIAZZA & ERICA FRANKENBERG, CENTER FOR EDUC. AND CIVIL RIGHTS AT PENNSYLVANIA STATE UNIVERSITY, SEGREGATION AT AN EARLY AGE (2019), [https://cecr.ed.psu.edu/sites/default/files/Segregation\\_At\\_An\\_Early\\_Age\\_Piazza\\_Frankenberg\\_2019.pdf](https://cecr.ed.psu.edu/sites/default/files/Segregation_At_An_Early_Age_Piazza_Frankenberg_2019.pdf).

<sup>7</sup> HALLEY POTTER, THE CENTURY FOUNDATION, CREATING INTEGRATED EARLY CHILDHOOD EDUCATION IN NEW YORK CITY (2018), <https://tcf.org/content/report/creating-integrated-early-childhood-education-new-york-city>.

<sup>8</sup> Some examples include: centering of school integration in school mission, goals, structure/design; the provision of free transportation; inclusive enrollment practices; and family outreach and engagement.

<sup>9</sup> See, e.g. JULIE F. MEAD & PRESTON GREEN, THE CENTURY FOUNDATION, ADVANCING INTENTIONAL EQUITY IN CHARTER SCHOOLS (2019), [https://production-tcf.imgix.net/app/uploads/2019/03/15092222/mead\\_green-pdf.pdf](https://production-tcf.imgix.net/app/uploads/2019/03/15092222/mead_green-pdf.pdf) (arguing the Department “should establish a rule that any [charter entity] found by state or federal educational authorities or a charter school authorizer to have violated state or federal discrimination standards or that engaged in behaviors that resulted in the revocation or nonrenewal of a charter for a cause related to equal education opportunity is ineligible for federal charter school grants for a minimum of five years” At 14).

<sup>10</sup> See, e.g. HALLEY POTTER AND MIRIAM NUNBERG, THE CENTURY FOUNDATION, HOW CAN THE FEDERAL GOVERNMENT SUPPORT INTEGRATION IN CHARTER SCHOOLS? 6 (2019), [https://production-tcf.imgix.net/app/uploads/2019/04/26153205/Potter\\_Fedgov\\_FinalPDF1.pdf](https://production-tcf.imgix.net/app/uploads/2019/04/26153205/Potter_Fedgov_FinalPDF1.pdf).

## **POLICY AND ENFORCEMENT (CONT'D)**

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### **ENHANCE ENFORCEMENT EFFORTS WHERE APPROPRIATE.**

10. Support expanded staffing and strong civil rights enforcement at the Department of Education's Office for Civil Rights (OCR).<sup>11</sup>
11. Provide guidance on OCR acceptance and processing of Title VI complaints challenging school district secession; exclusionary or discriminatory admissions policies; changes to school district lines; and school assignment zone changes with a substantial discriminatory impact.<sup>12</sup> To that end, the Department should:
  - Hold a listening session with litigators, fair housing experts, educators, and community members in places where secession efforts have been attempted,<sup>13</sup> to determine what types of policies and enforcement activities might help prevent segregation, resegregation, and resource hoarding.
  - Improve data collection<sup>14</sup> and prioritize Secretary-initiated investigations and complaints related to these issues.
  - Explore options to force or encourage district mergers when district boundaries drive segregation.
12. Affirm support for passage of the [Equity and Inclusion Enforcement Act](#) (already passed once by the House), which would allow private parties to file disparate impact legal complaints under the Civil Rights Act of 1964.
13. Prioritize investigations and enforcement in the Department of Justice's (DOJ) Civil Rights Division to address state and local government actions that exacerbate school segregation.
14. Direct DOJ's Voting Rights Section to review changes in state and local government, including legislatures and school boards, since the Court's 2013 *Shelby County v. Holder* decision to determine whether the end of preclearance has reduced the representation of people of color.

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<sup>11</sup> For example, enforcement could include re-instituting prior Department "pattern" discrimination investigation procedures (changed during the Trump Administration) and a review of existing desegregation cases to which the Department is a party.

<sup>12</sup> For some detailed, evidence-based suggestions on what this kind of rezoning guidance might look like, see GENEVIEVE SIEGEL-HAWLEY, KENDRA TAYLOR, KIMBERLY BRIDGES, ERICA FRANKENBERG, ANDRENE CASTRO, SHENITA WILLIAMS & SARAH HADEN, CENTER FOR EDUC. AND CIVIL RIGHTS AT PENNSYLVANIA STATE UNIVERSITY & VIRGINIA COMMONWEALTH UNIVERSITY COLLEGE OF EDUCATION, *SCHOOL SEGREGATION BY BOUNDARY LINE IN VIRGINIA: SCOPE, SIGNIFICANCE AND STATE POLICY SOLUTIONS* (2020), [https://cecr.ed.psu.edu/sites/default/files/School\\_Segregation\\_by\\_Boundary\\_Line\\_in\\_Virginia\\_Nov\\_2020.pdf](https://cecr.ed.psu.edu/sites/default/files/School_Segregation_by_Boundary_Line_in_Virginia_Nov_2020.pdf).

<sup>13</sup> See, e.g. Jennifer Pollan, National Coalition on School Diversity, *How School District Secessions Threaten to Exacerbate Segregation*, in *THE STATE OF INTEGRATION 2018 9-11* (2019), [https://school-diversity.org/wp-content/uploads/2019/06/State-of-Integration\\_2018.pdf](https://school-diversity.org/wp-content/uploads/2019/06/State-of-Integration_2018.pdf); EdBUILD, *FRACTURED: THE ACCELERATING BREAKDOWN OF AMERICA'S SCHOOL DISTRICTS* (2019 Update), <https://edbuild.org/content/fractured/fractured-full-report.pdf>.

<sup>14</sup> National Center for Education Statistics (NCES) stopped collecting this data in 2015-16.

## **BREAKING DOWN SILOS + CO-CREATING SOLUTIONS**

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*Given the intersectional nature of this work (including the interplay between residential segregation and school segregation), successful school integration will require commitment from and collaboration across agencies and sectors. The Biden/Harris Administration should provide the leadership and resources needed for stakeholders to wrestle with, and find concrete solutions for, complex policy problems.*

### **ENCOURAGE CROSS-AGENCY/CROSS-SECTOR COLLABORATION.**

15. Convene an interagency meeting on school and housing integration; reissue enhanced version of [2016 interagency guidance](#) to state/local housing, transportation, and education agencies.
16. Formally link MSAP with HUD's Choice Neighborhoods initiative, so that school improvement in public housing redevelopment neighborhoods includes greater racial and socioeconomic diversity. Include in annual appropriation for both programs.
17. Create Diversity in Public Education office (or similar initiative) within the Department to study and promote PK-12 diversity, potentially as a joint initiative with HUD's division of fair housing.
18. Issue joint guidance to encourage/enforce fair housing and lending in metro areas where discriminatory housing/lending practices have contributed to concentrations of race/poverty.
19. Reinstate and strengthen the Affirmatively Furthering Fair Housing rule that promotes integration of housing and removal of exclusionary barriers. This is enormously important for integrating neighborhood public schools, attended by 75% of American students.<sup>15</sup>
20. Provide guidance to states on accountability designs that go beyond the use of test scores in the measurement of school quality. Include guidance that states rely primarily on growth, as opposed to proficiency rates, when using test scores for school accountability. Include measures of segregation in state accountability systems.<sup>16</sup>
21. Create incentives and supports for voluntary regional school integration programs, emphasizing the development of two-way programs.
22. Issue a handbook for undergraduate institutions on how to identify applicants with the preparation to live, work, and learn in diverse environments and make meaningful contributions to a diverse community of learning ("cultural dexterity" or "diversity capital").

<sup>15</sup> NATIONAL CENTER FOR EDUCATION STATISTICS, *Public School Choice Programs*, <https://nces.ed.gov/fastfacts/display.asp?id=6> (indicating that 13 percent of public school parents choose a school outside their neighborhood; roughly 10 percent use private school)(last visited Jan. 11, 2021).

<sup>16</sup> NATIONAL COALITION ON SCHOOL DIVERSITY, *MODEL STATE SCHOOL INTEGRATION POLICIES* (2020), [https://school-diversity.org/wp-content/uploads/NCSDPB11\\_Final.pdf](https://school-diversity.org/wp-content/uploads/NCSDPB11_Final.pdf).



## **RESEARCH AND DATA COLLECTION**

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### **SUPPORT STRONG CIVIL-RIGHTS RELATED RESEARCH AND DATA COLLECTION AT THE DEPARTMENT OF EDUCATION.**

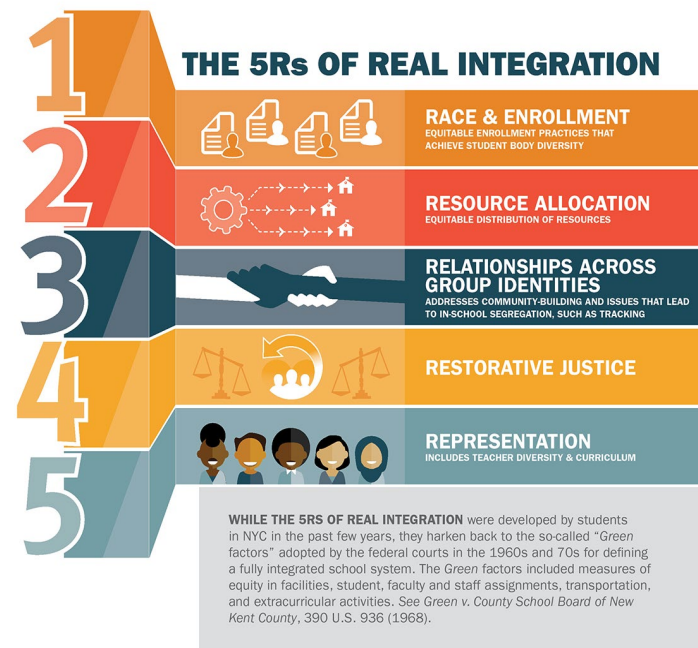
23. Start annual reporting by the Department of Education's Office for Civil Rights and the Department of Justice on active court desegregation orders and voluntary agreements.
24. Collect and publish data to show within-school segregation, within-district segregation, and across-district segregation. Examine the relationship between inadequate resources and racial/socioeconomic isolation.
25. Review Civil Rights Data Collection (CRDC) data for correlations between concentrations of race and poverty with the racially disparate impact of school discipline and school policing, including the presence of police and security on school campuses (and education funding spent on police).
26. Any new data collection on demographics should be paired with data collection on policy as well, e.g. intra- and interdistrict transfer options, any existing diversity or integration orders, plans, or programs, and state or district policies pertaining to magnet schools, charter schools, and other alternatives.
27. Conduct evaluations of Magnet Schools Assistance Program (MSAP) and charter school program (CSP) with emphasis on segregative/integrative impact. Conduct a review of charters that have received federal funds to measure how segregated they are and help to propose actions/measures to address segregation.

## HOLISTIC APPROACHES TO INTEGRATION + STUDENT VOICE

School integration is often put in unnecessary conflict with other important educational and racial justice goals. The Biden/Harris Administration—at a pivotal time in our nation's history—can help shape public understanding of integration as an important part of a larger effort to achieve equity and justice across our educational systems and to foster cross-racial understanding, by: 1) advancing a holistic vision for integration (e.g. as articulated by IntegrateNYC's "[5Rs of Real Integration](#)"); 2) acknowledging connections with other educational and racial justice goals; and 3) putting integration into historical context, as part of our nation's continued struggle to eliminate racism and white supremacy. In doing this, we urge the administration to create meaningful channels for student voice and leadership.

### HERE ARE SOME IMPORTANT WAYS TO ADVANCE A HOLISTIC, STUDENT-CENTERED APPROACH TO INTEGRATION:

28. Appoint a panel of youth/student advisors to the Secretary of Education that reflect the racial, socioeconomic, and regional demographics of our nation.
29. Support and advocate for an overall increase in federal education spending.
30. Prioritize investments in universal school lunch with improved nutrition and reducing the ratio for social workers to ensure students' basic physical and mental health needs are supported so they can thrive in the classroom.
31. End the permissive use of education funding for school police, given patterns of inadequate student support staff and higher police presence in districts and schools that serve a disproportionately high share of students of color.
32. Invest in ethnic studies and civic education, culturally sustaining education, and restorative practices.



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## **HOLISTIC APPROACHES TO INTEGRATION + STUDENT VOICE**

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### **CONNECT EFFORTS TO INCREASE EDUCATOR DIVERSITY WITH EFFORTS TO INCREASE STUDENT BODY DIVERSITY.**

33. Hold a listening session with historians, researchers, educators, and policymakers to better understand connections between segregation, access to effective educators, and educator diversity; acknowledge and address the historical link between desegregation and the loss of Black educators in the South.<sup>17</sup>
34. Encourage the lawful recruitment, hiring, and retention of teachers of color.
35. Explore federal grants, loan forgiveness, and other supports for teachers of color applying to and completing teacher licensure. Explore federal grants, loan forgiveness, and other supports for teachers of color to have access to comprehensive pathways into the profession and the supports necessary to complete these programs and remain in the profession.

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<sup>17</sup> See, e.g. NCSD's 2020 virtual keynote presentation, featuring Vanessa Siddle Walker in conversation with Elizabeth McRae, facilitated by Dani McClain. Available at <https://youtu.be/qKS5WObEi3M>; Wendy Parker, *Desegregating Teachers*, 86 WASH U. L. REV. 1 (2008), available at: [https://openscholarship.wustl.edu/law\\_lawreview/vol86/iss1/1](https://openscholarship.wustl.edu/law_lawreview/vol86/iss1/1) ("One survey concluded that almost 40,000 African-American teachers were unemployed by 1972 because of *Brown*." At 15.).



## **ACKNOWLEDGMENTS**

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