Preserving Integration Options for Latino Children:

A Manual for Educators, Civil Rights Leaders, and the Community

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MALDEF

The Civil Rights Project

Proyecto Derechos Civiles

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Introduction

The impact of the United States Supreme Court June 2007 ruling in *Parents Involved in Community Schools v. Seattle School District No. 1* and *Meredith v. Jefferson County Board of Education* (cases known as PICS) may soon be felt by your school district. At issue in these cases was the authority of local school districts to consider the race of individual students in taking voluntary actions to reduce racial and ethnic segregation and isolation in K-12 public schools. On behalf of 16 major Latino organizations, Mexican American Legal Defense and Educational Fund (MALDEF) submitted a brief to the Supreme Court in the PICS case to affirm the importance of voluntary integration plans to Latino students. MALDEF and the Civil Rights Project/Proyecto Derechos Civiles at UCLA can assist you in promoting and protecting educational opportunities for Latino children.

Latino students' rights to desegregated schools were recognized by the U.S. Supreme Court in 1973. There are a number of school districts that are under court order to desegregate. If your school district is under court order to desegregate, the PICS ruling has no effect on your school district as long as the court order is in place. However, when the court order is lifted, the PICS ruling will apply to your school district. If your school district is not under court order to desegregate, but has recognized the benefits of racial integration and has chosen to implement integration policies, the PICS ruling has significant implications for your school district.

The PICS ruling limits voluntary desegregation plans. The likely effect of the PICS ruling is continued increased levels of segregation of Latino students in inferior schools. In addition to increased school segregation by race and poverty, there may also be a corresponding increase in school districts subject to state sanctions for the low academic achievement levels of racially isolated minorities. This document will explain the effects of the PICS ruling and how school board members can continue to use lawful policies, like those outlined by Justice Kennedy in the PICS opinion, to further the important goals of decreasing racial isolation, promoting diversity, and furthering equal educational opportunity in our public schools.

A Brief History of School Segregation in the Latino Community

The Latino educational experience has long been marked by persistent segregation and racial isolation. Throughout the early part of the 20th century, Latino students in the Southwest were channeled into segregated and substandard "Mexican schools." Puerto Rican and Dominican communities in the Northeast endured similar segregation and also faced significant barriers to educational equity.

The legal struggle against the segregation of black and Latino students began more than a half-century ago.[1] The first federal lawsuit to successfully challenge Latino student segregation was *Mendez v. Westminster School District of Orange County* (1947).[2]

This 1947 decision held that separate but equal schools were inadequate and that a "paramount requisite in the American system of public education is social equality. It must be open to all children by unified school association regardless of lineage." Although *Mendez* was a landmark litigation for Latinos and an important precursor to the *Brown* decision, the case developed in a way that separated Latino segregation from the issue of race discrimination. Specifically, the parties stipulated that Mexican Americans were part of the white race. This disconnect from the social reality of the time, and the fact that the case never reached the U.S. Supreme Court, limited *Mendez*'s reach and contributed to the exclusion of Latinos from future legal and academic discourses on school segregation.[3]

Brown v. Board of Education, which held in 1954 that "in the field of public education the doctrine of 'separate but equal' has no place," is generally acknowledged as the start of the modern civil rights era. After *Brown*, the Supreme Court supported and furthered the legitimacy of desegregation plans by issuing subsequent rulings by first requiring desegregation "with all deliberate speed"[4],and later eliminating delays and requiring the prompt elimination of any traces of prior discrimination "root and branch"[5], and giving lower courts the authority to order appropriate desegregation remedies such as busing.[6]

The specific recognition that *Brown*'s doctrine applied to Latino school segregation did not reach the federal courts until almost two decades later with *Cisneros v. Corpus Christi Independent School District* (1970)[7], and *Keyes v. School District No. 1* (1973)[8]. The rulings in both these cases recognized that Latino students are protected under the Equal Protection Clause of the Fourteenth Amendment, which had been added to the Constitution after the Civil War to forbid discrimination by public officials. Unfortunately, even after those rulings, Latino students' civil rights were not sufficiently enforced by federal civil rights agencies, and Latino students generally continued to attend low-performing, racially isolated schools.

During the mid-1970's, the Supreme Court's support for desegregation efforts slowly slipped away. In one of the most significant cases from this era, *San Antonio Indep. Sch. Dist. v. Rodriguez* (1973)[9], the Court held that there is no federal right to education, and that wealth is not a suspect classification. Thus, the Court found that the Texas system of financing public school education was constitutional even though it denied equal resources to students in poor public school districts. Following the *Rodriguez* decision, in *Milliken v. Bradley* (1974)[10], the Court held that lower courts could not order inter-district desegregation (desegregation between two or more districts) remedies that include urban and suburban school districts without first showing that the suburban district or the state was directly responsible for the segregation across district boundaries. Since almost nine-tenths of Latinos attend schools in metropolitan areas, often in intensely segregated central cities, these decisions limited legal avenues for Latino desegregation.
As a result, Latino students have never

experienced an overall decline in racial isolation. Today, Latinos are the most segregated minority group in our nation's public schools. In 2005-06, one-fifth of Latino students in large cities attended schools of almost absolute racial isolation (where 99–100% of the students were nonwhite).[11] Integration of Latino students with white students has been declining on a national level ever since the data were first collected in 1968. Since that time, Latino segregation has increased in every region of the country. When desegregation plans ended in Las Vegas and Denver, segregation soared. Indeed, during the l980s the level of Latino student segregation surpassed that of African American students, and it remains that way today.[12] By the 2005-6 school year, about two of every five Latino students across the country attended an intensely racially segregated school (0-10% white students). Moreover, Latino English Language Learner (ELL) students attend schools where over 60% of the students are Latino. All of these statistics are especially troubling in light of the fact that Latino student public school enrollment has quadrupled in size from 5% in 1968 to 20% in 2005.[13]

The Seattle/Louisville United States Supreme Court Ruling

How did the Seattle and Louisville desegregation plans work?

In order to comply with the *Brown* ruling and to create racially integrated schools that serve all students, many school districts across the country have implemented voluntary desegregation plans. Some school districts have implemented such plans even after their release from court supervision and the termination of court-ordered desegregation plans.

Beginning in the l970s, magnet schools became popular methods for desegregating urban school districts. Providing schools with special educational offerings that were not available in comprehensive schools made magnet schools attractive to parents of all races. The federal Magnet School Act required desegregation plans for magnet school grants. These desegregation plans limited the enrollment of students from any one racial group and set aside seats for students from other racial groups, thereby successfully integrating many public schools. The federal government strongly encouraged magnet programs and schools and required that they have desegregation policies.[14]

The Jefferson County Public School District, which serves the Louisville, Kentucky area, voluntarily operated a district-wide plan of magnet programs and school choice with desegregation guidelines. The district also used race-conscious attendance zones and clustering of schools to produce desegregated schools. Students could choose to attend their neighborhood school or a school assigned to their neighborhood cluster. Students could also apply for a transfer to any other school in the district, but the district would deny the transfer if it would further racial segregation at either the sending or receiving school.
Seattle, Washington, which has a multiracial population of Anglos, Latinos, African

Americans, Asian Americans, and American Indians, did not have a district-wide desegregation plan, but instead provided preferences for minority students at a few oversubscribed high schools in order to modestly increase integration in these high-quality, largely Anglo schools. In general, Seattle operated an "open choice" system for high schools. Each student had the option to attend high school in any part of the district by ranking their top three choices. In those high schools with more applicants than seats available, the district had "tie breaker" policies, including the consideration of the student's race and whether or not that student would increase the level of segregation at the school.

Importantly, in both the Louisville and Seattle cases, the school districts considered race as a factor in student assignment only when schools were racially isolated. It was the goal of both districts that the student body population at each school roughly reflect the racial proportions of those students in the district as a whole. In each case, parents of Anglo children sued the school districts arguing that the plans violated the Equal Protection Clause of the Fourteenth Amendment. In both of these communities, surveys of high school students showed that students of each racial group believed that desegregated schools prepared them to live and work effectively in their multiracial cities.[15] The lower courts ruled in the school districts' favor, and the parents appealed to the United States Supreme Court.

What was the main issue that the Court considered?

The main issue considered by the Court was whether school districts may consider an individual student's race in making school assignments to promote integration in school districts that had not operated legally segregated schools (such as Seattle) or that had operated legally segregated schools but had been released from court-ordered desegregation (such as Louisville).

What role did the Latino community play in the case?

On October 10, 2006, MALDEF filed an *amicus curiae* (friend-of-the-court) brief in the U.S. Supreme Court on behalf of 16 national and local Latino organizations that represent the interests of Latino students.[16] In the brief, MALDEF argued that the interests of Latino students, who now constitute the nation's largest and fastest-growing minority group in U.S. public schools, must be considered by the Court in reaching a decision in the cases. The programs at issue in Seattle and Louisville furthered the intent of *Brown* and were constitutionally permissible, in MALDEF's view, because integration and avoiding racial isolation in public schools are compelling state interests that justifies the limited use of race in school assignment plans. There were many briefs submitted by educational experts and organizations supporting this view. An independent analysis of all the information presented to the Court by the National Academy of Education found that the evidence supported this claim.[17]

What was the Court's ruling?

On June 28, 2007, the United States Supreme Court, in multiple complex opinions, struck down the race-conscious plans used by the Seattle and Jefferson County school districts. Indeed, although the Court split 5-4 to strike down the plans, that five separate opinions were produced by individual Justices revealed a deeply divided court. Chief Justice Roberts, writing for himself and three other Justices (Alito, Thomas, Scalia) who opposed all voluntary integration plans, acknowledged that "remedying the effects of past intentional discrimination is a compelling interest." The Chief Justice held that this compelling interest did not, however, apply to the Seattle and Jefferson County plans because the school systems were not under court order to desegregate when they carried out their integration plans.

While Justice Kennedy joined the four above-mentioned justices in striking down the specific plans in Seattle and Jefferson County, he also agreed with four other Justices (Breyer, Ginsburg, Stevens, Souter) that some voluntary race-conscious plans are constitutionally permissible. Most importantly, Justice Kennedy made clear that a compelling interest exists in avoiding racial isolation and achieving a diverse student population. In other words, Kennedy's opinion held that districts can use race in certain limited ways to foster diversity in K-12 public schools.

Although Justice Kennedy's opinion is very valuable to continued desegregation efforts, Justice Kennedy rejected the most common student transfer and magnet school desegregation strategies used by school districts throughout the nation. Thus, school districts that operate desegregation plans similar to those in Seattle and Jefferson County must either revise or potentially abandon those models. Justice Kennedy's opinion and Chief Justice Roberts' ruling left unanswered questions about how race could be considered as one component in designing student assignment plans that foster diversity. Justice Kennedy explicitly approved other techniques (described below).

How the Supreme Court's Ruling in Seattle/Louisville Affects Schools

A. School Districts Under Court Order to Desegregate

The Supreme Court ruling altered the constitutional law governing voluntary school desegregation, but it does not apply to, and has no effect on, court-ordered school desegregation plans.

Presently, there are several hundred school districts in the U.S. that are under court order to desegregate. Many of these plans cover school districts with large numbers of Latino school children, particularly in the South. The PICS ruling does not apply to these school districts. These school districts can continue to use race-conscious measures as approved by the court orders.

What you can do: If your district is under a court order to desegregate, it is far more beneficial to remain under court order and to negotiate any needed modifications than to have the court order lifted. Lifting the court

order means losing the ability to consider race and ethnicity positively for purposes of creating and maintaining integrated educational opportunities. Unless there has actually been a full and successful remedy for the history of discrimination, segregation, and unequal treatment for a reasonable amount of time, local education leaders should resist requests for terminating court orders by documenting to school authorities, and to the court, the problems yet to be resolved.

Resisting efforts to dissolve desegregation court orders is particularly important because Latino students' interests are often ignored in the termination of desegregation plans. The key Supreme Court decisions in l991 from Oklahoma City (*Okla. City Bd. of Educ. v. Dowell*, 1991)[18] held that a desegregation plan could be eliminated and the rights on which it was based terminated when a federal district judge ruled that the district had done as much as was "practicable" under its order for a number of years. When a district was under a federal court order it was forbidden from taking actions that increased segregation and racial inequality, since it was still under a command to correct those historic results of segregation. Once the order was lifted and the district was declared "unitary," or having shown good faith in eliminating segregation, no such obligation existed. Districts could then take any action for which a plausibly reasonable argument existed, such as having children closer to their homes, no matter what segregation and educational inequalities resulted – unless civil rights lawyers could prove that the school officials intended to discriminate, a standard almost impossible to meet.

The result of this process was that in districts where Latino students had never been included in the desegregation process, their constitutional rights to a desegregated education were eliminated without ever being recognized or enforced. Since getting any court-ordered remedy for racial inequality requires proving a history of discrimination, wiping the slate of the history of discrimination clean ends the Latino community's ability to successfully challenge segregated schools. Under a continuing court order, a school system cannot take actions that are certain to increase segregation or inequality. If the court order is lifted, a school system has far more leeway to take such actions and will only be stopped if the school system admits that its actions were specifically taken to increase segregation.

Moreover, after courts terminate desegregation orders, there is typically a surge in school segregation. Such was the case documented by the state monitor in San Francisco.[19] Another report indicated that not only had segregation increased markedly, but that increased segregation was related to a rising number of schools scoring at the bottom of the California Academic Performance Index.[20] Similar patterns appear in other school districts throughout the nation. Researchers comparing test score results for schools, with various levels of racial change following termination of a desegregation court order, showed that within three years after the desegregation plan, test scores had become more strongly related to the percentage of white students in a school.[21] The data showed that Latino and black scores fell in schools that experienced a declining share of white

students and rose in schools where the white proportion increased. The advantage of student body diversity was greatest for Latino students. (White students in the Denver study did not, however, show gains as the proportion of white students in their schools increased with resegregation.)[22]

B. School Districts Engaged in Voluntary Desegregation Efforts

There are approximately 1,000 school systems in the country that presently choose to use race as a factor in student assignment. These schools are directly affected by the PICS ruling. The effect of the PICS decision on these schools is that plans that classify or categorize individuals solely on the basis of their race in order to treat those students differently will come under increased scrutiny in the courts.

This does not mean that race-conscious policies are prohibited. Schools may use race as one of several factors in a school attendance plan. Measures designed to achieve racial diversity that do not classify individual students on the basis of race are generally permissible without exception. Justice Kennedy held that school districts can pursue certain race-conscious measures to achieve diversity and to avoid racial isolation, and can pursue those same goals through a "more nuanced, individual evaluation of school needs and student characteristics that might include race as a component." Viable options for school districts that comply with the confines set by Justice Kennedy are more fully discussed in the next section.

Viable Options for Promoting Diversity and Avoiding Racial Isolation in K-12 Student Assignment After the Seattle/ Louisville Cases

While the Supreme Court decision creates new challenges for school districts that wish to foster diversity in local schools, it leaves room for new methods that preserve or create integrated educational opportunities benefiting all students.

If a community desires to foster diversity in public schools, it can do so and still comply with the PICS ruling. The ruling prevents school officials from assigning students on the basis of their individual race, but it does allow other techniques that will foster diversity in public schools. Generally, school boards may use mechanisms that are race conscious but do not lead to different treatment based on a student's racial classification. Justice Kennedy specifically endorsed the use of:

i. Strategic site selection of new schools;

ii. Drawing attendance zones with general recognition of the demographics of neighborhoods;

iii. Allocating resources for special programs;

iv. Recruiting students and faculty in targeted fashions, and

v. Keeping track of enrollments, performance, and other statistics by race.

Permissible Race-Conscious Measures:

Strategic site selection for new schools: If your school district plans to build new schools, school authorities can strategically select sites in neighborhoods where the resulting attendance zones can be drawn so as to avoid racial isolation and create diversity. Communities considering such plans need to look carefully not only at the existing population distribution, but also anticipate and plan for future demographic changes. Use of these techniques along the boundaries of rapidly expanding non-white communities will not produce lasting integration.

Design attendance zones that maintain diversity and/or avoid racial isolation: In school districts which use a system of mandatory assignment to a school based on where the student lives, school officials can redraw school attendance zones to maintain racial diversity and/or decrease racial isolation. For example, if a small white community lies next to an overwhelmingly Latino school, the school board may adjust the attendance zone to include the white community, thus bringing white students into the Latino school which decreases racial isolation.

Recruit students and faculty in a targeted fashion: The PICS decision also allows targeted recruiting for "choice schools," which potentially is quite valuable in fostering integration. A school district may attempt to maintain integration not by holding spaces for Latino children, but by active information and recruitment efforts in Latino neighborhoods. Recruitment efforts would ensure that minority families know about their options and feel welcome in the "choice schools" so that they will apply in time to obtain some of the seats. There is strong evidence that access to information about educational options is much more limited in Latino families and communities. Latino families and communities are often isolated from networks of information about the quality of school programs and the relative success of different schools in graduating students and preparing them for success in college.[23]

Keeping racial statistics: The Court's decision supports the continued collection of racial statistics and school districts are still required under the l964 Civil Rights Act to report enrollment and teacher statistics to the federal government and to report achievement by race, ethnicity, and annual changes under the No Child Left Behind Act. Much of this information, however, is not included in local school district websites and reports. It is very important for local community groups, civil rights groups, parents, and the general public to have this information, which is critical to analysis of developing patterns of resegregation, of educational equity, and of the educational opportunities and gaps at each school. Full and easy access to this critical civil rights information should be requested in each district and state.

Allocate resources for special programs: School officials may, under PICS, foster school diversity by setting aside seats in specialized schools or programs based on a number of individual or family characteristics such as poor children, ELL children, children

whose parents have a limited educational background or children raised in single-family homes, children with low test scores, or other similar race-blind alternatives. Research suggests that none of these is likely to work as well in producing integrated schools as direct consideration of race and ethnicity, but they may produce some level of integration and contribute real educational value. Such alternatives are most likely to work where there are only two major racial and ethnic groups in a community with wide gaps between those groups, for example in socioeconomic or ELL status. Such plans are, however, less likely to work in complex multiracial settings.

Justice Kennedy left open the possibility that race could be a component of other student assignment methods as long as they reflect "a more nuanced, individual evaluation of school needs and student characteristics." Because Justice Kennedy did not provide particular examples, it is not entirely clear what this means. While Justice Kennedy clearly disfavored the use of individual racial classifications, he indicated that they could be used as a last resort.

Suggested Race-Neutral Measures:

Promote dual language programs/schools: Dual language (or "bilingual") academic programs and schools are promising both for integration and for educational and social benefits. In these schools, which may include fluent English and Spanish speakers, all students can become fluent in the other language. Moreover, they provide optimal conditions for successful racial and ethnic integration. When properly implemented, dual language programs give equal status to each language, and each group of students has to rely on the other group to become genuinely fluent. In such programs, teachers work together to assure that all the students obtain something that few Americans achieve—genuine bilingual fluency, an obvious advantage in communities with two major language groups.

Research has shown that in well-implemented dual language programs, Spanish speakers may reach higher levels of English reading proficiency than in any other instructional model, and that English speakers gain command of a second language while suffering no loss in standard measures of academic achievement in other areas.[24] Inter-group relations are enhanced and respect and interest in other students' language are increased in such settings.[25] A number of districts developed such schools as one form of magnets within their desegregation plan. These schools work best where the enrollment is appropriately balanced by language group, which would not violate the PICS ruling. Although the PICS ruling requires that racial and ethnic assignment patterns be reviewed, a new policy balancing enrollment based on native language would permit continuation of this educational model under optimal conditions.

Place magnet schools and programs in major employment areas: Placement of magnet schools based on a parent's worksite rather than residence is especially promising in districts where there are strong segregated housing patterns. Such schools can be attached to major employment areas where

workers' children from different ethnic communities can share an interesting new school. There are a number of excellent magnet schools that have been created in collaboration with universities, for example. School systems may wish to examine such alternatives to draw a diverse pool of students from all parts of the city or beyond. Some states permit students to enroll where parents work as well as where they live.

Student transfers: Policies forbidding transfers that increase segregation and permit transfers that increase integration have been standard parts of desegregation plans for forty years. It is now forbidden to grant or deny transfers on the grounds of race alone in districts not under court order. Transfers can be a valuable asset for integration and student learning opportunities, particularly when good information is available and free transportation is provided. Students enrolled in the thousands of schools failing to make adequate yearly progress under No Child Left Behind have a right to transfer to another school within a district. Few students, however, exercise that right. Before there were desegregation standards for transfer policies, white and high-achieving students often transferred out of heavily nonwhite and low income schools, leaving those schools with even more concentrated disadvantage and further undermining neighborhood residential integration.[26] To provide a transfer policy that complies with the court decision and offers some opportunity for positive integration, communities need to examine local demographics, poverty concentrations, etc. and create controls based on factors other than race, such as transfers which increase academic diversity, preference for students in the lowest performing schools and neighborhoods, preference for lowering linguistic segregation, etc. A very important element of a transfer policy for Latino students is the provision of strong outreach to parents in both English and Spanish with information about academic features and opportunities. In states which permit transfers across district boundaries, those opportunities should be included in information to parents.

Holistic community development planning: School officials can carefully consider housing trends and work to ensure residential diversity through the targeted use of subsidized housing programs. Diverse neighborhoods that result in racially and economically diverse schools can attract and hold parents who become powerful new supporters of their local public schools. Residential integration, therefore, can ensure academic benefits for low-income and minority children while ensuring the long-term commitment of white and middle-class families to local public schools.

Promote socio-economic integration: Racial segregation is closely linked to segregation by poverty at the school level. Therefore, the most widely considered alternative to considering race to further integration is socio-economic status. Since Latinos, African Americans, and American Indians have, on average, considerably higher poverty levels than whites and Asian Americans, it may seem and, in certain circumstances, be plausible to maintain diversity and avoid racial isolation by looking to a student's poverty level. Local conditions must, however, be closely examined, to ensure that poverty-based integration plans actually will decrease racial isolation. A

significant challenge in thinking about these issues is to find a way to preserve access for Latinos who are not poor and do not live in traditional Latino neighborhoods. These families, many of whom are from upwardly mobile working- class or lower middle-class backgrounds, may not be reached by poverty, neighborhood or language criteria, but may lack the same academic preparation as Anglo or Asian-American children.

The Educational Consequences of Segregation and Racial Isolation: Why Latino Communities Should Promote Desegregation and Diversity

For many Latinos, the promise of an effective public education remains elusive. Despite *Brown*, Latino students have never experienced an overall decline in racial isolation; in fact, they increasingly languish in segregated settings with drastically limited opportunities. For Latino school children, decreasing this racial isolation holds the promise of improved academic opportunities and attainment, as well as greater civic and political engagement – all significant and important goals as the Latino community grows into its role as the largest minority group in the nation's diverse landscape.

Integrated Schools Promote Democratic Values

Courts have long acknowledged that public schools bear responsibility not only for instructing their charges in academic subjects, but also for instilling the democratic ideals that we collectively share and prioritize. As noted in *Brown* (1954) and *Plyler v. Doe* (1982), public schooling "has a pivotal role in maintaining the fabric of our society and in sustaining our political and cultural heritage."

Among the most cherished American values, and at the very foundations of our constitutional principles, are racial tolerance and an abiding belief in and commitment to equality. Integrated schools advance these democratic values by providing meaningful opportunities to encounter, engage, and develop friendships with peers in other racial and ethnic groups. For Latinos, whose residential segregation is both acute and on the rise, integrated learning settings may represent their only avenue for such contacts – contacts that promote cross-racial understanding among students, help them overcome fear and distrust of people of different races, and make them more likely to perceive people of different races as equals.[27]

Integrated Schools Enhance Learning, Educational Opportunities and Access to Higher Education and a Connection to Greater Life Opportunities

Segregated schools are almost always segregated in multiple dimensions – race or ethnicity, poverty, and language – resulting in "triple segregation." Segregated schools usually also differ from nonsegregated schools by the level of competition in the

peer group, the course offerings, the quality and experience of the teachers, the school's connections with colleges and good jobs, the stability of student enrollment and faculty turnover, the health condition of the students, and many other things that combine to create unequal educational opportunities. Not surprisingly then, test scores and graduation rates are lower and drop-out rates higher in segregated schools.[28]

Sometimes poor learning conditions can be overcome by remarkable leaders and teachers, but this is relatively rare. A student who attends segregated schools is substantially less likely to graduate, go to college, and complete college than a student in a well integrated school. Middle class and white children do not suffer academically from desegregation, and they gain in other important respects, particularly in understanding other cultures and perspectives and confidence about their ability to live and work well in a diverse setting.

Latino children require access to the nation's best schools, at a time when residential racial isolation is increasing and the importance of strong college preparation is becoming ever more essential to economic success in the United States. Latino students must be allowed to learn from the experiences gathered in a diverse classroom setting, just as members of other ethnic groups must learn about Latinos. At a time when there are too few opportunities for youth to prepare for success in a multiracial society, Latino communities must preserve options for the voluntary integration of our public schools.

Getting Help

Many school districts will be dealing with the impact of the PICS case in the coming months and years. It is important to learn about and participate in the discussions and decisions.

MALDEF

MALDEF is a national non-profit legal organization that employs litigation, policy, advocacy, and community education programs to protect and promote the civil rights of the Latino community. **MALDEF** will be available to consult with parents, community members, and school authorities. Please visit MALDEF's website at www.maldef.org or call (213) 629-2512.

The Civil Rights Project

Proyecto Derechos Civiles

The Civil Rights Project/Proyecto Derechos Civiles (CRP/PDC) consults with schools districts and communities. Information can be found at: www.civilrightsproject.ucla.edu. Contact by email: crp@ucla.edu or call 310-267-5562. Nine university-based civil rights centers across the country have also expressed their desire to help, as have many researchers working in the field. Contact CRP/PDC for names in your area.

Notes

[1] Guadalupe San Miguel, Jr., *"Let Them All Take Heed, Mexican Americans and the Campaign for Educational Equality in Texas, 1910-1981*, Austin: Univ. of Texas Press, 1987; Hershel T. Manuel, *The Education of Mexican and Spanish-Speaking Children in Texas*, Austin: UT Fund For Research in the Social Sciences, 1930; George I. Sánchez, *Concerning the Segregation of Spanish-Speaking Children in Public Schools*, Austin: Inter-American Education Occasional Papers, no. IX (Austin: University of Texas, 1951.

[2] *Mendez v. Westminster.* (64 F. Supp.544, C.D. Cal. 1946), aff'd, 161 F.2d 774 (9th Cir. 1947) (en banc).

[3] For a more comprehensive discussion of the *Mendez* case, see James A. Ferg-Cadima, "Black, White & Brown: Latino School Desegregation Efforts in the Pre- and Post-Brown v. Board of Education Era," Mexican American Legal Defense and Educational Fund, May 2004, available at http://www.maldef.org/pdf/LatinoDesegregation.pdf; Thomas A. Saenz, "Mendez and the Legacy of Brown: A Latino Civil Rights Lawyer's Assessment," in "Symposium, Rekindling the Spirit of *Brown v. Board of Education*," 6 *Afr.-Am.L. & Policy Rev.* 194; 11 *Asian L.J.* 276; 15 *Berkeley La Raza L.J.* 67; 19 *Berkeley Women's L.J.* 395 (2004).

[4] *Brown v. Board of Education II* (1955).

[5] *Green v. County School Board of New Kent County* (1968).

[6] *Swann v. Charlotte-Mecklenburg Board of Education* (1971).

[7] *Cisneros v. Corpus Christi Independent School Dist.,* 324 F.Supp. 599 (S.D. Tex., 1970).

[8] *Keyes v. Denver School District No. 1*, 413 U.S. 189 (1973).

[9] *San Antonio Indep. Sch. Dist. v. Rodriguez,* 411 U.S. 1 (1973)

[10] *Milliken v. Bradley*, 418 U.S. 717 (1974).

[11] Gary Orfield and Erica Frankenberg, *The Last Have Become First. Rural and Small Town America Leads the Way on Desegregation*, Civil Rights Project/ Proyecto Derechos Civiles, January 2008.

[12] Gary Orfield and Chungmei Lee, *Historic Reversals, Accelerating Resegregation, and the Need for New Integration Strategies,* Civil Rights Project/ Proyecto Derechos Civiles, August 2007.

[13] Ibid., Computations from the Common Core of Education Statistics by Chungmei Lee, Civil Rights Project/Proyecto Derechos Civiles, UCLA.

[14] R. Blank, R. Levine, and L. Steel, "After Fifteen Years: Magnet Schools in Urban Education," in B. Fuller, R. Elmore and G. Orfield, *Who Chooses, Who Looses?* New York: Teachers College Press, l996, pp. 154-172; Claire Smrekar and Ellen Goldring, *School Choice in Urban America: Magnet Schools and the Pursuit of Equity*, New York: Teachers College Press, 1999.

[15] The Civil Rights Project's Diversity Assessment Questionnaire was administered to high school students in each city and showed these results. The findings in Louisville were published in Orfield and Kurlander, *Diversity Challenged*, Cambridge: Harvard Education Publishing Group, 2001, Chapter 5.

[16] MALDEF, ASPIRA Assoc. Inc., Dominican American National Roundtable, Hispanic Association of Colleges and Universities, Hispanic National Bar Association, Intercultural Development Research Association, LULAC, META, NALEO, National Conference of Puerto Rican Women, NCLR, National Hispanic Medical Association, National Puerto Rican Coalition, Inc., Puerto Rican Bar Association, PRLDEF, and the William C. Velasquez Institute.

[17] The National Academy is an organization of 100 leading education researchers in the U.S. The report is: Linn, R. L., & Welner, K. G. (Eds.) (2007). *Race-Conscious Policies for Assigning Students to Schools: Social Science Research and the Supreme Court Cases.* National Academy of Education Committee on Social Science Research Evidence on Racial Diversity in Schools. Washington, DC: National Academy of Education.

[18] *Board of Education of Oklahoma City v. Dowell*, 498 U.S. 237 (1991).

[19] Stuart Biegel, "Annual Report No. 22 of the Consent Decree Monitor, 2004-2005," submitted in *San Francisco NAACP v. San Francisco Unified School District*, No. C-78 1445 (N.D. Cal., Aug. 1, 2005); William T. Trent, "The Effect of School Racial Composition on Student Outcomes in the San Francisco Unified School District," unpublished report to the SFUSD, Dec. 2005.

20] UC ACCORD and UCLA IDEA, *California Educational Opportunity Report 2006*, Los Angeles, Dec. 2007.

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