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Planning for

*The Supreme Court's decision
on using race in student assignment sets new rules,
but it leaves out the necessary tools for success*

Integration

Earlier this year, talk swirled about the impact of the U.S. Supreme Court's split decision to strike down diversity plans in the Seattle and Louisville, Ky., school districts. What does it mean? How will it affect your district's facilities and student assignment plans?

Arriving at a clear answer is almost as confusing as the decision itself.

With its 5-4 vote, the court has created new law by an ambivalent one-vote majority. Justice Anthony Kennedy rode the fence between the two camps—the four justices who support controlled choice plans that favor integration, and the four who believe race should not be a factor in most student assignment issues.

Kennedy said some planning to advance racial integration could not be ruled out, pointing to site selection, drawing of attendance zones, resources for special programs, targeted recruiting of students and staff, and the tracking of enrollment, performance, and other statistics to support diversity. He writes: "These mechanisms are race conscious but do not lead to different treatment based on a classification that tells each student he or she is to be defined by race."

As a comprehensive planner with 35 years' experience consulting school districts, all I can ask is: "What?" The tools that Kennedy suggests using seem to be rejected by the opinion that he voted with, because planners either look at race or they don't.

From my experience, most school districts are not really affected by this debate. Why?

Does this case affect us?

First, the case involves a controlled choice plan with a racial quota as one factor in accepting kids into popular schools. Most districts do not have such plans. They have traditional

school zones with perhaps a couple of topical magnet schools—or none at all.

Controlled choice plans are offered as a way to manipulate racial makeup. What difference is there between limiting who can transfer under racial quotas in this type of planning and the voucher idea that is pressed by folks who want to avoid even natural integration? The governor of South Carolina just this year vetoed a voucher system that would have devastated even natural demographic desegregation and made a hopeless mire of long-range planning for facilities.

Second, this decision does not affect districts operating under a court-ordered desegregation plan. Even Justice Clarence Thomas, who voted with the majority, noted that de jure segregation—segregation that is traceable to past laws—has to be cured by often-dramatic steps so a district can be declared unitary or free from court supervision. After that release from oversight, however, the court majority noted that districts must be color blind in student assignment of kids thereafter.

Districts under court-mandated desegregation plans, in my experience, do not make it a core part of their planning for construction or for student assignment. In fact, many districts operate under desegregation orders with no intention of ever seeking release—because it will raise a lot of furor, because no one is enforcing the order, or because the facts make it impractical to desegregate without a broad transfer scheme that they don't want.

For example, in a recent case involving Shelby County, Tenn., the U. S. District Court denied the district's motion for unitary status. The court ruled that the 46-school district appeared to place desegregation "on the back burner," and that "the board's compliance with the court's directive has been selective, spotty, and anemic." The court noted the board's most recent motion to change attendance zones, for

example, “contains not a single mention” of their projected impact on the district’s desegregation status or “any acknowledgment that such status is a necessary element in the court’s evaluation.”

Shelby County is just one example, not an unusual case. Districts that I have planned with under court order, if they choose to get unitary status, march item by item through the factors for compliance like wooden soldiers. Once declared unitary, they do not equate equal treatment with diversity planning because they do not have to and see no real benefit to taking on another contentious issue. Generally, they gravitate back to more spending for new schools in growing areas rather than getting rid of worn-out schools in urban areas that are often predominately black.

Justice Kennedy’s planning tools

So, what lessons can be drawn from Kennedy’s opinion? He envisioned a school district planning context that assumes a lot.

1. Strategic site selection of new schools. This diversity tool assumes that districts will build new schools in racially neutral areas. Districts build schools mostly to serve growth. More often than not, districts don’t use demographic mapping or five-year enrollment trends by neighborhoods to follow growth. Consequently, students are sent to fringe area new schools and zoned back in later as the densities of development fill out.

Most new schools in this country are built in emerging suburbs that are largely racially identifiable. The city schools are often neglected old buildings that the culturally inclined do not want to demolish. So they are patched up long past when they should be replaced. Regardless of the talk about magnet schools, why should white kids come downtown to an old building to mix with black kids when they have a brand-new school in or very near their neighborhood?

That is the question I asked the court in the Savannah, Ga., desegregation case in the mid-1990s when a laundry list of magnet programs was proposed. The very same experts who supported the magnet programs went on elsewhere to disavow them for desegregation, and the whole scheme in that case did not work out, as reported in a newspaper article series 10 years later that recited my testimony.

For most districts, planning keyed to racial diversity is not on the radar screen. Even clearly needed long-range planning for programs, facilities, and student assignment is not an organizational priority process. Alternatives about placing schools in a district-wide context of planning seldom are considered seriously, much less for racial diversity. Stop-gap planning is the norm.

2. Drawing attendance zones with general recognition of the demographics of neighborhoods. Unfortunately, this was the abused tool of segregation. If it is used for integration, what are the criteria? Any assistant superintendent tasked

with drawing zone maps knows whether neighborhoods are white, black, Hispanic, or mixed. Knowing those racial profiles leads not to integration but to segregation without legal pressure to do otherwise.

Most urban districts I have planned with have enrollments that are two-thirds or more black. Others have geographically polarized racial concentrations across the county. Absent a transfer plan—remember busing?—“recognizing demographics of neighborhoods” in that context is just an academic exercise.

Few school districts use computer mapping for planning school zones, so why would they try to plot boundaries to better balance races? Computer maps are used in the vast majority of cases only for planning bus routes, if they are used at all. As to long-term trends, most districts I have worked with in consulting and as an expert for the U.S. Department of Justice do not prepare five-year enrollment projections and do not know how to do it accurately. So, an analysis of the long-term consequences of short-term decisions does not really exist.

3. Allocating resources for special programs. Many, if not most, special programs are federally supported and so replete with complex regulations with little wiggle room. Most school districts have a plethora of remedial programs. Title I is everywhere. It is not a scarcity of resources that is in the way. It is a scarcity of parental involvement, a general issue of poverty, and a lack of good teachers willing to teach in minority environments that lead to the issues at hand.

4. Recruiting students and faculty in a targeted fashion. How many districts “recruit students” and how would they do it? Again, we are back to a transfer system like in Seattle or a magnet plan like the one in Savannah. Experience shows that new schools in suburbs will win over high-powered themes in urban areas most every time in attracting affluent white students.

Regarding staff, if a black and a non-black teacher apply, does the district pick the most capable person or does race give one candidate an edge whether both applicants are equal or not in ability? Most districts would love to have more qualified African-American teachers, but the pipelines from high school on are not geared toward motivating African-Americans to go into teaching.

5. Tracking enrollments, performance, and other statistics by race. “Tracking” has been an offensive word in education. If we mean accounting with the data, how will the data be used? What is the bridge to some useful application of the data?

Most agree that parental involvement, lack of interest in teaching in low-income, low-achieving schools, poverty, and the concentration of public housing contribute to under-performing schools. Sending concentrations of minority kids into suburban, mostly white schools is not locally acceptable or practical. Maybe that should not be true, but it usually is.

Practical approaches

There are indeed practical ways—not so dramatic, not necessarily to further integration instantly—to retard continued segregation and perhaps slowly turn the trends around.

1. Stop using schools to promote land development.

Over and over I see district clients caught up in leading subdivision development with new schools as a selling tool. Kids get rezoned over and over as a result, and many disgusted parents just go away to private schools.

2. Coordinate more with local governmental planning. Local government largely controls land-use trends, new master plans that guide development, utilities, and road extension. But school districts seldom have formal arrangements with the city or county to work together in planning for capital improvements that can be aimed at not splintering the community along racial lines.

Public education is just one piece of the urban puzzle. But educators tend to go it alone, failing to integrate schools into the community of decision makers. For example, high fuel costs and urban awareness are taking many young professionals back into the urban life, but where are new schools still going? In the suburbs where developers use them to sell lots. Why not put more value on replacing worn-out urban schools?

Ask someone where they live, and they may say Atlanta or Chicago. But they really live in a suburb and use the city for their job site, retreating before dark and oblivious to its needs. Their schools are in separate suburban school districts surrounding the city, a state-created fiction that separates kids by income and skin color.

3. Offer consistent programs throughout a district.

Amazingly, programs can and do vary widely from one facility to another. Parents cannot easily see that, but we who plan across a district certainly can. Affluent parents are a squeaky wheel. I am amazed that most districts do not know how facilities are being used, or that student-to-teacher ratios can run from 25-to-1 to 6-to-1 in the same district.

Curb appeal helps a lot to sell a school to parents. Even new schools can be depressing designs with security issues. We need more prototype schools that support programs instead of architectural egos. Money savings can be huge and experimentation can be controlled. Buildings cannot make programs successful, but they certainly can get in the way.

4. Look for opportunities to place new schools in racially neutral areas. That does not amount to planning for color as rejected by the plurality in the Seattle case. The Supreme Court says put the school where color is not a question—not buried within subdivisions. This requires district-wide planning, as the ripples of some comprehensive changes can create such opportunities. Rarely can a single school be positioned to do this job alone.

5. Demand that your district undertake a five-year comprehensive planning program that combines programs with demographics and facilities. Such planning is

common in for-profit enterprises but is not taught in most curricula and certainly is not practiced in most districts.

Education is not about old bricks. Comprehensive planning can account for segregation trends and lead to some new school locations, some vastly improved facilities, and some student assignment planning that is aimed, not at forced integration, but at stemming the tide of segregation. Until that trend is stemmed, talk about gimmicks for enticing integration is largely talk. Have an organized facilities planning program to entice affluent parents back into public schools, especially in urban areas.

6. We need more planned obsolescence of old segregation-era schools, instead of making them focal points for contrived programs. Past bad planning that deliberately separated races by school locations remains even when segregation by law is gone. Race-based steps that allowed districts to achieve unitary status no longer are allowed after court-ordered supervision is gone. So, back we go to the old school houses and resegregation.

Get rid of worn-out schools instead of continuing to put new roofs on them. If they are historical markers, then historical interests should buy them to free up funds. That will cost money, but it is money well spent compared to high transportation, maintenance, and administration costs.

7. Understand that broad-based integration is not reasonably practical across all school districts. A few centerpiece schools integrated by transfer schemes are not an answer for the long term, anymore than magnet schools have been. As Justice Thomas commented, where does the assumption come from that a black student needs a white student in the next seat to succeed in school?

Does that mean that furthering racial integration is a pointless task? No. But Justice Kennedy did not further that goal with his offhanded comments about planning tools. The contemporary lessons of European isolation of races should tell us that we need to do all we can first to lessen segregative trends in communities and then to assure that truly equal educational opportunity is available, not just talked about.

The plain fact is that many talk the talk about diversity, choice plans, and vouchers, for example, but few districts walk the walk for such intricate, time-consuming, and costly planning. And, importantly, no one makes them do it.

Clearly, comprehensive planning across the entire school district can create opportunities to stem the continuing trends of racial segregation and create opportunities for integrated results. But that requires commitment of boards, sound investment in new schools, and comprehensive planning as a way of life, not a sporadic high-profile activity. ■

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