



# WHY WE SHOULD REMOVE THE ANTI-INTEGRATION RIDER FROM FY 2018 APPROPRIATIONS BILLS

In every appropriations legislation since at least 1974, there has been language prohibiting federal funding from being used for transportation to support public school racial integration. This language is contained in Sections 301 and 302 of the Department of Education’s budget in H.R. 3354 (the appropriations bill that the House passed in 2017), as well as in S. 1771 (the appropriations bill passed by the Senate Appropriations Committee last year).

The National Coalition on School Diversity urges Congress to strike this harmful and outdated language from the FY 2018 appropriations legislation and similarly harmful legislation in Section 426 of General Education Provisions Act (GEPA).

**-SUMMARY-**

The prohibitions outlined in Sections 301 and 302 of appropriations legislation and Section 426 of GEPA are vestiges of an era during which opposition to court-ordered public school racial integration raged. It is alarming that such legislative language would still be present today, at a time when racial resegregation of our public schools has surged, and when so many districts are working voluntarily to combat this harmful trend by promoting racial and economic integration for the benefit of their children and communities.

The present-day effect of these provisions is to reduce state and local school districts’ flexibility to carry out the education program that they believe will best serve their students. This is in direct conflict with Congress’s intent when it passed the Every Student Succeeds Act (ESSA). ESSA marked an abrupt shift in the degree to which the federal government would impose its rules on states and districts. One of the few federal provisos in ESSA is that solutions be evidence-based. Integration is one of the best evidence-based remedies for school improvement available, yet these anti-integration provisions still enshrined in federal law would prohibit schools from using federal money to facilitate it through transportation.

Recent events in our country underscore the importance of supporting diversity in schools so that residents can ultimately live, work, and play in an inclusive environment. Striking and nullifying harmful, outdated language from current legislation is a small—but important—step in reaching this goal.

## WHY DO WE NEED TO REMOVE THIS LANGUAGE NOW?

By barring the use of federal funds to transport students for the purposes of racial integration, the provisions undercut Congress’s intent in reauthorizing the Magnet School Assistance Program (MSAP), limit school improvement strategies, and hamper innovators’ ability to explore new and potentially significant school improvement techniques. In addition, the provisions appear to be in direct conflict with the will of Congress in passing ESSA, as they clearly undermine the law’s focus on local control and flexibility.

- SECTION 4407(A)(9) OF THE EVERY STUDENT SUCCEEDS ACT PROVIDES GRANTEES WITH THE FLEXIBILITY TO USE MSAP FUNDS FOR TRANSPORTATION TO AND FROM MAGNET SCHOOLS; THIS FLEXIBILITY IS EFFECTIVELY TAKEN AWAY BY SECTIONS 301 AND 302 OF THE APPROPRIATIONS BILLS, AS WELL AS SECTION 426 OF GEPA.
- SECTIONS 301 AND 302 OF APPROPRIATIONS LEGISLATION AND SECTION 426 OF GEPA LIMIT THE RANGE OF POTENTIAL SCHOOL IMPROVEMENT STRATEGIES AVAILABLE TO STATE EDUCATIONAL AGENCIES (SEAS) AND LOCAL EDUCATIONAL AGENCIES (LEAS) UNDER ESSA.
- THE PROVISIONS LIMIT THE RANGE OF SCHOOL IMPROVEMENT TECHNIQUES THAT CAN BE IMPLEMENTED AND EVALUATED UNDER ESSA’S EDUCATION INNOVATION AND RESEARCH GRANT PROGRAM.

For example, New York State’s ESSA plan outlines State-approved interventions for schools identified for comprehensive support and improvement. Interventions listed include the use of Title I School Improvement Funds under Section 1111 to support district-level efforts to increase diversity and reduce racial/ethnic and socioeconomic isolation and bias in schools.

These strategies are at risk if these outdated legislative provisions remain.

More info: [school-diversity.org/rider](http://school-diversity.org/rider)

# WHY IS SCHOOL DIVERSITY IMPORTANT?

Students attending racially and socioeconomically diverse schools show:

- Improved critical thinking and problem solving skills
- Increased levels of civic engagement
- Increased workplace readiness and interpersonal skills for a global economy
- Better test scores and higher college attendance rates than peers in more economically and racially segregated schools.<sup>1</sup>

The benefits from attending diverse schools also continue into adulthood. These include subsequent reduced segregation in neighborhoods, colleges, and workplaces; higher levels of social cohesion; and reduced racial prejudice.<sup>2</sup>

## RELEVANT LANGUAGE:

Section 301: “No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.”

Section 302: “None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student’s home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing, or clustering. The prohibition described in this section does not include the establishment of magnet schools.”

Section 426 of General Education Provisions Act (GEPA): “No funds appropriated for the purpose of carrying out any applicable program may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system...”<sup>3</sup>

## —REFERENCES—

<sup>1</sup> See, e.g. National Coalition on School Diversity Research Brief 5, “School Integration and K-12 Outcomes: An Updated Quick Synthesis of the Social Science Evidence” (October 2016), available at <http://school-diversity.org/pdf/DiversityResearchBriefNo5Oct2016Big.pdf>.

<sup>2</sup> See, e.g. National Coalition on School Diversity Research Brief 3, “The Impact of Racially Diverse Schools in a Democratic Society” (October 2010), available at <http://school-diversity.org/pdf/DiversityResearchBriefNo3.pdf>.

<sup>3</sup> 20 U.S.C. §1228

***The National Coalition***  
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*The National Coalition on School Diversity (NCSD) is a network of nearly 50 national civil rights organizations, university-based research centers, and state and local coalitions working to expand support for government policies that promote school diversity and reduce racial isolation. We also support the work of state and local school diversity practitioners. Our work is informed by an advisory panel of scholars and academic researchers whose work relates to issues of equity, diversity, and desegregation/integration.*

**Watch our video and sign our petition: [school-diversity.org/rider](http://school-diversity.org/rider)**