

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

May 31, 2018

The Honorable Tom Cole  
Chairman  
House Appropriations Committee  
Subcommittee on Labor, Health and Human  
Services, Education, and Related Agencies  
H-305, The Capitol  
Washington, DC 20515

The Honorable Rosa DeLauro  
Ranking Member  
House Appropriations Committee  
Subcommittee on Labor, Health and Human  
Services, Education, and Related Agencies  
H-305, The Capitol  
Washington, DC 20515

Dear Chairman Cole and Ranking Member DeLauro:

On behalf of the National Coalition on School Diversity ([www.school-diversity.org](http://www.school-diversity.org)) and the undersigned organizations and individuals, we urge your subcommittee to not include any provisions in the FY 2019 Labor, Health and Human Services, Education, and Related Agencies appropriations bill that prohibit federal funding from being used for transportation to further public school racial integration. Such provisions have been in appropriations legislation since at least 1974, and are discussed further below.

The National Coalition on School Diversity is a growing network of civil rights organizations, university-based research centers, and state and local coalitions working to support government policies that promote school diversity and reduce racial isolation. We also support the work of state and local school diversity practitioners.

The research on the benefits of diversity are clear. Students attending socio-economically and racially diverse schools have 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>

The anti-integration provisions at issue were most recently included in the [Consolidated Appropriations Act of FY 2018](#) (pg. 402):

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<sup>1</sup> 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), <http://school-diversity.org/pdf/DiversityResearchBriefNo5Oct2016Big.pdf>.

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

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.”

Such prohibitions are vestiges of a bygone era. It is alarming that such legislative language would still be present in 2018, at a time when racial re-segregation of our public schools has surged, where a majority of members of the Supreme Court have declared school diversity to be a “compelling government interest,”<sup>3</sup> and where many districts are working voluntarily to promote racial and economic integration for the benefit of their children and communities. Furthermore, Section 301 above mirrors Section 426 of the General Education Provisions Act (GEPA). We urge that Section 426 be struck as well.

While Congress exempted the Magnet School Assistance Program (MSAP) from these provisions in the FY 2018 appropriations legislation and, in report language, pledged to “consider a longer term solution of this issue during the fiscal year 2019 appropriations process,”<sup>4</sup> NCSd is disappointed that Congress has not taken a stronger stance against an element of institutional racism when it had the opportunity. The time for waiting expired a long time ago. These provisions must be removed.

Despite the exemption for MSAP, these provisions limit the range of potential school improvement strategies available to State Educational Agencies (SEAs) and Local Educational Agencies (LEAs) under ESSA. Section 1111(d) of ESSA gives SEAs and LEAs the authority to utilize Title I funds to implement locally determined and State determined interventions in schools identified for comprehensive support and improvement or targeted support and improvement. However, the FY 2018 appropriations legislation prevents SEAs and LEAs from pursuing a range of potentially effective school improvement strategies. For example, New York State’s ESSA plan (approved by the U.S. Department of Education) school improvement interventions include district level efforts to increase diversity and reduce socio-economic and racial/ethnic isolation in schools. These efforts are at risk as long as Sections 301 and 302 are included in appropriations bills. These anti-integration provisions are also in direct conflict with the will of Congress in passing ESSA, as they clearly undermine ESSA’s focus on local control and flexibility. Furthermore, these provisions could have a chilling effect on states’ and districts’

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<sup>3</sup> *Parents Involved In Community Schools v. Seattle School Dist. No. 1*, 551 U.S. 701, 797 (2007) (Kennedy concurring), <http://www.supremecourt.gov/opinions/boundvolumes/551bv.pdf>.

<sup>4</sup> <https://www.congress.gov/crec/2018/03/22/CREC-2018-03-22-bk3.pdf> p. H2707.

efforts to undertake diversity measures when they know that these efforts could be stymied by the federal government.

Additionally, these anti-integration provisions limit the range of school improvement techniques that can be implemented and evaluated under ESSA's Education Innovation and Research grant program. There is a strong evidence base that integrated schools provide better educational opportunities and outcomes for students, but we can continue to learn about specific techniques for integrating schools and educating integrated student bodies. By barring the use of federal funds to transport students for the purposes of racial integration, these provisions undercut innovators' ability to explore new and potentially significant school improvement techniques.

Thank you for your support of programs and policies that promote diversity in our public schools.

cc: House Appropriations Committee  
The Honorable Roy Blunt  
The Honorable Patty Murray  
The Honorable Lamar Alexander

Sincerely,

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