

The AGENDA

Turnaround Schools That Work: Moving Beyond Separate but Equal

By Richard D. Kahlenberg

Introduction

Education Secretary Arne Duncan courageously has taken on the most important—and most difficult—problem in American education: turning around America’s lowest-performing schools. Duncan has noted that for years districts allowed failing schools to slide and has called, instead, for “far-reaching reforms” that fundamentally change the culture in the country’s worst five thousand schools.¹ Seeking to transform these poorly performing schools into successful ones—creating what is known as “turnaround schools”—is indeed an ambitious challenge. Ironically, Duncan’s approach, which focuses almost entirely on changing the faculty and school governance, is itself too timid.

In *Education Week*, Duncan wrote that, in Chicago, “We moved the adults out of the building, kept the children there, and brought in new adults.”² But the exclusive focus on achieving performance gains through changing the principal and teachers misses the important role played by the two other big groups in a school community: students and parents. There is ample research showing that having an economic mix in that larger community can have a beneficial result.³

The turnaround approach taken in Chicago was a partial one, and, as education consultant Bryan Hassel told the *New York Times*, it achieved only “mixed” results.⁴ The Civic Committee of The Commercial Club of Chicago noted in a recent report that “most students in Chicago Public Schools continue to fail.”⁵ Nationally, turnaround schools have seen “lackluster” results.⁶ While there have been “scattered, individual successes,” according to a widely cited 2007 report by Mass Insight Education and Research Institute, research finds “very little enduring progress at scale.”⁷ Citing extensive research in California, Ohio, Maryland, and elsewhere, Andrew Smarick writes in *Education Next*, “overall, school turnaround efforts have consistently fallen short of hopes and expectations.”⁸ Likewise, as we shall see below, while some charter schools such as Knowledge Is Power Program (KIPP) schools and the Harlem Children’s Zone (HCZ) Promise Academies have been highly successful with low-income students, those models have limited applicability to the nation’s five thousand lowest-performing public schools.

WHY CURRENT TURNAROUND APPROACHES ARE INADEQUATE

The most discussed plans for turning schools around—firing the principal and teachers in a school, or adopting a charter school governance structure—fail to recognize that school quality is driven by three sets of actors in a school community: students, parents, and faculty (teachers and principals).

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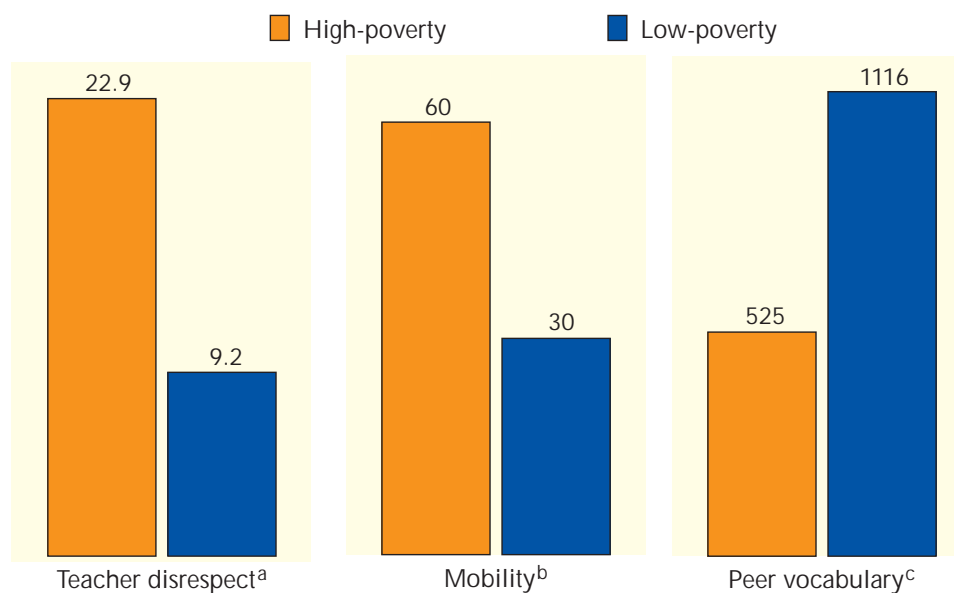
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Classmates

Many years of research have confirmed what all parents know: kids learn from one another as well as from the teacher. In high-poverty schools, a child is surrounded by classmates who are less likely to have big dreams, and, accordingly, are less academically engaged and more likely to act out and cut class. In such schools, peers are less likely to do homework and graduate, and more likely to watch television and cut class—all of which have been found to influence the behavior of classmates. Low-income schools have widespread disorder problems three times as often as middle-class schools, so less learning goes on. Classmates in high-poverty schools also are more likely to move in the middle of the year, creating disruption in the classroom. (By third grade, 60 percent of very-low-income students have attended two schools, compared with 30 percent of more affluent third graders.) Research finds that it is an advantage to have high-achieving peers, whose knowledge is shared informally with classmates all day long; but low-income peers come to schools with half the vocabulary of more-advantaged children, for example, so any given child is less likely in a high-poverty school to expand his vocabulary through informal interaction.⁹ (See Figure 1.)

Figure 1. Classmate Characteristics, by Socioeconomic Status



Notes:^a *Teacher disrespect* is the percentage of schools reporting student acts of disrespect for teachers in classrooms at least once per week. *High-poverty* refers to schools with 50 percent or more of their students eligible for free or reduced-price lunch; and *low-poverty* refers to schools with 20 percent or less of their students eligible for free or reduced-price lunch.

^b *Mobility* is the percentage of students who have attended two or more schools between first and third grades. *High-poverty* refers to the study's lowest family income group (family income is less than \$10,000). *Low-poverty* refers to the study's highest family income group (family income is \$50,000 or more).

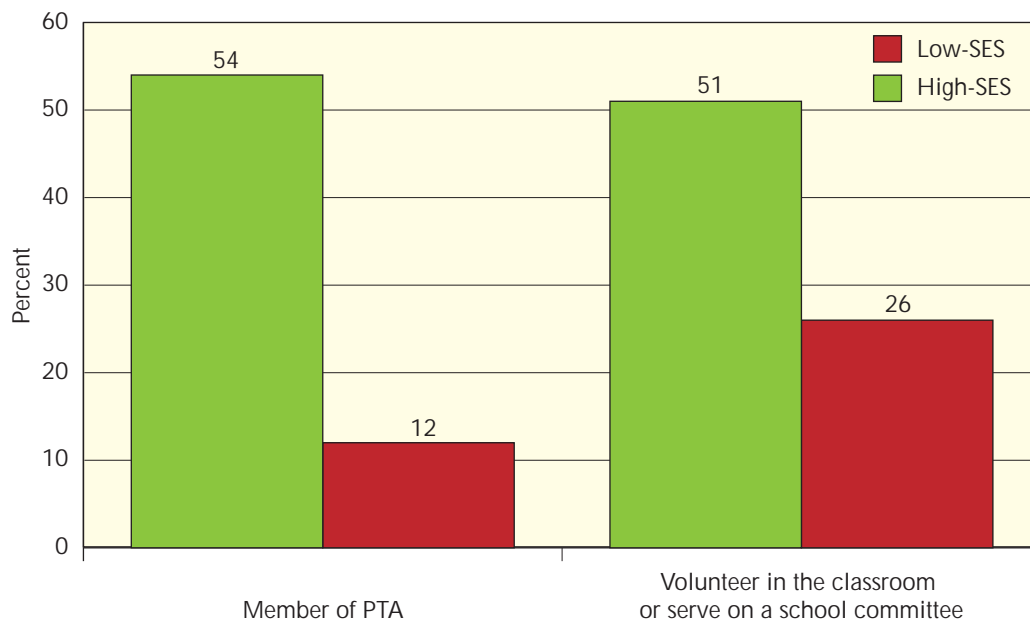
^c *Peer vocabulary* is the number of words in student's vocabulary by thirty-six months of age. *High-poverty* means child is part of a family receiving welfare, and *low-poverty* means child is part of a professional family.

Source: Rachel Dinkes, Emily Forrest Cataldi, and Wendy Lin-Kelly, *Indicators of School Crime and Safety: 2008* (Washington, D.C.: National Center for Education Statistics, U.S. Department of Education and U.S. Department of Justice, December 2008), 99, Table 7.2 (teacher disrespect); *Elementary School Children: Many Change Schools Frequently, Harming Their Education* (Washington, D.C.: U.S. General Accounting Office, 1994) (mobility); and Paul Barton and Richard Coley, *Windows on Achievement and Inequality* (Princeton, N.J.: Educational Testing Service, 2008), 9, Figure 2 (vocabulary).

Parents

Parents also are an important part of a school community. Students benefit when parents regularly volunteer in the classroom and know how to hold school officials accountable when things go wrong. Low-income parents, who may be working several jobs, may not own a car, and may have had a bad experience themselves as students, are four times less likely than more-affluent parents to be members of a PTA.¹⁰ They are only half as likely to volunteer in the classroom or serve on a school committee.¹¹ Finally, low-income parents are less likely to have the political power to push for adequate resources, which helps explain why even within school districts, spending disparities exist, generally to the disadvantage of low income students.¹² (See Figure 2.)

Figure 2. Parental Involvement, by Family Socioeconomic Status



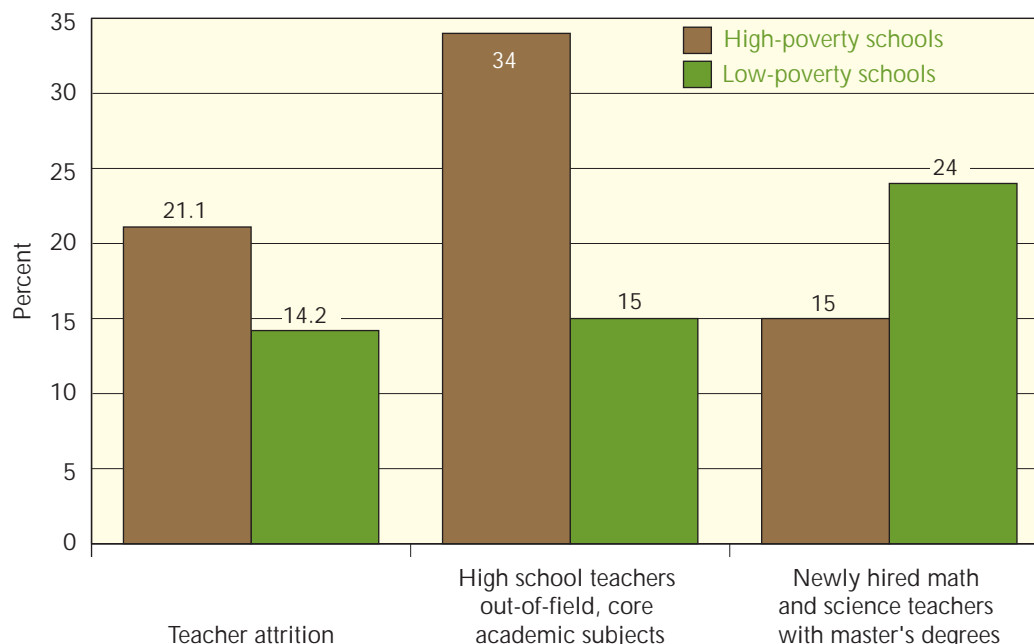
Source: 1988 National Educational Longitudinal Study data on PTA membership, cited in Richard D. Kahlenberg, *All Together Now: Creating Middle-Class Schools through Public School Choice* (Washington, D.C.: Brookings Institution Press, 2001), 62; *Parent and Family Involvement in Education, 2006-07 School Year*, (Washington, D.C.: National Center for Education Statistics, August 2008), 9, Table 3 (volunteer and committee service). NCES considers students living in households with incomes below the poverty threshold to be poor, or low-SES. Both studies gauge parental involvement based on the socioeconomic status of students—not schools.

Teachers and Principals

The makeup of a school in terms of students and parents profoundly affects the type of teachers who typically can be recruited. Research consistently finds that the best teachers, on average, avoid high-poverty and high-minority schools.¹³ Teachers in disadvantaged schools are less likely to be licensed, to be teaching in their field of expertise, to have high teacher test scores, to have considerable teaching experience, and to have extensive formal education. Principal turnover also is higher in high-poverty schools.¹⁴ (See Figure 3, page 4.)

School leaders employing traditional turnaround efforts try to fix the maldistribution of high-quality teachers by firing existing teachers in high-poverty schools and hiring new ones, citing data on the seminal role that teachers play in raising student achievement.¹⁵ But without changing the student and parent mix, this effort is usually an uphill battle. Teachers generally consider it a promotion to move from poor to middle-class schools, and many of the best teachers transfer into middle-income schools at the first opportunity. Research consistently finds that teachers care at least as much about work environment as they do about salary.¹⁶ Teachers care about school safety, whether they will have to spend large portions of their time on classroom management, and whether parents will make sure kids do their homework. (In urban schools, teachers are more likely to say parents do not support teachers.¹⁷) The departure of some good teachers sets off a vicious cycle, as younger teachers seek schools with colleagues who will help them perfect their craft.

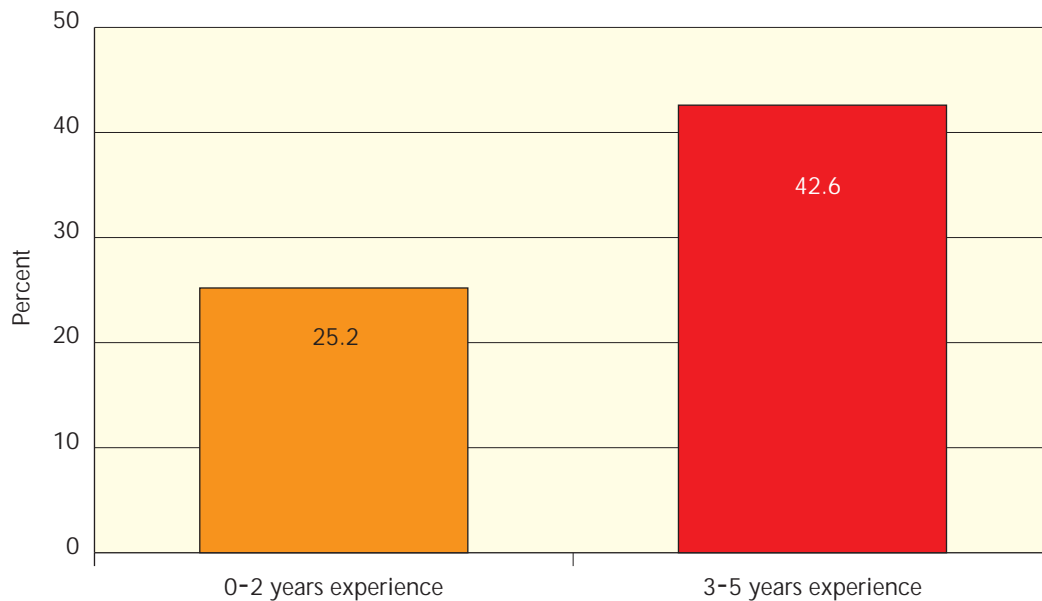
Figure 3. Teaching Quality, by School Socioeconomic Status



Source: U.S. Department of Education, *The Condition of Education 2008* (Washington, D.C.: Government Printing Office, 2008), 51; Richard M. Ingersoll, cited in “Parsing the Achievement Gap,” Educational Testing Service, 2003, 11; Linda Darling-Hammond, “Doing What Matters Most: Investing in Quality Teaching,” National Commission on Teaching and America’s Future, 1997, 25–27.

Accordingly, it is very difficult to attract and keep great teachers in high-poverty schools, even when bonuses are offered. In other sectors (such as the military and health care), salary premiums of 10–30 percent are common in filling hard-to-staff positions.¹⁸ In education, Eric Hanushek of Stanford, John Kain of the University of Texas at Dallas, and Steven Rivkin of Amherst estimated that, in order to get nonminority female teachers to stay in urban schools, school officials would have to offer a salary premium of between 25 percent and 43 percent for teachers with zero to five years experience.¹⁹ Given the significance of labor costs in overall school spending, a 25–43 percent salary premium would require an extraordinary expenditure unlikely to be sustainable under current political and economic conditions. (See Figure 4.)

Figure 4. Salary Increase Needed to Counteract Turnover Effects Caused by Differences in Student Characteristics between Large Urban and Suburban Districts, by Experience Class of Teacher (for Female, Non-minority Teachers)



Source: Eric A. Hanushek, John F. Kain, and Steven G. Rivkin, “Why Public Schools Lose Teachers,” *Journal of Human Resources* 39, no. 2 (2004): 350.

In discussing the difficulties of making high-poverty schools work, it is important to draw a distinction between the problems associated with concentrations of school poverty and beliefs about the ability of poor children to learn. Many people confuse the first with the second. Evidence suggests that children from all socioeconomic groups can learn to high levels if given the right environment. High-poverty schools, however, do not normally provide the positive learning environment that children need and deserve.

A BETTER APPROACH: TURNING AROUND SCHOOLS WITH MAGNET APPROACHES THAT INTEGRATE STUDENTS BY SOCIOECONOMIC STATUS

The most promising turnaround model is one that seeks to turn high-poverty schools into magnet schools that change not only the faculty but also the student and parent mix in the school. Failing schools can be shuttered, reinvented, and reopened with new themes and pedagogical approaches that attract new teachers and a mix of middle-class and low-income students. Some low-income students from the old school would be given the opportunity to fill the spots in more-affluent schools vacated by middle-income children who were transferring to the magnet school.

Examples of Magnet Schools as Turnarounds

Nationally, there were 2,736 magnet schools educating roughly 2 million students in the 2005-06 school year, according the National Center for Education Statistics Common Core of Data. (By comparison, in that year, there were 4,000 charter schools educating about 1 million students.)²⁰

Like charter schools, there are good magnet schools and bad ones—and not all, by any means, are able to attract middle-class students into schools located in disadvantaged areas.²¹ But the best ones can serve as models for turning around failing schools. In well-designed plans, school leaders poll parents ahead of time and find out what sort of programs would be attractive to them and then place attractive magnet themes in previously failing schools. Consider these examples:

- ***Wexford Elementary, Lansing, Michigan.*** Wexford Elementary school in Lansing, Michigan, struggled for many years, failing to make Adequate Yearly Progress, and in the 2003–04 school year was facing reconstitution. In the 2004–05 school year, it began to transition to a Montessori Magnet school. In 2005–06, Wexford was still high poverty (81.5 percent low income) and racially isolated (69 percent African American, and 8 percent Hispanic). By 2008–09, the middle-class student population had grown to 33.6 percent (from 18.5 percent) and the white population to 40 percent (from 17 percent). A school that was underutilized is now oversubscribed and even draws students from the suburbs surrounding Lansing. The number of suspensions has declined from 173 to under 10. Today, Wexford is a nicely integrated school (44.2 percent African American, 39.5 percent white, and 11.6 percent Hispanic), and the school makes Adequate Yearly Progress overall, and for all subgroups (including low-income and racial and ethnic minority categories). In grades 3–7 reading, 84.6 percent of African Americans at Wexford are proficient or advanced (compared with a 59 percent statewide target), and 85.6 percent of economically disadvantaged students are proficient or advanced (compared with a 59 percent statewide target). White students also outperform students statewide in reading. In math, African Americans, economically disadvantaged students, and whites outperform comparable groups statewide.²²
- ***Wake County (Raleigh), North Carolina Magnet Schools.*** Wake County, North Carolina, which includes the city of Raleigh and its surrounding suburbs, made a critical decision in the early 1980s to avoid the problems associated with concentrated poverty in neighboring Durham schools and provided virtually every Raleigh school with special magnet themes such as science and technology, arts and theater, and International Baccalaureate. As Gerald Grant notes in his important new book, *Hope and Despair in the American City: Why There Are No Bad Schools in Raleigh*, Raleigh’s inner-city schools, which had been marked by white flight, were soon filled with economically and racially diverse student bodies. Many of the schools now have waiting lists.²³ To prevent the creation of enclaves of privilege, the Raleigh magnets do not require tests for admission. And to avoid legal problems associated with using race in assigning students, the schools look to establish a mix of pupils based on who is eligible for subsidized lunch (with a goal of limiting low income students to 40 percent in any school). The results have been very promising, with Wake’s low-income, minority, and white students generally outperforming comparable students in other large North Carolina districts that do not break up concentrations of school poverty.²⁴ Although Wake County voters recently elected a new conservative school board that is opposed to socioeconomic diversity through mandatory reassignment of students, new board members have pledged to avoid resegregation and keep the popular magnet program.²⁵

- *The Tobin School, Cambridge, Massachusetts.* In Cambridge, Massachusetts, which has a system of universal choice and seeks an economic balance among schools, officials recently turned the struggling, predominantly low-income Tobin school, located near a large low-income housing complex, into a Montessori. In 2006–07, Tobin had attracted only 12 first-choice applicants to fill 60 pre-kindergarten and kindergarten seats. The next year, when it reopened as a Montessori, Tobin attracted 145 applicants, with twice as many middle-class as low-income students applying, says Michael Alves, who administers the student lottery.²⁶

Evidence that Turnaround Magnet Schools with an Economic Mix Can Raise Student Achievement

A number of studies over the past quarter-century have found that magnet schools have higher levels of achievement than do other schools, and produce faster achievement gains in most subjects. Several of these studies account for self-selection bias by examining gains in over-subscribed magnet schools and regular public schools, comparing lottery winners and losers, and continue to find advantages to attending magnet schools.²⁷ For example, comparing lottery winners and losers in interdistrict magnet schools in Connecticut, a 2008 study by Robert Bifulco of Syracuse University, Casey Cobb of the University of Connecticut, and Courtney Bell of the Educational Testing Service found positive effects on math and reading scores in high school and on reading scores in middle school.²⁸

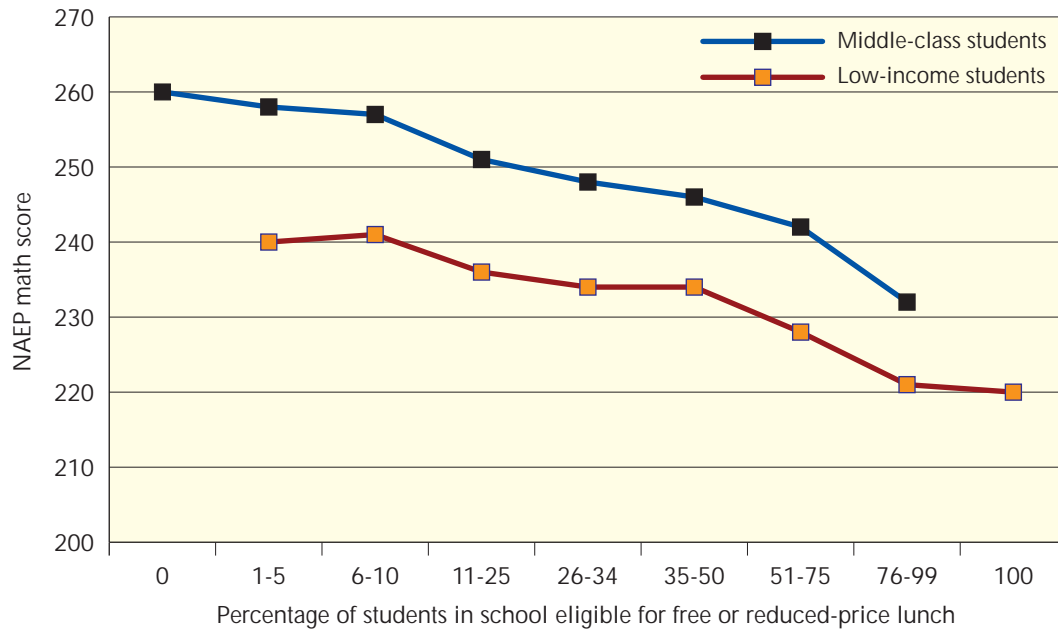
Moreover, the magnet school turnaround model—in which schools seek to improve the performance of low-income students by drawing into a high-poverty school a contingent of middle class students—is backed up by four decades of research finding that the socioeconomic composition of a school profoundly affects the achievement of any given student in the school. This research dates back to the landmark 1966 Coleman Report, which found that the most important predictor of academic achievement is the socioeconomic status of the family a child comes from, and the second most important predictor is the socioeconomic makeup of the school she attends.²⁹ More recently, a growing number of studies have linked a school's socioeconomic status with student achievement, after controlling for the individual socioeconomic status of a student's family.³⁰ Indeed, a new re-analysis of Coleman's data using a more sophisticated statistical technique (hierarchical linear modeling, or HLM) finds that the social class of the school matters even more to student achievement than does the socioeconomic status of the family. Geoffrey Borman and Maritza Dowling of the University of Wisconsin at Madison concluded that “the achievement difference between a school attended by students of average wealth and a school with a student body composed of students 1 standard deviation below the mean level of wealth was nearly 1 ¾ times greater than the achievement difference between a student of average wealth and a student who was 1 standard deviation less wealthy.”³¹

- In 2002, researcher David Rusk's study of public schools in Madison-Dane County, Wisconsin, found that among fourth-grade students, for every 1 percent increase in middle-class classmates, the test scores of low-income students improved 0.64 percentage points in reading and 0.72 percentage points in math. Any given low-income student attending an 85 percent middle class school rather than a 45 percent middle class school saw “a 20 to 32 percentage point improvement in that low income pupil's test scores.”³²

- In 2005, University of California professor Russell Rumberger and his colleague Gregory J. Palardy, examining a large data set, found that a school's socioeconomic status had as much impact on the achievement growth of high school students in math, science, reading, and history as a student's individual economic status.³³
- Data from the 2006 Programme for International Student Assessment (PISA) for fifteen-year-olds in science showed a “clear advantage in attending a school whose students are, on average, from more advantaged socioeconomic backgrounds.” The report continued, “Regardless of their own socio-economic background, students attending schools in which the average socio-economic background is high tend to perform better than when they are enrolled in a school with a below-average socioeconomic intake.”³⁴ Analyzing PISA data, researchers Laura Perry and Andrew McConney of Murdoch University in Australia recently concluded that the academic success of nations like Finland and Canada appear to be related in part to their greater degrees of socioeconomic school integration.³⁵ Likewise, J. Douglas Willms of the University of New Brunswick, examining PISA data, found that schools with higher levels of socioeconomic segregation had lower mean scores on average and noted that Finland—often held out as a remarkable education success story—had the very lowest degree of socioeconomic segregation of 57 countries participating in PISA.³⁶
- In 2006, the University of Wisconsin's Douglas Harris published what may be the largest study analyzing school integration and achievement. Using math exams required under the No Child Left Behind Act, Harris examined data from 22,000 schools enrolling 18 million students. He found that minority students have greater gains in racially integrated schools, and that “a substantial portion of the ‘racial composition’ effect is really due to poverty and peer achievement.”³⁷
- Data from the 2007 National Assessment of Educational Progress (NAEP) given to fourth graders in math show that low-income students attending more-affluent schools scored almost two years ahead of low-income students in high-poverty schools. Indeed, *low-income* students given a chance to attend more-affluent schools performed more than half a year better, on average, than *middle-income* students who attend high-poverty schools.³⁸ (See Figure 5.)

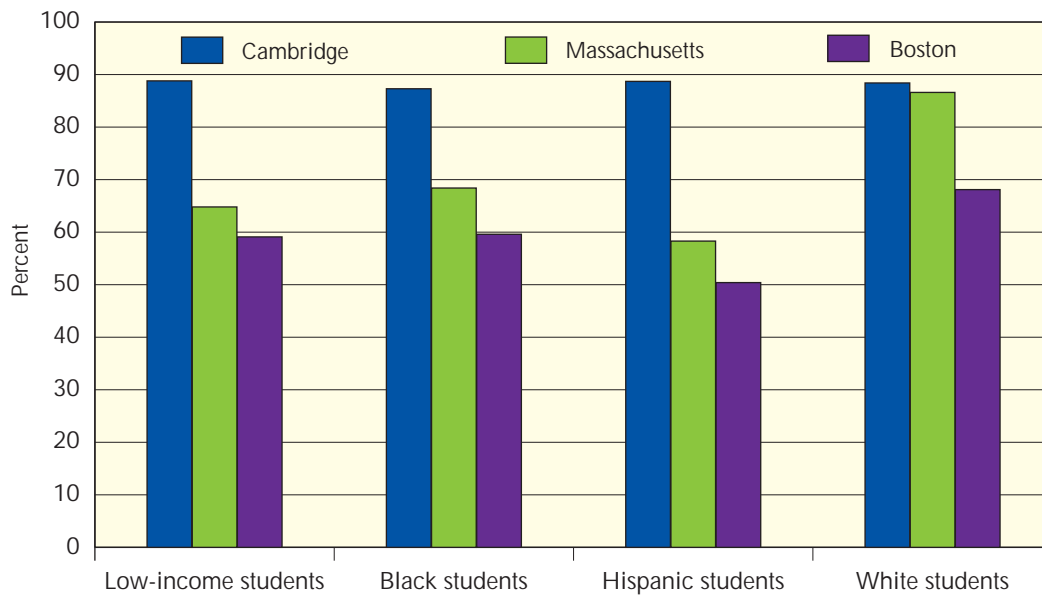
Today, more than sixty-five school districts have acted on this research and employ explicit policies seeking to reduce concentrations of school poverty. As outlined at length elsewhere, these districts generally have seen strong achievement gains and other positive academic outcomes.³⁹ In Cambridge, Massachusetts, for example, a longstanding policy of universal magnet schools to balance student populations, originally by race and more recently by socioeconomic status, has yielded very positive benefits. In 2008, Cambridge graduated 88.8 percent of its low-income students in four years compared with 64.8 percent of low-income students statewide and 59.1 percent of low-income students in Boston. As can be seen in Figure 6, Cambridge's black and Hispanic students also far surpassed black and Hispanics in Boston and statewide in graduation rates, while whites in Cambridge graduate at the same level as whites statewide, and far ahead of whites in Boston

Figure 5. National Assessment of Educational Progress 2007, Fourth Grade Math Results



Source: U.S. Department of Education, Institute of Education Sciences, National Center for Education Statistics, National Assessments of Educational Progress (NAEP), 2007 Math Assessment, Grade 4.

Figure 6. Cambridge, Massachusetts, and Boston Four-Year Cohort Graduation Rates, 2008



Source: Massachusetts Department of Elementary and Secondary Education, Cohort 2008 Four-Year Graduation Rates—State Results, http://www.doe.mass.edu/infoservices/reports/gradrates/08_4yr.html.

Further evidence of the importance of economic school integration comes from research on the effects of concentrated residential poverty. For years, researchers consistently have found that living in a low-income neighborhood stunts the opportunities of children.⁴⁰ For example, a 2008 study by Robert Sampson of Harvard, Patrick Sharkey of New York University, and Stephen W. Raudenbush of

the University of Chicago found that growing up in high-poverty neighborhoods had the effect for African American children of reducing verbal ability later in life on the order of one year of schooling.⁴¹

Well-designed efforts to deconcentrate neighborhood poverty have had broad success. As a remedy to housing discrimination, under the *Hills v. Gautreaux* Supreme Court case, almost 25,000 African Americans in public housing in the Chicago metropolitan area were given a chance to live in mostly white affluent suburbs.⁴² Because the program was oversubscribed, researchers could compare families who wished to move to the suburbs but were instead assigned to housing in the city with suburban movers. James Rosenbaum and other scholars at Northwestern University found that children of those who moved to the suburbs were four times more likely to finish high school and twice as likely to attend college as those who remained in the city.⁴³ A more recent experiment aimed at replicating *Gautreaux*—the federal Moving to Opportunity (MTO) program found few benefits, but it was a poor test of poverty deconcentration strategies, as students in the treatment group attended schools with a mean subsidized lunch population of 67.5 percent, compared to 73.9 percent in the control group. This looked more like moving to mediocrity than opportunity.⁴⁴

While well-run socioeconomic school integration and housing mobility programs such as under *Gautreaux* have been highly successful, most efforts to improve high-poverty neighborhoods and schools have proven disappointing over the years. Billions of dollars have been invested in Community Development Corporations (CDCs), but as researcher David Rusk notes, even the nation's best CDCs “are losing the war against poverty.”⁴⁵ Likewise, numerous evaluations of the federal Title I program for high-poverty schools consistently have found that the many billions of dollars expended have failed to produce significant academic gains.⁴⁶

Integration by Class versus Integration by Race

Importantly, school districts today are emphasizing integration by economic status, as opposed to race, in magnet and other programs because doing so avoids the constitutional problems associated with racial integration plans. Also, pursuing integration by economic status is consistent with the social science research which has long found that the socioeconomic makeup of a school matters more to academic achievement than its racial mix. (There are other reasons to want schools to be racially integrated per se, whatever the effects on academic achievement.)

As a legal matter, school districts are wary about using race to guide admissions after the U.S. Supreme Court's decision striking down racial integration plans in Louisville, Kentucky, and Seattle, Washington, in *Parents Involved in Community Schools v. Seattle School District No. 1*, (decided jointly with *Meredith v. Jefferson County Board of Education*).⁴⁷ Unlike voluntary racial integration plans, socioeconomic integration programs are on very sound legal footing.⁴⁸

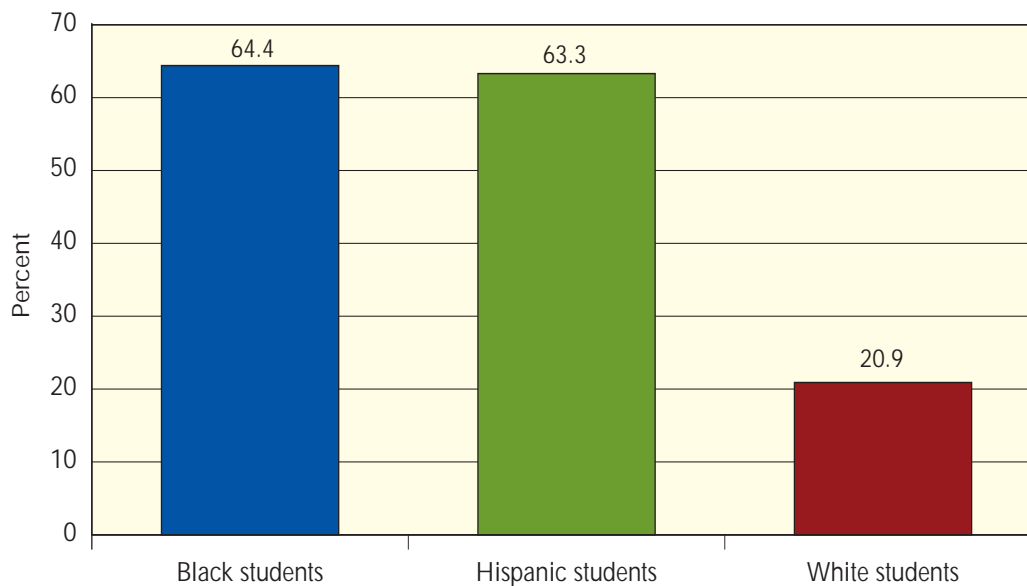
But the emphasis on socioeconomic integration also comports with a long line of social science research on the relatively greater importance of socioeconomic status in producing better academic outcomes. Racial desegregation raised the achievement of black students in certain areas (such as Charlotte, North Carolina, where middle-class whites and low-income blacks were integrated) but not in others (such as Boston, where low-income whites and low-income blacks were integrated). Research found that the academic benefits of racial desegregation came not from giving African-American students a chance to sit next to whites, but from giving poor students of all races a chance to attend predominantly

middle-class institutions.⁴⁹ The well-regarded Coleman Report, for example, found that the “beneficial effect of a study body with a high proportion of white students comes not from racial composition *per se* but from the better educational background and higher educational aspirations that are, on the average, found among whites.”⁵⁰ More recent research confirms this notion.⁵¹ Indeed, UCLA professor Gary Orfield, a strong proponent of racial desegregation, notes that “educational research suggests that the basic damage inflicted by segregated education comes not from racial concentration but the concentration of children from poor families.”⁵²

Considering why it is important to avoid concentrations of school poverty underlines the economic rather than racial dimension of the issue. To take one example, it is a disadvantage to be in a school where classmates exhibit a high level of antisocial behavior, but that problem is far more closely associated with class than race. One study finds that, while blacks scored 13 points higher on an antisocial index than whites, when one controls for social class, the black/white difference is reduced to 3 points. Meanwhile, poor students of all races scored 21 points higher than advantaged students.⁵³

While school quality is tied to concentrations of poverty, not concentrations of racial minorities, it is also important to point out that, because of discrimination in the housing markets, it is unmistakably black and Latino students who overwhelmingly bear the brunt of attending high-poverty schools. As Figure 7 demonstrates, almost two-thirds of black and Hispanic public school students attend schools in which more than 50 percent of students are eligible for subsidized meals, compared with just one in five white students—a difference which helps explain why low-income whites tend to outperform low-income African Americans and Latinos.⁵⁴

Figure 7. Percentage of Students in High-Poverty Schools, by Race, 2006–07



Note: High-poverty is defined as at least 50 percent of students eligible for free or reduced-price lunch.

Source: Michael Planty et al., *The Condition of Education 2009* (Washington, D.C.: U.S. Department of Education, National Center for Education Statistics, June 2009), 196, Table A-25-1.

Overcoming Political Obstacles

Some argue that economically integrated schools are a nice idea in theory but will never fly politically. If there is a broad social science consensus that economic segregation impedes equality of opportunity, there is also a durable political assumption that housing mobility and “busing” for school integration programs are politically toxic. The concern is understandable, but dated, for three reasons.

First, turning around failing schools through magnet programs relies on positive incentives rather than compulsory busing. Thirty years ago, districts shipped kids across town and parents had no say in the matter, a practice that fueled white flight. Today, however, most districts seeking integration rely primarily on systems of magnet schools and public school choice. In Cambridge, Massachusetts, for example, all schools have been designated magnet schools, each with something distinctive to offer. Parents rank their preferences among schools, and the district honors choices in a way to ensure that all schools are within plus or minus ten percentage points of the system’s average eligibility for free and reduced price lunch.

The most sophisticated plans poll parents ahead of time, asking them what sort of themes or pedagogical approaches would attract them to attend a school further away. In Hartford, Connecticut, for example, a Montessori school, located in a tough neighborhood, has a long waiting list of white, middle-class suburban families because what is at the end of the bus ride is attractive to them. Likewise, a number of metropolitan communities, such as St. Louis, Missouri, provide extra funds to suburban schools that accept urban transfer students. This approach is likely to be especially attractive to suburban districts at a time when they are desperately seeking ways to balance their books.

Second, the “neighborhood school” does not have the same resonance it did three decades ago. Although Americans are divided on private school vouchers, they overwhelmingly support giving greater choice and options to students within the public school system.⁵⁵ The share of families choosing a non-neighborhood public school increased by 45 percent between 1993 and 2007.⁵⁶

Third, a growing share of Americans now recognizes that diversity is a good thing for all students. Research has long found that integration is not a zero-sum game: low-income students can benefit from economically integrated schools and middle-class achievement does not decline so long as a strong core of middle-class children are present. This is true in part because the majority sets the tone in a school, and because research finds that middle-class children are less affected by school influences (for good or ill) than low-income children.⁵⁷ Moreover, many families now believe that racial, ethnic, and income diversity enriches the classroom, noting that students cannot learn how to live in a multicultural society in a segregated white school.

The number of districts using socioeconomic status in student assignment has increased dramatically over the past decade, and notably, the list includes districts from “red” states and “blue” states, from Omaha, Nebraska, to San Francisco, California; from La Crosse, Wisconsin, to McKinney, Texas. While conventional wisdom declares school integration a thing of the past, in all, some 3.5 million students live in school districts with some form of socioeconomic integration plan in place. (See Appendix.)

CURRENT EMPHASIS ON “FIXING” HIGH-POVERTY SCHOOLS IS NOT SCALABLE

In recent years, some observers have claimed to have cracked the safe and figured out how to make “separate but equal” work, citing high-poverty public schools that have “beaten the odds” or highly successful high-poverty charter schools such as KIPP, and the HCY package of pre-kindergarten programs, social services,

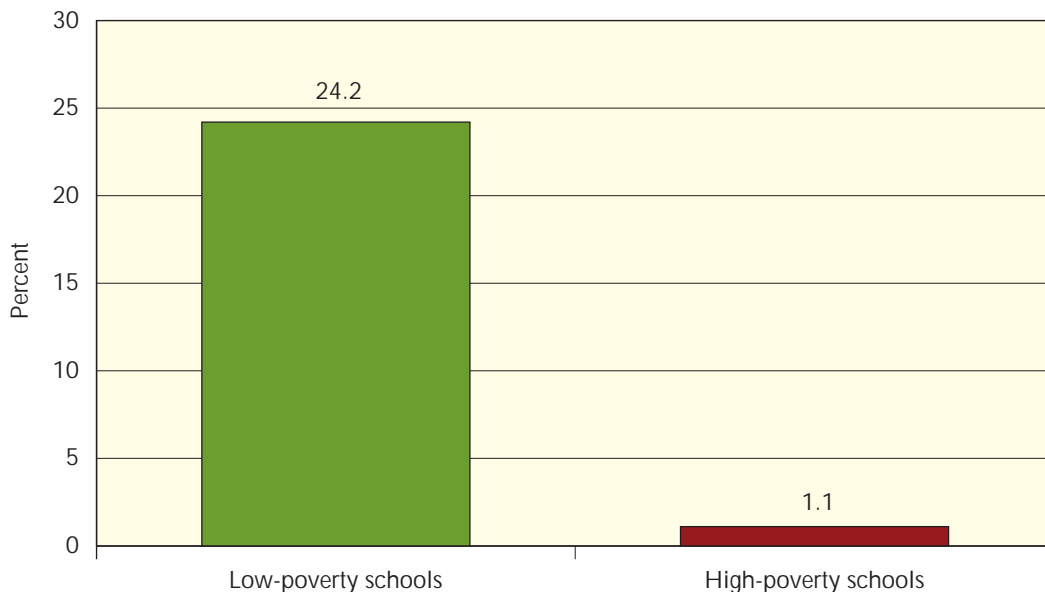
and charter schools. To some, the existence of these successful models suggests that segregation is just an “excuse” for failure. Because high-poverty public school and charter school successes raise different issues, we address them in turn.

High-Poverty Public Schools

Successful high-poverty public schools that beat the odds paint a heartening story that often attracts considerable media attention. In 2000, the conservative Heritage Foundation published a report, entitled *No Excuses*, meant to show that high-poverty schools can work well. The author proudly declared that he “found not one or two [but] twenty-one high-poverty high performing schools.” Unfortunately, these twenty-one schools were dwarfed by the seven thousand high-poverty schools identified by the U.S. Department of Education as low performing.⁵⁸

Subsequently, the liberal Education Trust purported to find 3,592 high-poverty schools with test scores in the top one-third of their states.⁵⁹ The study was useful to the extent that it exposed the myth that poor children cannot learn, but a follow up study by University of Wisconsin professor Douglas Harris found that Education Trust included in its total many flukes—schools that performed well in just one grade, or on just one test (math or reading), or in just one year. Examining the Education Trust’s data, Harris found that, when schools had to perform well in more than one grade and more than one subject, and more than one year, the number of high-poverty high flyers was reduced by 93 percent, from 15.6 percent of high-poverty schools to just 1.1 percent. Using this more rigorous definition of flying high, Harris reported in a 2006 paper that high-poverty schools (those with 50 percent or more students eligible for free and reduced price lunch) were falling short when compared to middle-class schools (those with fewer than 50 percent of students eligible for subsidized lunch). Indeed, low-poverty schools were twenty-two times more likely to be high-performing compared to high-poverty schools.⁶⁰ (See Figure 8.)

Figure 8. Percentage of Schools That Are Persistently High-Performing, by Socioeconomic Status



Note: *High-poverty* is defined as at least 50 percent of students eligible for free or reduced-price lunch; *low-poverty* is defined as fewer than 50 percent eligible. *High-performing* is defined as being in the top third in the state in two subjects, in two grades, and over a two-year period.

Source: Douglas N. Harris, “Ending the Blame Game on Educational Inequity: A Study of ‘High Flying’ Schools and NCLB,” Educational Policy Studies Laboratory, Arizona State University, March 2006, 20.

High-Poverty Charter Schools

In response to the paucity of successful high-poverty public schools, some have argued that a change in governance—charter schools—can take successful high-poverty schools to scale. Because most charter schools are nonunionized, some make the profoundly conservative assertion that teacher unions are the primary impediment to equal opportunity.⁶¹ Some go further and argue that the success of high-poverty charter schools suggests not only that separate can be equal, but that perhaps separate schools for low-income students are *superior* because they can focus on the special needs of low-income students.

But on closer examination, these high-poverty charter school success stories are very difficult to take to scale nationally because the three key sets of players in schools such as KIPP and HCZ's Promise Academies—the parents, students, and teachers—are not representative of those typically found in high-poverty public schools.

KIPP Schools. KIPP is a chain of eighty-two schools educating twenty-thousand students in nineteen states and the District of Columbia.⁶² Founded by David Levin and Mike Feinberg, the school program emphasizes “tough love”: a longer school day and school year, more homework, and the explicit teaching of middle-class habits and norms. In his excellent book on KIPP, the *Washington Post*'s Jay Mathews says that test scores in KIPP have risen faster for more low-income students than anywhere else.⁶³ The results are very impressive, but it seems unlikely that KIPP can translate its success to help turn around a significant number of the nation's five thousand low-performing schools.

KIPP does not educate the typical low-income student, but rather a subset fortunate enough to have striving parents who take the initiative to apply to a KIPP school and sign a contract to read to their children at night.⁶⁴ KIPP also educates a disproportionate share of girls.⁶⁵ Most importantly, according to a 2008 SRI International study of California Bay-area KIPP middle schools, of students who begin KIPP, 60 percent leave, many because they find the program too rigorous.⁶⁶ (These students are not replaced by new students, as happens in regular public schools.) Columbia University researcher Jeffrey Henig described the attrition rate as jaw dropping.⁶⁷ KIPP is successful, then, with a motivated and determined group of students, a cohort that is surrounded by classmates who are likely to provide positive peer influences. It is not surprising, therefore, that KIPP's one effort to turn around an existing school's student population failed after two years. A KIPP spokesperson said, “our core competency is starting and running new schools.”⁶⁸

Nor are the teachers typical of those attracted to regular high-poverty public schools. The dedication of KIPP teachers is legendary—they work from 7:15 A.M. to 5:00 P.M. and then go home to plan for the next day, as they take phone calls to help students with home work—but may not translate into an effective model for three million teachers nationally, many of whom have family obligations that make a KIPP-style existence hard to sustain. Indeed, the SRI International study of five San Francisco area KIPP schools, nearly half (49 percent) of teachers who taught in the 2006–07 school year had left before the beginning of the 2007–08 school year. This compares with a 20 percent turnover rate in high-poverty schools generally.⁶⁹

Moreover, as KIPP's reputation grew, it could select among prospective teachers who wished to be part of an exciting program and be surrounded by high-performing colleagues, an applicant pool not typical of high-poverty public schools.

Nor are KIPP schools funded at levels typical of high-poverty schools. KIPP has won the backing of some of the richest individuals in the country who have helped fund the program at levels more likely to be found in middle-class schools than high-poverty public schools.⁷⁰ With at least \$50–60 million in funding from the founders of Gap Inc., KIPP spends an estimated \$1,100–1,500 more per pupil than do regular public schools.⁷¹

HCZ Promise Academies. To its credit, the Harlem Children's Zone, founded by Geoffrey Canada, consciously set out to educate an entire ninety-seven-block region of the Harlem community—not just the most motivated subset. Unlike KIPP, HCZ supplements its Promise Academy charter schools with a comprehensive system of parenting classes, pre-kindergarten programs, and extra social services. A preliminary study by Harvard's Will Dobbie and Roland G. Fryer, Jr., was highly laudatory. As David Brooks wrote in a *New York Times* column, "Harlem Miracle," Dobbie and Fryer found that by eighth grade, on the New York State math test, the Promise Academy "eliminated the achievement gap between its black students and the city average for white students."⁷²

To date, however, HCZ runs only three charter schools (two elementary and one middle school), educating 1,300 students—pupils whose parents must apply for a lottery to participate.⁷³ (By comparison, there are about 70 public and 30 private schools in the Harlem neighborhood.)⁷⁴ Moreover, HCZ's elementary school students increasingly are drawn from a group whose parents are particularly motivated, having given up four to five hours every Saturday for two rounds of nine-week "Baby College" parenting classes.⁷⁵

Even with this self-selected population, the results have been overblown. Columbia University professor Aaron Pallas, in a piece entitled "Just How Gullible Is David Brooks?" points out that, while students did well on the New York State high-stakes exam, on a different assessment—the Iowa Test of Basic Skills—eighth-grade Promise Academy students scored at the thirty-third percentile for a national sample in math. These disappointing results on the Iowa test are significant, Pallas notes, because "if proficiency in English and math are to mean anything, these skills have to be able to generalize to contexts other than a particular high-stakes test."⁷⁶ Others have noted that New York State tests are considered weak compared with the National Assessment for Educational Progress.⁷⁷

Moreover, like KIPP, HCZ's results come not from the entire entering cohort of students but rather from the subset who survive a longer school day and school year. In the case of HCZ's middle school, more than one-third of students left between sixth and eighth grade, and unlike with public schools, no new students entered.⁷⁸

Other questions arise about how easily HCZ can be taken to scale. The founder, Geoffrey Canada, is a highly charismatic figure, who has been profiled in the *New Yorker* and the *New York Times Magazine* and was able to convince former president Bill Clinton to attend a building opening. Canada also has won the backing of hedge fund billionaires such as Stanley Druckenmiller and Kenneth Langone, who helped found Home Depot.⁷⁹ (Druckenmiller alone

has contributed more than \$100 million to the HCZ.)⁸⁰ Canada's fame and resources, in turn, help recruit excellent teachers who put in extraordinary hours, something hard to sustain at scale.⁸¹

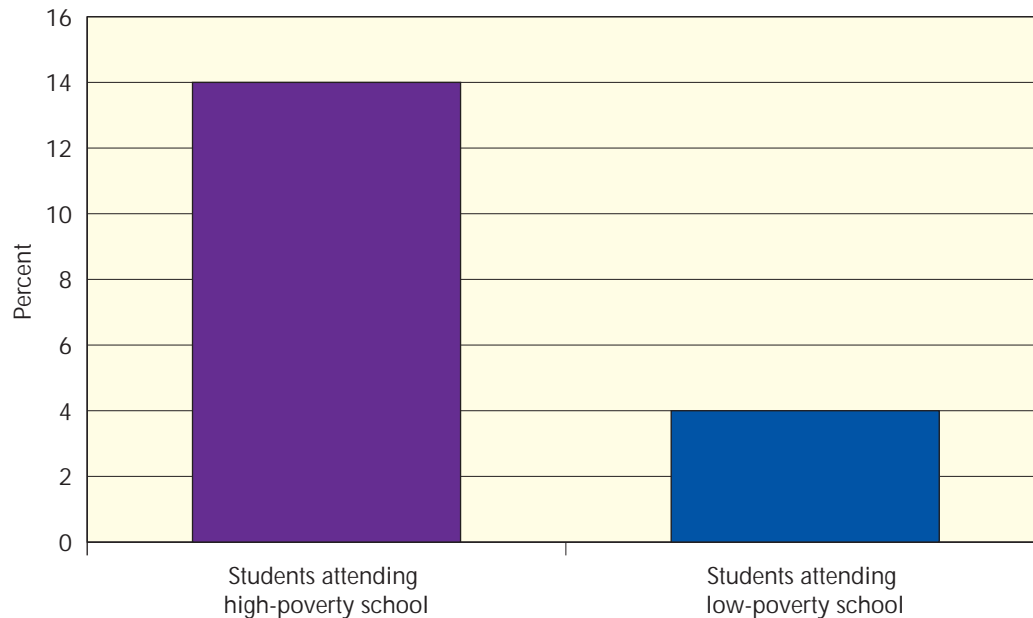
None of this should diminish the success of HCZ and KIPP. There are very important lessons to learn from both programs. Giving students a longer school day and year may be a productive (if expensive) idea. HCZ's Baby College and well funded pre-kindergarten programs (at \$13,000 a student, double the cost of a Head Start program) seem especially beneficial.⁸²

It would be a mistake, however, to think that KIPP and HCZ suggest "separate but equal" can be taken to scale. Indeed, although both programs take place in economically and racially isolated settings, the theory behind the programs are completely consistent with the theory of socioeconomic school integration. Besides having good teachers, sufficient funding, and motivated families—of the type more often found in middle-class schools than high-poverty schools—the thrust of both programs is to teach what Canada calls "middle class cultural values" and "middle class aspirations."⁸³ Moreover, Canada continually returns to the importance of peer influences. His goal is to attain 60 percent participation in HCZ programs, so that middle-class values—a sense of responsibility and hopefulness about the future—"would come to seem normal." Writes HCZ chronicler Paul Tough, "Canada's theory was that each child would do better if all the children around him were doing better."⁸⁴ As an example, Canada said, "If you are surrounded by people who are always talking about going to college, you're going to end up thinking, 'Hey, maybe this is something I could do, too.'"⁸⁵

Canada's theory—strong parenting and pre-kindergarten programs on the one hand; and positive peer environments on the other—are consistent with the Coleman Report's famous conclusion that the socioeconomic status of the family and the socioeconomic status of the school are the two most important determinants of academic achievement. Taking Canada's success to scale, however, would seem far more likely if low-income families received a combination of parenting classes, pre-kindergarten, and access to middle-class public schools, where their peers will be "talking about going to college" and where hopefulness is "normal"—the sorts of schools, in fact, that administrators in HCZ send their own children to attend.⁸⁶

Even if academic success were scalable in segregated high-poverty schools, there are other reasons to be unsatisfied with segregation. When students graduate and search for jobs, those in high-poverty schools may be cut off from valuable networks that facilitate employment. Research confirms the adage that who you know matters as much as what you know, and studies find that one of the greatest benefits to blacks of attending desegregated schools came when seeking employment.⁸⁷ Indeed, University of California–Berkeley researcher Claude Fischer and colleagues found that, even after controlling for individual ability and family home environment, attending a middle-class school reduced the chances of adult poverty by more than two-thirds (4 percent versus 14 percent).⁸⁸ (See Figure 9.)

Figure 9. Chance of Adult Poverty, by School Socioeconomic Status



Source: Claude S. Fischer et al., *Inequality by Design: Cracking the Bell Curve Myth* (Princeton, N.J.: Princeton University Press, 1996), 84. The authors of the study controlled for individual ability and family home environment.

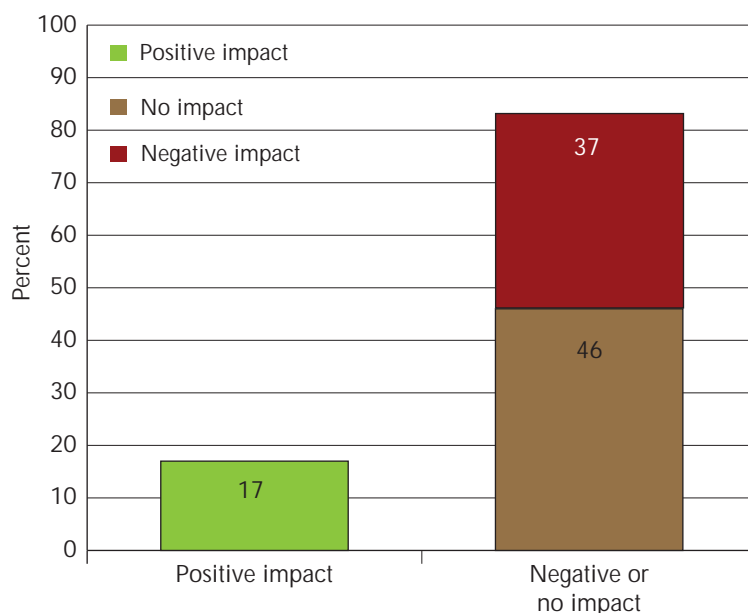
Likewise, separate but equal approaches reduce the racial understanding and tolerance that comes from integration. In his book on HCZ, Tough quotes from a poem posted in the school hallway written by a middle-school student, Julien Coutourier: “When I see myself I see / a black man trying to make it in the world. Trying to dodge what the white man says about us.”⁸⁹ In an integrated environment, where Coutourier had white classmates, some racially sensitive, others not, he might be less likely to make universal statements about “the white man.” Likewise, white students attending segregated white schools suffer from not getting to know students like Coutourier.

Other Charter Schools. Charter school supporters correctly point out that KIPP and HCZ are not the only successful charter schools. For example, in a 2009 report for the Boston Foundation, Harvard economist Thomas Kane and colleagues revealed that students who applied for and won the lottery to attend charter schools in Boston significantly outperformed students who lost the lottery and attended regular public schools.⁹⁰ (The comparison of lottery winners and losers is meant to control for self-selection bias.) But critics pointed out that the only charter schools included in the study were the 26 percent that were popular and oversubscribed, so the finding of superior performance compared with public schools generally was unsurprising. Moreover, self-selected students in sought-after charter schools were surrounded by peers who also were highly motivated, a school-level effect for which the study did not control.⁹¹

Recent research raises serious questions about whether charter schools in fact can help turn around the nation’s worst performing schools. Particularly devastating was the landmark study of the generally pro-charter Center for Research on Education Outcomes at Stanford University, examining fifteen states and the District of Columbia, which together educate roughly 70 percent of the nation’s charter school students. Looking at gains in math over time, the study found that only 17 percent of charter schools outperform

regular public schools.⁹² (See Figure 10.) The finding underlines the fact that high-flying charter schools such as KIPP and HCZ’s Promise Academies are the exception, and rely on a model—self-selected students, high rates of attrition, generous funding from philanthropists, and super-human efforts by young teachers without families—that is not scalable generally to high-poverty schools.

Figure 10. Impact of Charter Schools on Math Gains in Fifteen States and Washington, D.C.



Source: Multiple Choice: Charter School Performance in 16 States (Stanford, Calif.: Center for Research on Educational Outcomes, Stanford University, June 2009), 44, Table 9.

The degree to which charter schools such as KIPP rely upon self-selected students and high rates of attrition for success was underlined by the charter school community’s reaction to Education Secretary Arne Duncan’s call that they get involved in the business of turning around failing schools. In an extraordinary June 2009 speech to the National Alliance for Public Charter Schools, Duncan challenged charter school leaders to “get into the game” of turning around failing schools. “I know this is tough work,” he said, “but there is an upside. You start with a school full of kids so there is no student recruiting.”⁹³ But as former Bush education official Andy Smarick has argued, charter schools are much better at fresh starts, building a school from scratch, rather than turnarounds, which inherit schools with large populations of disadvantaged students.⁹⁴ By the time the U.S. Department of Education released guidelines for funding in August 2009, a new option had emerged—a “restart” model—in which charter school operators do not automatically take the same set of students who had been attending a failing school but instead requires students to apply (with a preference for those who were already there).⁹⁵ It is understandable that KIPP and other charter school operators do not want to have to educate the large blocs of disadvantaged students who are automatically assigned to some public schools, but it suggests their role is limited in reaching traditional student populations in high-poverty schools. KIPP does a wonderful job of rescuing the Cedric Jenningses of the world—the aspiring, hard-working student hero of Ron Suskind’s book *Hope in the Unseen*—an important task. But that is a far different job

than trying to educate all low-income students, including those whose parents do not apply, and the 60 percent who did not survive KIPP's rigorous regimen in the San Francisco area.

IDENTIFYING THE ROOT PROBLEM IN FAILING SCHOOLS: SEGREGATION AND POVERTY, NOT TEACHER UNIONS

Fundamentally, it is time to rethink the basic theory of turning around failing schools. One unspoken assumption of many current approaches is that teachers in high-poverty schools (and their union protectors) are to blame; and that if we could fire those teachers, and bring in union-free charter schools, we could fix the problem. This approach is mistaken. Teacher unions are hardly perfect, but there is no solid research suggesting that they are on balance damaging to the education of children. The American South, and America's charter schools, both of which have weak teacher unions or none at all, generally have lower student performance than schools in states, such as New Jersey and Massachusetts, that have strong unions.⁹⁶ Moreover, there is ample research to suggest that teacher unions produce very positive educational benefits: they reduce teacher turnover, boost salaries, and reduce class size.⁹⁷ (In charter schools, most of which are not unionized, the chances a teacher will leave the profession are 230 percent higher than in traditional public schools.)⁹⁸

Instead, mountains of research suggest that the reason high-poverty schools fail so often is that economic segregation drives failure: it congregates the children with the smallest dreams, the parents who are the most pressed, and burnt out teachers who often cannot get hired elsewhere. There is a strange quality to the turnaround debate, in which we stand in awe of the impressive efforts of a few schools and ignore the larger reality that economic segregation normally perpetuates failure. As James Foreman, Jr., has written, "As much as it thrills us to read about extraordinary people succeeding with poor children, I want to see how ordinary people can do the same."⁹⁹ Using magnet themes to turn around failing high poverty schools will not work everywhere, but high quality economically integrated schools should be the first turnaround option explored, with efforts to make the segregation condoned in *Plessy v. Ferguson* work—always an uphill battle—reserved only as a fallback.

APPENDIX**School Districts Employing Socioeconomic Status in Some Fashion to Assign Students to Schools
(student populations indicated parenthetically)**

Amherst Regional Public Schools, Massachusetts (4,000)¹⁰⁰
 Beaumont Independent School District, Texas (19,534)¹⁰¹
 Berkeley Unified School District, California (8,954)¹⁰²
 Boulder Valley School District, Colorado (28,660)¹⁰³
 Brandywine Public School District, Delaware (10,321)¹⁰⁴
 Bryan Independent School District, Texas (13,401)¹⁰⁵
 Burlington School District, Vermont (3,590)¹⁰⁶
 Burlington School District, Iowa (4,266)¹⁰⁷
 Cambridge School District, Massachusetts (5,861)¹⁰⁸
 Champaign Community Unit School District Number 4, Illinois (9,244)¹⁰⁹
 Chapel Hill-Carrboro City, North Carolina (11,626)¹¹⁰
 Charles County School District, Maryland (25,903)¹¹¹
 Charlotte-Mecklenburg Public School District, North Carolina (132,281)¹¹²
 Christina School District, Wilmington, Delaware (17,116)¹¹³
 Clark County (Las Vegas) Public School District, Nevada (308,554)¹¹⁴
 Davenport Community Schools, Iowa (15,921)¹¹⁵
 Des Moines Independent Community School District, Iowa (30,683)¹¹⁶
 Duval County (Jacksonville) Public School District, Florida (125,176)¹¹⁷
 Eugene Public School District, Oregon (17,896)¹¹⁸
 Fairfax County Public Schools, Virginia (168,384)¹¹⁹
 Fresno Unified School District, Florida (82,906)¹²⁰
 Greenville County Public School District, South Carolina (67,537)¹²¹
 Guilford County Public School District, North Carolina (71,176)¹²²
 Hamilton County Public School District (Chattanooga), Tennessee (40,922)¹²³
 Hernando County Schools, Florida (22,450)¹²⁴
 Hillsboro County (Tampa), Florida (193,517)¹²⁵
 Jefferson County Public Schools, Kentucky (91,425)¹²⁶
 La Crosse School District, Wisconsin (7,215)¹²⁷
 Lafayette Parish School District, Louisiana (30,255)¹²⁸
 Lee County (Ft Meyers), Florida (78,981)¹²⁹
 Lee County, North Carolina (9,527)¹³⁰
 Madison Metropolitan School District, Wisconsin (24,755)¹³¹
 Manatee County School District, Florida (42,235)¹³²
 McKinney Independent School District, Texas (21,073)¹³³
 Miami-Dade Public School District, Florida (353,790)¹³⁴
 Minneapolis, Minnesota (34,570)¹³⁵
 Montclair, New Jersey (6,600)¹³⁶
 Montgomery County Public School District, Maryland (139,000)¹³⁷

Moorpark United School District, California (7,200)¹³⁸
Napa Valley Unified School District, California (17,418)¹³⁹
New York City Public Schools: Community School Districts 13, 14, 15, 20 and 21, New York
(206,151)¹⁴⁰
Omaha Public School District, Nebraska (47,044)¹⁴¹
Palm Beach County School District, Florida (171,431)¹⁴²
Pitt County School District, North Carolina (22,763)¹⁴³
Pittsburgh Public Schools, Pennsylvania (26,649)¹⁴⁴
Portland Public School District, Oregon (41,409)¹⁴⁵
Postville Community Schools, Iowa (530)¹⁴⁶
Proviso Township High Schools, Illinois (5,020)¹⁴⁷
Redlands Unified School District, California (21,482)¹⁴⁸
Rochester City School District, New York (32,000)¹⁴⁹
Rockford School District, Illinois (29,515)¹⁵⁰
Rock Hill Public School District of York County, South Carolina (17,653)¹⁵¹
Rosemont-Apple Valley-Eagan Schools, Minnesota (27,700)¹⁵²
San Diego Unified School District, California (131,577)¹⁵³
San Francisco Unified School District, California (55,497)¹⁵⁴
San Jose Unified School District, California (31, 230)¹⁵⁵
Seminole County Public Schools, Florida (65,299)¹⁵⁶
South Orange-Maplewood Public School District, New Jersey (6,090)¹⁵⁷
South Washington County, Minnesota (16,800)¹⁵⁸
Springdale Public School District, Arizona (17,429)¹⁵⁹
Stamford School District, Connecticut (15,036)¹⁶⁰
St. Lucie County Public School District, Florida (38,793)¹⁶¹
Topeka Public School District, Kansas (13,262)¹⁶²
Troop County School District, Georgia (12,381)¹⁶³
University Place School District, Washington (5,472)¹⁶⁴
Wake County School District, North Carolina (137,706)¹⁶⁵
Waterloo Community Schools, Iowa (10,590)¹⁶⁶
West Liberty Community School District, Iowa (1,188)¹⁶⁷
Williamsburg-James City County School District, Virginia (10,410)¹⁶⁸

Total: 69 districts 3,522,004 students

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Portions of this essay are drawn from Richard D. Kahlenberg, “Turnaround Schools that Work,” *Education Week*, September 2, 2009, 32; and Richard D. Kahlenberg, “Can Separate Be Equal?” *American Prospect*, September 2009, A13–A15.

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- 40 Kahlenberg, *All Together Now*, 32–34.

41 Robert J. Sampson, Patrick Sharkey, and Stephen W. Raudenbusch, “Durable Effects of Concentrated Disadvantage on Verbal Ability among African-American Children,” *PNAS* 105, no. 3 (January 22, 2008): 845–52.

42 Alexander Polikoff, *Waiting for Gautreaux: A Story of Segregation, Housing and the Black Ghetto* (Evanston, Ill: Northwestern University Press, 2006), xiv.

43 James Rosenbaum et al., cited in Kahlenberg, *All Together Now*, 33.

44 Lisa Sanbonmatsu, Jeffrey R. Kling, Greg J. Duncan, Jeanne Brooks-Gunn, “Neighborhoods and Academic Achievement: Results from the Moving to Opportunity Experiment,” NBER Working Paper 11909 (January 2006), 18 and 45, Table 2.

45 David Rusk, *Inside Game/Outside Game: Winning Strategies for Saving Urban America* (Washington, D.C.: Brookings Institution Press, 1999), p. 18. See also Alec MacGillis, “Obama Says He, Too, Is a Poverty Fighter; In D.C., He Offers Contrast with Edwards,” *Washington Post*, July 19, 2007, A4 (“billions spent on jobs and housing through [Community Development Block] grants over the years have failed to turn around many areas”).

46 Kahlenberg, *All Together Now*, 83 (regarding Title I); and, more recently, Richard D. Kahlenberg, “Introduction,” in *Improving on No Child Left Behind*, ed. Richard D. Kahlenberg (New York: Century Foundation Press, 2008), 5 (on Title I funds under No Child Left Behind).

47 127 S.Ct. 2738 (2007).

48 Under the U.S. Supreme Court’s reading of the Fourteenth Amendment Equal Protection Clause, any use of race—even for the benign purpose of promoting integration—is subject to “strict scrutiny.” This is a very exacting standard of review which requires government to offer a “compelling” interest and ensure that the means employed are “narrowly tailored.” By contrast, the government’s use of economic status need meet only the more relaxed “rational basis” test. See, e.g., *Gratz v. Bollinger*, 539 U.S. 244, 270 (1993) (all racial classifications subject to strict scrutiny); and *James v. Valtierra*, 402 U.S. 137, 141 (1971) (wealth classifications not subject to strict scrutiny). Even opponents of using race in student assignment—such as the George W. Bush Administration, the conservative Pacific Legal Foundation, the American Civil Rights Institute, and the Center for Equal Opportunity Center—concede that using socioeconomic status in student assignment is perfectly legal. See, e.g., Brief for the United States as Amicus Curiae supporting Petitioner, Parents Involved in *Community Schools v. Seattle School District*, at 25–27 (citing socioeconomic considerations as a valid race-neutral alternative); Brief Amicus Curiae of the Pacific Legal Foundation, American Civil Rights Institute and Center for Equal Opportunity in support of the Petitioner, *Meredith v. Jefferson County Board of Education*, at 25 (same). A legal challenge to the socioeconomic integration program in Wake County, North Carolina—which alleged that economic status was just a proxy for race—was denied because Wake County had “legitimate nondiscriminatory reasons” for using socioeconomic status. See U.S. Department of Education Office of Civil Rights, Southern Division, letter to William R. McNeal, Superintendent, Wake County Public School System, August 29, 2003 (regarding OCR Complaint Nos. 11-02-1044, 11-02-1104, and 11-02-1111). And, in August 2008, the Department of Education’s Office for Civil Rights sent a letter to school districts saying it “strongly encourages” them to consider integration plans based on socioeconomic status. Stephanie J. Monroe, assistant secretary for civil rights, Dear Colleague Letter, August 28, 2008, <http://www.ed.gov/about/offices/list/ocr/letters/raceassignmentese.pdf>.

49 See Richard D. Kahlenberg, “A New Way on School Integration,” The Century Foundation, November 2006, 4–6, available online at <http://www.tcf.org/publications/education/schoolintegration.pdf>.

50 Coleman et al., *Equality of Educational Opportunity*, 307.

51 For a survey of such studies, see Kahlenberg, *All Together Now*, 36, n.61. See also Russell W. Rumberger and Gregory J. Palardy, “Does Resegregation Matter?” in *School Resegregation: Must the South Turn Back?* ed. John Charles Boger and Gary Orfield (Chapel Hill: University of North Carolina Press, 2005), 137 (socioeconomic status of the student body mattered more than the racial composition in affecting student achievement).

52 Gary Orfield, *Must We Bus? Segregated Schools and National Policy* (Washington, D.C.: Brookings Institution Press, 1978), 69. See also Gary Orfield and Chungmei Lee, “Why Segregation Matters: Poverty and Educational Inequality,” Harvard Civil Rights Project, January 2005, pp. 8–9 (“The civil rights movement was never about sitting next to whites, it was about equalizing opportunity. If high poverty schools are systematically unequal and segregated minority schools are almost always high poverty schools, it is much easier to understand both the consequences of segregation and the conditions that create the possibility of substantial gains in desegregated classrooms.”).

53 Richard Rothstein, *Class and Schools: Using Social, Economic, and Educational Reform to Close the Black-White Achievement Gap* (Washington, D.C.: Economic Policy Institute, 2004), 100, Figures 4A and 4B.

54 Michael Planty et al., *The Condition of Education 2009* (Washington, D.C.: U.S. Department of Education, National Center for Education Statistics, June 2009), 196, Table A-25-1.

55 See, e.g., *Phi Delta Kappan*, September 2007, 42 (74 percent say “providing low performing students the ability to enroll in any public school of choice” would be somewhat or very effective, compared with 55 percent saying the same of providing low performing students financial support to cover part or all of the tuition cost at a private school); *Phi Delta Kappan*, September 2006, p. 43.

56 Planty et al., *The Condition of Education 2009*, 78, Indicator 32 (“From 1993 to 2007, the percentage of children attending a ‘chosen’ public school [a public school other than their assigned public school] increased from 11 to 16 percent”).

57 Kahlenberg, *All Together Now*, 37–42. Although the NAEP data contained in Figure 5 indicates a decline in middle-class student achievement even when moving from very low poverty schools (0–10 percent of students receiving free or reduced-price meals) to economically mixed schools (26–34 percent of students receiving free or reduced-price meals), research suggests that this decline is more likely due to differences in family environments within the very broad category of students defined as “middle class” rather than to differences in school environments. In his study of schools in Madison-Dane County, Wisconsin, researcher David Rusk found that “middle-class” students (those not eligible for free and reduced-price lunch) attending very low poverty schools tended to be far wealthier than “middle-class” students attending economically mixed schools, and were expected to do better, irrespective of the school they attended. By contrast, the economic range within the low-income group (those eligible for free and reduced-price lunch) is much smaller and does not account for the differences in achievement between low-income students in high-poverty schools as compared with those in economically mixed schools. See Rusk, “Classmates Count.”

58 Samuel Casey Carter, *No Excuses: Lessons from 21 High-Performing High Poverty Schools* (Washington, D.C.: Heritage Foundation, 2000), 2; and Kenneth Cooper, “School Defies Its Demographics,” *Washington Post*, June 7, 2000, A3 (on 7,000 low-performing, high-poverty schools).

59 Craig Jerald, *Dispelling the Myth Revisited: Preliminary Findings from a Nationwide Analysis of “High-Flying” Schools* (Washington D.C.: Education Trust, 2001), 1. See also Douglas N. Harris, *Ending the Blame Game on Educational Inequity: A Study of “High Flying” Schools and NCLB* (Tempe, Ariz.: Education Policy Research Unit, Arizona State University, March 2006), 5.

60 Harris, *Ending the Blame Game*, 20, Table 2. This reduced the number of high-flying, high-poverty schools to roughly 250.

61 See, e.g., Steven Greenhouse and Jennifer Medina, “Teachers at 2 Charter Schools Plan to Join Union, Despite Notion of Incompatibility,” *New York Times*, January 14, 2009 (quoting Jeanne Allen, executive director of the Center for Education Reform, “A union contract is actually at odds with a charter school”).

62 KIPP Web site, www.kipp.org.

63 Jay Mathews, *Work Hard. Be Nice: How Two Inspired Teachers Created the Most Promising Schools in America* (Chapel Hill, North Carolina: Algonquin Books, 2009), 2.

64 *Ibid.*, 89. Some research also finds that KIPP students begin school at more advanced levels than is typical of neighborhood peers; Martin Carnoy, Rebecca Jacobsen, Lawrence Mishel, and Richard Rothstein, *The Charter School Dust-Up: Examining the Evidence on Enrollment and Achievement* (Washington D.C.: Economic Policy Institute, 2005), 51–65; Paul Tough, *Whatever It Takes: Geoffrey Canada’s Quest to Change Harlem and America* (Boston: Houghton Mifflin Company, 2008), 161. But Jeffrey Henig’s review of seven studies disputes the “creaming” charge. See Jeffrey R. Henig, “What Do We Know About the Outcomes of KIPP Schools?” The Greater Lakes Center for Education Research and Practice, November 2008, 1.

65 Carnoy et al., *Charter School Dust-Up*, 61, Table 5.

66 Katrina R. Woodworth, Jane K. David, Roneeta Guha, Haiwen Wang, and Alejandra Lopez-Torkos, *San Francisco Bay Area KIPP Schools: A Study of Early Implementation and Achievement, Final Report* (Eugene, Ore.: Center for Educational Policy and SRI International, 2008), ix and 13–14.

67 Erik W. Robelen, “KIPP Study Finds High Student Attrition amid Big Learning Gains,” *Education Week*, September 24, 2008, 10.

68 Smarick, “The Turnaround Fallacy.”

69 Woodworth et al., *San Francisco Bay Area KIPP Schools*, 32. See also Robelen, “KIPP Study,” 10; Nanette Asimov, “Students at KIPP Perform Better, Study Finds,” *San Francisco Chronicle*, September 18, 2008.

70 Mathews, *Work Hard*, 263, 285, and 308.

- 71 Mathews, *Work Hard*, 263, 285 (per pupil expenditure), 308 (more than \$50 million); and Chester Finn, The Education Gadfly, October 1, 2009 (more than \$60 million).
- 72 Will Dobbie and Roland G. Fryer, “Are High-Quality Schools Enough to Close the Achievement Gap? Evidence from a Bold Social Experiment in Harlem” (April 2009); and David Brooks, “The Harlem Miracle,” *New York Times*, May 8, 2009.
- 73 Tough, *Whatever It Takes*, 261 (1,200 students participated in the pre-kindergarten, elementary and middle schools; another 6,000 participate in a more modest way, through after school program and the like). See also Dobbie and Fryer, “Are High-Quality Schools Enough” 5–6 (1,300 students attending three schools).
- 74 Javier C. Hernandez, “Charters Offer More Choices in Harlem, but Stir Concern for Public Schools,” *New York Times*, March 1, 2009.
- 75 Tough, *Whatever It Takes*, 13 and 196.
- 76 Aaron Pallas, “Just How Gullible Is David Brooks?” GothamSchools.org, May 8, 2009.
- 77 Jennifer Medina, “U.S. Math Tests Find Scant Gains Across New York,” *New York Times*, October 15, 2009.
- 78 Tough, *Whatever It Takes*, 254.
- 79 Ibid., 9–10, 134, and 153.
- 80 Mike Spector, “Bear Market for Charities,” *Wall Street Journal*, January 24, 2009.
- 81 Tough, *Whatever It Takes*, 224–25.
- 82 David L. Kirp, “Audacity in Harlem,” *American Prospect*, October 2008, 42.
- 83 Tough, *Whatever It Takes*, p. 108.
- 84 Ibid., 4.
- 85 Ibid., 125.
- 86 Ibid., 124, 212.
- 87 Kahlenberg, *All Together Now*, 61.
- 88 Claude S. Fischer et al., *Inequality by Design: Cracking the Bell Curve Myth* (Princeton: Princeton University Press, 1996), 84.
- 89 Tough, *Whatever It Takes*, 236.
- 90 Atila Abdulkadiroglu, Josh Angrist, Sarah Cohodes, Susan Dynarski, Jon Fullerton, Thomas Kane, and Parag Pathak, *Informing the Debate: Comparing Boston’s Charter, Pilot and Traditional Schools* (Boston: The Boston Foundation, 2009).
- 91 Dan French, “Lack of Clarity Seen in Study of Boston Charters,” *Education Week*, February 11, 2009, 25.
- 92 *Multiple Choice: Charter School Performance in 16 States* (Stanford, Calif.: Center for Research on Educational Outcomes, Stanford University, June 2009), 1, 44, http://credo.stanford.edu/reports/MULTIPLE_CHOICE_CREDO.pdf.
- 93 See Arne Duncan, “Turning Around the Bottom Five Percent,” Remarks at the National Alliance for Public Charter Schools Conference, June 22, 2009, <http://www.ed.gov/print/news/speeches/2009/06/06222009.html>.
- 94 Alyson Klein, “Expected Turnaround Aid Has Districts Eager, Wary,” *Education Week*, September 22, 2009.
- 95 “Obama Administration Announces Historic Opportunity to Turn Around Nation’s Lowest-Achieving Public Schools,” U.S. Department of Education, August 26, 2009, <http://www.ed.gov/print/news/pressreleases/2009/08/08262009.html>
- 96 See Linda Darling Hammond, “What Are the Best Methods for School Improvement?” *National Journal*, September 4, 2009, <http://education.nationaljournal.com/2009/08/what-are-the-best-methods-for.php>. Critics correctly will note that performance is linked in large measure to the higher economic status of Northerners, but that is precisely the point: addressing poverty (though programs like pre-kindergarten) is far more productive than focusing on teacher union density. Note also that some KIPP schools are unionized, as are the Green Dot charter

schools that are widely lauded. See Steven Greenhouse and Jennifer Medina, “Teachers at 2 Charter Schools Plan to Join Union, Despite Notion of Incompatibility,” *New York Times*, January 14, 2009; and Mathews, *Work Hard*, 284.

97 Richard D. Kahlenberg, *Tough Liberal: Albert Shanker and the Battles over Schools, Unions, Race, and Democracy* (New York: Columbia University Press, 2007), 369–70 (reviewing the research on teacher unions).

98 See Debra Viadero, “Are Teachers Jumping the Charter School Ship?” *Education Week Inside School Research*, April 14, 2009 (referencing study by Vanderbilt researchers David A. Stuit and Thomas M. Smith analyzing data from 14,428 teachers in sixteen states).

99 James Foreman Jr., “No Ordinary Success,” *Boston Review*, May/June 2009.

100 See Diane Lederman, “Amherst OKs School Redistricting,” *The Republican*, October 29, 2009 (describing redistricting of elementary schools so roughly 35 percent of students will be eligible for free and reduced price lunch at each school); and “Our Schools,” Amherst Regional Public Schools, <http://www.arps.org/OurSchools/>.

101 See Emily Guevara, “BISD Replaces Race-Based Transfers with Policy Based on Students’ Economic Status,” *Beaumont Enterprise*, February 3, 2008 (describing program that allows students in schools with more than 65 percent of students eligible for free or reduced-price lunch to transfer to one in which fewer than 65 percent of students are eligible).

102 See Kahlenberg, *Rescuing Brown v. Board of Education*, 34 (describing public school choice plan to create socioeconomically and racially integrated schools within ten percentage points plus or minus of the district average using neighborhood rather than individual family factors).

103 John Ingold, “School Ahead in Race for Diversity: Boulder Valley’s Community Montessori Elementary seeks students from different socioeconomic strata rather than from various races and may be a model for avoiding legal challenge,” *Denver Post*, January 2, 2007, A1.

104 See Kahlenberg, *Rescuing Brown v. Board of Education*, 34–35 (describing student assignment plan designed to keep all schools between 16 percent and 47 percent low income).

105 See Laura Henslet, “Bryan offers third plan for schools” *Bryan Eagle*, December 12, 2006 (describing program under which magnet schools will seek socioeconomic balance).

106 See Molly Walsh, “Board OKs Magnet Plan for Schools,” *Burlington Free Press*, February 1, 2008 (describing plan to create magnet schools with the goal of socioeconomic integration). See also “Building Burlington’s Future,” Burlington Diversity Task Force, June 13, 2006, <http://bsdweb.bsdt.org/district/EquityExcellence/TaskForcefullreport.pdf>.

107 See Craig T. Neises, “Book Hands Over Superintendent Post, Challenges,” *Hawkeye*, July 1, 2007 (noting after the Supreme Court decision in PICS superintendent indicated that racial balance factors could be replaced by socioeconomic factors); and Jane Evans, e-mail correspondence with Kristen Oshyn, March 9, 2009 (indicating that “socioeconomic balance” was one of the factors used in redrawing elementary school district boundaries).

108 See Kahlenberg, *Rescuing Brown v. Board of Education*, 28–34 (describing plan in which controlled public school choice is used to reach a goal of having all schools within plus or minus fifteen percentage points of the district wide percentage of students eligible for free and reduced price lunch).

109 See Jodi Heckel, “Income to Be Factor in Champaign School Assignments,” *Champaign News-Gazette*, January 9, 2009; and Jodi Heckel, “Change in Unit 4 Assignment Plan Explained,” *Champaign News-Gazette*, January 13, 2009 (describing shift in basis of school integration plan from race to socioeconomic status).

110 See Cheryl Johnston Sadgrove, “Board Poised to Consider Redistricting Plan,” *Raleigh News and Observer* April 7, 2007; and board meeting amended minutes from May 3, 2007, (describing the drawing of attendance boundaries to achieve socioeconomic diversity).

111 Theola Labbe, “Charles Sets Meetings on Remapping,” *Washington Post*, June 8, 2003 (redistricting committee considered the socioeconomic status of students in reviewing reassignments).

112 See Kahlenberg, *Rescuing Brown v. Board of Education*, 35–36 (describing minimal plan in which preference is provided in school transfers for students in high poverty schools who are eligible for free and reduced price lunch and which to transfer in order to avoid concentrations of low income students).

113 See “School Choice Program Guidelines, Board Policy 3040,” Christina School District, <http://www.christina>.

k12.de.us/SchoolBoard/ChoiceProgramGuidelines.htm (one of the criteria for accepting or rejecting applications is the “Impact on the socio-economic composition of the affected school[s]”).

114 See Jhone M. Ebert, director of Magnet Schools for the Clark County School District, in panel, “How Socioeconomic Integration Promotes Equity and Diversity in Student Selection to Magnet Programs,” Magnet Schools of America Conference, February 13, 2006.

115 See Megan Hawkins, “Five School Diversity Plans Detailed,” *Des Moines Register*, March 10, 2008; and Davenport Community Schools, Minutes from the regular board meeting on February 11, 2008, <http://www.davenport.k12.ia.us/schoolboard/minutes/021108R.pdf> (describing switch in diversity transfer policy from race to student academic achievement and socioeconomic status).

116 See Hawkins, “Five School Diversity Plans Detailed”; and Des Moines Public Schools, minutes of the school board meeting on February 19, 2008, <http://www.dmps.k12.ia.us/schoolboard/3-appmin/3-080219appmin.doc> (describing shift in diversity transfer policy from race to whether a student qualifies for free or reduced price lunch).

117 See Application for Federal Assistance, Duval County Public School District, March 11, 2004, 24 (describing magnet school admissions policy in which students who qualify for free and reduced price lunch and attend a high-poverty Title I school are given preference to attend a magnet school in a non-Title I school, and middle-class children attending non-Title I schools are given a preference to attend a magnet in a Title I school); and Sally Hague, director of Duval County School Choice/Student Assignment Operations, e-mail to Kristen Oshyn, April 10, 2007 (indicating the use of the program at the elementary school and discussions to extend the policy to middle schools).

118 See “Summary: Board Action on School Choice Access and Options,” Eugene Public School District, March 9, 2005 (summarizing decision to provide a preference to low-income students in a lottery for alternative schools that had been utilized primarily by more-affluent students). See also “School Choice Request, 2007–08,” Eugene Public School District, 2007, http://www.4j.lane.edu/files/4j_choice_request_2007_0.pdf (outlining priority for students receiving free and reduced price lunch).

119 See Michael Alison Chandler, “Fairfax School Board Approves Boundary Redesign,” *Washington Post*, February 29, 2008; and Fairfax County Schools Policy 8130.5, [http://www.boarddocs.com/vsba/fairfax/Board.nsf/0/96e257690b03f37a85256fed005278e2/\\$FILE/P8130.pdf](http://www.boarddocs.com/vsba/fairfax/Board.nsf/0/96e257690b03f37a85256fed005278e2/$FILE/P8130.pdf) (describing policy in which “Socioeconomic characteristics of school populations” will be taken into consideration when “consolidating schools, redistricting school boundaries, or adopting pupil assignments plans”).

120 See Fresno Unified School Board Policy, BP5116.2 “Magnet Schools” (last revised September 6, 2006), http://www.gamutonline.net/4daction/Web_PrintableDisplay/424407 (describing magnet school admissions policy under which FUSD “may use the socio-economic status of students, as determined by eligibility for Free and Reduced Price meals, as one of the factors in the lottery process”).

121 Paul Alongi, “Hearings on Students’ Schools Set,” *Greenville News*, January 27, 2002, 1B, and Paul Alongi, “Meek Offers Proposal on Student Dispersal,” *Greenville News*, March 27, 2002, 1B (describing Greenville Board of Trustees vote to adopt a new student assignment scheme which eliminated the use of race but sought to reduce the “concentration of low-income students” and the “concentration of low-achieving students;” the board rejected, however, a more aggressive plan to ensure that no school has more than 50 percent of its students eligible for free or reduced price lunch). See also Paul Alongi, “School Plan Would Shift More than 1600 Youths,” *Greenville News*, February 11, 2003 (describing subsequent redistricting in which committee sought socioeconomic balance in the schools).

122 See Editorial, “Right Decision, But Not a Shared Vision,” (Greensboro, North Carolina) *News-Record*, February 25, 2006 (on decision to redistrict schools to increase socioeconomic and racial diversity); and Morgan Josey, “Board Member Pushes Choice on Redistricting,” *News-Record*, March 29, 2007 (on proposal by board to water down the earlier decision by allowing greater choice).

123 See U.S. Department of Education, *Creating Successful Magnet Schools* (Washington, D.C.: U.S. Department of Education, September 2004), 44 (describing Hamilton’s use of free and reduced lunch data in its magnet school application process to create economically and racially diverse schools).

124 See Linnea Brown, “District Plans ‘Gifted’ Screening Test,” *Hernando Today*, June 10, 2008 (describing plan under which low income children can qualify for a gifted program under different criteria than most students).

125 See Adam Emerson, “Hillsborough School Board Approves Boundary Changes,” *Tampa Bay Online*, February 10, 2009 (describing redistricting of high school attendance zones in part to create “socioeconomic diversity”).

126 See “Choices: A Guide to Jefferson County Public Schools,” Jefferson County Public Schools, 2008, <http://www>.

jefferson.k12.ky.us/Pubs/Choices.pdf; and Richard D. Kahlenberg, “The New Look of School Integration,” *American Prospect*, June 2, 2008, http://www.prospect.org/cs/articles?article=the_new_look_of_school_integration (describing new plan using census data to create diversity by income, parental education, and race).

127 See Kahlenberg, *Rescuing Brown v. Board of Education*, 13–28 (describing plan in which elementary school boundaries were drawn to create schools in which between 15 percent and 45 percent of students were eligible for free lunch).

128 See Amanda Bedgood, “Schools Get New Entrance Criteria,” *Lafayette Advertiser*, February 21, 2008 (describing switch in weighted lottery admissions program from race to free and reduced price lunch status).

129 See “Plan for Student Assignment, 2008–09,” School District of Lee County, Florida, 36, <http://studentassignment.leeschools.net/pdf/2008%20Student%20Assignment%20Plan.pdf> (“The District’s target for each school is to maintain student enrollment that is within 20 percentage points, plus or minus, of the zone-wide average of students eligible for Free and Reduced Meals for each level [elementary, middle and high]”).

130 See Lee County North Carolina Board of Education, “Policy Code: 4150 School Assignment, Reassignment and Transfers,” http://policy.microscribepub.com/cgi-bin/om_isapi.dll?clientID=110012429&depth=8&infobase=lee.nfo&record={B40}&softpage=PL_frame (in devising school boundary recommendations, “the superintendent shall consider factors such as school capacity, transportation requirements, geographic features and socio-economic diversity”).

131 See Andy Hall, “Board Gives Plan F an ‘A’; Changes to School Attendance Boundaries on the West Side Are Approved,” *Wisconsin State Journal*, March 4, 2008; and “Long Range Planning Considerations When Redrawing Boundary Lines,” Madison Metropolitan School District, Appendix C, <http://boeweb.madison.k12.wi.us/files/boe/longrange/0506/0506/Considerations.pdf> (describing plans to redraw school boundaries which includes a provision to avoid creating concentrations of low-income students).

132 See Kahlenberg, *Rescuing Brown v. Board of Education*, 36–37 (describing Manatee’s policy of integrating schools by socioeconomic status through redistricting and public school choice and magnet schools).

133 See *ibid.*, 37 (describing policy in which middle and high school zones are drawn in order to create socioeconomic diversity).

134 See “Appendix D: Magnet Programs/Schools,” in *I Choose: Miami-Dade County Public Schools 2006-2007 Choice Plan*, Miami-Dade County School District, http://choice.dadeschools.net/images/2006_choice_plan.pdf (describing magnet school admissions plan in which 20 percent of slots are to be filled by students from four distinct zones based on school performance and socioeconomic circumstances).

135 See Kahlenberg, *Rescuing Brown v. Board of Education*, 37–39 (describing inter-district Choice Is Yours Program, which allows 2,000 low-income Minneapolis students to attend school in more affluent suburban jurisdictions).

136 See “Taking the Jitters Out of Kindergarten Placement,” Montclair New Jersey Public Schools, <http://www.montclair.k12.nj.us/Article.aspx?Id=338> (“a student’s eligibility for free and or reduced-cost lunch” may be considered in placements).

137 See “Long-range Educational Facilities Planning: Regulation FAA-RA,” Policy Manual, Montgomery County School District, <http://www.montgomeryschoolsmd.org/departments/policy/pdf/faara.pdf> (outlining that school boundaries and choice plans should be guided in part by “the socioeconomic background of students as measured by participation in the federal FARMS [free and reduced price meals] program”); and “School Assignment Process,” Montgomery County Public Schools, adopted June 2003, <http://www.montgomeryschoolsmd.org/schools/downcounty/choice/process.shtm> (outlining plans for the Downcounty Consortium in which a student’s having ever received free and reduced price meals may be a factor in student assignment).

138 See “Questions and Answers About Changes in Attendance Areas for 2006-2007,” Moorpark Unified School District, <http://www.mrpk.k12.ca.us/web/PDF/Boundaries/K-5%20BoundaryChanges06-07QandA.pdf> (outlining the school district’s decision to redraw school district boundaries to achieve socioeconomic integration); and Marilyn Green, director of special projects for the Moorpark Unified School District, telephone interview with Kelly Dilworth, May 5, 2006 (describing school district’s mandate that each school try to closely reflect the district average for free and reduced price lunch eligibility).

139 See Jillian Jones, “Redrawing the Lines for Local High Schools,” *Napa Valley Register* April 6, 2008 (describing effort to redraw boundaries to create greater socioeconomic integration).

140 See “Application for Federal Education Assistance,” New York City Community School District 14, March 2004, 2,4, Supplement to Table 5 (explaining that weighted lottery to be used in magnet school for consortium of districts 13, 14, and 15 to be used to achieve socioeconomic diversity, using free and reduced price meals eligibility); “Application for Federal Education Assistance,” New York City Community School Districts 20 and 21, March 2004, 4, Supplement to Table 5 (explaining that weighted lottery for consortium magnet school for districts 20 and 21 will use socioeconomic level as a factor in admissions).

141 See Kahlenberg, *Rescuing Brown v. Board of Education*, 39–40 (describing Nebraska legislation creating a new metropolitan Omaha “learning district” with a goal of having all schools in the region reflect the socioeconomic diversity of the area, which has a 35 percent free and reduced price lunch population).

142 See “Student Assignment: Attendance Zone Criteria,” Rules of the School Board of Palm Beach County Florida, Palm Beach County School Board, <http://www.palmbeach.k12.fl.us/policies/> (describing policy that data on free and reduced price lunch may be one factor in determining student attendance boundaries).

143 See Policy 10.107, Pitt County Board of Education, “School Attendance Area” (revised September 17, 2007) (providing that socioeconomic status be among the factors used to maintain diversity).

144 See Joe Smydo, “City Magnet School Overhaul Weighed,” *Pittsburgh Post-Gazette*, April 29, 2009 (“the district will try to promote diversity with a weighted lottery that gives students extra chances for admission for meeting certain criteria, such as qualifying for free or reduced-price lunches or living in proximity to the magnet”).

145 See “4.10.054-AD Student Transfers,” Administrative Directive, Portland Public Schools, March 25, 2009, 8, http://www.pps.k12.or.us/directives-c/pol-reg/4/10/4_10_054_AD.pdf (describing public school choice policy under which “Students whose SES improves the socio-economic balance of the school community shall be weighted in the lottery”).

146 See Hawkins, “Five School Diversity Plans Detailed”; and *Postville Community School District Voluntary Plan*, January 2008 (outlining a policy in which “the Postville School District aspires to reduce economic and language isolation by developing plans that may include but are not limited to pairing, clustering of existing classrooms, and adjustment of grade level configuration, and the continuation of existing voluntary programs such as bilingual classrooms, summer school, and Out-reach programs”).

147 See “Application for Federal Education Assistance,” Proviso Township School District, February 8, 2004, V-52, V-54, Table 5 (describing magnet school lottery system in which socioeconomic status would be a weighted factor).

148 See Michael Perrault, “District Sets New School Borders” *Press Enterprise*, June 25, 2008; and Neal Waner, “Boundary Committee’s Goal Was Educational Opportunities for All,” *Redlands Daily Facts*, July 10, 2008 (describing redrawing of high school boundaries in which socioeconomic balance was a consideration).

149 See Kahlenberg, *Rescuing Brown v. Board of Education*, 40 (describing controlled choice plan in which schools aim to reflect the socioeconomic diversity of the district, using free and reduced price lunch as an indicator of economic disadvantage).

150 See Rockford School District School Board Meeting Minutes, May 17, 2008, <http://webs.rps205.com/district/files/36455D3205164FB8A591FC190FF3F885.pdf> (discussing the use of “socioeconomic information” to draw middle school zones with aspiration that schools reflect the 70 percent free and reduced price lunch district average).

151 See “Rock Hill Schools Work to Keep Schools Integrated,” Associated Press, May 16, 2004 (school district examined socioeconomic and racial factors in redrawing school district boundaries).

152 See Bao Ong, “District Converts 3 Schools to Magnets; Move Intended to Help Desegregation Effort,” *St. Paul Pioneer Press*, December 2, 2006; and “District Magnet Enrollment Process,” Independent School District 196, Rosemount, Minnesota, <http://www.district196.org/magnetschools/2008-09EnrollmentProcess.pdf> (describing the use of socioeconomic status as one factor in admissions to three new magnet elementary schools).

153 See “Magnet Schools,” San Diego Unified School District, http://sandi.net/enrollmentoptions/magnet/enrollment_priority.html (describing priorities in magnet selection program, including for students who are low-income and low-achieving and attending schools in need of improvement).

154 See Kahlenberg, *Rescuing Brown v. Board of Education*, 40–41 (describing public school choice program in which oversubscribed schools use socioeconomic diversity as a factor in student admissions, measured by seven criteria).

155 See Larry Sloanker, “S.J. Unified May Look at Income for Diversity,” *San Jose Mercury News*, June 20, 2003, A1 (describing board of trustees vote to adopt a plan to allow public school choice using eligibility for free and reduced lunch as the main factor in approving or disapproving choice transfers) and “School Board Policies: Voluntary Integration Plan,” San Jose Unified School District, http://www.sjusd.k12.ca.us/Community/District_Information/District_Overview/Voluntary_Integration_Plan.pdf (describing mechanics of the plan).

156 See “Chapter 5.00: Student Assignment,” School Board Policy Manual, Seminole County School Board, last revised January 9, 2007, [http://www.scps.k12.fl.us/schoolboard/_doc/Policy%20Files%20\(PDF\)/tableofcontent.pdf](http://www.scps.k12.fl.us/schoolboard/_doc/Policy%20Files%20(PDF)/tableofcontent.pdf) (describing Seminole’s public school choice program, which weights socioeconomic diversity; transfers are provided when they would

bring the school closer to the district's free and reduced price lunch average). See also Dave Weber, "Seminole, U.S. Agree to Settle Schools Suit," *Orlando Sentinel*, March 1, 2006.

157 See School District of South Orange and Maplewood, *Planning for School Space*, no. 3 (April 30, 1999); Patricia M. Barker (assessment coordinator, School District of South Orange and Maplewood, New Jersey), letter to author, August 11, 1999 (describing May 1999 school board decision to redraw elementary school district boundaries for better socioeconomic balance).

158 See Megan Boldt, "South Washington County School Board Finalizes Attendance Boundaries" *St. Paul Pioneer Press*, April 24, 2008; and Megan Boldt, "Boundaries May Not Appeal to All," *St. Paul Pioneer Press*, May 21, 2008 (describing change in boundary lines in which student socioeconomic status was factor).

159 See Tracie Dungan, "Language Affect; School Boundaries," *Arkansas Democrat-Gazette*, April 11, 1999, B1 (quoting school board president saying that for a decade, the district had redrawn school boundaries with an eye toward income integration).

160 See "Assignment of Students," Stamford Public Schools Board Policy 5117.1, <http://stamfordpublicschools.org/filestorage/68/107/801/05Students5000.pdf> (providing that "all elementary, middle, and high schools in the Stamford Public School system are expected to meet the district's integration standard to within +/- 10%, as determined annually," with the integration standard "determined by the percent of disadvantaged students [students receiving free/reduced lunch according to federal guidelines, or students identified as English Language Learners according to state guidelines, or students residing in income restricted housing] and the percent of advantaged students, as calculated on October 1 of the given school year).

161 Suzanne Robinson, "Schools Adopt Economic Policy," *Vero Beach Press Journal*, January 25, 2001, A12; Paula Holzman, "Growing Schools Seek More Space," *Stuart News/Port St. Lucie News*, August 4, 2002, A1 (describing decision of St. Lucie School Board to modify its controlled choice plan of student assignment to emphasize socioeconomic diversity over diversity by race; under the system, parents are asked whether the family qualifies for food stamps and whether the children qualify for free and reduced price lunch); and St. Lucie County Public Schools, School Board Policy 5.231 (4), <http://www.stlucie.k12.fl.us/districtPortal.aspx?id=iFrame|http://plato.stlucie.k12.fl.us/mis/School+Board+Policies.nsf> (describing policy goal that schools should be within ten percentage points of the free and reduced price lunch average of zone in which school resides).

162 See "Magnet School Admission," Topeka Public Schools, <http://documents.topekapublicschools.net/board/policies/8045.pdf> (providing a priority in admissions, among other things, for "students from sending schools who will most promote social and economic diversity at the magnet school based upon the difference between the applicant's home attendance area school's residential population SES [determined by the number of students served a free or reduced price lunch] and the magnet school's residential student population SES").

163 See "Student Assignment to Schools," Troup County Public Schools, <https://eboard.eboardsolutions.com/ePolicy/policy.aspx?PC=JBCCA&Sch=4162&S=4162&RevNo=1.31&C=J&Z=P> (setting a general goal for the "percentage of students eligible for free and reduced price lunch at each elementary school to vary by not more than fifteen percentage points from the zone average percentage of elementary students eligible for free and reduced price lunch").

164 See Brent Champaco, "University Place Will Shift Students to Balance Enrollment," *Tacoma News Tribune*, June 24, 2008 (describing plan to rezone students in apartment complexes in order to distribute low income population more evenly).

165 See Kahlenberg, *Rescuing Brown v. Board of Education*, 9–13 (describing policy goal to limit the proportion of free and reduced price lunch students to 40 percent and the proportion of students reading below grade level to 25 percent in all schools). In October 2009, several conservatives were elected to the school board, but members have pledged to avoid resegregation and continue the magnet school program. See Keung Hui, "Truitt Backs School Rival," *Raleigh News & Observer*, October 22, 2009.

166 See Hawkins, "Five School Diversity Plans Detailed"; and Waterloo Community School's Diversity Plan, February 2008, http://www.waterloo.k12.ia.us/files/CHECKITOUT/Diversity_Plan.pdf (describing transfer plan within school clusters, which are drawn based on economic status, race, attendance numbers, and academic achievement).

167 See Hawkins, "Five School Diversity Plans Detailed" (describing plan, using student native language and income, to limit transfers that would worsen economic segregation).

168 See Gary Mathews, "Beating the Odds with 'Continuous Improvement,'" *Newport News Daily Press*, July 6, 2006, C21 (describing boundary changes to create socioeconomic balance in the schools).

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