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Council of the Great City Schools
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**Urban School Coalition Argues that School Diversity
Contributes to Closing Racial Achievement Gaps
In Supreme Court Brief**

WASHINGTON, Dec. 1 – “There’s an achievement gap in America that’s not good for the future of this country,” stressed President Bush in October at a school in the nation’s capital, extolling the *No Child Left Behind* law and its focus on eliminating what he has often called “the soft bigotry of low expectations.”

Yet, the Bush Administration now argues that race is not a “compelling governmental interest” and should be ignored by *de facto* segregated schools in their attempts to close the gaps that *No Child Left Behind* holds them accountable for erasing.

This inconsistency, says the Council of the Great City Schools in an *amicus* brief that the organization filed Oct. 10 in the U.S. Supreme Court, is irreconcilable and leaves public education defenseless against the inevitable re-segregation of schools resulting from segregated housing patterns. The brief supports the school diversity programs in Seattle and Jefferson County, KY., (Louisville) that were upheld by the lower courts.

America’s public school districts have a “compelling interest” in maintaining racially integrated schools, argues the Council, because further re-segregation of schools undermines the achievement of minority students and exacerbates racially identifiable achievement gaps—both areas of national priority and concern. The brief contains extensive social science research on the negative effects of racial isolation on minority student achievement and the disparate resources that follow.

“The Administration promotes *No Child Left Behind* as the centerpiece of its domestic agenda and a continuation of the *Brown* legacy,” says Council Executive Director Michael Casserly, referring to the Supreme Court’s landmark *Brown v. Board of Education* decision outlawing segregation in America’s schools. “It cannot now maintain that race is irrelevant in efforts to close the achievement gaps between white and minority students.”

The Council also argues that the use of race in Seattle and Jefferson County are “narrowly tailored” in pursuit of more equitable educational outcomes and the benefits of a multi-cultural setting. School districts should not be required to rely on inexact proxies for race, according to the Council’s brief, since race is the issue at hand and these race-neutral options do not offer workable alternatives or meet local community needs and priorities to avoid racial segregation.

Finally, the Council argues that the limited use of race to prevent racial isolation within school systems like Seattle and Jefferson County, which have exercised good faith to desegregate, should not be limited to *de jure* cases only. Otherwise, the good faith that is applauded—indeed, demanded—by the courts one day would be transformed into a constitutional violation the day after unitary status is declared.

The U.S. Conference of Mayors, the Public Education Network, and the Magnet Schools of America join the Council’s “friend of the court” brief, asserting that the mission of America’s schools is to overcome, not to reflect and perpetuate, the historical inequities of the nation.

The Council of the Great City Schools is a coalition of the nation’s 66 largest urban public school systems.

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