THE RACE-BASED SCHOOL ASSIGNMENT POLICY RESPONSE TO PARENTS INVOLVED V. SEATTLE SCHOOLS BY 125 DISTRICTS FROM THE CIVIL RIGHTS COMMISSION’S 1987 META STUDY ON THE EFFECTS OF DESEGREGATION

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ABSTRACT

In Parents Involved v. Seattle Schools (2007), the Supreme Court struck school assignment policies in Seattle and Louisville, leaving questions about what kinds of race conscious school assignment policies (RCSAPs) are constitutional. The researcher used a policy analysis approach to analyze how districts amended RCSAPs after the case. The sample came from a 1987 Civil Rights Commission meta study cited by Justice Breyer in his Parents Involved dissent. The researcher used grounded theory methods to develop this theme: most districts interpreted Parents Involved to eliminate consideration of race from school assignment, though the law allows for limited use of race in such policies.

The researcher recommends that districts set parameters for gathering input on school assignment, and they should consider examples in Justice Kennedy’s Parents Involved opinion, the federal district and appellate decisions in Lower Merion, and the Department of Education Civil Rights Division’s published advice. The researcher recommends the Supreme Court affirm that race may be considered in school assignment because the public is better served by a transparent and free exchange of ideas on such a context specific issue. The researcher also recommends the Supreme Court adopt Justice Kennedy’s “neutral individualism” approach to school assignment: race can be one of many factors, if each student is given individual consideration in the policy.