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School integration to go to high court

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WASHINGTON -- The Supreme Court agreed Monday to take up a pair of cases that could spell the end of official efforts to maintain racial integration in U.S. public schools.

The justices said they would hear appeals from parents in Seattle and Louisville, Ky., who say it is unconstitutional for officials to consider the race of a student when assigning him or her to a school.

Both cities adopted voluntary integration programs in recent years that put limits on how many white or black students may be enrolled in some high schools.

A ruling outlawing such efforts could have a wide impact.

The court rejected a similar case in December when moderate Justice Sandra Day O'Connor was still on the bench.

The outcome of this case will turn on her successor, Samuel Alito.

"Looming in the background of this is the constitutionality of affirmative action," said Davison Douglas, a law professor at the College of William and Mary in Virginia. "This is huge."

Arguments will likely take place in November.

In one of the cases, an appeals court had upheld Seattle's system, which lets students pick among high schools and then relies on tiebreakers, including race, to decide who gets into schools that have more applicants than openings.

The lower court decision was based in part on a Supreme Court ruling three years ago, written by O'Connor, which said that colleges and universities could select students based at least in part on race.

The court also will also consider a school desegregation policy in Kentucky. That case is somewhat different, because the school district had long been under a federal court decree to end segregation in its schools. After the decree ended, the district in 2001 began

using a plan that includes race guidelines.

In Texas, transfer policies are left up to individual districts.

Several school districts, including Austin and Dallas, allow so-called majority to minority transfers.

Under such a system, students in the racial or ethnic majority at their schools can transfer to less integrated schools. The goal of the system is to create more racially balanced schools -- but there is a risk, said David Hinojosa, a staff attorney for the Mexican American Legal Defense and Educational Fund.

"Unfortunately, many school districts shy away from progressive, race-conscious remedies like majority to minority transfers because of the fear of lawsuits," he said.

In San Antonio, school officials generally consider capacity, not race, when looking at transfers.

Only the Northside and North East districts have schools that are predominantly white and predominantly minority -- a situation that lends itself to the majority to minority transfer system.

Neither district factors in race when deciding whether to approve a transfer request, however, and most of the schools in both districts are still quite racially diverse.

Austin uses a majority to minority system and the district foots the bill for transportation.

Andy Welch, communications director for the district, said without the transfer policy, many of the district's schools would be segregated based on race because of the make-up of the neighborhoods that surround them.

"It is the reason some of our high schools are more ethnically diverse than their neighborhoods," Welch said. "In the Austin district, we value diversity in our schools and that has been a priority here for a long time."

In an appeal before the court, a mother, Crystal Meredith, claimed her son was denied entrance into the neighborhood school because he is white.

The Jefferson County school district, which covers metropolitan Louisville, Ky., was ordered to desegregate its schools in 1974.

The court will also consider whether Seattle's so-called integration tiebreaker system, which has been discontinued, is tailored to meet a "compelling interest" by the school.

A group called Parents Involved in Community Schools sued in July 2000, arguing that it was unfair for the school district to consider race, and Seattle halted the system.

Express-News Staff Writer Jenny LaCoste-Caputo, the Associated Press and the Los Angeles Times contributed to this report.