

SCHOOL COLORS

Is racial balancing in public schools constitutional?

The Supreme Court this term will decide two cases involving racial balancing in public elementary and high schools. In Seattle and Louisville, Ky., parents have some choice about which schools their children attend. To ensure that individual schools reflect the overall racial composition of the school districts, administrators consider race in determining admission to the most popular schools. In both cities, parents sued when their children were turned down for admission to an oversubscribed school because of their race.

The role of race in college and graduate school admissions has been a volatile issue since the Supreme Court's 1978 landmark decision in *Regents of the University of California v. Bakke*. That decision struck down a racial quota system, but said that race was one of

a range of factors universities could consider to obtain a diverse student body. In an important decision in 2003, the Supreme Court again held that racial preferences in public university admissions are constitutional because of the educational and social benefits of diverse classrooms.



Opponents of racial balancing argue that the Constitution should be "color blind" and that race conscious measures to address racial imbalance in schools are just as unconstitutional as the segregation struck down by the historic *Brown v. Board of Education* decision. Proponents of racial balancing argue that unlike racial preferences in

university admissions, racial balancing in public schools doesn't seek to give one racial group an edge over another and doesn't stigmatize some students as less qualified than others.

Is racial balancing in public schools constitutional?

YES

- Racial balancing affects both white and minority students; it does not favor one group over another.
- Achieving racial diversity in the classroom is a constitutional goal because it creates a social learning experience that benefits students of all races.
- Racial balancing assures that popular schools have student bodies that resemble the racial composition of the community as a whole.

NO

- Using race as a factor in school placement does not treat all students equally; a lottery would be fairer.
- There is no clear evidence that racial diversity in K-12 classrooms promotes educational achievement.
- Using race as a factor in decision-making poisons race relations in a community.