



March 6, 2017

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Dear Senators:

On behalf of the Lawyers' Committee for Civil Rights Under Law, we urge you to oppose H.B. 151 which is expected to be considered by the Senate Education Committee on Tuesday, March 7. This proposed legislation will effectively eliminate programs essential to ensuring racial and socioeconomic diversity within our schools and will significantly contribute to the resegregation of Kentucky schools. It undermines the ability of local communities and their school boards to design student assignment plans and magnet programs which enhance student learning and achieve the educational benefits of diversity. Furthermore, the desegregation efforts of Jefferson County have been long regarded as a model for districts across the country invested in identifying successful and constitutional strategies to ensure racially diverse public schools.

The Lawyers' Committee for Civil Rights Under Law was formed more than 50 years ago at the request of President John F. Kennedy to enlist the private bar's leaders and resources in combating racial discrimination. Through its Educational Opportunities project, the Lawyers' Committee strives to establish education as a civil right, and guarantee that *all* students have equal access to quality educational opportunities. The Lawyers' Committee has a history of challenging school segregation in both K-12 schools and institutions of higher education. For these reasons and more, the Lawyers' Committee believes that your opposition to H.B. 151 is of the utmost importance.

If passed, the "Neighborhood Schools Bill" sponsored by Rep. Kevin Bratcher (R-Louisville) would affect how local school districts set their student assignment policies. On a more practical level, the legislation would allow parents to send their child to the school nearest to their home while exempting magnet schools and charters. No charter school bill has been debated or passed yet, although such legislation is expected to pass this session.

This has significant implications for student achievement throughout the state. Gary Orfield, a school integration expert with the UCLA Civil Rights Project who has consulted with Jefferson County Schools in the past, notes that neighborhood schools inevitably result in "systemic resegregation." The bill itself is unclear in terms of how neighborhood schools would improve student learning or outcomes. In addition, opponents report that the bill would actually *reduce* school choice and create greater uncertainty because it could reduce the available seats in popular magnet programs and eliminate transfer opportunities.



More importantly, HB 151 would dismantle one of the most successful voluntary student assignment plans in the state. The majority of schools in Jefferson County meet the district's self-identified diversity target determined by a complex calculation which accounts for race, socioeconomic status and the level of education within the home. Research shows that unlike many public school systems, which are segregated by both race and income, only 15% of students in Jefferson County attend schools in which either the white or nonwhite student population exceeds three-quarters of the total student enrollment.

Research also shows that low-income students – many of whom are also students of color – in socioeconomically diverse schools outperform peers who attend high-poverty schools. When the U.S. Supreme Court rejected the Louisville student assignment plan in 2007, Jefferson County identified a creative and constitutional student assignment plan that considered racial demographics as one of many factors in order to avoid the racial segregation within its schools invited by the segregated neighborhoods and communities within the county.

It is essential to note that this plan has the support of *both* the local community *and* the Superintendent and Board of Education. It is reported that not only does the Board support desegregation via busing, but voters in local elections have consistently rejected candidate who pledged a return to neighborhood schools. Surveys show that more than 80% of parents of Jefferson County students are satisfied with the schools their children attend. In addition, it is reported that 92% of kindergarten students attend the school that their parents selected as their first choice.

If passed, the district is predicting that close to forty of its schools will drop below the district's standard for enrollment diversity – up from the twelve schools that currently fall below that benchmark. Consequently, *more* students would attend high-poverty and high-minority schools.

Your opposition to H.B. 151 is critical to assuring that all students have access to a quality education. H.B. 151 promotes *less* choice, *less* diversity, and *less* equity for students. Please contact myself or Brenda Shum, Director of our Educational Opportunities Project at [bshum@lawyerscommittee.org](mailto:bshum@lawyerscommittee.org) if you have any questions.

Sincerely,

Kristen Clarke  
President and Executive Director  
Lawyers' Committee for Civil Rights Under Law