

96. *Multiple Choice: Charter School Performance in 16 States* (Stanford, Calif.: Center for Research on Educational Outcomes, Stanford University, June 2009), 1, 44, [http://credo.stanford.edu/reports/MULTIPLE\\_CHOICE\\_CREDO.pdf](http://credo.stanford.edu/reports/MULTIPLE_CHOICE_CREDO.pdf).

97. See Arne Duncan, "Turning Around the Bottom Five Percent," Remarks at the National Alliance for Public Charter Schools Conference, June 22, 2009, <http://www.ed.gov/print/news/speeches/2009/06/06222009.html>.

98. Alyson Klein, "Expected Turnaround Aid Has Districts Eager, Wary," *Education Week*, September 22, 2009.

99. "Obama Administration Announces Historic Opportunity to Turn Around Nation's Lowest-Achieving Public Schools," U.S. Department of Education, August 26, 2009, <http://www.ed.gov/print/news/pressreleases/2009/08/08262009.html>

100. See Linda Darling Hammond, "What Are the Best Methods for School Improvement?" *National Journal*, September 4, 2009, <http://education.nationaljournal.com/2009/08/what-are-the-best-methods-for.php>. Critics correctly will note that performance is linked in large measure to the higher economic status of northerners, but that is precisely the point: addressing poverty (through programs like pre-kindergarten) is far more productive than focusing on teacher union density. Note also that some KIPP schools are unionized, as are the Green Dot charter schools that are widely lauded. See Steven Greenhouse and Jennifer Medina, "Teachers at 2 Charter Schools Plan to Join Union, Despite Notion of Incompatibility," *New York Times*, January 14, 2009; and Mathews, *Work Hard*, 284.

101. Richard D. Kahlenberg, *Tough Liberal: Albert Shanker and the Battles over Schools, Unions, Race, and Democracy* (New York: Columbia University Press, 2007), 369–70 (reviewing the research on teacher unions).

102. David A. Stuit and Thomas M. Smith, "Teacher Turnover in Charter Schools," National Center on School Choice, Vanderbilt University, 2009, 22–23.

103. James Foreman Jr., "No Ordinary Success," *Boston Review*, May/June 2009.

## Appendix

1. Section 5120, titled "Assignment within District," of the School Board of Alachua County Bylaws & Policies: "It is the policy of the Board to make the most economical and practical use of its physical resources in the implementation of its educational programs consistent with the best interests of students. Toward this end, the Superintendent shall periodically review school enrollment and recommend to the Board such changes in attendance zones for the following school year as may be justified after consideration of all the following criteria, listed in descending order of significance: (a) school capacity; (b) convenience of access to schools; (c) sage and efficient student transportation and travel; (d) effective and appropriate instructional programs; (e) socioeconomic diversity in school enrollments; (f) financial and administrative efficiency." See < <http://www.neola.com/alachua-fl/search/policies/po5200.htm>>.

2. See "September 28, 2009 Board Meeting Summary," Allen Independent School District, <http://www.allenisd.org/200610610121458713/cwp/view.asp?A=3&Q=288578&C=58824> (noting that "allowing for the continuation of economic parity between campuses in determining middle school boundaries" was one of the parameters for redistricting) and Mark Tarpley, Assistant Superintendent, Finance & Operations, Allen Independent School District, telephone interview with Halley Potter,

March 24, 2011 (confirming that maintaining similar percentages of “economically disadvantaged” students—defined as those receiving free or reduced-price lunch—across middle school campuses was a factor in the final boundary decisions).

3. See Diane Lederman, “Amherst OKs School Redistricting,” *The Republican*, October 29, 2009 (describing redistricting of elementary schools so roughly 35 percent of students will be eligible for free and reduced price lunch at each school); and “Our Schools,” Amherst Regional Public Schools, <http://www.arps.org/OurSchools/>.

4. See Emily Guevara, “BISD Replaces Race-Based Transfers with Policy Based on Students’ Economic Status,” *Beaumont Enterprise*, February 3, 2008 (describing program that allows students in schools with more than 65 percent of students eligible for free or reduced-price lunch to transfer to one in which fewer than 65 percent of students are eligible).

5. See Kahlenberg, *Rescuing Brown v. Board of Education*, 34 (describing public school choice plan to create socioeconomically and racially integrated schools within ten percentage points plus or minus of the district average using neighborhood rather than individual family factors).

6. See Les Fujitake, letter from the Superintendent of Schools, January 4, 2011, <http://elementary.department.about.bloomington.k12.mn.us/modules/groups/homepagefiles/gwp/1630755/2018354/File/Elementary%20Neighborhood%20School%20Renewal%20Project/New%20Elementary%20Boundaries%20Approved%202011-12.pdf?sessionid=ea337c5635cbb6cf8c233063f32e6dd1>, and “Elementary Neighborhood School Renewal Project, Minutes, November 29, 2010, Oak Grove Elementary School,” Bloomington Public Schools, [http://elementary.department.about.bloomington.k12.mn.us/modules/locker/files/get\\_group\\_file.phtml?gid=2018354&fid=9389813&sessionid=ea337c5635cbb6cf8c233063f32e6dd1](http://elementary.department.about.bloomington.k12.mn.us/modules/locker/files/get_group_file.phtml?gid=2018354&fid=9389813&sessionid=ea337c5635cbb6cf8c233063f32e6dd1) (noting that “socio-economic percentage by school” was one of the factors in redrawing the boundaries).

7. John Ingold, “School Ahead in Race for Diversity: Boulder Valley’s Community Montessori Elementary seeks students from different socioeconomic strata rather than from various races and may be a model for avoiding legal challenge,” *Denver Post*, January 2, 2007, A1.

8. See Kahlenberg, *Rescuing Brown v. Board of Education*, 34–35 (describing student assignment plan designed to keep all schools between 16 percent and 47 percent low income).

9. See Laura Henslet, “Bryan Offers Third Plan for Schools” *Bryan Eagle*, December 12, 2006 (describing program under which magnet schools will seek socioeconomic balance).

10. See Beth Brogan, “Whither the Little Children? Brunswick School Board Sorts Through Elementary Redistricting Options,” *The Times Record*, November 5, 2010 <http://www.timesrecord.com/articles/2010/11/05/news/doc4cd433f31378d456050475.txt> (describing the socioeconomic impact of the proposed redistricting maps) and Michelle Small, at-large school board member for the Brunswick School Department, telephone interview with Halley Potter, February 9, 2011 (discussing the school board’s decision to approve the map resulting in the most equitable percentages of free and reduced-price lunch eligibility between the two affected schools).

11. See Craig T. Neises, “Book Hands Over Superintendent Post, Challenges,” *Hawkeye*, July 1, 2007 (noting after the Supreme Court decision in PICS, superintendent indicated that racial balance factors could be replaced by socioeconomic factors); and Jane Evans, e-mail correspondence with Kristen Oshyn, March 9, 2009 (indicating

that “socioeconomic balance” was one of the factors used in redrawing elementary school district boundaries).

12. See Molly Walsh, “Board OKs Magnet Plan for Schools,” *Burlington Free Press*, February 1, 2008 (describing plan to create magnet schools with the goal of socioeconomic integration). See also “Building Burlington’s Future,” Burlington Diversity Task Force, June 13, 2006, <http://bsdweb.bsdtv.org/district/EquityExcellence/TaskForcefullreport.pdf>.

13. At its March 18, 2010, school board meeting, the board voted unanimously “to adopt a resolution to attain [...] balanced enrollments through implementation of targeted incentives in Independent School District 191.” See the approved minutes from the meeting: <<https://v3.boardbook.org/Public/PublicItemDownload.aspx?mk=50002528&fn=minutes.pdf>>.

14. See Kahlenberg, *Rescuing Brown v. Board of Education*, 28–34 (describing plan in which controlled public school choice is used to reach a goal of having all schools within plus or minus fifteen percentage points of the district-wide percentage of students eligible for free and reduced-price lunch).

15. See Jodi Heckel, “Income to Be Factor in Champaign School Assignments,” *Champaign News-Gazette*, January 9, 2009; and Jodi Heckel, “Change in Unit 4 Assignment Plan Explained,” *Champaign News-Gazette*, January 13, 2009 (describing shift in basis of school integration plan from race to socioeconomic status).

16. See Cheryl Johnston Sadgrove, “Board Poised to Consider Redistricting Plan,” *Raleigh News and Observer*, April 7, 2007; and board meeting-amended minutes from May 3, 2007 (describing the drawing of attendance boundaries to achieve socioeconomic diversity).

17. Theola Labbe, “Charles Sets Meetings on Remapping,” *Washington Post*, June 8, 2003 (redistricting committee considered the socioeconomic status of students in reviewing reassignments).

18. “CPS Announces New Policy for Admission to Selective Enrollment and Magnet Schools: Socio-Economic Data Will Be Used Instead of Race-Based Criteria,” Chicago Public Schools Press Release, November 10, 2009, <[http://www.cps.edu/News/Press\\_releases/2009/Pages/11\\_10\\_2009\\_PR!.aspx](http://www.cps.edu/News/Press_releases/2009/Pages/11_10_2009_PR!.aspx)>.

19. See “School Choice Program Guidelines, Board Policy 3040,” Christina School District, <http://www.christina.k12.de.us/SchoolBoard/ChoiceProgramGuidelines.htm> (one of the criteria for accepting or rejecting applications is the “Impact on the socioeconomic composition of the affected school[s]”).

20. See Jhone M. Ebert, director of Magnet Schools for the Clark County School District, in panel, “How Socioeconomic Integration Promotes Equity and Diversity in Student Selection to Magnet Programs,” Magnet Schools of America Conference, February 13, 2006.

21. See Megan Hawkins, “Five School Diversity Plans Detailed,” *Des Moines Register*, March 10, 2008; and Davenport Community Schools, minutes from the regular board meeting on February 11, 2008, <http://www.davenport.k12.ia.us/schoolboard/minutes/021108R.pdf> (describing switch in diversity transfer policy from race to student academic achievement and socioeconomic status).

22. The school includes among its guiding principles: “To build a unified student body, embracing the challenges of gender, economic and racial diversity, fulfilling our commitment to have a student body of at least 40% students from economically

disadvantaged families and 45% women.” See the “Vision and Guiding Principles” section of its website: < <http://www.scienceandtech.org/about-us/about-vision.php>>.

23. See Hawkins, “Five School Diversity Plans Detailed”; and Des Moines Public Schools, minutes of the school board meeting on February 19, 2008, <http://www.dmps.k12.ia.us/schoolboard/3-appmin/3-080219appmin.doc> (describing shift in diversity transfer policy from race to whether a student qualifies for free or reduced-price lunch).

24. See Application for Federal Assistance, Duval County Public School District, March 11, 2004, 24 (describing magnet school admissions policy in which students who qualify for free and reduced-price lunch and attend a high-poverty Title I school are given preference to attend a magnet school in a non-Title I district, and middle-class children attending non-Title I schools are given a preference to attend a magnet in a Title I district); and Sally Hague, director of Duval County School Choice/ Student Assignment Operations, e-mail to Kristen Oshyn, April 10, 2007 (indicating the use of the program at the elementary school level and discussions to extend the policy to middle schools).

25. East Baton Rouge Parish School System uses a weighted-lottery admissions process for its magnet program, which gives consideration to a student’s socioeconomic background. See Charles Lussier, “Dufrocq Elementary Adds Magnet Program as Lure,” *The Advocate*, June 3, 2009, <<http://www.theadvocate.com/news/46776317.html>>, 1B.

26. See Kelly Smith, “Eden Prairie OKs Changing School Lines,” *Star Tribune*, December 21, 2010, <http://www.startribune.com/local/west/112289839.html> (describing a plan in which “boundary lines would be redrawn to balance concentrations of poverty”).

27. See “Summary: Board Action on School Choice Access and Options,” Eugene Public School District, March 9, 2005 (summarizing decision to provide a preference to low-income students in a lottery for alternative schools that had been utilized primarily by more-affluent students). See also “School Choice Request, 2007–08,” Eugene Public School District, 2007, [http://www.4j.lane.edu/files/4J\\_choice\\_request\\_2007\\_0.pdf](http://www.4j.lane.edu/files/4J_choice_request_2007_0.pdf) (outlining priority for students receiving free and reduced-price lunch).

28. See Michael Alison Chandler, “Fairfax School Board Approves Boundary Redesign,” *Washington Post*, February 29, 2008; and Fairfax County Schools Policy 8130.5, [http://www.boarddocs.com/vsba/fairfax/Board.nsf/0/96e257690b03f37a85256fcd005278e2/\\$FILE/P8130.pdf](http://www.boarddocs.com/vsba/fairfax/Board.nsf/0/96e257690b03f37a85256fcd005278e2/$FILE/P8130.pdf) (describing policy in which “Socioeconomic characteristics of school populations” will be taken into consideration when “consolidating schools, redistricting school boundaries, or adopting pupil assignments plans”).

29. Farmington Public Schools reestablished school boundaries for the 2010-11 school year with socioeconomic balance as one of its goals. See its “Reconfiguration Plan Info Sheet,” <[http://www.farmington.k12.mi.us/pdfs/reconfig/reconfiguration\\_infosheet.pdf](http://www.farmington.k12.mi.us/pdfs/reconfig/reconfiguration_infosheet.pdf)> and its “Reconfiguration/School Closings FAQs,” updated April 26, 2010, [http://www.farmington.k12.mi.us/pdfs/reconfig/reconfiguration\\_faq.pdf](http://www.farmington.k12.mi.us/pdfs/reconfig/reconfiguration_faq.pdf), esp. 4-5 and 7.

30. See Fresno Unified School Board Policy, BP5116.2 “Magnet Schools” (last revised September 6, 2006), [http://www.gamutonline.net/4daction/Web\\_PrintableDisplay/424407](http://www.gamutonline.net/4daction/Web_PrintableDisplay/424407) (describing magnet school admissions policy under which FUSD “may use the socio-economic status of students, as determined by eligibility for Free and Reduced Price meals, as one of the factors in the lottery process”).

31. Paul Alongi, “Hearings on Students’ Schools Set,” *Greenville News*, January 27, 2002, 1B, and Paul Alongi, “Meek Offers Proposal on Student Dispersal,” *Greenville News*, March 27, 2002, 1B (describing Greenville Board of Trustees vote to adopt a new student assignment scheme that eliminated the use of race but sought to reduce the “concentration of low-income students” and the “concentration of low-achieving students”; the board rejected, however, a more aggressive plan to ensure that no school has more than 50 percent of its students eligible for free or reduced-price lunch). See also Paul Alongi, “School Plan Would Shift More than 1600 Youths,” *Greenville News*, February 11, 2003 (describing subsequent redistricting in which committee sought socioeconomic balance in the schools).

32. See Editorial, “Right Decision, But Not a Shared Vision,” (Greensboro, North Carolina) *News-Record*, February 25, 2006 (on decision to redistrict schools to increase socioeconomic and racial diversity); and Morgan Josey, “Board Member Pushes Choice on Redistricting,” *News-Record*, March 29, 2007 (on proposal by board to water down the earlier decision by allowing greater choice).

33. See U.S. Department of Education, *Creating Successful Magnet Schools* (Washington, D.C.: U.S. Department of Education, September 2004), 44 (describing Hamilton’s use of free and reduced lunch data in its magnet school application process to create economically and racially diverse schools).

34. See Linnea Brown, “District Plans ‘Gifted’ Screening Test,” *Hernando Today*, June 10, 2008 (describing plan under which low-income children can qualify for a gifted program under different criteria than most students).

35. The High Tech High goals include: “Serve a student body that mirrors the ethnic and socioeconomic diversity of the local community.” See its website: <<http://www.hightechhigh.org/about/>>.

36. See Adam Emerson, “Hillsborough School Board Approves Boundary Changes,” *Tampa Bay Online*, February 10, 2009 (describing redistricting of high school attendance zones in part to create “socioeconomic diversity”).

37. See “Choices: A Guide to Jefferson County Public Schools,” Jefferson County Public Schools, 2008, <http://www.jefferson.k12.ky.us/Pubs/Choices.pdf>; and Richard D. Kahlenberg, “The New Look of School Integration,” *American Prospect*, June 2, 2008, [http://www.prospect.org/cs/articles?article=the\\_new\\_look\\_of\\_school\\_integration](http://www.prospect.org/cs/articles?article=the_new_look_of_school_integration) (describing new plan using census data to create diversity by income, parental education, and race).

38. The Kalamazoo Public Schools Board of Education voted in 2009 to redistrict partly based on “better socioeconomic balance.” Ed Finnerty, “Kalamazoo Public Schools Trustees Approve Redistricting for This Fall,” *Kalamazoo Gazette*, February 13, 2009.

39. See Kahlenberg, *Rescuing Brown v. Board of Education*, 13–28 (describing plan in which elementary school boundaries were drawn to create schools in which between 15 percent and 45 percent of students were eligible for free lunch).

40. See Amanda Bedgood, “Schools Get New Entrance Criteria,” *Lafayette Advertiser*, February 21, 2008 (describing switch in weighted lottery admissions program from race to free and reduced-price lunch status).

41. See “Plan for Student Assignment, 2008–09,” School District of Lee County, Florida, 36, <http://studentassignment.leeschools.net/pdf/2008%20Student%20Assignment%20Plan.pdf> (“The District’s target for each school is to maintain student enrollment that is within 20 percentage points, plus or minus, of the zone-wide average

of students eligible for Free and Reduced Meals for each level [elementary, middle and high]”).

42. See Lee County, North Carolina, Board of Education, “Policy Code: 4150 School Assignment, Reassignment and Transfers,” [http://policy.microscribepub.com/cgi-bin/om\\_isapi.dll?clientID=110012429&depth=8&infobase=lee.nfo&record={B40}&softpage=PL\\_frame](http://policy.microscribepub.com/cgi-bin/om_isapi.dll?clientID=110012429&depth=8&infobase=lee.nfo&record={B40}&softpage=PL_frame) (in devising school boundary recommendations, “the superintendent shall consider factors such as school capacity, transportation requirements, geographic features and socio-economic diversity”).

43. “Specialty/magnet program assignments” are made via a weighted selection process that uses three factors: “test performance, socioeconomic status (as determined by free/reduced lunch participation) and race.” See the “School Choices” section of the district website: <<http://lrstd.org/departments1/schoolpages1.cfm?scode=64&menupagename=School%20Choices&cid=1144>>.

44. See Andy Hall, “Board Gives Plan F an ‘A’; Changes to School Attendance Boundaries on the West Side Are Approved,” *Wisconsin State Journal*, March 4, 2008; and “Long Range Planning Considerations When Redrawing Boundary Lines,” Madison Metropolitan School District, Appendix C, <http://boeweb.madison.k12.wi.us/files/boe/longrange/0506/0506/Considerations.pdf> (describing plans to redraw school boundaries that include a provision to avoid creating concentrations of low-income students).

45. See Kahlenberg, *Rescuing Brown v. Board of Education*, 36–37 (describing Manatee’s policy of integrating schools by socioeconomic status through redistricting and public school choice and magnet schools).

46. See Kahlenberg, *Rescuing Brown v. Board of Education*, 37 (describing policy in which middle and high school zones are drawn in order to create socioeconomic diversity).

47. See “Appendix D: Magnet Programs/Schools,” in *I Choose: Miami-Dade County Public Schools 2006-2007 Choice Plan*, Miami-Dade County School District, [http://choice.dadeschools.net/images/2006\\_choice\\_plan.pdf](http://choice.dadeschools.net/images/2006_choice_plan.pdf) (describing magnet school admissions plan in which 20 percent of slots are to be filled by students from four distinct zones based on school performance and socioeconomic circumstances).

48. See Kahlenberg, *Rescuing Brown v. Board of Education*, 37–39 (describing inter-district Choice Is Yours Program, which allows 2,000 low-income Minneapolis students to attend school in more affluent suburban jurisdictions).

49. See “Taking the Jitters Out of Kindergarten Placement,” Montclair, New Jersey, Public Schools, <http://www.montclair.k12.nj.us/Article.aspx?Id=338> (“a student’s eligibility for free and or reduced-cost lunch” may be considered in placements).

50. See “Long-range Educational Facilities Planning: Regulation FAA-RA,” Policy Manual, Montgomery County School District, <http://www.montgomeryschoolsmd.org/departments/policy/pdf/faara.pdf> (outlining that school boundaries and choice plans should be guided in part by “the socioeconomic background of students as measured by participation in the federal FARMS [free and reduced price meals] program”); and “School Assignment Process,” Montgomery County Public Schools, adopted June 2003, <http://www.montgomeryschoolsmd.org/schools/downcounty/choice/process.shtm> (outlining plans for the Downcounty Consortium in which a student’s having ever received free and reduced-price meals may be a factor in student assignment).

51. See “Questions and Answers About Changes in Attendance Areas for 2006-2007,” Moorpark Unified School District, <http://www.mrpk.k12.ca.us/web/PDF/>

Boundaries/K-5%20BoundaryChanges06-07QandA.pdf (outlining the school district's decision to redraw school district boundaries to achieve socioeconomic integration); and Marilyn Green, director of special projects for the Moorpark Unified School District, telephone interview with Kelly Dilworth, May 5, 2006 (describing school district's mandate that each school try to closely reflect the district average for free and reduced-price lunch eligibility).

52. See Jillian Jones, "Redrawing the Lines for Local High Schools," *Napa Valley Register*, April 6, 2008 (describing effort to redraw boundaries to create greater socioeconomic integration).

53. See "Application for Federal Education Assistance," New York City Community School District 14, March 2004, 2, 4, Supplement to Table 5 (explaining that weighted lottery to be used in magnet school for consortium of districts 13, 14, and 15 to be used to achieve socioeconomic diversity, using free and reduced-price meals eligibility); "Application for Federal Education Assistance," New York City Community School Districts 20 and 21, March 2004, 4, Supplement to Table 5 (explaining that weighted lottery for consortium magnet school for districts 20 and 21 will use socioeconomic level as a factor in admissions).

54. See Kahlenberg, *Rescuing Brown v. Board of Education*, 39–40 (describing Nebraska legislation creating a new metropolitan Omaha "learning district" with a goal of having all schools in the region reflect the socioeconomic diversity of the area, which has a 35 percent free and reduced-price lunch population).

55. See "Student Assignment: Attendance Zone Criteria," Rules of the School Board of Palm Beach County Florida, Palm Beach County School Board, <http://www.palmbeach.k12.fl.us/policies/> (describing policy that data on free and reduced-price lunch may be one factor in determining student attendance boundaries).

56. See Policy 10.107, Pitt County Board of Education, "School Attendance Area" (revised September 17, 2007) (providing that socioeconomic status be among the factors used to maintain diversity).

57. See Joe Smydo, "City Magnet School Overhaul Weighed," *Pittsburgh Post-Gazette*, April 29, 2009 ("the district will try to promote diversity with a weighted lottery that gives students extra chances for admission for meeting certain criteria, such as qualifying for free or reduced-price lunches or living in proximity to the magnet").

58. See "4.10.054-AD Student Transfers," Administrative Directive, Portland Public Schools, March 25, 2009, 8, [http://www.pps.k12.or.us/directives-c/policy-reg/4/10/4\\_10\\_054\\_AD.pdf](http://www.pps.k12.or.us/directives-c/policy-reg/4/10/4_10_054_AD.pdf) (describing public school choice policy under which "Students whose SES improves the socio-economic balance of the school community shall be weighted in the lottery").

59. See Hawkins, "Five School Diversity Plans Detailed"; and *Postville Community School District Voluntary Plan*, January 2008 (outlining a policy in which "the Postville School District aspires to reduce economic and language isolation by developing plans that may include but are not limited to pairing, clustering of existing classrooms, and adjustment of grade level configuration, and the continuation of existing voluntary programs such as bilingual classrooms, summer school, and Out-reach programs").

60. See "Application for Federal Education Assistance," Proviso Township School District, February 8, 2004, V-52, V-54, Table 5 (describing magnet school lottery system in which socioeconomic status would be a weighted factor).

61. See Michael Perrault, "District Sets New School Borders," *Press Enterprise*, June 25, 2008; and Neal Waner, "Boundary Committee's Goal Was Educational

Opportunities for All,” *Redlands Daily Facts*, July 10, 2008 (describing redrawing of high school boundaries in which socioeconomic balance was a consideration).

62. See Kahlenberg, *Rescuing Brown v. Board of Education*, 40 (describing controlled choice plan in which schools aim to reflect the socioeconomic diversity of the district, using free and reduced-price lunch as an indicator of economic disadvantage).

63. See “Rock Hill Schools Work to Keep Schools Integrated,” Associated Press, May 16, 2004 (school district examined socioeconomic and racial factors in redrawing school district boundaries).

64. See Rockford School District School Board Meeting Minutes, May 17, 2008, <http://webs.rps205.com/district/files/36455D3205164FB8A591FC190FF3F885.pdf> (discussing the use of “socioeconomic information” to draw middle school zones with aspiration that schools reflect the 70 percent free and reduced-price lunch district average).

65. See Bao Ong, “District Converts 3 Schools to Magnets; Move Intended to Help Desegregation Effort,” *St. Paul Pioneer Press*, December 2, 2006; and “District Magnet Enrollment Process,” Independent School District 196, Rosemount, Minnesota, <http://www.district196.org/magnetschools/2008-09EnrollmentProcess.pdf> (describing the use of socioeconomic status as one factor in admissions to three new magnet elementary schools).

66. Bill Hall, e-mail correspondence with Halley Potter, November 8, 2011 (indicating that one of the guiding principles used by the boundary committee was to “seek to balance in SES from building to building, as much as possible”).

67. See “Magnet Schools,” San Diego Unified School District, [http://sandi.net/enrollmentoptions/magnet/enrollment\\_priority.html](http://sandi.net/enrollmentoptions/magnet/enrollment_priority.html) (describing priorities in magnet selection program, including for students who are low-income and low-achieving and attending schools in need of improvement).

68. See Kahlenberg, *Rescuing Brown v. Board of Education*, 40–41 (describing public school choice program in which oversubscribed schools use socioeconomic diversity as a factor in student admissions, measured by seven criteria).

69. See Larry Sloanker, “S.J. Unified May Look at Income for Diversity,” *San Jose Mercury News*, June 20, 2003, A1 (describing board of trustees vote to adopt a plan to allow public school choice using eligibility for free and reduced-price lunch as the main factor in approving or disapproving choice transfers) and “School Board Policies: Voluntary Integration Plan,” San Jose Unified School District, [http://www.sjUSD.org/pdf/districtinformation/Voluntary\\_Integration\\_Plan.pdf](http://www.sjUSD.org/pdf/districtinformation/Voluntary_Integration_Plan.pdf) (describing mechanics of the plan).

70. The student assignment plan for Seattle Public Schools “consider[s] socioeconomic factors when drawing school boundaries.” See the “Diversity” section of the New Student Assignment Plan Frequently Asked Questions on the district’s website: <[http://www.seattleschools.org/area/newassign/faq\\_diversity.html](http://www.seattleschools.org/area/newassign/faq_diversity.html)>.

71. See “Chapter 5.00: Student Assignment,” School Board Policy Manual, Seminole County School Board, last revised January 9, 2007, [http://www.scps.k12.fl.us/schoolboard/\\_doc/Policy%20Files%20\(PDF\)/tableofcontent.pdf](http://www.scps.k12.fl.us/schoolboard/_doc/Policy%20Files%20(PDF)/tableofcontent.pdf) (describing Seminole’s public school choice program, which weights socioeconomic diversity; transfers are provided when they would bring the school closer to the district’s free and reduced-price lunch average). See also Dave Weber, “Seminole, U.S. Agree to Settle Schools Suit,” *Orlando Sentinel*, March 1, 2006.

72. See School District of South Orange and Maplewood, *Planning for School Space*, no. 3 (April 30, 1999); Patricia M. Barker (assessment coordinator, School

District of South Orange and Maplewood, New Jersey), letter to author, August 11, 1999 (describing May 1999 school board decision to redraw elementary school district boundaries for better socioeconomic balance).

73. See Megan Boldt, “South Washington County School Board Finalizes Attendance Boundaries,” *St. Paul Pioneer Press*, April 24, 2008; and Megan Boldt, “Boundaries May Not Appeal to All,” *St. Paul Pioneer Press*, May 21, 2008 (describing change in boundary lines in which student socioeconomic status was factor).

74. See Tracie Dungan, “Language Affect; School Boundaries,” *Arkansas Democrat-Gazette*, April 11, 1999, B1 (quoting school board president saying that, for a decade, the district had redrawn school boundaries with an eye toward income integration).

75. Suzanne Robinson, “Schools Adopt Economic Policy,” *Vero Beach Press Journal*, January 25, 2001, A12; Paula Holzman, “Growing Schools Seek More Space,” *Stuart News/Port St. Lucie News*, August 4, 2002, A1 (describing decision of St. Lucie School Board to modify its controlled choice plan of student assignment to emphasize socioeconomic diversity over diversity by race; under the system, parents are asked whether the family qualifies for food stamps and whether the children qualify for free and reduced-price lunch); and St. Lucie County Public Schools, School Board Policy 5.231 (4), <http://www.stlucie.k12.fl.us/districtPortal.aspx?id=iFrameIhttp://plato.stlucie.k12.fl.us/mis/School+Board+Policies.nsf> (describing policy goal that schools should be within ten percentage points of the free and reduced-price lunch average of zone in which school resides).

76. See “Assignment of Students,” Stamford Public Schools Board Policy 5117.1, <http://stamfordpublicschools.org/filestorage/68/107/801/05Students5000.pdf> (providing that “all elementary, middle, and high schools in the Stamford Public School system are expected to meet the district’s integration standard to within +/- 10%, as determined annually,” with the integration standard “determined by the percent of disadvantaged students [students receiving free/reduced lunch according to federal guidelines, or students identified as English Language Learners according to state guidelines, or students residing in income restricted housing] and the percent of advantaged students, as calculated on October 1 of the given school year).

77. See “Magnet School Admission,” Topeka Public Schools, <http://documents.topekapublicschools.net/board/policies/8045.pdf> (providing a priority in admissions, among other things, for “students from sending schools who will most promote social and economic diversity at the magnet school based upon the difference between the applicant’s home attendance area school’s residential population SES [determined by the number of students served a free or reduced price lunch] and the magnet school’s residential student population SES”).

78. See “Student Assignment to Schools,” Troup County Public Schools, <https://eboard.eboardsolutions.com/ePolicy/policy.aspx?PC=JBCCA&Sch=4162&S=4162&RevNo=1.31&C=J&Z=P> (setting a general goal for the “percentage of students eligible for free and reduced price lunch at each elementary school to vary by not more than fifteen percentage points from the zone average percentage of elementary students eligible for free and reduced price lunch”).

79. Tucson Unified School District considers “the socioeconomic status of students” in its assignment of students to magnet schools/programs and to non-neighborhood schools via open enrollment “in order to increase the likelihood of diversity.” “Tucson Unified School District Post-Unitary Status Plan,” adopted by Governing Board on July 30, 2009, <<http://tusd1.org/contents/distinfo/pup/Documents/pusp.pdf>>, 6.

80. See Brent Champaco, “University Place Will Shift Students to Balance Enrollment,” *Tacoma News Tribune*, June 24, 2008 (describing plan to rezone students in apartment complexes in order to distribute low-income population more evenly).

81. See Hawkins, “Five School Diversity Plans Detailed”; and Waterloo Community School’s Diversity Plan, February 2008, [http://www.waterloo.k12.ia.us/files/CHECKITOUT/Diversity\\_Plan.pdf](http://www.waterloo.k12.ia.us/files/CHECKITOUT/Diversity_Plan.pdf) (describing transfer plan within school clusters, which are drawn based on economic status, race, attendance numbers, and academic achievement).

82. See Hawkins, “Five School Diversity Plans Detailed” (describing plan, using student native language and income, to limit transfers that would worsen economic segregation).

83. See Gary Mathews, “Beating the Odds with ‘Continuous Improvement,’” *Newport News Daily Press*, July 6, 2006, C21 (describing boundary changes to create socioeconomic balance in the schools).



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