

# Fighting Segregation with Diversity: School Integration and Residential Segregation in Montgomery County, MD

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## **Introduction**

Montgomery County Public Schools desegregated in 1954 without a court order and without massive resistance. Unlike many neighboring counties, Montgomery avoided litigation by voluntarily integrating its schools in the years following *Brown v. Board of Education*. This included not merely desegregation but affirmative efforts to bring black and white students together, such as magnet programs. In the 1990's, some of the county's magnet schools gained national recognition among the best public schools in the country, but at the end of that decade, one of its magnet policies was declared unconstitutional by the Fourth Circuit.<sup>1</sup>

The decade of the 1990's in Montgomery provides a convenient laboratory in which to study the effects of voluntary integration policies. The county operated more than a dozen magnet programs before revising its policies in the wake of its court defeat. With census data available from both 1990 and 2000, it is possible to measure the effects of the county's policies not only on schools but on neighborhoods. Did voluntary integration in schools increase residential segregation or decrease it? What can be learned from the Montgomery County experience?

This paper will begin by relating the history of Montgomery County's voluntary integration policies, considering both legal and policy questions that faced the county at

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<sup>1</sup> *Eisenberg v. Montgomery County Public Schools*, 197 F.3d 123, 133 (4<sup>th</sup> Cir. 1999).

various times. Part II will survey the demographic data in Montgomery County and surrounding areas using several statistical tools. Part III will apply those statistics to the voluntary integration policies of Montgomery County to measure their effects during the 1990's. The final section will consider the future of voluntary integration, especially in light of the changing laws regarding affirmative action.

## **I. Montgomery County Public Schools**

Montgomery County is a suburban district located just northwest of Washington, DC. It is the most populous county in the state of Maryland, with a population of 873,341 in 2000, and it is also the most affluent in the state. It is also the fastest-growing county in Maryland, with a population increase of more than 15% from 1990 to 2000.<sup>2</sup> The county also became increasingly diverse over that decade, with the black population growing from 12% to 15%, Hispanic from 7% to 12%, and Asian from 8% to 11%.<sup>3</sup>

The county's schools are administered as a single large school district, and Montgomery County Public Schools has the largest enrollment of any school district in Maryland. It is the 17<sup>th</sup>-largest school district in the United States and currently includes 125 elementary schools, 38 middle schools, 24 high schools, and 8 other schools. Between 1990 and 2000, the county's enrollment grew by over 30,000 students to 134,308, which was nearly double the rate of population growth. The students also became increasingly diverse, with the percentage of white students dropping below 50% for the first time in the 2000-01 school year. Between 1990 and 2000, black enrollment

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<sup>2</sup> *Southeastern Area & Montgomery County, Maryland 2000 Population, Race, and Housing Highlights*, Maryland-National Capital Park and Planning Commission (2006).

<sup>3</sup> *American FactFinder*, 2000 U.S. Census, <http://factfinder.census.gov> (2006).

grew from 17% to 21%, Hispanic enrollment from 9% to 16%, and Asian enrollment from 12% to 13%.<sup>4</sup>

### A. Magnet Programs

Montgomery County ended *de jure* segregation in its schools relatively smoothly following *Brown v. Board of Education* although it never faced a mandatory court order. However, *de facto* segregation continued and rather than wait for an impending law suit, the County school board decided to take action in the fall of 1975. At an October meeting, the school board passed the “Quality and Integrated Education Policy,” an affirmative commitment to promote integrated schools. Roscoe Nix, a school board member who later became president of the county’s NAACP chapter, spoke proudly of the policy: “We believe in an inclusive society and we intend to do something about that ... Quality education and integration are not mutually exclusive goals.”<sup>5</sup>

The preferred method of integration in Montgomery County was the magnet program. The idea behind this policy was to develop curricula in minority schools that would be desirable to white students. There were two types of magnet schools in the Montgomery plan: At the elementary level, entire schools were dedicated to special themes: communication arts, science and math, computer literacy, or some other area of emphasis. Any student in the county could transfer into these schools as long as there was room and the transfer did not increase segregation. At the secondary school level,

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<sup>4</sup> *Race/Ethnic Membership of Pupils*, Montgomery County Public Schools Department of Educational Accountability (1990); *Official Race/Ethnic Membership of Students*, Montgomery County Public Schools Office of Shared Accountability (2000).

<sup>5</sup> Susan E. Eaton, *Slipping Toward Segregation* in DISMANTLING DESEGREGATION (1996).

“school-within-a-school” magnet programs brought highly gifted students selected through a competitive admissions process into predominantly minority schools.<sup>6</sup>

All of these magnet programs were originally placed in the southeast corner of the county along the border with Washington, DC. They were first implemented within two high school clusters: Montgomery Blair along the northeast border of DC and Bethesda-Chevy Chase along the northwest border (See Appendix A). Magnet programs began in the late 70’s at Montgomery Blair High School and seven elementary schools in the Blair cluster. By 1983, magnet programs were in all ten Blair cluster elementary schools, all three Blair cluster middle schools, and four elementary schools in the B-CC cluster.<sup>7</sup>

In 1984, the Board of Education created the first countywide magnet program at Montgomery Blair High School. This program focused on math, science, and computer science and was open only to 100 highly gifted students each year who were bused in each day from all parts of the county. Soon afterward, a feeder program for the Blair Magnet opened its doors at Takoma Park Middle School, and elementary school feeder programs were started across the county. In 1987, an International Baccalaureate program came to Richard Montgomery High School with competitive admissions and busing similar to the Blair Magnet. In the 90’s, elementary magnet programs expanded to more school clusters and offered a wide array of choices from Chinese language immersion to computer technology. Over this period, the county also took other measures to reduce segregation, such as pairing schools, closing schools, or revising school boundaries.<sup>8</sup> Montgomery Blair and Richard Montgomery became the flagship

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<sup>6</sup> *Id.* at 209-10.

<sup>7</sup> *Id.* at 209-12.

<sup>8</sup> *Id.* at 212-14.

schools of Montgomery County's magnet policy, and admission to the programs became increasingly difficult through the 90's as they gained national prestige.

### B. Criticism of the Magnets

Despite the academic achievement of these magnet programs, Montgomery County's voluntary efforts were criticized for failing to accomplish their original goal of racial integration. Some of the sharpest criticism came from Susan E. Eaton of the Harvard Project on School Desegregation in her article: *Slipping Toward Segregation: Local Control and Eroding Desegregation in Montgomery County*.<sup>9</sup> Using statistical analyses, she found that the County's policies were "unreliable and an ineffective means for achieving desegregated schools."<sup>10</sup> She traced the history of the county's policies and determined that "policies born from good intentions were watered down and eventually became powerless to create substantial desegregation in the face of rapid demographic change."<sup>11</sup> She recommended more drastic action than simply magnet programs.

At a 1994 Board of Education meeting, Board member Blair Ewing remarked that the Harvard study "had applied to Montgomery County a template from another era and another location." He remarked that "judges were totally unsympathetic to the kind of busing that authors of the study wanted."<sup>12</sup> This observation would prove to be prescient because Montgomery County's programs would be struck down in the federal courts a

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<sup>9</sup> Eaton, *supra*.

<sup>10</sup> *Id.* at 237.

<sup>11</sup> *Id.* at 239.

<sup>12</sup> Montgomery County Board of Education Meeting Minutes (June 14, 1996).

few years later not because they did not do enough to promote desegregation but because they had gone too far.<sup>13</sup>

### C. The Law of Voluntary Integration

In *Eisenberg v. Montgomery County Public Schools*, a white student sought to transfer into the math and science magnet program at Rosemary Hills Elementary School. The county denied his request because the magnet policy only permitted transfers that would improve integration, so white students could not transfer into a school where there were already too many whites. The Fourth Circuit struck down this policy as unconstitutional “racial balancing” in 1999, thus ending an era of aggressive integration by Montgomery County.<sup>14</sup>

*Eisenberg* was just one case among many voluntary integration policies that faced increasing scrutiny in the courts during the late 90’s. One kind of case involved competitive magnet programs like Montgomery County’s high school programs. In 1998, the First Circuit struck down an admissions procedure at the Boston Latin School where some students were admitted according to “flexible racial/ethnic guidelines” similar to many college admissions programs.<sup>15</sup> The school justified its admissions program as fighting against “racial isolation” and promoting “diversity,” but the First Circuit rejected both of these rationales.<sup>16</sup> The Fourth Circuit struck down a similar program in Arlington, Virginia that sought “(1) to prepare and educate students to live in a diverse, global society by reflecting the diversity of the community and (2) to help the

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<sup>13</sup> *Eisenberg v. Montgomery County Public Schools*, 197 F.3d 123 (4<sup>th</sup> Cir. 1999).

<sup>14</sup> *Id.* at 133.

<sup>15</sup> *Wessman v. Gittens*, 160 F.3d 790, 793 (1<sup>st</sup> Cir. 1998).

<sup>16</sup> *Id.* at 799-800.

School Board serve the diverse groups of students in the district.”<sup>17</sup> The court declared that “nonremedial racial balancing is unconstitutional,” and struck down the program.<sup>18</sup>

*Eisenberg* was pending when *Tuttle* was decided, and although the county’s transfer program was much less intrusive than the admissions program in Arlington, it was still struck down. The court declared that “Montgomery County’s transfer policy here in question is engaging in racial balancing, which we have just held to be unconstitutional in *Tuttle*.”<sup>19</sup> However, the Second Circuit upheld an almost identical program in New York a year later that controlled transfers between inner-city Rochester and surrounding suburban schools, holding that “a compelling interest *can* be found in a program that has as its object the reduction of racial isolation and what appears to be *de facto* segregation.”<sup>20</sup>

The law on this issue was far from clear at the end of the twentieth century, but the Fourth Circuit was particularly strict in this area of law. After *Eisenberg*, Montgomery County removed all explicit references to race from its magnet policies and made its policies aspirational rather than affirmative: “a policy that supports quality education for integration of all students will have a positive effect on our students who will live and work together in a culturally diverse society.”<sup>21</sup> The competitive admissions magnet programs at Montgomery Blair and Richard Montgomery continued without any racial preferences, but since they were located in schools that had higher minority

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<sup>17</sup> *Tuttle v. Arlington County School Board*, 195 F.3d 698, 701 (4<sup>th</sup> Cir. 1999) (internal quotations omitted).

<sup>18</sup> *Id.* at 705.

<sup>19</sup> *Eisenberg v. Montgomery County Public Schools*, 197 F.3d 123, 133 (4<sup>th</sup> Cir. 1999).

<sup>20</sup> *Brewer v. West Irondequoit Central School District*, 212 F.3d 738, 752 (2<sup>nd</sup> Cir. 2000) (emphasis in original).

<sup>21</sup> *Quality Integrated Education*, Montgomery County Board of Education Policy ACD (2006).

enrollments than the rest of the county, they still contributed to integration by simply bringing in students from outside the immediate neighborhood.

## **II. Segregation and Diversity**

A largely unexamined question in school desegregation is the effect that voluntary integration policies have on the residential segregation in surrounding communities. This is often difficult to measure because of the many factors that can affect demographic shifts, but the available evidence is encouraging. Even though the Harvard study was very critical of Montgomery County's programs, it conceded the possibility that "magnet schools were one of several factors that stabilized or improved the racial balance in the two neighborhoods."<sup>22</sup>

There is some evidence that mandatory desegregation was correlated with "white flight" that increased residential segregation,<sup>23</sup> but there is no such evidence for voluntary integration programs. There is extensive census data available as well as school enrollment data for the decade between 1990 and 2000. During this time, Montgomery County operated stable magnet programs at Montgomery Blair High School and Richard Montgomery High School. The demographic data from that decade should reveal the true effect of these programs on both educational integration within the schools and residential segregation in the neighborhoods.

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<sup>22</sup> Eaton, *supra* at 227.

<sup>23</sup> See James S. Coleman, *Recent Trends in School Integration*, 4 Educational Researcher 3 (Jul. - Aug., 1975).

## A. Segregation Indices

According to the 2000 Census, the population of Washington, DC was 59% black and 28% white. Prince George's County was 62% black and 24% white. In contrast, Fairfax County was 8% black and 64% white, and Montgomery County was 15% black and 59% white. It does not require any statistical analysis to conclude that blacks and whites are segregated within the Washington, DC Metropolitan Area. Even casual observers can look at almost every major metropolitan area in the country and conclude that racial segregation is a serious issue. However, it is far more difficult to determine whether one area is more segregated than another or where segregation is worse within an area, and sociologists have responded by developing various segregation indices.

### *(i) Index of Dissimilarity*

The “workhorse” of segregation measurement for the past several decades has been the Index of Dissimilarity.<sup>24</sup> The index of dissimilarity is a number that ranges from zero to one hundred, and it represents the percentage of a population that would have to move in order to make every neighborhood within an area the same racial composition, evenly distributing members of each race throughout. Neighborhoods are typically defined by census tracts, which are groups of a few thousand residents identified by the Census Bureau.<sup>25</sup>

The index of dissimilarity for Montgomery County was 39.9 in 1990 and rose slightly to 43.8 in 2000. That is the black/white dissimilarity, and this factor can also be calculated for other races, which are reported in Table I. In almost every area of the

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<sup>24</sup> Douglas S. Massey & Nancy A. Denton, *AMERICAN APARTHEID: SEGREGATION AND THE MAKING OF THE UNDERCLASS* (Harvard University Press 1993).

<sup>25</sup> *Id*

country, dissimilarity between blacks and whites is greater than between any other races. Montgomery County's index is similar to Fairfax County's 41.3 in 1990 and 39.8 in 2000. These numbers are a good 10 points lower than the 55.2 and 52.2 dissimilarities for Prince George's County and far lower than the 78.2 and 80.3 dissimilarities in Washington, DC.

Table I. Index of Dissimilarity

<b>Index of Dissimilarity from Whites</b>			
	Black	Hispanic	Asian
<b>Montgomery 1990</b>	39.88	32.72	25.91
<b>2000</b>	43.83	41.97	30.10
<b>MCPS 1990</b>	33.26	32.00	24.86
<b>2000</b>	37.86	36.02	22.12
<b>Prince George's 1990</b>	55.25	45.14	31.21
<b>2000</b>	52.23	57.08	32.84
<b>Fairfax 1990</b>	41.27	33.12	21.71
<b>2000</b>	39.80	39.73	23.94
<b>Washington, DC 1990</b>	78.24	50.55	25.50
<b>2000</b>	80.31	59.45	27.21

Within the boundaries of the district, whites tend to live in very different neighborhoods from blacks, and this is significantly different from the surrounding suburbs. A dissimilarity index can also be calculated using schools rather than neighborhoods, and in Montgomery County, the dissimilarity index shows that segregation between schools is somewhat less severe than segregation between neighborhoods.

*(ii) Isolation and Exposure*

The index of dissimilarity measures segregation from a group perspective, but some sociologists have approached this question from an individual perspective, developing statistics that measure the segregation that individuals experience within a

particular environment. These segregation indices are based on two simple concepts: isolation and exposure.<sup>26</sup>

Table II: Isolation and Exposure

Isolation and Exposure						
	White	Black	Hispanic	Asian	Native	Other
<b>Montgomery 1990</b>	72.45%	11.78%	7.36%	8.05%	0.21%	0.15%
Isolation	75.57	20.13	11.62	10.39	0.31	0.24
Exposure	24.43	79.87	88.38	89.61	99.69	99.76
Segregative Isolation	3.12	8.35	4.26	2.33	0.09	0.09
<b>Montgomery 2000</b>	59.46%	14.81%	11.52%	11.29%	0.20%	2.71%
Isolation	66.11	24.09	19.26	14.95	0.28	3.01
Exposure	33.89	75.91	80.74	85.05	99.72	96.99
Segregative Isolation	6.65	9.28	7.74	3.66	0.08	0.30
<b>Washington, DC 1990</b>	27.37%	65.12%	5.39%	1.77%	0.21%	0.14%
Isolation	67.22	86.00	14.90	7.00	0.29	0.27
Exposure	32.78	14.00	85.10	93.00	99.71	99.73
Segregative Isolation	39.84	20.88	9.51	5.23	0.08	0.13
<b>Washington, DC 2000</b>	27.83%	59.45%	7.86%	2.68%	0.22%	1.97%
Isolation	66.22	82.85	20.56	7.02	0.32	2.57
Exposure	33.78	17.15	79.44	92.98	99.68	97.43
Segregative Isolation	38.40	23.40	12.70	4.34	0.10	0.60

The isolation index measures the degree to which individuals live only among people of their own race. The formula for isolation is simply the weighted average of a race's percentage population in each neighborhood. This index varies from 0 to 100, and it describes the percentage of people in the average neighborhood that will be of a person's own race. In Montgomery County in 2000, the isolation index for whites was 66.1, for blacks 24.1, Hispanics 19.3, and Asians 14.9 (See Table II). In Washington, DC these numbers were 66.2, 82.8, 20.5, and 7.0. According to the isolation index, the average white person in both Montgomery County and Washington, DC lives in a neighborhood with 66% white people. However, blacks in Montgomery live in 24% black communities while DC blacks live in 83% black communities.

<sup>26</sup> Massey, Douglas S. and Denton, Nancy A. *The Dimensions of Residential Segregation*, 2:67 SOCIAL FORCES 281-315 (December 1988).

The exposure index is simply the reverse of the isolation index. It measures the degree to which individuals live among members of other races. Since isolation is the percentage of your own race in your neighborhood, isolation and exposure sum to 100.

The isolation index can also provide a measure of segregation. If there were no residential segregation, the isolation index for each race should be equal to the percentage of that race in the population. Since Montgomery County is 59% white, each white person should live in a neighborhood that is 59% white. However, residential segregation changes this pattern, and white people tend to live in neighborhoods that are 66% white. The difference between these two numbers is the racial isolation caused by segregation. For Montgomery County in 2000, that number is 6.6. Washington, DC is only 28% white but whites live in neighborhoods that are 66% white, creating a very high isolation due to segregation of 38.4.

Table III: Isolation and Exposure in Montgomery County High Schools

<b>MCPS Isolation and Exposure</b>					
	<b>White</b>	<b>Black</b>	<b>Hispanic</b>	<b>Asian</b>	<b>Native</b>
<b>MCPS High Schools 1990</b>	59.16%	16.58%	9.39%	14.63%	0.24%
Isolation	63.22	21.51	12.43	17.32	0.33
Exposure	36.78	78.49	87.57	82.68	99.67
Segregative Isolation	4.06	4.94	3.04	2.69	0.09
<b>MCPS High Schools 2000</b>	51.17%	20.37%	13.85%	14.34%	0.27%
Isolation	57.20	26.38	19.08	16.41	0.37
Exposure	42.80	73.62	80.92	83.59	99.63
Segregative Isolation	6.04	6.01	5.23	2.08	0.09

These statistics can also be calculated for Montgomery County High Schools, and the results are comparable to those from the dissimilarity index (See Table III). Every race is less isolated within the school system than they are in the general population, although this effect is not especially large. There is also less segregation between high schools than there generally is between neighborhoods.

### *(iii) Diversity and Entropy*

There are several limitations to the aforementioned measures of segregation, and the obvious one is that each can only effectively deal with one or two races at a time. In areas such as Montgomery County, where the Hispanic and Asian populations are only slightly smaller than the black population, these indices may provide an incomplete picture. To measure segregation when multiple races are involved, sociologists have developed more sophisticated measures of segregation.

Two of the best multi-factor segregation indices are the Gini-Simpson Index and the Shannon-Weiner Index.<sup>27</sup> Both these measures have analogues in biology, where they are used to describe the variety of species in a given ecosystem. In that context, these measures are sometimes called the Gini-Simpson “diversity” and the Shannon-Weiner “entropy.”

The diversity index is a number between 0 and 100, and it is calculated by taking the weighted average of the exposure index across all races. Essentially, it is the degree to which the average individual lives with people of other races. This can be understood as a probability: If everyone in a population were randomly paired with another person, what percentage would be paired with someone of a different race? That is the diversity index.<sup>28</sup>

Entropy takes a different approach to the same problem: it describes the evenness of the distribution of races within a different population. Entropy also ranges from zero

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<sup>27</sup> Douglas S. Massey & Nancy A. Denton, *AMERICAN APARTHEID: SEGREGATION AND THE MAKING OF THE UNDERCLASS* (1993).

<sup>28</sup> See C. H. Shannon, *A Mathematical Theory of Communication*, 27 *BELL SYSTEM TECHNICAL JOURNAL* 379 (1948).

to 100 where zero represents a population with only one race and 100 is a population with even numbers of each race. Where diversity follows the individualistic approach of the exposure index, entropy takes the group approach of dissimilarity.<sup>29</sup>

Although diversity and entropy are calculated in very different manners, the results tend to be very similar because when the races are evenly distributed, every individual will also be living with the most diverse group of people. Diversity and entropy can also be used to measure segregation by calculating distributed diversities and entropies. These distributed indices are simply averages of the diversity and entropy within neighborhoods. For diversity, this can be understood as the probability of meeting someone of a different race within your own neighborhood. When there is segregation, people will tend to experience less diversity and entropy within their neighborhood than they would if they could meet everyone in the entire county.

Table IV: Diversity and Entropy

<b>Diversity and Entropy</b>					
	<b>Diversity</b>	<b>Entropy</b>		<b>Diversity</b>	<b>Entropy</b>
<b>Montgomery 1990</b>	44.93	50.40	<b>MCPS High Schools 1990</b>	59.23	69.99
Distributed	41.19	45.69	Distributed	55.33	65.13
Segregative Isolation	3.74	4.71	Segregative Isolation	3.90	4.86
<b>Montgomery 2000</b>	59.77	66.83	<b>MCPS High Schools 2000</b>	65.69	76.76
Distributed	53.13	59.45	Distributed	60.36	70.49
Segregative Isolation	6.64	7.38	Segregative Isolation	5.33	6.27
<b>Washington, DC 1990</b>	49.78	49.38	<b>Prince George's 1990</b>	57.27	55.34
Distributed	24.67	27.68	Distributed	39.75	41.41
Segregative Isolation	25.11	21.70	Segregative Isolation	17.52	13.92
<b>Washington, DC 2000</b>	56.19	58.76	<b>Prince George's 2000</b>	54.73	58.89
Distributed	30.46	35.34	Distributed	41.58	46.04
Segregative Isolation	25.72	23.41	Segregative Isolation	13.15	12.85

As seen in Table IV, Montgomery County had a diversity of 59.8 and an entropy of 66.8 in 2000. Montgomery County had a distributed diversity of 53.1 and a distributed

<sup>29</sup> See H. Theil, STATISTICAL DECOMPOSITION ANALYSIS (Amsterdam/ London: North Holland 1972).

entropy of 59.5. This leaves an isolation due to segregation of only 6.6 for diversity and 7.4 for entropy. Montgomery County high schools are more diverse than the population at large, and they are slightly less segregated. Washington, DC and Prince George's County had similar levels of diversity, but the segregation effects were much higher.

These diversity and entropy statistics provide the most complete picture of segregation in the Washington, DC area, where there are significant numbers of different minority groups. Presenting the racial composition of these populations with a single number provides a formula for segregation that combines the experiences of all races. The remainder of this study will use these measures, and in particular diversity, to analyze demographic data.

### **III. Evaluating Voluntary Integration in Montgomery County**

The diversity and entropy indices can be applied to the voluntary integration programs of Montgomery County to assess the degree to which these programs have affected segregation in schools and neighborhoods. The relevant data is the enrollment of Montgomery Blair, Richard Montgomery, and nearby high schools and the census data from these neighborhoods in 1990 and 2000. Monitoring demographic shifts during that decade can reveal the effect of the Blair Magnet and Richard Montgomery International Baccalaureate Programs on the racial composition of surrounding neighborhoods.

#### **A. Montgomery Blair High School**

Between 1990 and 2000, the enrollment of Montgomery Blair High School grew by nearly 900 students, which was a 50% increase in population. This was due in part to

Montgomery County's annexation of eastern Takoma Park from Prince George's County in 1999, and Montgomery Blair moved into a new and larger school facility in the fall of 1998. The decade of the 90's was a very successful one for the Math, Science, and Computer Science Magnet Program at Blair. Between 1988 and 2000, the average SAT score at Blair rose 254 points.<sup>30</sup> In 1996, Magnet student Jacob Lurie won the Westinghouse Science Talent Search. In 1999, Montgomery Blair led the nation with six finalists in that competition and in that same year won the National Science Bowl, leading to a flurry of press coverage.<sup>31</sup>

The academic success of the magnet program during the 1990's exceeded all expectations, and it raised Blair's national profile. In 1998, President Clinton and Prime Minister Tony Blair visited the school to speak about technology education.<sup>32</sup> By the end of the decade, over 800 eighth graders each year were vying for just 100 seats in the program. This had an effect on the school even outside the magnet program; as one ESOL teacher remarked, parents of his students were "proud that their children" were attending Blair.<sup>33</sup> Principal Phillip Gainous remarked that it became much easier to hire to new teachers and to encourage college recruiters to come to campus.<sup>34</sup>

During the decade of the 90's, the racial composition of the student body stayed relatively stable. As shown in Table V, white students were 33% of the student body in 1990 and 30% of the student body in 2000. Black student enrollment rose just slightly from 31% to 32%. The largest changes came with a 7% rise in Hispanic enrollment and a

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<sup>30</sup> Memorandum to Eileen Steinkraus, *Influences of the Magnet Program* (on file with the Montgomery Blair High School Magnet Program)

<sup>31</sup> See, e.g. Peter Perl, *Montgomery Blair's Secrets of Success*, WASHINGTON POST 8 (November 14, 1999); Wray Herbert, *Secrets of One of America's Best High Schools*, PRISM MAGAZINE (September 1999).

<sup>32</sup> *President Clinton and Prime Minister Blair CU See-Me Videoconference* (February 1998).

<sup>33</sup> Memorandum to Eileen Steinkraus, *supra*.

<sup>34</sup> *Id.*

4% drop in Asian enrollment. In terms of entropy and diversity, the population did not change noticeably at all, with a diversity holding steady around 73 and an entropy between 84 and 85. These numbers are almost as high as could reasonably be expected for a four-race population.

Table V. Montgomery Blair High School Demographic Change 1990-2000

<b>Montgomery Blair High School</b>								
	Total	White	Black	Hispanic	Asian	Native	Diversity	Entropy
1990 Enrollment	2,069	33.01%	30.88%	17.01%	18.75%	0.34%	73.15	84.70
Neighborhood	55,649	53.04%	24.81%	15.45%	6.13%	0.27%	62.95	65.58
2000 Enrollment	2,941	29.51%	32.30%	23.53%	14.55%	0.10%	73.20	84.08
Neighborhood	67,660	39.59%	28.57%	20.87%	7.05%	0.27%	71.18	76.77
Enrollment Change	872	-3.50%	1.42%	6.52%	-4.20%	-0.24%	0.05	-0.62
Neighborhood	12,011	-13.45%	3.76%	5.42%	0.92%	-0.01%	8.23	11.18

The census data for 1990 and 2000 paint a less stable picture, with a 13% drop in white population over the decade. However, since the white population was over 50% in 1990, this actually improved the diversity and entropy of the neighborhood to levels near that of the high school. The demographic is still not encouraging though, because while the racial composition of the student population has remained relatively stable, the neighborhood continued to change. The magnet school may be solving problem on the surface, but underlying demographic trends may be beyond the control of school policies.

#### B. Richard Montgomery High School

Richard Montgomery High School was actually first established as part of school segregation when in 1935 Rockville High School was split between Rockville Colored High School and Richard Montgomery. Fifty years later, Richard Montgomery became part of Montgomery County's efforts to reintegrate its schools when the International Baccalaureate Program was established. Since that time, Richard Montgomery has

grown to be recognized as one of the best high schools in the country, recently ranked 15<sup>th</sup> in the nation by *Newsweek*.<sup>35</sup>

The demographic picture for Richard Montgomery is very similar to that of Montgomery Blair, although since it is further west in the county, the population includes fewer minorities. As shown in Table VI, black and white enrollments both declined slightly over the decade while Hispanic and Asian enrollments rose slightly. This relatively stable racial distribution is consistent with the experience at Montgomery Blair, and in both cases magnet programs seem to have successfully stabilized the racial composition of student bodies.

Table VI. Richard Montgomery High School Demographic Change 1990-2000

<b>Richard Montgomery High School</b>								
	Total	White	Black	Hispanic	Asian	Native	Diversity	Entropy
1990 Enrollment	1,375	57.31%	12.65%	13.60%	16.29%	0.15%	61.05	71.89
Neighborhood	38,117	73.54%	8.85%	8.08%	9.16%	0.22%	43.64	49.46
2000 Enrollment	1,646	55.16%	11.91%	15.25%	17.44%	0.24%	62.79	73.78
Neighborhood	40,032	62.97%	9.32%	10.97%	14.01%	0.25%	56.25	63.46
Enrollment Change	271	-2.15%	-0.75%	1.65%	1.15%	0.10%	1.73	1.89
Neighborhood	1,915	-10.57%	0.47%	2.89%	4.85%	0.04%	12.61	14.00

The census data also looks very similar to that of the Montgomery Blair neighborhood. There has been “white flight” amounting to 11% of the population, which has increased neighborhood diversity and entropy. Just as in the Montgomery Blair neighborhood, the demographics are far less stable than the school enrollment data.

### C. Neighboring Schools

Montgomery Blair is located at the southeastern corner of Montgomery County and Richard Montgomery is located closer to the center of the county. In between the

<sup>35</sup> *America’s Best High Schools*, NEWSWEEK (May 8, 2006).

Blair and Richard Montgomery districts are four other high school districts with similar demographics, from east to west: Albert Einstein, John F. Kennedy, Wheaton, and Rockville High Schools (see Appendix A). None of these schools had magnet programs during the 90's, so their experience can show the demographic effects in the absence of affirmative policies.

Table VII: Einstein, Kennedy, Wheaton, and Rockville High School Demographics

<b>Albert Einstein High School</b>								
	Total	White	Black	Hispanic	Asian	Native	Diversity	Entropy
1990 Enrollment	1,400	36.57%	24.93%	20.14%	18.36%	0.00%	72.98	83.76
Neighborhood	50,789	67.87%	16.43%	9.50%	5.76%	0.21%	50.01	54.40
2000 Enrollment	1,595	28.53%	28.53%	30.16%	12.48%	0.31%	73.07	84.18
Neighborhood	57,406	49.46%	20.99%	17.78%	8.31%	0.22%	67.17	73.34
Enrollment Change	195	-8.04%	3.60%	10.01%	-5.88%	0.31%	0.09	0.42
Neighborhood	6,617	-18.40%	4.56%	8.28%	2.56%	0.02%	17.16	18.94
<b>John F. Kennedy High School</b>								
	Total	White	Black	Hispanic	Asian	Native	Diversity	Entropy
1990 Enrollment	1,193	40.91%	31.68%	9.64%	17.44%	0.34%	69.26	79.47
Neighborhood	45,083	60.71%	20.13%	8.86%	9.80%	0.31%	57.35	61.29
2000 Enrollment	1,411	24.52%	38.91%	23.60%	12.33%	0.64%	71.75	83.45
Neighborhood	51,761	41.98%	26.78%	15.90%	11.70%	0.18%	71.19	77.50
Enrollment Change	218	-16.38%	7.22%	13.96%	-5.10%	0.30%	2.50	3.98
Neighborhood	6,678	-18.73%	6.66%	7.03%	1.90%	-0.12%	13.84	16.20
<b>Wheaton High School</b>								
	Total	White	Black	Hispanic	Asian	Native	Diversity	Entropy
1990 Enrollment	1,317	40.77%	16.63%	20.12%	22.17%	0.30%	71.64	83.16
Neighborhood	34,062	65.61%	11.10%	12.13%	10.68%	0.28%	53.11	58.26
2000 Enrollment	1,306	23.43%	25.42%	37.98%	12.94%	0.23%	71.95	82.91
Neighborhood	31,348	44.09%	11.51%	27.38%	13.66%	0.24%	69.78	75.86
Enrollment Change	-11	-17.34%	8.79%	17.86%	-9.23%	-0.07%	0.31	-0.24
Neighborhood	-2,714	-21.52%	0.41%	15.25%	2.98%	-0.04%	16.67	17.60
<b>Rockville High School</b>								
	Total	White	Black	Hispanic	Asian	Native	Diversity	Entropy
1990 Enrollment	1,020	71.27%	10.10%	5.59%	12.94%	0.10%	46.19	56.26
Neighborhood	30,660	82.53%	5.61%	4.77%	6.75%	0.21%	30.88	37.30
2000 Enrollment	1,143	50.22%	17.85%	16.89%	14.35%	0.70%	66.68	78.73
Neighborhood	32,157	72.42%	8.79%	8.70%	7.72%	0.28%	45.39	53.30
Enrollment Change	123	-21.06%	7.75%	11.30%	1.41%	0.60%	20.49	22.47
Neighborhood	1,497	-10.12%	3.18%	3.92%	0.97%	0.07%	14.51	16.00

As seen in Table VII, every one of these schools lost significant white enrollment during the 1990's. Where the presence of magnet programs helped Blair and Richard Montgomery to recruit white students from around the county, these schools fell victim to "white flight" without any recourse. At Einstein, the drop was only 8%, but at Kennedy and Wheaton, white enrollment dropped from over 40% to less than 25% over the decade. At Rockville, the drop was larger but whites remained a majority. Because of this high white enrollment, the Rockville experience was somewhat different from that of the other schools. At Einstein, Kennedy, and Wheaton, like at Blair and Richard Montgomery, the diversity and entropy statistics barely changed over the decade. However, at Rockville, the declining white enrollment actually increased diversity and entropy by over 20 points as the black, Hispanic, and Asian enrollments grew. All four schools experienced double-digit growth in Hispanic enrollment, and at Kennedy and Rockville this more than doubled the Hispanic population.

The neighborhood data is even more striking. The decline in white population in the Einstein, Kennedy, and Wheaton districts were all nearly 20%, which are close to double the "white flight" rates experienced around Montgomery Blair and Richard Montgomery. Rockville again is the exception where the neighborhood "white flight" and diversity change was actually slower than the change in the schools. The source of this Rockville anomaly may simply have to with its demographic profile, which is still substantially white. However, if current trends continue Rockville will likely grow to look much more like its neighbors.

#### D. Conclusions from Montgomery County

When considered in light of other neighboring high schools, it is clear that magnet programs had a stabilizing effect on the demographics of enrollment within Blair and Richard Montgomery. If the goal was to create high quality schools while maintaining the racial composition of these two schools, the magnet experience in Montgomery County must be declared an unqualified success.

However, if the goal was to stabilize the racial composition of the surrounding neighborhoods, the results are lukewarm. When compared with neighboring schools like Einstein, Kennedy, and Wheaton, there was a noticeable effect on neighborhood demographics, but where the magnet programs were able to almost completely stop “white flight” within their schools, they were only able to temper this effect in the neighborhoods. While magnet programs are an effective measure of slowing down “white flight” from neighborhoods, they are not a complete solution. It is also not clear whether the success of Montgomery Blair and Richard Montgomery could be duplicated across the county because part of the appeal of the programs is their exclusivity.

Montgomery County officials have clearly recognized the success of their magnet programs, and in the past few years they have greatly expanded their magnet offerings. At the present time, there is virtually no school in the county that does not have some form of special curriculum, be it a magnet program, a “signature” program, or a “consortium.” However, most of these programs were developed without any explicit race-based goal in mind, which has been the county’s policy since *Eisenberg*.<sup>36</sup>

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<sup>36</sup> *Eisenberg v. Montgomery County Public Schools*, 197 F.3d 123, 133 (4<sup>th</sup> Cir. 1999).

#### **IV. Voluntary Integration in the 21<sup>st</sup> Century**

Montgomery County has continued to be aggressive with its magnet school policies although it has strayed been hesitant to implement explicitly commit to racial integration after *Eisenberg*. In the twenty-first century, the “Quality Integrated Education” policy of the School Board is driven far more by quality than by integration. However, these two concepts are intertwined because in the two schools where the county created the highest quality programs, Montgomery Blair and Richard Montgomery, had the strongest integrative effect. Montgomery County was thus able to fight segregation without explicit consideration of race; officials simply created strong programs in weak neighborhoods to counteract demographic forces.

Although not explicitly focused on race, these policies do have a clear racial component. Montgomery County would never start a flagship magnet program at Damascus High School in the northwestern corner of the county, which is 85% white. The appropriate sites for aggressive magnet programs may be identified solely based on academic factors, such as lower SAT scores, but there is an obvious correlation with heavily minority schools. In Montgomery County, which is still majority white and includes many different minority groups, these are also the schools that are most diverse. In addition to fighting against segregation and targeting minority schools, these policies also act to preserve diversity.

## A. The Law of Diversity

This kind of policy would be consistent with the Supreme Court’s decision in *Grutter*, which recognized a compelling interest in diversity.<sup>37</sup> Although the Supreme Court denied certiorari for Montgomery County in *Eisenberg*,<sup>38</sup> the precedent in *Grutter* led three Circuit Courts to uphold the constitutionality of secondary school voluntary integration in 2005.<sup>39</sup> In *Grutter*, Justice O’Connor emphasized that diversity “promotes ‘cross-racial understanding,’ helps to break down racial stereotypes, and ‘enables [students] to better understand persons of different races.’”<sup>40</sup> Unlike earlier conceptions of affirmative action that emphasized classroom discussion or raising diverse leaders, this language could apply not only to higher education but to all levels of education. One observer remarked that “*Grutter* democratized the value of diversity ... by articulating it in terms relevant to students of all ages, abilities, and ambitions, and not merely to a narrow leadership cadre.”<sup>41</sup>

The statistical diversity used in this study would also be consistent with the *Grutter* opinion. The Gini-Simpson diversity index is simply a measure of exposure to different races, which the Supreme Court has endorsed by promoting “cross-racial understanding.” This is in contrast to the Shannon entropy, which measures how close a population is to an even distribution of races. That would be unconstitutional racial balancing, which the Fourth Circuit forbade in *Tuttle* and *Eisenberg*. In mathematical

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<sup>37</sup> *Grutter v. Bollinger*, 537 U.S. 1043 (2002).

<sup>38</sup> *Montgomery County Pub. Sch. v. Eisenberg*, 529 U.S. 1019 (2000). *See also* *Arlington County Sch. Bd. v. Tuttle*, 529 U.S. 1050 (2000); *Hunter v. Regents of the Univ. of Cal.*, 531 U.S. 877 (2000).

<sup>39</sup> *Comfort v. Lynn School Committee*, 418 F.3d 1 (1<sup>st</sup> Cir. 2005); *McFarland v. Jefferson County Board of Education*, 416 F.3d 413 (6<sup>th</sup> Cir. 2005); *Parents Involved in Community Schools v. Seattle School Dist. No. 1*, 426 F.3d 1162 (9<sup>th</sup> Cir. 2005).

<sup>40</sup> *Grutter*, 539 U.S. at 330 *quoting* App. to Pet. for Cert. 246a.

<sup>41</sup> Goodwin Liu, *Brown, Bollinger, and Beyond*, 47 How. L.J. 705 (2004).

terms, these two statistics measure the same phenomenon and provide similar results, but in legal terms, diversity would likely be permissible while entropy would not.

### B. Montgomery County Through the Lens of Diversity

In Montgomery County, a policy that focused on preserving diversity would target virtually the same schools as a policy that targeted minority populations (See Appendix B). However, focusing on diversity would change the rhetoric used to guide these policies. Rather than creating magnet programs in “failing” minority schools, the magnet programs could serve the dual purposes of providing a quality education and educating students in a diverse environment. The Montgomery Blair magnet does not only provide a high-quality math and science curriculum; it provides the kind of racial diversity that a student could not find in the southern and western parts of the county in schools like Whitman or Churchill. Emphasizing this aspect of the magnet school experience may also help promote diversity as a political policy.

Considering the Montgomery County experience through the lens of diversity may also allow ready application of its policies to areas with different demographic profiles. For example, in neighboring Prince George’s County, the most diverse schools would be those with sizeable white populations. Any successful magnet school policy in Prince George’s would have to focus not on bringing white students to minority schools but bringing black students into diverse schools. In Los Angeles, the challenge might be bringing Hispanic students into diverse schools. Preserving diversity is a race-based policy, but it is race-neutral, which may earn the favor of federal courts.

There may also be applications to urban policy outside of the school system. When looking at the demographic profiles and diversity indices of all the high schools in Montgomery County between 1990 and 2000 (see Appendix B), several patterns emerge. The schools that were the focus of this study, Montgomery Blair, Richard Montgomery, Einstein, Kennedy, and Wheaton, were affected by “white flight” but had diversity indices that remained relatively stable around 75 because their minority populations were very high. Other schools, like Rockville and Gaithersburg, were substantially affected by “white flight” but still maintained large white enrollments, causing rapidly increasing diversity indices. Still other schools, like Churchill and Walter Johnson, were unaffected by “white flight” and had stable diversity indices in the 40’s. One school, Walt Whitman, actually experience “minority flight” during the 90’s and saw a substantial decrease in diversity.

This data illustrates a life cycle for schools in a county with increasing minority population. As minorities enter a school, the diversity index will rise over time as a natural consequence of changing demographics, as is currently happening in Rockville and Gaithersburg. However, diversity will eventually reach a maximum near 75 like Blair or Einstein. The diversity index will likely be stable for some time at this high point, but if minority enrollment continues to increase while white enrollment decreases, diversity will eventually start to decline, which is beginning in Wheaton. Magnet policies can target those high diversity schools to avert the eventual decline, and that is precisely what happened at Montgomery Blair. A rising minority population should not be a problem per se, but the real problem emerges once diversity starts to decline, and the government could act to preserve diversity.

These diversity trends can also be applied outside of schools, where urban redevelopment could be targeted at neighborhoods where diversity can be preserved. Investment in neighborhoods is similar to the concept of a magnet school, where a revitalized downtown can serve as an attraction that prevents residents from leaving. Montgomery County has actually taken such measures in the vicinity of Montgomery Blair with the revitalization of downtown Silver Spring, which has shown success in its first few years.<sup>42</sup> Appendix C includes some maps of both the DC Metropolitan Area and Montgomery County as viewed through the lens of diversity. Using such maps, planners could identify neighborhoods where diversity is high but either decreasing or stagnant and focus on efforts to preserve that diversity by making those neighborhoods more attractive.

## **Conclusion**

Although not an unqualified success, the magnet programs at Montgomery Blair and Richard Montgomery High School did have a stabilizing effect on the racial composition of the student bodies and surrounding neighborhoods. The county's commitment to racial integration was stymied somewhat by a court defeat in 1999, but its flagship magnet programs have continued to be effective by providing quality educational programs that have made the school desirable to students of all races. This commitment to quality schools led the county to pursue more magnet policies, including a new consortium concept that began in 1998 (See Appendix D).

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<sup>42</sup> See, e.g. Daniela Deane, *Silver Spring Dreams of Gold*, THE WASHINGTON POST (August 12, 2000); Dana Hedgpeth, *Development Planned Near Silver Spring Metro*, THE WASHINGTON POST T9 (June 21, 2001); Cameron W. Barr, *New Hope Has Sprung Downtown*, THE WASHINGTON POST T3 (May 20, 2004); Nancy Lewis, *Redevelopment Spices Up Downtown Silver Spring's Restaurant Scene*, THE WASHINGTON POST T14 (Jan. 29, 2006)

One effect of these magnet programs has been to preserve diversity within the schools. When viewed through the lens of diversity, the magnet school model could be applied to other jurisdictions and even outside the school context. The Supreme Court approved a compelling governmental interest in diversity in 2003, and local governments could be creative in finding ways to pursue that interest. Montgomery County was once a leader in this respect during the 1990's, and with its strong foundation in magnet programs, the county could once again begin to push the envelope by explicitly mentioning diversity in its policies to set precedent for other districts wishing to follow in its footsteps.