

Litigation Surrounding Boston’s Highly Selective Public Schools FAQ

Who is intervening?

On March 3, 2021, a racially-diverse coalition composed of the NAACP Boston Branch, the Greater Boston Latino Network (GBLN), the Asian Pacific-Islanders Civic Action Network (APIs CAN), the Asian American Resource Workshop (AARW), and two Boston families of color filed a motion to intervene in a lawsuit filed by the *so-called* Boston Parent Coalition for Academic Excellence in the U.S. District Court for the District of Massachusetts in Boston. The intervention motion was granted at a hearing held by the federal court on March 3. This means that the coalition and families of color are now participating in the lawsuit.

The legal team, led by Sidley Austin LLP, includes Lawyers for Civil Rights and the Asian Outreach Unit of Greater Boston Legal Services. They filed the intervention on behalf of the community-based organizations and families.

Who filed the lawsuit?

On February 26, 2021, a group of white and Asian American parents filed a complaint against Boston Public Schools (BPS) in federal court to undo pandemic-related temporary remedial changes to the admissions process for Boston’s highly selective public schools.

What is the complaint about?

Specifically, the parents who brought the lawsuit want to stop BPS from using a temporary plan that incorporates zip code data in admissions decisions for the upcoming 2021-2022 school year.

Why intervene?

The coalition filed the motion to intervene because the temporary plan to make the admissions process for highly selective public schools is a more equitable first step in determining an appropriate permanent solution that provides underrepresented communities opportunities to be considered at these highly selective schools. The community-based organizations asking to intervene have families within their membership who are waiting for admissions decisions from Boston’s highly selective schools, as are the individual families. Using zip codes as one part of the admissions process for the upcoming 2021-2022 school year is an initial step to allow for geographic and socioeconomic diversity and accessibility. This initial step will help enrich the academic and social experience of all students in – and outside – of the classroom.

Why did BPS choose to use zip code data in admissions decisions for the 2021-2022 school year?

In October, the Boston School Committee voted to adopt recommendations from a BPS working group composed of parents, current and former school administrators, BPS leadership, and community organizations which advised BPS to temporarily revise its criteria for the three selective admissions schools – Boston Latin School, Boston Latin Academy, and the John D. O’Bryant School of Mathematics and Science – for the 2021-2022 school year.

The decision came in response to the COVID-19 pandemic, which closed schools and disproportionately impacted communities of color and low-income communities. Temporarily using zip code metrics for admissions decisions this year will create more opportunities for geographic, and socioeconomic diversity at the selective admissions schools and increase accessibility during an unprecedented pandemic.

Why should BPS use zip code data in selective admissions schools decisions for the 2021-2022 school year?

BPS selective admissions schools struggled with equity problems long before COVID-19 emerged. The pandemic has had a disproportionate impact on communities of color, including students who have been historically excluded from the highly selective public schools. Temporarily using zip code data during the pandemic will help ensure geographic and socioeconomic diversity and accessibility for the communities impacted the most by the pandemic. The change is a small step towards remediating the longstanding inequities in the admissions process that have unfairly and illegally disadvantaged families of color for years. Going forward, families of color, community organizations, current and former school administrators, and BPS leadership will need to continue the conversation to ensure more equitable structural changes throughout BPS, not just at the highly selective schools, for Black, Latinx, and Asian American populations. Education opportunities for every student in every Boston public school must be improved.

Why is diversity important?

All children benefit from diversity in all its forms across racial, ethnic, class, linguistic, and geographic lines. They should have an opportunity to learn with – and from – each other. This helps to better prepare them for the future.

Why is the Asian American community intervening too?

The Asian American community stands in solidarity with Black and Latinx communities to ensure equitable access to quality education. Communities of color have a long history of supporting each other in the fight for racial justice, including in the Boston public school system. The vast majority of Boston's Black, Latinx, and Asian American communities are working class. The Asian American community refuses to be used as a wedge between other people of color and white people.

What is the “model minority” myth and why is it relevant to this lawsuit?

The “model minority” myth suggests that all Asians are doing well, but the reality is the socioeconomic range and circumstances in the Asian American community are vast. Asian American plaintiffs in this lawsuit imply that Asian Americans are high achievers who benefit from the illusion of a fair and meritocratic system. In fact, Asian Americans have long faced language barriers and discrimination in the public school system. The median household income for each of these groups is at least \$40,000 less than that of white households. Furthermore, Southeast Asian groups, including Vietnamese and Cambodian Americans, have lower

household income earnings and lower education attainment compared to other Asian ethnic groups. As reflected by the Vietnamese student who intervened in this lawsuit, the poverty rate for Asian Americans in Dorchester is at 26.9%, compared with 10.6% of the total population in greater Boston.

What's happening in court and what are next steps?

The intervention motion was heard by Judge Young in the federal court on March 3. The judge granted the intervention motion. The NAACP, GBLN, APIs CAN, AARW, and two Boston families of color are now all intervenors. As intervenors, they will be actively participating in the case making their voice and community perspectives heard.

What if I want to get involved?

Please feel free to contact office@lawyersforcivilrights.org or jvo@gbis.org.