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Southeastern Legal Foundation Urges Supreme Court to Take Up Case Challenging K-12 Race-Based Admissions

WASHINGTON, DC (May 20, 2024): Together with a coalition of public interest organizations, [Southeastern Legal Foundation](#) (SLF) filed an [amicus curiae brief](#) with the United States Supreme Court supporting a group of parents challenging Boston Public Schools' (BPS) admissions policy that uses unconstitutional racial balancing to achieve a desired racial outcome in 7th through 12th grade classes. The parent group, Boston Parent Coalition, is represented by [Pacific Legal Foundation](#) and is asking the Court to take up their case and strike down the policy as a violation of the Constitution's equal protection mandate.

Boston Public Schools (BPS) traditionally used a merit-based system to grant admission to its three prestigious "Exam Schools." But in 2019, BPS made an about-face and changed its admissions policy to achieve a desired outcome in the racial composition of the student body. BPS implemented a new ZIP code quota, setting aside seats in each class based on applicants' ZIP codes rather than merit alone, with the goal of altering the racial makeup of its classes.

In their [brief](#), SLF and amici explain that although the ZIP code policy may seem neutral on its face at first, statements and discussions by BPS showed that it implemented the policy with an overtly discriminatory intent: to socially engineer its classes based on skin color. Such racial balancing violates the Equal Protection Clause of the Constitution, as the Supreme Court held in its recent decision, [Students for Fair Admissions v. Harvard](#).

SLF Director of Legal Initiatives [Cece O'Leary](#) states, "The only way to end racial discrimination is to stop discriminating on the basis of race. It is shocking that K-12 schools are doing everything in their power to control the racial makeup of their classes at the expense of merit, even in light of the Court's recent ruling that racial balancing in college admissions is unconstitutional. We are hopeful that the Supreme Court will take up this case and hold that ZIP code quotas are just as unconstitutional as asking applicants to check their race on a box."