

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS¹

SAMANTHA J. COMFORT, et al.,
Plaintiffs,

v.

LYNN SCHOOL COMMITTEE, et al.,
Defendants,

and

COMMONWEALTH OF MASSACHUSETTS,
Defendant-Intervenor,

CIVIL ACTION
NO. 99-CV-11811NG

TODD BOLLEN, et al.,
Plaintiffs,

v.

LYNN SCHOOL COMMITTEE, et al.,
Defendants,

CIVIL ACTION
NO. 01-CV-10365NG

Declaration of Melanie Killen

I, Melanie Killen, declare and state:

1) I am a Professor of Human Development, and a Professor of Psychology (Affiliate) and the Associate Director for the Center for Children, Relationships and Culture at the University of Maryland, College Park. I received my Ph.D in developmental psychology in 1985 from the University of California, Berkeley. I have been a faculty member at the University of Maryland since 1994 and before that I was an Assistant and Associate Professor of Psychology at Wesleyan University in Middletown, Connecticut. My research areas include social and moral development of children and adolescents, social reasoning about exclusion and discrimination,

gender, racial and ethnic stereotypes, and conflict resolution. I have published four books and over 50 publications in these areas (including 30 peer-refereed journal articles), and I have given over 70 conference presentations and invited talks (international and national). In 1998, because of my publication track record in these areas, I was awarded a 3-year grant from the National Science Foundation (\$252,030) to study children's and adolescents' social reasoning about exclusion from groups (based on race, ethnicity, and gender group membership). All research and publications related to this study were completed in 2001. In December 2001, I received a large (\$1.03 million), multi-site 3-year award, for 2002-2005 from the National Institute of Child Health and Human Development to study in further detail the effects of school environments on children's reasoning about exclusion and rights. Since the summer of 2001, I have served as a regular panel member of the National Science Foundation's Developmental Sciences and Learning program, which awards grants to social scientists. I am the Associate Editor for *Human Development*, an international journal, and I serve on a number of editorial boards, including the top two journals in the field of developmental psychology (*Developmental Psychology* and *Child Development*). I am a Fellow of Division 7 (Developmental Psychology) of the American Psychological Association. I have researched and studied psychology, developmental psychology, and human development from preschool to college-age, concentrating primarily on elementary and secondary school aged-children. Most of my research, study, and professional experience has centered on social and developmental psychology, the "intergroup contact theory," and the development of concepts of racial and ethnic exclusion, discrimination, justice, and fairness in children. Over the course of my 20-year career I have reviewed most of the literature in the areas identified above.

2) I make the statements, opinions, and conclusions in this declaration with a reasonable degree of professional certainty. All of my opinions and conclusions in this declaration are based on my review of the social science, developmental, social psychology and education research and publications that are scientifically tested, reliable, peer reviewed and relied upon and accepted by experts in these fields in forming opinions and reaching conclusions, including my own peer reviewed research and publications. They are also based on my own professional experiences with primary and secondary schools and colleges, my knowledge of the Lynn school system, through my review of Lynn's Plan, the extensive data and information about Lynn school choice and integration plan, policies, and practices, and its school district and its students, the affidavits filed in opposition to the plaintiffs' motion for a preliminary injunction in the Comfort case, answers to discovery in the Comfort and Bollen cases, a review of the results of the survey of Lynn's eleventh grade students by the Civil Rights Project, Harvard University in the spring of 2000, discussions with Professors Jack Dovidio and information from Professor Gary Orfield about their research and studies in this field and the findings they have made about Lynn, and my observations of and discussions with students, teachers, school staff, guidance counselors and school administrators during my visits to five elementary, two middle, and one high school in Lynn in March, 2001, and January, 2002. (I incorporate into my declaration the attached "Expert Declarations Exhibit List" and the "Expert Declarations Exhibit Notebook.") In determining whether currently and since its inception, Lynn's school choice and integration plan, policies, and practices have met the compelling educational needs of its students, have achieved the compelling educational benefits

that flow from the effective integration of white and minority (African-American, Hispanic and Asian-American) students, and are necessary to continue to ensure these compelling educational benefits in the future, I employed and followed the scientifically reliable and validated methodology used by experts in my field of expertise in forming opinions and drawing conclusions.

3) For purposes of this declaration, and when discussing the circumstances where an integration plan will be effective in school districts with significant proportions of both white and minority (African-American, Hispanic and Asian-American) students, such as in Lynn, it is necessary that an integration plan, to the maximum extent possible, result in a substantial percentage of white and minority students attending each of the schools in the school district, as has occurred under Lynn's plan. It is my opinion that the benefits of integration and interracial contact will not occur and certain serious adverse consequences will likely arise in a school district where there are a significant proportion of white and minority students who attend racially isolated or segregated schools. (Aboud & Levy, 2000; Hawley, et al., 1983; Schofield, 1991; Schofield, 1995; Schofield & Eurich-Fulcer, 2001; Schofield & Sagar, 1983).

4) I am using the terms "racial isolation" in schools to refer to circumstances of a school district with significant proportions of both white and minority (African-American, Hispanic and Asian-American) students and in which minorities comprise less than 20% of a school's student population; and "segregation" in schools to refer to a circumstance in which whites or minorities comprise less than 20% of the student population at a school. The definitions of racial isolation and segregation that I apply in this declaration are accepted and recognized by school districts, educators, social scientists, and courts and are regularly used for evaluating the success of integration efforts by school districts (Aboud & Levy, 2000; Hawley, et al., 1983; Schofield, 1991; Schofield, 1995; Schofield & Eurich-Fulcer, 2001; Schofield & Sagar, 1983).

5) The "intergroup contact theory" has been extensively studied by social psychologists and developmental psychologists studying the reduction of prejudice and discrimination. When I use the term intergroup contact in this declaration, I mean contact between members of groups who are differentiated in their culture or society by an important identity characteristic, and in this case this refers to one of the most predominant group identities in the United States, racial and ethnic background (African-American, Hispanic, Asian-American, and European-American). The intergroup contact theory, first formulated by Gordon Allport (1954) states that intergroup contact is important for reducing prejudice and negative stereotypes about others, and leads to the acquisition of important critical thinking, social reasoning and social learning skills, when certain conditions are present. These conditions include: a) equal status between groups in the situation (egalitarian principles are apparent), b) authority sanctions for the contact and social norm that support contact (the authority, rules, and norms of the environment are supportive of principles of equal treatment, fairness, and the wrongfulness of prejudice and discrimination; c) common goals (individuals engage in common goals, such as school spirit and community) and d) personalized contact (to be effective in reducing stereotypes and prejudice, children need to have regular opportunities to interact with substantial numbers of members of different ethnic and racial groups. Otherwise children will consider other group members as an exception to

generally held stereotypes, or contact will result in reinforcing stereotypes). This theory generated extensive research over 50 years and wide-spread support for and proof of the validity and legitimacy of this model has been shown across cultures, situations, and contexts (Aboud & Levy, 2000; Dovidio, Kawakami, & Gaertner, 2000; Pettigrew, 1998; Pettigrew & Tropp, 2000). Meta-analyses of the empirical studies in the field (Pettigrew, 1998; Pettigrew & Tropp, 2002) have shown that when these conditions are met to a significant degree, intergroup contact has a substantial positive effect towards reducing prejudice in children and causing the development of important critical thinking, social reasoning, and social learning skills in school children, and most particularly in the earlier stages of their development.

These benefits have also been specifically identified when school desegregation plans to a significant degree meet these conditions (Schofield, 1995). One of the most striking findings has been that cross-race friendships are most significantly related to a reduction in prejudice and negative stereotypes (Aboud & Levy, 2000; Pettigrew, 1998). In their meta-analysis, Pettigrew and Tropp (2000) found that having outgroup friends was quite highly associated with less intergroup prejudice (2000, p. 108). These research findings have a number of implications for desegregation, in general, and for Lynn, Massachusetts, specifically.

6) There are compelling short and long term educational benefits that result from a school system, such as in Lynn, in which an effective school choice, integration program is in place. If these school conditions are met, learning in a racially diverse, integrated, educational environment will have significant cognitive and social learning benefits for students, particularly students at the younger ages. If educated in racially heterogeneous school environments, children are much more sensitive to and better able to recognize and understand the effects of exclusion and discrimination on others. These social cognition and analytic skills and abilities shape a student's capacity to make judgments and decisions about fairness, rights, justice, and acting on stereotypes. These skills enable students to learn to appreciate and respect racial differences, overcome racial stereotypes, avoid scapegoating, prevent racial hatreds and fears, and develop positive racial attitudes.

Critical thinking and social reasoning skills include a number of dimensions, which apply to all children. In general, critical thinking involves skills such as reflection, abstraction, and deduction.

Through childhood, children become able to apply these skills to decisions that arise in their everyday social interactions with peers (Killen & Hart, 1995). This type of experience becomes the foundation of their social knowledge and social cognition. Experiences with children from different ethnic and racial backgrounds is an important part of this foundation.

These critical thinking, social reasoning and social learning skills need to be developed prior to adolescence. Middle school cliques are often based on racial and ethnic identity at this developmental period. In 6th through 9th grade, group identity (social reference group) has an increasingly important effect on attitudes and behavior (see Paragraph 13). Thus, if we are to reduce stereotyping in our culture, it has to happen in childhood, before these types of attitudes are firmly entrenched in an individuals' social knowledge and concepts (Aboud & Levy, 2000;

Schneider, 1996) Social psychological research has shown that stereotypes are hard to change in adulthood (Macrae, Stangor, & Hewstone, 1996). Even an explicit desire to change one's own stereotypes is quite difficult due to the years of formulating these types of attitudes (Stangor & Schaller, 1996). In adulthood, stereotypes become implicit and subconscious such that even individuals holding egalitarian principles demonstrate implicit biases developed over years of reinforcement from a society in which stereotypic representations of individuals based on group membership are still quite apparent and salient (Dovidio & Gaertner, 1986; Gaertner & Dovidio, 1986).

7) When children attend racially isolated and segregated schools, there are short and long-term negative effects on the schools, the students' education, and the development of children's social reasoning about inclusion and exclusion, discrimination, fairness, justice, and equality. Stereotypes are over generalizations about social groups that take the form of attributions about individuals, and that do not take into account individual variation within groups (Mackie, et al., 1996; Stangor & Schaller, 1996). These beliefs reflect cognitive structures which contain an individual's perception of knowledge, beliefs, and expectations about social groups (Macrae, et al., 1996). At the same time that children are acquiring stereotypes about others, children are also developing concepts about fairness, equality, and rights. Research using a social-cognitive domain model has found that children differentiate rules involving fairness and equality from rules about social conventions, regulations, and rituals (Killen, 1991; Smetana, 1995; Tisak, 1995; Turiel, 1983, 1998; Turiel, Killen, & Helwig, 1987). Positive intergroup contact, including cross-race friendships, helps children to recognize that groups are heterogeneous, not homogeneous, and that using stereotypes to make decisions about others is unfair and inaccurate (Killen, McGlothlin, & Lee-Kim, in press; Killen & Stangor, 2001).

In general, developmental research has shown that children do not learn stereotypes and prejudice solely from parents (Aboud, 1988; Aboud & Amato, 2001). Rather children make inferences about others based on their social experiences and social interactions with others. Acquiring prejudice is a result of a social-cognitive process in which children make inferences about their social world; school constitutes a very salient and important social world for children (Aboud & Amato, 2001; Aboud & Levy, 2000; Killen, McGlothlin, & Lee-Kim, in press).

Racial stereotypes emerge during the early elementary school period (Aboud, 1988; Bigler & Liben, 1993; Doyle & Aboud, 1995; Hirschfeld, 1995; Yee & Brown, 1992). At first, this knowledge base is fairly simplistic in which children assume homogeneity of groups. However, with age, the use of racial categories to make socially-relevant decisions becomes more frequent (Bar-Tal, 1996; Killen & Stangor, 2000; Schofield, 1982).

We have found that children who attend racially heterogeneous schools have a high level of sensitivity about exclusion based on group membership (Killen, McGlothlin, & Lee-Kim, in press; Killen, Pisacane, Lee-Kim, & Ardila-Rey, 2002; Theimer, Killen, & Stangor, 2001). Moreover, positive intergroup contact enables children to overcome stereotypic ingroup/outgroup biases and understand the wrongfulness of discrimination, prejudice, and intolerance. Through interaction with individuals from a range of racial and ethnic backgrounds children develop a complex understanding of rights, tolerance, mutual respect, and principles of

democracy. Research has shown that positive intergroup contact enables children to apply principles of fairness to complex situations, particularly those involving the coordination of multiple forms of reasoning, and ones involving intergroup relationships (Cole et al., 2002). These principles and concepts are essential for success in today's global world. The workforce has become more diverse than ever before and the United States has become a multicultural society. Without the opportunity to develop these important social concepts, individuals are at a disadvantage as adults in the workforce, and society is hampered by intolerance.

Children understand the concept of fairness but are much less likely to apply these principles to the treatment of others when positive intergroup contact is nonexistent or minimal. Segregated or racially isolated schools make the necessary levels of intergroup contact highly unlikely, and significantly increase the potential that children will develop negative stereotypes of the other by assuming homogeneity of the outgroup.

8) The methodology that I used to determine whether the Lynn school system has created and maintained the necessary conditions for a successful, integrated school environment were sixfold. First, I conducted observations of the spontaneous social interactions of children in non-structured settings (see Killen, McGlothlin, & Lee-Kim, in press; Schofield, 1979, Schofield & Sagar, 1977; Stephan & Stephan, 1985). This included recess, lunch time, hallways, early morning line-up (elementary school), study halls (high school), gym activities, and after-school activities. Second, I conducted informal interviews with school personnel (see Schofield, 1996). This included informal, spontaneous conversations with lunch aides, gym coaches, teachers, counselors, and principals. Third, I recorded observable messages and values about intergroup relationships as noted in school newsletters, posters, programs, hallway signs, assemblies, and counseling programs (see Schofield, 1996). Fourth, I conducted more formal, semi-structured interviews with school personnel, such as principals, teachers, and guidance counselors (see Schofield, 1996). Fifth, I reviewed other important sources of data and information about the Lynn schools and its students, to confirm and validate observations and interview results, and to identify substantial inconsistencies or contradictions. This includes comprehensive data from the survey of almost all of Lynn's eleventh grade students by the Civil Rights Project, Harvard University in the spring of 2000, and school suspension data (declining suspension rates the past three school years, with suspension rates for whites, African-American, Hispanic and Asian students consistent with their percentage in the student population the past three school years). Sixth, I drew upon the social science, developmental, social psychology and education research and publications, including my own peer reviewed research and publications, and my own professional experiences with primary and secondary schools and colleges.

9) Through the process described in the above Paragraphs, I determined that the Lynn school system, through the State's Racial Imbalance Law, has established and maintained the necessary conditions for a successful, integrated school environment, summarized below.

a) Equal status between groups in the situation (egalitarian principles are apparent).

Egalitarian principles and equal status among students were evident in many venues at the schools that I observed in Lynn, Massachusetts. I observed many students interacting at recess,

and in these contexts, children played equally without any observed hierarchies differentiated by race. Students played together at an equal status, and teachers encouraged an exchange of roles in different sports activities. Again, the after school clubs were quite mixed racially. I sat in on a “detective club” at a middle-school and recorded that students listened to one another and took turns taking the lead role as detective. Further, after school sports teams (e.g., basketball) reflected the same diversity within the teams, and the strong egalitarian notions.

Data from the survey of Lynn’s eleventh grade students by the Civil Rights Project, Harvard University strongly support the equal status of students from the different racial and ethnic groups (whites, African-American, Hispanic and Asian) in Lynn schools. For example, consistently across racial groups, students feel they have received information about college admissions and are encouraged by teachers, counselors and other adults in the school to attend college (No. 14-15). Consistently across racial groups students have been encouraged to take honors or AP courses, and have at least one teacher who takes a special interest in them (No. 16, 19). In addition, consistently across racial groups students believe if they “try hard they can do well in school” (No. 17). Students from the different racial groups also share consistent views about whether teachers administer punishment fairly. (No. 18) The actual school suspension data (declining suspension rates *the past three school years*, with suspension rates for whites, African-American, Hispanic and Asian students consistent with their percentage in the student population the past three school years) strongly support my finding of an equal status condition for students in Lynn schools. I also rely in part on the district’s very high school attendance rates.

b) Authority sanctions for the contact and social norm that support contact (the authority, rules, and norms of the environment are supportive of principles of equal treatment, fairness, and the wrongfulness of prejudice and discrimination);

I found that teachers, principals, and adult school personnel were consistently supportive of intergroup interaction, fostered positive intergroup values, and helped convey the importance of egalitarian principles. Observations of teacher-student interactions also revealed a high level of warmth and nurturing behaviors. In the hallways, teachers placed their arms around students from all racial backgrounds, and demonstrated affectionate and caring behavior. These behaviors are viewed as important for reducing intergroup bias (Patchen, 1982; Epstein, 1985; Serow & Solomon, 1979) as well as for increasing children’s motivation to do well in school (Wentzel & Erdley, 1989).

Authority sanctions of positive intergroup contact were observed at all the schools I visited. Teachers, principals, and adult school personnel are supportive of intergroup interaction, foster positive intergroup values, and help convey the importance of egalitarian principles. An example was the International Day Celebration that I observed at a middle school. Positive support from principals is also a necessary feature in shaping intergroup relationships (Hawley, et al., 1983). The principals that I talked to voiced a strong commitment to the voluntary desegregation program.

c) Common goals (individuals engage in common goals, such as school spirit and community)

My study of the social interactions and the display of values in the Lynn public schools revealed that Lynn school children consistently interacted positively with members of different races in spontaneous play situations, sat and talked with one another in friendly tones at lunch time, and played on similar after-school teams, which promotes common goals and encourages crosscutting categories (Bettencourt & Dorr, 1998), and interacted in the hallways in positive ways. These observations were characteristic and representative of interactions and behavior that I observed in the elementary, middle, and high schools in Lynn.

To further illustrate, I observed an assembly at an integrated elementary school in which the theme was the “Student of the Month”. On the stage were 15 children from a wide variety of racial and ethnic backgrounds (Hispanic, Asian, European-American, African-American, Southeast Asian, Indian). The teachers talked about a range of positive interpersonal and intergroup values, including the importance of everyone getting along together, and the value of positive interpersonal skills and egalitarian principles.

d) Personalized contact

Conversations with school personnel confirmed my consistent observations of very positive student interracial interactions and revealed that the teachers, aides, and principals support integration and are confident that the desegregation plan promotes a very positive learning environment for the students.

In a middle school, I had the opportunity to arrange a spontaneous discussion with 20 students about their social interactions at school. The 20 students were from 15 different countries, and the students talked about their strong friendships at school, the support they received from their teachers, and the virtual absence of intergroup conflict. In fact, it was striking that informal discussions with counselors, coaches, lunch aides, principals, and teachers revealed that race was not a source of tension among students’ social interactions. The counselors at all levels stated that conflicts reflected typical “he said/she said” disputes, and that conflicts stemming from racial threats were virtually nonexistent.

In addition to my own observations and research findings, the data from the Harvard University Civil Rights Project are quite significant. When students were directly asked to attribute their integrative school experiences to racial attitudes and behavior, the findings revealed that the students have very positive attitudes about members of other races consistently across racial groups (see answers to Nos. 21-24, 46, 53, 57-58). They report that their classroom discussions about racial issues and the different viewpoints presented helped them better understand points of view different from their own (No. 21-22). Their school experiences have helped students work more effectively and to get along better with members of other races and ethnic groups (No. 46). Their classroom and extracurricular activities in high school increased their interest in joining a multi-cultural club or working to improve relations between people from different backgrounds (No. 58), and increased their interest in supporting civil rights and reducing inequality (No. 53). In addition, students gave very positive responses regarding the extent to which they were comfortable with members of other races and ethnic backgrounds (No. 25-29)

and with discussing current political issues and working on school projects with individuals from other backgrounds (Nos. 30-31). Further, the survey data revealed that students across racial groups were interested in and feel better prepared and comfortable with working in diverse settings as an adult and living in racially and ethnically diverse neighborhoods. (No. 43-46).

Data from this comprehensive survey support my observations of and interviews with students, teachers, guidance counselors, school staff, and school and district administrators during school visits. It is also consistent with student enrollment data which show the diverse racial background of students attending each of Lynn's elementary, middle and high schools, each of its grades and its classes, resulting from school choice and its integration program.

Moreover, every principal that I talked to indicated that race was not a problem at their school. Race did not contribute to discipline problems, interpersonal conflict, or violence between students. And principals and teachers consistently reported an extremely low level of violence in their schools overall. A summary chart of police interventions in Lynn elementary, middle and high schools since 1990, based on reports or allegations to police of assaults, fights, threats, harassment, weapons, gangs, graffiti or tagging, prepared from a review of police incident reports of the Lynn Police Department, and information from the Lynn Police Department, confirm the extraordinary low level of violence and conflict in Lynn schools and the absence or extremely minimal levels of bias-motivated interracial conflict, since 1990. I reviewed the summary chart of reported incidents to the police in the context of the approximately 13,000 to 15,000 students who attend Lynn schools each school year since 1990.

Data from the SCORE peer mediation program in the three high schools in Lynn also confirmed my findings related to the very positive interracial interactions among Lynn students. SCORE peer mediation program data show that race was an issue in only 20 of 1095 student disputes in Lynn high schools reported and mediated by the program in the past eight years, and none in the current school year. I viewed these data in the context that almost four thousand students attend these three high schools each school year. SCORE peer mediation program data show that race was not an issue in any of the 415 reported and mediated student disputes at Lynn Classical High School for the past eight school years, or since the 1994-1995 school year. SCORE program data also show that race was an issue in 17 out of 327 student disputes at Lynn English High School since the 1996-1997 school year, with ten of those disputes occurring in the first year of the program, and seven disputes in the past five school years. None of those disputes have occurred in the 2001-2002 school year. SCORE program data also show that since the 1996-1997 school year race was an issue in only 3 of 353 student disputes at Lynn Vocational Tech High School. None of those disputes have occurred in the 2001-2002 school year.

10) Based on the data and findings detailed above, I make the following statements, opinions, and conclusions. It is my opinion that the Lynn school system has established and maintained the necessary conditions for white and minority (African-American, Hispanic and Asian-American) students to have received significant educational-related benefits from integration. I conclude that the schools have employed effective strategies, which promote cross-race relationships and positive intergroup relations under the intergroup contact theory.

Children consistently interact positively with children from different races. This was shown in a number of settings, including play at recess (elementary schools), choice of who to sit next to at lunch (high school), hallway interactions, choice of after-school athletic groups and clubs, and a number of other contexts as outlined below. Such relationships are consistently supported by school personnel. Students express positive statements about their social environment and the teachers' social attitudes. It is my opinion that the Lynn school system has established and maintained a very good integration program. It is also my opinion that Lynn students have received and experienced compelling short and long term educational benefits resulting from Lynn's school choice and integration plan and practices, through the State's Racial Imbalance Act. It is my opinion that Lynn's school choice and integration plan and practices have been the primary factor in the extremely minimal levels or absence of racial polarization and conflict, school disruptions or bias motivated violence in Lynn schools, from intergroup tensions or misunderstandings. I base these opinions and conclusions on the data and my findings summarized in this declaration, and most particularly in Paragraph 9. Other data that support my opinion that the Lynn school system has a highly successful integration program, and that there are compelling reasons for it to be maintained, are the district's high attendance rates, its declining suspension rates the past three school years, and the increase in test scores for Lynn students.

11) Based on my observations, interviews, research, and examination of the details of the Lynn case, I have concluded that Lynn's integration plan needs to be race conscious when students request out-of-district school assignments to achieve the goals of Lynn's Plan, and that white and minority (African-American, Hispanic, and Asian-American) students derive the compelling short and long-term educational benefits described above as a result of the racial integration of Lynn schools. Without substantial representation of white and minority students in all its schools, Lynn students will likely not experience the important social experiences that contribute to the development of critical thinking and social reasoning skills that enable them to be sensitive to the fair and equal treatment of others (Killen & Stangor, 2001), and that the students will likely suffer the detrimental effects of racial isolation and segregation, regardless of whether the isolation and/or segregation results from state-sponsored actions. This is based on extensive social science research which has shown that school desegregation improves intergroup relationships (Pettigrew, 1998; Schofield & Eurich-Fuler, 2001; Stephan & Stephan, 1985) and develops important critical thinking, social reasoning and social learning skills and competencies.

12) Based upon my review of the affidavits of Janet Birchenough and former Superintendent James Mazareas, if Lynn were no longer able to implement its voluntary integration plan, the school district would return to student assignments based on neighborhood schools. A January 2002, enrollment simulation calculates the effects of reassigning all children enrolled in the Lynn School District as of January 2002 to their neighborhood schools. In this simulation nine of the eighteen elementary schools would be segregated or racially isolated. Two of the eighteen elementary schools would have less than a 10% minority population. In addition, another three elementary schools would have less than a 20% minority population. Four elementary schools would have less than a 20% white population, with two of those elementary schools at only 13-14% white. In a second simulation in January 2002, if the Transitional Bilingual Education

(TBE) and English as a Second Language (ESL) programs remained at their current school locations, seven of the eighteen elementary schools would be segregated or racially isolated. One of the eighteen elementary schools would have less than a 10% minority population and another three elementary schools would have less than a 20% minority population. Three of the elementary schools would have less than a 20% white population, with two of those elementary schools at only 14-15% white. The data show that in January 2002, under Lynn's school choice plan, none of the eighteen elementary schools have less than a 20% minority population and two elementary schools have less than a 20% minority population. In addition, if the Lynn school district returns to student assignments based on neighborhood schools, there would be implications to the racial composition of two of the four middle schools in Lynn. A January 2002 enrollment simulation calculates that if all students return to their district school, Pickering Middle School would become a racially isolated school, with less than a 20% minority population. A second simulation in January 2002 shows that if the TBE and ESL language programs remained at their current school locations, Pickering Middle School would be at high risk to become racially isolated school-wide. Minorities would account for 22% of the student population at Pickering Middle School, rather than its current level of 33%, while the eighth grade classes at Pickering Middle School would be 16% minority. The student enrollment simulation shows that minorities would have constituted only 18% of the school population at Pickering Middle School in the 2000-2001 school year, reflecting its likely status as a racially isolated school without the school choice program. In addition, the Fecteau-Leary Middle School would become even more minority, with a student body that is 83% minority, rather than 81%.

13) I believe that if Lynn's school choice and integration plan is terminated that Lynn students will no longer receive and experience the compelling developmental, critical thinking, social reasoning and social learning skills needed when large numbers of elementary and middle school students return to their district schools, in seven to nine of the eighteen elementary schools. And that the termination of the plan will create a racially isolated or segregated school experience further, racial polarization and conflict, school disruptions and bias motivated violence in Lynn schools, from intergroup tensions or misunderstandings will likely become prevalent over time, particularly in the middle or high schools, where a large number of graduating elementary school students would likely bring their negative racial attitudes into schools and classes with many students from other races. A similar problem in the high schools is likely to arise if two of the four middle schools become racially isolated or segregated. This is based on the evidence that racial stereotypes are formed in early elementary school and follow a u-shaped curve in development (Aboud & Amato, 2001). In addition, research has shown that adolescent social reference groups, referred to as "cliques" emerge in the 6th grade and peak in the 9th grade and continue to be a predominant part of adolescents' social and ethnic identity (Brown, 1989; Horn, 2000; Horn, Killen, & Stangor, 1999). Thus, children who attend segregated elementary schools frequently form negative stereotypes about members of other races, which are not discounted by positive intergroup contact early in development. When it comes time to attend middle school, which will be heterogeneous with respect to race, these children frequently experience tension, stress, and conflict as they form cliques and social references groups which are at a high risk to segregate by race due to the lack of prior familiarity with members of other racial groups in elementary school. I also base my opinion on the data

contained in Paragraphs 7 and 9. Further, the teachers and principals that I talked to predicted that if the school system's voluntary desegregation plan was terminated, racial tensions would become a serious issue in the school system. This, in turn, results in students being ill-prepared for the work force after high school, and given that most urban centers in the United States are diverse and heterogeneous this contributes to tension and conflict in the work place.

14) It is my opinion that the use by the Lynn school system of a 15% range (of the racial composition of its overall student population) to determine if its elementary schools are "racially balanced" and a 10% range for its middle and high schools, has been necessary for the Lynn school system to avoid the racial isolation and segregation of its schools, and to ensure that the compelling educational goals of its integration plan can be met, and based on my experience, my review and understanding of the social science literature, and desegregation cases, that such ranges are an accepted and recognized method by school districts, educators and social scientists engaged in voluntary integration efforts for ensuring the effective integration of its schools (Hawley, et al., 1983; Schofield, 1991; Schofield, 1995; Schofield & Eurich-Fulcer, 2001; Schofield & Sagar, 1983).

15) It is my opinion that Lynn's school choice plan appropriately treats African-American, Hispanic and Asian-American students as one group for purposes of its student assignment plan, and white students as a second group. For example, an African-American student will feel less racially isolated in a classroom with one other African-American student, two Hispanic students and two Asian-American students and twenty white students than in a classroom with one other African-American student and twenty-four white students. The social science literature has recognized that although African-American, Hispanic and Asian-American students have diverse cultural backgrounds, different histories as a people (Ogbu, 1991, 1994), and different countries of origin (Ogbu, 1994), as racial and ethnic minorities in our country, they share common experiences with racial isolation, segregation, racial and ethnic exclusion and discrimination (Graves, 2001; Reskin, 1998). Reliable and peer reviewed research and publications in this area, including my own research, funded by the National Science Foundation and the National Institute for Child Health and Human Development, treats African-American, Hispanic and Asian-Americans as one group, and European-American as a separate group, for purposes of understanding children's development of social reasoning about exclusion, discrimination, and rights.

16) It is my opinion that a school choice plan that takes into account and permits student school transfers and assignments based on the socioeconomic status of its students will not achieve the compelling educational goals of Lynn's integration plan, and will probably result in many of the schools in Lynn becoming racially isolated or segregated. A January 2002 student enrollment simulation identifies the number of students in each school, by race, who receive free or reduced lunch. These data, along with census data, reflect that a large percentage of the white students from more middle class economic backgrounds live in and attend the five elementary schools and the one middle school located in the north and eastern sections of Lynn (Sisson, Sewell-Anderson, Shoemaker, Aborn, and Lynnwoods elementary schools; Pickering Middle School), while a large percentage of the white students who attend the elementary and middle

schools that are more racially balanced or predominantly minority, located in the central, southern and western sections of the city, are from a lower socioeconomic background. Based on these data, and information from the Director of the Parent Information Center about the history of school transfer and assignment requests by parents of white students, it is my opinion that if white students, under a socioeconomic-based plan, are permitted to transfer and be assigned to the elementary and middle schools located in the north and eastern sections of Lynn, the number of white students attending these predominantly white schools will likely increase significantly, and the number of white students attending the more racially balanced and the predominantly minority schools will likely decline significantly, resulting in many of Lynn schools becoming racial isolated or segregated.

17) It is my opinion that any school choice plan for Lynn that does not take into account the race of the students seeking transfer or assignment to non-district schools, whether based on the socioeconomic status of students, or is a lottery-based system, will not serve the compelling educational goals of Lynn's integration plan and will probably result in many of Lynn schools becoming racially isolated or segregated. As a result, Lynn students will no longer receive and experience the compelling short and long-term educational benefits from integration described above, and that many students will suffer educationally from attending a racially isolated or segregated school. Research has shown that students attending desegregated schools experience long-term positive effects on intergroup relationships (Stephan & Stephan, 1996), which include the desire to live and work in integrated communities as adults (Braddock & McPartland, 1989; Braddock, McPartland, & Trent, 1984).

18) It is my opinion that Lynn's school choice integration plan is flexible and is no broader than is necessary to achieve the plan's compelling educational goals, and to avoid the substantial adverse educational consequences to Lynn school students if it is terminated. I rely for this opinion upon my review of Lynn's plan and its policies and practices in integrating the schools, the answers to interrogatories by the parties in the Comfort and Bollen cases, as well as the affidavits in the Comfort case by former Superintendent James Mazareas, and Janet Birchenough, the Director of the Parent Information Center, where they state that Lynn's Parent Information Center carefully evaluates and reviews the school choice plan, its compelling need, and its impact on students and the school system in October and March of each school year, that students have the absolute right to attend their neighborhood school, that the vast majority of students are granted an out-of-district placement, when requested, that any assignment or transfer of a student to an out-of-district school is totally voluntary on the part of the parent and student, that there are hardship and sibling preference exceptions to the Plan, that relatively, a very small number of students have been denied, after appeal, requested assignments or transfers, and that since 1992, high school students, if they choose, can attend any of the three Lynn high schools, subject to available space.

19) It is my opinion that Lynn's school choice plan appropriately has no specific termination date, so that Lynn can ensure that its plan may remain in effect so long as it is necessary for the school system to avoid the racial isolation or segregation of its schools, and the substantial adverse educational consequences that would result, and to ensure that the compelling educational goals of its integration plan can continue to be met. Based on my review of current

student enrollment simulations that detail the extent of the racial isolation and segregation of its schools that would occur if Lynn returned its students to their district schools, it is my opinion that Lynn and its students have compelling educational interests in continuing the school choice, integration plan for the foreseeable future.

20) In the preceding four years, I have not testified as an expert at trial or by deposition.

21) For this case, the Commonwealth of Massachusetts has compensated me for my efforts of analysis and testimony

22) Attached as Exhibit is my curriculum vitae which contains a list of all my publications over the past ten years.

I swear under the pains and penalties of perjury that the foregoing is true and correct.
Executed this 26th day of February, 2002.

Melanie Killen, Ph.D.

1. Portions of this document have been redacted at the request of the declarant.