

**CONNECTICUT BAR FOUNDATION
JAMES W. COOPER FELLOWS
QUINTIN JOHNSTONE
2017-2018 ESSAY CONTEST TOPIC**

“Diversity Disagreement?”

Ames High School is putting together its annual "Ambassadors to the World" spring trip. This is the third time the trip has been offered. In the past, select students were offered the opportunity. The students paid their own way because the school did not provide any funding other than subsidizing two teacher chaperones. Two parent chaperones paid their own way. This year, everyone is especially excited because the “Ambassadors” are headed for Havana, Cuba.

The principal, who is in the first year, has made a big push for diversity and inclusion and promoted it in announcing the Cuba trip. Twenty students will be selected, and for a fixed package price of \$2100 each, will get transportation, lodging, and meals. This price was set so the school could offer a limited number of spaces to students of diverse backgrounds at no cost to the student or their family. The actual cost is \$1700.

A selection committee of 5 teachers, the chair of the history department, and the assistant principal will select the 20 students. Selection criteria include academic performance and contributions to the community. Because this is an international “Ambassadors” trip, 5 of the 20 positions are reserved for persons of diverse backgrounds including students of color, members of the LGBTQ communities, and those with disabilities. To attract those students of diverse backgrounds and to enable them to attend, \$400 of the \$2100 fee for the 15 students in the nontargeted positions will help subsidize the 5 students in the targeted positions. All 20 selected students will do fundraising to cover the full cost of the five students.

The selection committee has broad discretion to waive academic and community service requirements, at least to some extent, to make sure that the 5 fully-funded, targeted positions are filled. One of the 5 students selected for a targeted position unexpectedly moved out of state and withdrew right after being selected. The committee is scheduled to meet to pick a replacement.

Chandler Terry Smith was not among those eligible for one of the targeted positions based on the identified criteria. She applied nonetheless, but was not selected. She has high grades and substantial involvement in community service. She comes from a working class family and has qualified at various points during school for free and reduced price meals at school. The \$2100 cost is almost certainly beyond her family's means. Although Chandler has saved a little from her summer job, even the actual \$1700 actual cost would be a serious, probably insurmountable, problem. Chandler has written the principal asking for a meeting to articulate why she should have been selected and indicating that she believes she is being discriminated against both economically and in terms of her background.

The principal is preparing for the meeting with Chandler and has read about recent protests and litigation alleging so-called "reverse discrimination" and has asked you as the Ames School District lawyer for the arguments, and recommendation, for and against selecting Chandler for the open targeted, subsidized position. The principal is desperate to avoid controversy in this first year at the school, but remains committed to diversity and inclusion.