



Spring Symposium

**Testing the Limits: Admissions Exams
in Urban Public Schools**

February 11, 2022 | 10 a.m. - 4 p.m.

Fordham Law School

Costantino Room

150 West 62nd Street, Second Floor

New York, NY



In recent years, specialized public high schools in major urban centers have faced scrutiny over their admissions practices. In the courts and in the media, critics have raised challenges over the racial composition of student populations at schools that admit students solely on the basis of an academic examination. In response, policymakers have begun considering legislation to alter these schools' admissions practices. The future of admission by test in U.S. cities remains an open question. The Fordham Urban Law Journal provides a forum for this discussion about educational merit and equity at its 2022 Symposium, "Testing the Limits: Admissions Exams in Urban Public Schools."

Agenda

10:00 - 10:10 a.m. | Welcome Remarks

Aaron Saiger, Professor of Law, Fordham University School of Law

10:10 - 11:20 p.m. | Panel 1: Representation in Exam Schools

(1.0 Professional Practice CLE)

Robert Garda, Jr., Fanny Edith Winn Distinguished Professor of Law, Loyola University New Orleans College of Law

Janel George, Associate Professor of Law; Director of the Racial Equity in Education Law and Policy Clinic, Georgetown Law

Osamudia James, Professor of Law, UNC School of Law

Ian Rowe, Senior Fellow, American Enterprise Institute

Moderator: Tanya Hernández, Archibald R. Murray Professor of Law, Fordham University School of Law

11:20 - 11:25 a.m. | Break

11:25 a.m. - 12:40 p.m. | Panel 2: The Socioeconomics of Admission by Test

(1.5 Professional Practice CLE)

Ray Domanico, Senior Fellow and Director, Education Policy, Manhattan Institute

Chris Kwok, Board Director, Asian American Bar Association of New York; Adjunct Faculty in Asian American Studies, CUNY Hunter

Lucas Liu, Co-President, Parent Leaders for Accelerated Curriculum and Education

Raquel Muñiz, Assistant Professor, Boston College, Carolyn A. and Peter S. Lynch School of Education and Human Development & School of Law

Charles Russo, Director, Ph.D. Program in Educational Leadership; Research Professor of Law, University of Dayton

Moderator: Karuna Patel, Deputy Director, Feerick Center for Social Justice, Fordham University School of Law

12:40 - 1:30 p.m. | Lunch Break

1:30 - 2:40 p.m. | Panel 3: Defining and Measuring Merit in Urban Public Schools

(1.0 Professional Practice CLE)

LaToya Baldwin Clark, Assistant Professor of Law, UCLA Law

Preston Green III, John and Maria Neag Professor of Urban Education, Professor of Educational Leadership and Law, University of Connecticut

Richard Kahlenberg, Director of K-12 Equity and Senior Fellow, The Century Foundation

Kevin Welner, Professor, University of Colorado Boulder, School of Education; Director, National Education Policy Center

Moderator: Aaron Saiger, Professor of Law, Fordham University School of Law

2:40 - 2:45 p.m. | Break

2:45 - 3:55 p.m. | Panel 4: Lessons from Higher Education for K-12 Admissions

(1.0 Professional Practice CLE)

Jonathan Glater, Professor of Law, University of California, Berkeley School of Law

Chris Kieser, Attorney, Pacific Legal Foundation

Rachel Moran, Distinguished Professor of Law, University of California, Irvine School of Law

Maimon Schwarzschild, Professor of Law, University of San Diego School of Law

Moderator: Tracy Higgins, Professor of Law, Fordham University School of Law

3:55 - 4:00 p.m. | Closing Remarks

Urban Law Journal Spring Symposium Speaker Bios

Panel 1: Representation in Exam Schools



Robert Garda, Fanny Edith Winn Distinguished Professor of Law, Loyola University of New Orleans College of Law

Professor Robert Garda is the Fanny Edith Winn Distinguished Professor of Law at Loyola University of New Orleans College of Law. His legal scholarship covers a variety of topics including the rights of students with disabilities, affirmative action, integration in K-12 education, and legal issues surrounding charter schools. Professor Garda was the past national Chair of the Association of American Law Schools (AALS) Section on Education Law. He serves as a member of the Louisiana Advisory Committee to the U.S. Commission on Civil Rights and is the Chair of the Board of Directors for the Louisiana Mental Health Advocacy Services. He has worked on projects with the Louisiana Bar Foundation, Southern Poverty Law Center, Louisiana Appleseed, school districts and charter school organizations around the country. He also works with national and local public interest groups on education and disability issues and is a frequent commentator in the media on education issues.



Janel George, Associate Professor of Law, Georgetown University Law Center; Founding Director of the Racial Equity in Education Law and Policy Clinic

Janel George is an Associate Professor of Law at Georgetown University Law Center and the founding Director of the Racial Equity in Education Law and Policy Clinic. The Clinic engages law students in legislative lawyering work on behalf of clients to address issues of racial inequality in public education. Her work and scholarship focus on racial stratification and inequality in U.S. education and legislative and policy interventions to help address educational inequality. She has written about the resegregation of public schools, discriminatory school discipline practices, Critical Race Theory, and resource equity. As a civil rights attorney with the NAACP Legal Defense and Educational Fund, Inc. (LDF), she worked with several campaigns and coalitions to leverage legislative and policy advocacy to advance equal

educational opportunity. She has served as Legislative Counsel in both the U.S. House of Representatives and the U.S. Senate, during which time her legislative portfolio included child welfare, civil rights, health care, and education issues.



Osamudia James, Professor, UNC School of Law

Osamudia James is a Professor at the UNC School of Law where her writing and teaching interests include education law, race and the law, administrative law, and torts. Professor James is the author of numerous articles, book chapters, and popular press commentary exploring the interaction of law and identity in the context of public education. Her work has appeared in the NYU Law Review, the Michigan Law Review, and the Minnesota Law Review, among others, as well as in the pages of the New York Times and Washington Post. In 2014, James was a co-recipient of the Derrick A. Bell, Jr. Award, a national award presented to a junior faculty member who makes an extraordinary contribution to legal education, the legal system, or social justice through activism, mentoring, teaching and scholarship. She was awarded the Hausler Golden Apple Teaching Award from Miami Law in 2017, and was selected as a University of Miami Public Voices Fellow in 2020.



Ian Rowe, Senior Fellow, American Enterprise Institute

Ian Rowe is a senior fellow at the American Enterprise Institute, where he focuses on education and upward mobility, family formation, and adoption. Mr. Rowe is also the cofounder of Vertex Partnership Academies, a new network of character-based International Baccalaureate high schools opening in the Bronx in 2022; the chairman of the board of Spence-Chapin, a nonprofit adoption services organization; and the cofounder of the National Summer School Initiative. He concurrently serves as a senior visiting fellow at the Woodson Center and a writer for the 1776 Unites Campaign. Mr. Rowe has been widely published in the popular press, including in the New York Post, The Wall

Street Journal, and the Washington Examiner. He is also the author of a forthcoming book tentatively titled "Agency" (Templeton Press), which seeks to inspire young people of all races to build strong families and become masters of their own destiny. Mr. Rowe has an MBA from Harvard Business School, where he was the first black editor-in-chief of The Harbus, the Harvard Business School newspaper; a BS in computer science engineering from Cornell University; and a diploma in electrical engineering from Brooklyn Technical High School (Brooklyn Tech), one of New York City's elite public schools, which specializes in science, technology, and mathematics.



Tanya Katerí Hernández, Archibald R. Murray Professor of Law, Fordham University School of Law (moderator)

Tanya Katerí Hernández is the Archibald R. Murray Professor of Law at Fordham University School of Law, where she is an Associate Director of the Center

on Race, Law, & Justice. Hernández is a Fulbright Scholar who holds an A.B. from Brown University and a J.D. from Yale University. Her fellowships include being a Law and Public Policy Affairs Fellow at Princeton University, and a Scholar in Residence at the Schomburg Center for Research in Black Culture. Professor Hernández is a Fellow of the American Bar Foundation, and the American Law Institute. Her books include *Racial Subordination in Latin America: The Role of the State, Customary Law and the New Civil Rights Response* (with Spanish & Portuguese editions), *Brill Research Perspectives in Comparative Law: Racial Discrimination, Multiracials and Civil Rights: Mixed-Race Stories of Discrimination*, and her forthcoming book *Racial Innocence: Unmasking Latino Anti-Black Bias and the Struggle for Equality*. (link to <https://www.professortkh.com/>)

Panel 2: The Socioeconomics of Admission by Test



Ray Domanico, Senior Fellow; Director of Education Policy, Manhattan Institute

Ray Domanico is a senior fellow and director of education policy at the Manhattan Institute. His career has spanned the public and non-profit sectors, in research and

advocacy roles. Most recently, Domanico was director of education research at New York City's Independent Budget Office, where he led a team tasked with studying and reporting on the policies and progress of America's largest public school system. Previously, he served as senior education advisor to IAF Metro NY where he worked with local leaders and educators to design and support a small group of new district high schools and charter elementary schools. Domanico began his career in research positions in the New York City school system, and he has taught graduate-level courses in educational research and policy analysis at Brooklyn College and at Baruch College. Domanico holds an MPP (master of public policy) from the University of California, Berkeley.



Chris M. Kwok, Board Director of the Asian American Bar Association of New York; Adjunct Faculty in Asian American Studies, CUNY Hunter

Chris M. Kwok majored in Government and minored in

Asian American studies at Cornell University. He graduated from UCLA Law School, where he studied with the creators of Critical Race Theory and served on the staff of the Asian American Pacific Islander Law Journal. Mr. Kwok is currently Board Director of the Asian American Bar Association of New York and is a member of the Adjunct Faculty in Asian American Studies at CUNY Hunter. During law school, Chris worked for the Consent Decree Monitor for the San Francisco Unified School District, where he worked on civil rights issues related to education access, which included the Lowell High School admission controversy. Chris Kwok led community organizing around the SHSAT issue starting in 2013 and successfully maintained the admissions exam as the sole criteria for admission.



Lucas Liu, President of Community Education Council 3 (CEC3); Co-President of Parent Leaders for Accelerated Curriculum and Education NYC (PLACE NYC)

Lucas Liu is the President of Community Education Council 3 (CEC3) and Co-

President of Parent Leaders for Accelerated Curriculum and Education NYC (PLACE NYC). CECs are parent elected bodies that advocate for the students, families and schools in their district, similar to a school board but with less authority. CEC3 covers Manhattan’s west side from 59th to 116th st, and Harlem north of Central Park up to approximately 124th Street. Lucas has been a volunteer education advocate for over 25 years, and was one of 11 parents who founded PLACE NYC in 2019, a parent led organization that advocates for quality rigorous education for all students, G&T programs and the SHSAT/SHS. Lucas started as a tutor for high school students at an alternative high school assisting night school students and immigrants and running a free SAT prep program for low-income Asian students. Lucas advocates for quality rigorous education starting in elementary school, accelerated education and dual language programs.



Dr. Raquel Muñiz, Assistant Professor of Law and Education Policy, Boston College

Dr. Raquel Muñiz is an assistant professor of law and education policy at Boston College. Her research examines oppressive power

structures and the strategies to disrupt them in education. More specifically, she examines the ways in which white supremacy shows up at the intersection of law, policy, politics, and the culture of resistance. Her research has been funded by The Spencer Foundation and the AccessLex Institute & American Institutional Research Foundations, and her work has been cited in court cases, including in the Iowa Appeals Court and the *DHS v. Regents of UC DACA* case before the United States Supreme Court. She holds a J.D. and Ph.D. in Educational Theory and Policy from Penn State University and a B.A. in mathematics from Texas A&M International University where she graduated *summa cum laude*, first in her class. Her latest article which examines racialization

in immigration law, is forthcoming in USC's flagship law review, *Southern California Law Review*.



Charles J. Russo, M. Div., J.D., Ed. D., Joseph Panzer Chair in Education in the School of Education and Health Sciences, Director, Ph.D. Program, and Research Professor of Law in the School of Law at the University of Dayton

Charles J. Russo, M. Div., J.D., Ed. D., is the Joseph Panzer Chair in Education in the School of Education and Health Sciences, Director of its Ph.D. Program, and Research Professor of Law in the School of Law at the University of Dayton. The 1998-99 President of the Education Law Association, 2002 recipient of its McGhehey (Achievement) Award, 2021 Distinguished Scholar Award from the American Educational Research Association’s Special Interest Group on Religion & Education, and 2021 Lifetime Achievement Award from the South African Education Law Association, he authored or co-authored more than 325 articles in peer-reviewed journals; authored, co-authored, edited, or co-edited 77 books, and has more than 1,200 publications. Russo has spoken extensively on issues in Education Law in thirty-four of the United States and thirty-one Nations.



Karuna Patel, Deputy Director, Feerick Center, Fordham Law School (moderator)

Karuna Patel is the Deputy Director of the Feerick Center. Karuna began her legal career at Mobilization for Justice (formerly MFY

Legal Services, Inc.), a legal services organization where she started the Consumer Rights Project. She has worked at the New York City Department of Consumer Affairs leading a division focused on enforcing the City’s consumer protection laws and on educating consumers, and at the Center for Responsible Lending, where she represented consumers in all aspects of predatory lending impact litigation. Before joining the Law School, Karuna spent over five years at the Consumer Financial Protection Bureau (CFPB) working on a range of issues including mandatory arbitration in consumer contracts and consumer protections for remittances. Karuna is a Queens native and received her Bachelor of Arts in Economics from Columbia University and her law degree from New York University School of Law. Karuna clerked

for the Honorable John Gleeson of the U.S. District Court for the Eastern District of New York and the Honorable Theodore McKee of the U.S. Court of Appeals for the Third Circuit in Philadelphia, Pennsylvania.

Panel 3: Defining and Measuring Merit in Urban Public Schools



LaToya Baldwin Clark, Assistant Professor of Law, UCLA School of Law
LaToya Baldwin Clark is an Assistant Professor of Law at UCLA School of Law. She writes and teaches about education law, family law, property law, and race and discrimination. Her

current research focuses on the interrelatedness of family law, property law, and education law and how they work together to structure race and class subordination. Her publications have appeared or will appear in the *Virginia Law Review*, *Northwestern Law Review*, *the University of Chicago Law Review*, *Harvard Civil Rights-Civil Liberties Law Review*, *the Encyclopedia of Diversity in Education* among others.



Preston Green, John and Maria Neag Professor of Urban Education; Professor of Educational Leadership and Law, University of Connecticut
Preston Green is the John and Maria Neag Professor of Urban Education at the University of Connecticut where he is also a

professor of educational leadership and law. Dr. Green is an educational law scholar who has written extensively on the topics of educational access and school choice. Moreover, he has created joint programs of study in law and education at two universities. Dr. Green earned a J.D. from Columbia University and an Ed. D. from Teachers College, Columbia University.



Richard D. Kahlenberg, Director, K-12 Equity; Senior Fellow, The Century Foundation
Richard D. Kahlenberg is director of K-12 equity and senior fellow at The Century Foundation. The author or editor of seventeen books, he has expertise in education, civil rights, and equal opportunity. Kahlenberg

has been called [“the intellectual father of the economic integration movement”](#) in K-12 schooling and [“arguably the nation’s chief proponent of class-based affirmative action in higher education admissions.”](#) He is also an authority on teachers’ unions, private school vouchers, charter schools, community colleges, housing segregation, and labor organizing.

Kahlenberg’s work on diversifying selective public schools in Chicago and New York draws on his research for his books [All Together Now: Creating Middle Class Schools through Public School Choice](#) (Brookings Institution Press, 2001); and [The Remedy: Class, Race, and Affirmative Action](#) (Basic Books, 1996). His articles have been published in the *New York Times*, the *Washington Post*, the *Wall Street Journal*, *The New Republic*, and elsewhere. He is a graduate of Harvard College and Harvard Law School.



Kevin G. Welner, Professor, University of Colorado Boulder, School of Education; Director, National Education Policy Center (NEPC)
Kevin G. Welner is a professor at the University of Colorado Boulder, School of Education, specializing in educational policy and

law. He is director of the National Education Policy Center (NEPC). His publications include *Legal rights, local wrongs: When community control collides with educational equity* (2001, SUNY Press); *NeoVouchers: The Emergence of Tuition Tax Credits for Private Schooling* (2008, Rowman & Littlefield); and *Closing the Opportunity Gap: What America Must Do to Give Every Child an Even Chance* (2013, Oxford Univ. Press, with Prudence Carter). Welner has received the Early Career Award (in 2006) and Palmer O.

Johnson Award (best article in 2004) from the American Educational Research Association (AERA), and has been named a Fellow of AERA. He has also received the Rockefeller Foundation's Bellagio Residency and the Post-Doctoral Fellowship awarded by the National Academy of Education and the Spencer Foundation. He holds a PhD in Educational Policy and JD from UCLA and a BA from UC Santa Barbara.



Aaron Saiger, Professor of Law, Fordham University School of Law (moderator)

Aaron Saiger is Professor of Law at Fordham University School of Law, where he has taught since 2003, and where he was the Dean's Distinguished Scholar from 2017-2018.

His writing and teaching on education law focus on governance, curriculum, and technology. He also writes and teaches in the areas of administrative law and regulation, state and local government, legislation, and property. Saiger holds a AB from Harvard College, a JD from Columbia University, and a PhD from Princeton University. He clerked for Judge Douglas Ginsburg of the U.S. Court of Appeals for the District of Columbia Circuit, and for Justice Ruth Bader Ginsburg of the U.S. Supreme Court. His forthcoming book, *Schoolhouse in the Cloud*, will be published by the Oxford University Press.

Panel 4: 4: Lessons from Higher Education for K-12 Admissions

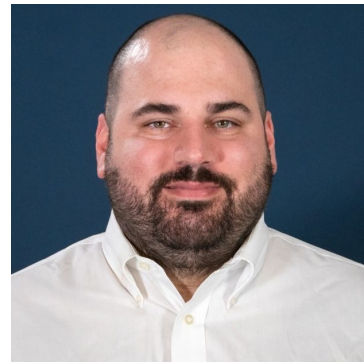


Jonathan D. Glater, Professor of Law, University of California, Berkeley School of Law

Jonathan D. Glater is a Professor of Law at the University of California, Berkeley School of Law. He was previously a Professor of Law at the University of California, Los Angeles School of

Law, and prior to that at the University of California, Irvine School of Law. He is a co-author with Michael A. Olivas and Amy Gajda on the forthcoming, fifth edition of *The Law and Higher Education: Cases and Materials on Colleges in Court*. He has written extensively for law reviews on higher education opportunity, frequently exploring the implications of rising student indebtedness. With Dalié Jiménez, he helped establish

the Student Loan Law Initiative, a partnership with the Student Borrower Protection Center dedicated to research on student debt. Professor Glater began law teaching at the University of California, Irvine School of Law, where he received the Distinguished Teaching Award in 2016. Before entering the legal academy, Professor Glater spent nearly a decade as a reporter at *The New York Times*, where he wrote hundreds of articles on the legal profession, legal education, criminal and civil cases in the news, as well as on higher education finance and student debt. Prior to joining the *Times*, he worked as an associate at the New York law firm Cleary, Gottlieb, Steen & Hamilton, and at the Buenos Aires, Argentina firm of Marval, O'Farrell, & Mairal. He holds a J.D. from Yale Law School, an M.A. in international relations from Yale University, and a B.A. in economics from Swarthmore College.



Chris Kieser, PLF's Property Rights and Equality

Chris Kieser practices in PLF's property rights and equality before the law practice groups. Chris represents coalitions of Asian-American

parents challenging discriminatory admissions policies for selective K-12 schools in New York City; Montgomery County, Maryland; and Fairfax County, Virginia. He also represents a parent organization in Connecticut challenging a racial quota that prevents many Black and Hispanic students from enrolling at the state's magnet schools. Chris has published law review articles in the *William & Mary Environmental Law Review* and the *Federalist Society Review*. His op-eds have appeared in numerous publications. Chris clerked for the Honorable Daniel A. Manion of the United States Court of Appeals for the Seventh Circuit and the Honorable Thomas D. Schroeder of the United States District Court for the Middle District of North Carolina. He holds a B.A., *cum laude*, from the University of Notre Dame, and graduated *magna cum laude* from Notre Dame Law School in 2013. At Notre Dame, he was an articles editor of the *Notre Dame Law Review*.



Rachel F. Moran,
Distinguished Professor
of Law, UC Irvine
Rachel F. Moran is
Distinguished Professor
of Law at UC Irvine.
Previously, she was the
Michael J. Connell
Distinguished Professor
of Law and Dean Emerita
at UCLA and the Robert

D. and Leslie-Kay Raven Professor of Law at UC Berkeley. Moran is past President of the Association of American Law Schools, and in 2012, President Obama appointed her to the Permanent Committee of the Oliver Wendell Holmes Devise. As the American Bar Foundation's inaugural Neukom Fellows Research Chair in Diversity and Law, Moran launched "The Future of Latinos in the United States: Law, Opportunity, and Mobility" with Robert L. Nelson in 2015. Moran has published extensively on issues of educational equity, racial equality, and Latinx law and policy. Her work includes a path-breaking book on interracial intimacy, a co-edited anthology on race law stories, a co-authored education law casebook, and over 100 law review articles, book chapters, and short commentaries.



Maimon Schwarzschild,
Professor of Law,
University of San Diego;
Affiliated Professor,
University of Haifa
Maimon Schwarzschild is
professor of law at the
University of San Diego
and an affiliated professor
at the University of
Haifa. He is a member of

the editorial board of the Journal of Law and Philosophy, and a member of the California State Advisory Committee of the US Commission on Civil Rights. He has been a visiting professor at the University of Paris/Sorbonne and the Hebrew University in Jerusalem. He is an English barrister and admitted to the New York Bar; as a barrister, he is an associate member of Landmark Chambers in London. He has published widely about constitutional and public issues; he is co-editor of a volume published by Encounter Books in 2021 entitled "A Dubious Expediency: How Race Preferences Damage Higher Education".



Tracy Higgins, Professor
of Law; Founder and Co-
Director, Leitner Center
for International Law and
Justice, Fordham Law
School (moderator)
Tracy Higgins is a
Professor of Law at
Fordham Law School and
the founder and co-
director of the Leitner

Center for International Law and Justice, the human rights center at Fordham. Higgins received her B.A. in Economics at Princeton and her J.D. at Harvard Law School. She was previously the Visiting Professor at the University of Pennsylvania School of Law and the Women's Law and Public Policy Fellow at Georgetown University Law Center. Higgins' work has been published in numerous journals, including *Fordham International Law Journal*, *Yale Journal of Law and Feminism*, *Columbia Journal of Gender and Law*, and *Harvard Law Review*, among others. In 2011, Higgins co-edited *The Future of African Customary Law*. Since 1994 she has conducted human rights fieldwork in Afghanistan, Turkey, Hong Kong, Burma, Mexico, Ghana, Bolivia, Kenya, Romania, South Africa, and Malawi. Higgins is on the Board of Advisors at Woodrow Wilson School of Public and International Affairs at Princeton, a member of the Council on Foreign Relations, and a former member of the Lawyers' Committee for Human Rights, Trial Observation Delegation to Turkey, and a Women's Studies Delegation to South Africa.