

## Chapter 5: The Revival of Separate But Equal – “Making Plessy Work”

### *Introduction*

During the last twenty years, business leaders and state government officials have worked closely to develop high-stakes testing in all fifty states. The justification for mandatory state testing includes such phrases as “equity and excellence,” “equitable access,” and “high standards for all.” Such presumably laudatory goals have successfully hidden a trend that challenges the reformers’ claims to equality of opportunity. This trend, documented by several researchers and analysts, is the growing segregation of public schools during the last twenty years (Orfield, 1999; Kahlenberg, 1999; Kunnen, 1996; Yu, 1997; Weiler, 1998; Ascher, 1991). Systemic reformers do not deny the pattern of resegregation occurring during this period of structural reform. Instead the proponents of systemic reform argue that the reversal of desegregation is a moot point since the new reforms will force every school, regardless of the degree of its racial and economic isolation, to offer “a sound basic education” to every child (Education Trust, 1999; PSF, 1996). Such an argument has successfully reestablished the doctrine of “separate but equal” as part of the developing educational regime being built by the Business Roundtable and its allies. This doctrine, however, was the basis upon which an apartheid-like structure was built in this country after 1877. That there is no debate over the wisdom of ignoring such history seems to suggest that we are in danger of reliving it.

In 1954, the U.S. Supreme Court declared, in *Brown v. the School Board of Topeka, Kansas*, that school segregation was “inherently unequal.” This decision overturned the 1896 decision (*Plessy v. Ferguson*), which had asserted that the equal protection clause of the Fourteenth Amendment was not violated by segregation – “separate can be equal.” The *Brown* decision reversed *Plessy* and provided the legal basis upon which the activists of the sixties and seventies were able to begin to desegregate the nation’s schools. Beginning in 1978, however, these gains were reversed. Throughout the 1980s and the 1990s, opponents of desegregation supported a legal campaign against affirmative action couched within a public relations onslaught promoting the myth of a color-blind meritocracy. As a result, some districts are more segregated today than they were in 1954.

Support for desegregation has been undermined by distorted arguments against busing (e.g., gross exaggerations of “white flight”) and unrealistic claims of the benefits of magnet schools. In the 1980s, public concern over the resegregation of schools was assuaged by policy makers’ and politicians’ false promises that magnet schools would serve the same function as busing but have the added benefit of being based on “individual choice.” Instead of continuing the desegregation process begun in the sixties, magnet schools merely created small pockets of integration within a vast system of segregation. As this result was becoming apparent in the late 1980s, public concern over the failure of desegregation was diverted by pervasive calls for systemic reform. Standards

advocates were able to eliminate objections to resegregation by anchoring public debate over educational reform to the *Plessy* decision's definition of "educational opportunity."

The purpose of integrated schools was *not* to ensure that black children had the same "tangible" resources, such as lab equipment, textbooks or access to "qualified" teachers, as white children. The reason why "segregation is inherently unequal", as debated and affirmed in 1954, is because it deprives children access to the "intangible" resources and experiences that are fundamental to "equal educational opportunity". Such intangibles included not feeling like a second-class citizens or being able to benefit from study and social exchanges with a diverse group of people. The majority in *Plessy* argued that segregation does not necessarily deny equality of opportunity because segregated schools can have equal facilities. The majority in *Brown*, however, argued that educational opportunity cannot be defined only by the concrete. Systemic reformers have returned to the *Plessy* definition of educational opportunity by arguing that opportunity can be defined solely by one specific tangible – test scores. An underlying principle of systemic reform is that segregation does not deny "equity", only low test scores do.

In the second section of this chapter, I revisit the four cities of Chapter 4 and St. Louis, Missouri, in order to demonstrate that the decrease in community participation in educational policy making, the strategies and goals of systemic reformers, and the resegregation of public schools are inextricably related.

### ***From Plessy to Brown***

Two years after the end of the Civil War, the U.S. Congress passed the Reconstruction Act of 1867. This act divided the ten Confederate states into five military districts. Each district was ruled by a U.S. Army general whose immediate assignment was to register new voters, focusing on the freed male slaves and loyalist whites. From 1867 until 1876, the political, economic, and social organization of the South was in transition. Newly freed slaves voted, held public office, went to school, and rode in public accommodations. The degree of integration and equality in each region or locale depended on many factors. There were tremendous variation and much contradiction. For example, most schools created by the federal government's Freedman's Bureau remained segregated, yet the New Orleans public school system was "thoroughly and successfully integrated until 1877" (Woodward, 1974; p. 24).

The Presidential election of 1876 was very close and hotly contested, resulting in somewhat of a constitutional crisis. The electoral crisis of 1876 was resolved by the Compromise of 1877 (although with much the same residual bitterness following a more recent presidential election).<sup>1</sup> The southern planter class agreed to abandon their support for the Democrat, Samuel Tilden (thus giving the Republican, Rutherford Hayes, the presidency) in return for the withdrawal of federal troops from the South. The withdrawal of federal troops meant that there was no force able to protect freed blacks from the growing power of the Ku Klux Klan, founded one year after the Civil War ended. Legal challenges to the growing state legislation, circumscribing citizen rights — called

the “black codes”—were appealed to the U.S. Supreme Court. Beginning in 1876, the Supreme Court rulings consistently sanctioned the gradual creation of legal and political mechanisms of segregation in the South (such mechanisms, by the way, had never even been challenged in the north). By 1890, every southern state had succeeded in eliminating blacks from the political, economic, and social power they had been able to achieve under Reconstruction.

Freed slaves and their descendents did not submit to second-class citizenship willingly. In 1896, Homer Plessy, an African American described as “seven-eighths” Caucasian, tested the 1890 Louisiana law which decreed that all railroad companies provide “separate but equal” facilities for white and colored patrons. Charged with violating the segregation statute after boarding the white car of a train, Plessy argued that the law violated his constitutional rights (Thirteenth and Fourteenth Amendments) and sought to prevent the judge, John H. Ferguson, from proceeding with the trial. Plessy appealed the case to the Supreme Court, which upheld the doctrine of “separate but equal.” After dismissing the plaintiff’s arguments as based on false assumptions, the majority opinion of the Supreme Court reasoned that “the case reduces itself to the question whether [the 1890 law] is a reasonable regulation.” The court argued that

it is at liberty to act with reference to the established usages, customs, and traditions of the people, and with a view to the promotion of their comfort, and the preservation of the public peace and good order . Gauged by this standard, we cannot say that a law which authorizes or even requires the separation of the two races in public conveyances is unreasonable, or more obnoxious to the Fourteenth Amendment than the acts of congress requiring separate schools for colored children in the District of Columbia, the constitutionality of which does not seem to have been questioned, or the corresponding acts of state legislatures (quoted in Grant, 1968, p. 173).

In the ensuing years, legal challenges to segregation were defeated as federal and state judges continued to point to *Plessy v. Ferguson* as precedent - supporting segregation in all public and private spaces. There were still many who were not intimidated by the growing body of segregation laws. Such opposition to the growing apartheid system was eliminated through systematic lynchings and “race riots.” Between 1889 and 1898, an average of 187 lynchings per year took place in the United States, four-fifths of these in the South (Blum, 1985; p. 419).

The NAACP was born out of a reaction to the race riots in Springfield, Illinois, in 1908.<sup>2</sup> The organization’s first major campaign was launched against lynching in 1911. It also organized protests against *The Birth of a Nation* in 1917.<sup>3</sup> In 1939, the NAACP Legal Education and Defense Fund was established to begin the long and arduous task of overturning what was considered the legal basis of segregation in this country — *Plessy v. Ferguson*. The original strategy was not to attack segregation as unconstitutional, but to demonstrate that *in practice* segregation offered unequal facilities to blacks. Such inequality was unconstitutional, based on the Supreme Court’s ruling in *Plessy*. Charles Houston, and his protégé, Thurgood Marshall, began an assault on legal segregation starting with graduate schools. Houston and Marshall reasoned that inequality was easier

to demonstrate at the graduate level, that there would be less resistance to integration of graduate facilities, and that the NAACP could establish legal precedents that could ultimately be used to build a case against the constitutionality of the entire system of legal segregation. Through this strategy, the NAACP secured desegregation victories in graduate and law schools (Emery and Gold, forthcoming).

By 1950, the NAACP strategists decided to directly attack the doctrine of “separate but equal.” In 1951, the Rev. Oliver Brown went to enroll his nine-year old daughter in an all-white elementary school in Topeka, Kansas.<sup>4</sup> When the school refused to enroll her, the parents agreed to allow the NAACP to represent them. The federal district court in Kansas found that segregation in public education had a detrimental effect upon black children, but denied relief on the grounds that the black and white schools were substantially equal with respect to buildings, transportation, curricula, and educational qualifications of teachers. The NAACP appealed this decision directly to the U.S. Supreme Court who agreed to hear the case. In 1954, Chief Justice Warren delivered the majority opinion in *Brown v the Board of Education of Topeka, Kansas*. He noted that

the doctrine of “separate but equal” did not make its appearance in this Court until 1896 in the case of *Plessy v. Ferguson*, involving not education but transportation. American courts have since labored with the doctrine for over half a century. In this Court, there have been six cases involving the “separate but equal” doctrine in the field of public education. [In two of them], the validity of the doctrine itself was not challenged. In more recent cases, all on the graduate school level, inequality was found in that specific benefits enjoyed by white students were denied to Negro students of the same educational qualifications . . . . In none of these cases was it necessary to re-examine the doctrine to grant relief to the Negro plaintiff.

In [this case] . . . there are findings below that the Negro and white schools involved have been equalized, or are being equalized, with respect to buildings, curricula, qualifications and salaries of teachers, and other “tangible” factors. *Our decision, therefore, cannot turn on merely a comparison of these tangible factors in the Negro and white schools involved in each of the cases. We must look instead to the effect of segregation itself on public education.* [my emphasis]

. . . Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other “tangible” factors may be equal, deprive the children of the minority group of equal education opportunities? We believe it does.

Warren defined what some of the “intangible” factors were that were fundamental to evaluating the quality of an educational experience. For the court, these included “the ability to study, to engage in discussions and exchange views with other students.” To separate children “from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone.” Warren believed that the psychological effect upon black children of segregated schooling was “amply supported by modern authority.”

Even though the Supreme Court overturned the “separate but equal” argument of *Plessy v.*

*Ferguson* in 1954, it was not until the late 1960s that federal courts began to force recalcitrant school districts to implement desegregation plans. As a result of segregated housing patterns in most U.S. cities, such plans often included busing students from their own neighborhoods to schools in other neighborhoods. The Supreme Court argued in 1971 (*Swann v. Charlotte-Mecklenberg Board of Education*) that since forty percent of American school children already rode buses to school, federal courts could continue to order school districts to use busing to desegregate schools. Indeed, busing as part of the increasing enforcement demanded by the Civil Rights Acts of 1964 and 1965 had already broken the back of southern segregation. In 1964, 98 percent of southern black children were still in completely segregated schools. By 1970, the South was the most integrated region in the nation, contributing to a tripling of black high school graduation rates since the 1950s (Orfield, 1999).

### ***Justifying Resegregation***

The progress made in the late 1960s and early 1970s towards allowing blacks and whites “to study, to engage in discussions and exchange views” with each other quickly began to erode. By 1980, a liberal/conservative consensus challenging the importance of integrated schooling began to take shape. By 1990, the ill effects of segregated schooling were rarely, if at all, detailed in public debate. “Equity” has now come to mean the opportunity for everyone to achieve the same test score rather than equal exposure to the “intangibles” that proportional representation by race or ethnicity can bring to the students in a school. The justification for such a redefinition of “equity” rests upon several assumptions: (1) the sole purpose of education is to prepare students for a hierarchically organized workplace through a common core college-preparatory curriculum (see Chapter 2); (2) state standardized tests can accurately assess whether schools are achieving such a purpose; (3) equal funding of schools is not necessary to insure “a sound basic education” (low-performing schools will get increased but not necessarily equal funding); (4) offers of financial rewards and threats of the loss of funding, state take-over, competition from magnets, charter schools and vouchers are a sufficient array of incentives to motivate a school’s administrators, teachers, parents, and students to make changes that will result in higher test scores. But, these assumptions are highly questionable ones.

As long as these assumptions and the argument that they support receives little scrutiny and less challenge, support for integration as means or end for education will continue to fade. In this chapter, I revisit the cities discussed in the previous chapter in order to examine the relationship between the development of high-stakes testing and the resegregation of the schools in those cities. The promise that “high standards for all” will ensure “equity and excellence” has supplanted the 1954 Supreme Court decision that declared “separate educational facilities are inherently unequal”. This displacement may be due as much to a widespread belief that the structure of the American political and economic system is a meritocracy<sup>5</sup> as it is due to the well-financed and orchestrated campaign by the Business Roundtable and its allies. The rhetoric of “equity and excellence” or

“equitable access” promises every child who works hard and is worthy (smart enough) will be able to achieve high test scores, go to college, and get a good job. As long as the resources are available, success or failure is up to the individual. These resources don’t have to be equal, only sufficient. Sufficiency is measured indirectly through test scores primarily and sometimes, secondarily, through dropout rates or college acceptance rates. Systemic reformers argue that the racial and economic composition of a school do not affect test scores, only the *Nine Essential Components* do.<sup>6</sup> Equality is said to be measured by test scores.<sup>7</sup> The “intangibles” affecting the quality of education to which the Supreme Court in 1954 referred — social connections, the status of the school, or the understanding one gains when confronted with differences — are not part of systemic reformers’ definition of what constitutes a “sound basic education.”

The return to the *Plessy* argument of separate-can-be-equal has accompanied, not surprisingly, the resegregation of the nation’s schools. Although the Supreme Court extended desegregation requirements to northern and western cities (1973, *Keyes v. School District No. 1, Denver, CO*), it also ruled in 1974 (*Milliken v. Bradley*) that city school districts could not forcibly include the surrounding suburbs in any desegregation plan. Conservatives argue that “forced busing” was and is doomed to fail as a means of desegregating city schools because it cause whites to “flee” the city. But whites had already fled before the Brown decision. The growth of the minority population in many cities has been due not to white “flight” but to a surge of non-European immigration since the relaxing of immigration laws in 1965 combined with the declining white birth rate (Orfield, 1999). From 1940 to 1960, nonwhite students were 11 to 12 percent of the nation’s public school enrollment. Immigration and changing birth rates resulted in an increase of nonwhite public school enrollment to 36 percent of the total in 1996. The census projections predict that the nonwhite public school enrollment will be 58 percent by 2050 (Orfield, 1999).<sup>8</sup> Both federal and private housing policies since the 1930s have insured that the growing nonwhite population has been increasingly segregated, even in the suburbs.<sup>9</sup> Without recourse to surrounding suburbs and counties, city schools began to resegregate after the Milliken decision.<sup>10</sup>

### ***Busing and Magnet Schools***

The ascendancy of “separate but equal” has been given impetus by the development of a conservative/liberal consensus against “forced” busing and quota systems. Richard Kahlenberg argues in *Education Week* (1999), “Nationally, progressives have given up on racial and economic desegregation, preferring (in the words of Brown University’s Michael Alves) to “make Plessy work” . . . by attacking inequality in education in piecemeal fashion. If high-poverty schools don’t work, give them extra money . . . if the curriculum is watered down, try to raise standards [and] improve teacher training.” Louis Chandler (1997), representing the conservative view, argues that “in spite of 30 years of busing to achieve racial balance, there continues to be a significant gap between white and African American children in terms of school achievement [as well as] no improved self-image [nor] improved race relations . . . [In fact,] continued strife and controversy suggests busing solidi-

fies prejudice and inflames racial tensions” (p. 3).

Since 1978 (the *Bakke* case), the federal courts have contributed to this growing liberal/conservative consensus by consistently ruling against various universities’ attempts to create racial diversity on their campuses. In culminating two decades of court decisions against affirmative action, the U.S. Court of Appeals for the Eleventh circuit, on August 27, 2001, struck down the affirmative action admission policy of the University of Georgia’s arguing that if the university wanted diversity on campus, it couldn’t single out race as a criteria. The court suggested that the admissions process instead needed to consider “the students’ talents, life experiences, and other factors that can apply to white students as well as nonwhite ones” (Steinberg, 2001). In its argument the court also seemed to suggest that economic diversity could *replace* racial diversity. The court argued

If the goal in creating a diverse student body is to develop a university community where students are exposed to persons of different cultures, outlooks, and experiences, a white applicant in some circumstances may make a greater contribution than a nonwhite applicant . . . A white applicant from a disadvantaged rural area in Appalachia may well have more to offer a Georgia public university such as UGA – from the standpoint of diversity – than a nonwhite applicant from an affluent family” (quoted by Tucker, 2001).

Cynthia Tucker, the editor of the *Atlanta Constitution* and an African American, believes that the judges were operating upon false assumptions.

Those judges imagine that the experiences of affluent black kid growing up in the Atlanta suburb of Dunwoody are no different from the experiences of an affluent white kid growing up in Dunwoody. I wish that were so. . . . But racism is alive and well in America. Every black American, no matter how wealthy, is eventually confronted with it. By contrast, no white student, no matter how poor, will ever meet a police officer or store clerk or judge who makes instant judgments about his character based on the color of his skin. Economic diversity on college campuses is indeed important, but it cannot take the place of racial diversity in teaching lessons about the broad American experience. If college is to grant a genuine education, it certainly ought to include the experience of rubbing shoulders with students who have struggled against the color line.<sup>11</sup>

Ironically, it has been busing and affirmative action, combined with other remedies that have proven to be the only solution effectively to dismantle a system that was itself created through coercion. Desegregation was achieved through a long series of legal battles by the NAACP combined with a massive social movement whose direct action tactics put pressure on governments and school boards to obey the new laws. Both direct and legal action was needed.<sup>12</sup> The legal reverses by the courts of the 1954 *Brown* decision combined with the BRT’s massive campaign for systemic reform have successfully undermined parental efforts to bring about desegregation. “Choice,” in the form of Magnet schools and “voluntary transfer programs,” has appeared as compensation for the return to segregated “neighborhood schools/”

Magnet schools are “public alternative schools” that school boards have increasingly used

since 1975 to desegregate their districts. A magnet school offers “specialized subject themes or educational methodologies” to attract students from outside the neighborhood of the school, thereby integrating it. Often the admission process includes racial quotas to insure diversity (Yu, 1997). “*Voluntary transfer programs*” are programs in which schools, among which may be magnet schools, choose to participate in a busing program without the school district mandating student assignments. Both magnets and voluntary transfer programs combined with promises of increased funding for the remaining segregated schools have replaced court-ordered busing. For example, when the federal court ordered the Norfolk, Virginia, school board to end busing and return to neighborhood schools in 1986, “opponents on the school board decided to switch their votes in support of neighborhood schools in exchange for a commitment that the schools that would become all-black as a result would be targeted for extra resources, even though they doubted such a promise would be kept forever” (Kunnen, 1996).

Such “extra resources,” ironically, end up being spent on magnet schools to which only a minority — in the numerical sense of the word — of the population has access.<sup>13</sup> The limited accessibility is justified by the theory of “choice”: if magnet schools are “over-chosen” then the nonmagnet schools will be “forced” to improve in order to survive.<sup>14</sup> Disparate resources are not considered a factor in the ability of schools to “compete” for students. Those schools losing students to better-funded magnet schools are expected to develop specialized curriculum or methods *without the same help that the magnet schools received!* A *New York Times* columnist (commenting on Bakersfield, California, adopting, with federal approval, a desegregation plan exclusively relying on magnet schools) questioned the faith that “educators” have placed in magnet schools as agents of desegregation.

There is wide agreement among educators that magnet schools are an effective and academically sound tool for promoting racial desegregation. The main question . . . is whether it is possible to bring about *full desegregation* . . . using only magnet schools . . . [also] it remains to be seen whether there are enough possible different kinds of meaningful programs, especially at the elementary level, to make every school distinctive and attractive (*San Francisco Chronicle*, 4/29/84; WOR :p. 11) [my italics].

In the last fifteen years, school districts have become more not less segregated and funding remains “insufficient” regardless of how one defines such a term. Yet the decision to use magnet schools over the combination of increased and equal distribution of resources and integrated housing development in order to promote equality of education for all remains unquestioned.

It seems unlikely that it is mere chance that “major school improvement efforts typically begin only after desegregation battles have been resolved in the courts” (Hill, Wise and Shapiro, 1989; p. 5 paraphrased by Portz, 1999; p. 144). The new ethos since the 1980s among comprehensive school reformers is this: separate can be equal. High test scores are presented as evidence that “excellent education” is occurring (the definition of which does not include the “intangibles”). Where test scores are low, resources directed to those schools will raise scores

(regardless of the drill and de-skilling, test-prep curriculum adopted to achieve these scores). In a 1996 report, the Public School Forum of North Carolina reveals how the present nature of the debate — one focused narrowly on finance — has been projected onto the past so as to eliminate even the memory of the historical debate over the relationship between separate and equal.

In the last three decades, dozens of states have been confronted with legal challenges similar to the one faced in North Carolina. Over time, judicial opinions and thinking regarding school finance has changed dramatically. Court cases in the sixties and seventies tended to hinge *narrowly on the question of equity* – how much was being spent on students in rich and poor districts and could, or should, states narrow the gap. In the eighties, the focus of court cases shifted to questions surrounding adequacy – were states providing *an adequate floor*, or base, of funding to ensure all young people an opportunity for learning? Today, the question has evolved to a much more difficult level. Does state funding ensure that all young people have a “sound basic education?” (PSF, 1996) [my emphasis].

In anticipating the 1954 *Brown* decision, southern states had launched a massive campaign to build and fund all-black schools. But the majority opinion of the court rejected the idea that equal funding and facilities guaranteed “equal educational opportunity.” The court argued that there were “intangibles” that could not be measured that were fundamental to a person’s ability to benefit from what a school had to offer. High-stakes testing reformers have clearly rejected the significance of “intangibles” and even the concept of equality of funding. Magnet schools offer the hope but not the reality of high quality, integrated education for all. For the increasing numbers of blacks and other minorities in segregated schools, scores from a state test are considered “sufficient” to determine whether they are getting an “equal educational opportunity.” It remains to be seen for how many years a school’s test scores will have to be considered “low” before such an argument loses its credibility.

### ***Systemic Reform and ReSegregation***

In preceding chapter, I described how and when systemic reform was implemented at the district level in Houston, Charlotte, Pittsburgh, and Boston. In this section, I revisit these cities as well as look at St. Louis, Missouri, in order to focus on a pattern in which the end of desegregation is seamlessly followed by the adoption of systemic reform. I do not believe this is a coincidence. As I described in the previous chapters, business leaders wish to devise and implement *public* policy without the *public* interfering with their efforts. Desegregation has been one of the major issues around which “the public” has built a political base independent of business control. In addition, integration in itself challenges the status quo. One of the potential effects (perhaps a goal of integration) is greater knowledge and understanding of other races/ethnicities. Such an effect would undermine stereotypes upon which racism, and the “race card,” depends. These are important tools traditionally used by business leaders to maintain their control of society. Both as an indication of community influence and as a threat to the effectiveness of divide-and-conquer tactics, desegregation

is inconsistent with the goals and strategies of systemic reform. This is why business leaders have promoted “separate but equal” systemic reform as an alternative to the “separate is inherently unequal” desegregation reforms.

## **Houston, Texas**

Don McAdams, a trustee of the Houston school board, described a process by which business leaders in Houston and in the state of Texas worked to elect a school board that would support a superintendent who would bring “order and discipline” to Houston’s school system. That school board coalesced in 1989 and began a systematic process of reforming the school district upon the same principles guiding the lobbying efforts of the Business Roundtable. That process included the resegregation of Houston’s schools. Decentralization (a component of systemic reform<sup>15</sup>) supported the revival of neighborhood schools, which became de facto segregated schools in the context of segregated housing.

McAdams (2000) argues that “desegregation was successful through magnet schools in 1981” (p. 20). The data in Chart 1 (at the end of this chapter) shows how misleading such a statement is. It was so suspicious that it provoked an investigation by the Citizen’s Commission on Civil Rights (Yu, 1997). One wonders what McAdams’ definition of “desegregation” is when he admits that whites make up only one percent of the student population of Madison High School (p. 55). McAdams notes that the increase in segregation of Houston schools under systemic reform was divisive. It was accompanied by constant battles over zoning and rezoning of attendance boundaries, often pitting white parents against parents of color as they fought over resources. “White parents wanted schools for their children that had minority children but not too many and to be from mostly middle-class homes” (p. 58). African American students, who did attend magnet schools, were primarily from middle-class households. While middle-class magnet schools were built, segregation increased for poor students of color in the early 1990s as the school board recreated “neighborhood schools” as the “foundation for decentralization in 1995” (p. 57, pp. 59–60).

Systemic or comprehensive school reform was slow going until the school board was able to hire a new superintendent, Rod Paige, in 1994. The appointment of Paige, an African American, and the subsequent speeding up of school reform led McAdams to conclude that a minority superintendent is crucial to the success of systemic reform (p. 255). One of the “tough decisions” that Paige made (against which the “race card” could not be played) was to contract out (decentralize and privatize) school services. This meant laying off people employed by the Houston school district and contracting out to private businesses the work eliminated by the layoffs. This was done for the purposes of “efficiency and cost savings,” a powerful argument during an era of reduced school budgets.<sup>16</sup> But the “savings” came from eliminating decent paying jobs held mostly by people of color, primarily African American, and replacing those jobs with non-union, insecure, and poor paying jobs.<sup>17</sup> McAdams described the opposition to the loss of decent paying jobs as “emotional” and some school board members’ support of positions held by the “NAACP, AFL-CIO,

religious and civic groups” as causing the school board to become “dysfunctional” (p. 160). Such a stance reveals an assumption, a legacy of the Progressive Era of the 1890s that only well paid, predominantly white professionals are objective and rational. Anyone who is not a well paid professional and believes that non-professional jobs should be well paid, too, are “emotional” and threaten the march of progress behind a unified decision-making body led by business concerns. Furthermore, any person of color who complains about decisions made by white professionals is accused of “playing the ‘race card.’”

McAdams and his fellow school board trustees have presided over educational reforms in Houston that have allowed district schools to become more segregated. The use of divide-and-conquer, race politics, and unnecessarily underfunded schools provided a context in which magnet schools, decentralization, and privatization were presented as inevitable.

## **Charlotte, North Carolina**

In Charlotte, magnet schools were introduced to replace the desegregation plan in 1992; this happened only one year after superintendent John Murphy was hired to pursue systemic reform (Mickelson, 2000). During the next decade Charlotte’s high schools became more segregated (see Chart 2 at the end of this chapter). Superintendent Murphy introduced Project First in order to undermine objections to resegregation by promising “extra” resources to segregated non-magnet schools. Funded by IBM and Americorps in partnership with the Public Education Network and CMEF, Project First was to provide technology and expertise to ten nonmagnet elementary schools. Mickelson, however, didn’t see how such a program could redress the imbalance of funds between magnet and nonmagnet schools. For example, in 1993, one magnet school received \$750,000 in technology resources while a Project First school received an Americorps volunteer and several IBM computers (Mickelson, 2000; p. 135).

Mickelson argued that not enough was spent on the nonmagnet schools to justify resegregation (an argument that already has abandoned the Brown decision and accepted the philosophy of Plessy). Her reservations about the ability of magnet schools to lead to systemwide school improvement are born out by a 1997 Report of the Citizen’s Commission on Civil Rights. The commission noted that in order to ensure the success of magnet schools, many districts end up investing greater resources in magnet schools over nonmagnets while at the same time magnet schools have lower participation rates from low-income families. They observed that in the three cities they studied (Cincinnati, St. Louis, and Nashville), magnet schools averaged \$200 more per pupil than nonmagnet schools (Yu, 1997; p. 11). St. Louis school district spent 30 percent more on magnet school students than the average public school student (p. 17). In Houston, the disparity was greater — from anywhere between \$400 and \$1300 per pupil more (Yu, 1997; p. 11). The Commission conceded that magnets had achieved some desegregation by race but was exacerbating segregation on the basis of income (the few magnet schools are racially diverse, leaving the majority less so and also increased economic segregation). The only short-term solution the Commission

could see to this was to improve the resources of non-magnet schools as well (Yu, 1997; p.33). Yet this solution continues to ignore the argument made in Chief Justice Warren's 1954 decision that equal funding still does not guarantee equal education, which further illustrates the disappearance of the "intangibles" from the debates over and implementation of modern school reform.

## **Pittsburgh, Pennsylvania**

In 1965, the Pittsburgh school board declared that "racial integration . . . is a problem that cannot be solved . . . through manipulation of children into a contrived 'balance'" (Chandler, 1997; p. 13). Nevertheless, under pressure from Pennsylvania's Human Relations Commission (PHRC), the board submitted a "desegregation plan" consisting of open enrollment, voluntary transfer programs, and a proposal to develop large, consolidated high schools. The PHRC rejected this plan and requested that the school board try again. In 1973, the board submitted another plan calling for new construction, the redrawing of school boundaries, and the introduction of magnet schools. The PHRC rejected this one as well (Chandler, 1997; p. 13).

In an attempt to make the school board more responsive to community demands (of which one was desegregation), school board members were elected by district in 1976. The subsequent election of three pro-integration members, however, was not enough to get a real desegregation plan passed by the board. The patience of the state's HRC was running out. In the suits and countersuits between the PHRC and the Pittsburgh school board, the courts supported the PHRC until 1980. In 1980, corporate leaders stepped in and created the Citizen Advisory Committee (CAC). The CAC, chaired by a corporate CEO, drafted a "desegregation plan" which called for magnet schools and "school improvement plans to address achievement gaps in the African American schools that would remain segregated" (Portz; p. 60).<sup>18</sup> While the PHRC objected to this plan, the courts allowed for its implementation, apparently believing that separate can be equal.

After settling the desegregation issue, the CAC funded the search for the new superintendent, Richard Wallace. The new superintendent focused on test scores, claiming that the "gap" between blacks and whites was cut in half from 1979 to 1984. Louise Brennan replaced Wallace in 1992 and focused her energies on aligning all reforms behind the goal of higher test scores. When there was a "crisis" in 1995 precipitated by declining enrollments, Brennan chose to recreate "neighborhood schools" along with the expansion of magnet schools and open enrollment, exacerbating the already growing segregation (Portz, 1999; p. 78).

When the school board attempted to cancel funding for busing, community opposition was great enough to force the school board to retreat. At this point, business leaders retreated in the face of growing community influence over school board politics (Portz, 1999; p. 78). In order to end busing in Pittsburgh, business leaders went to the state legislators and governor. In June 1996, House Bill 1689 was introduced into the Pennsylvania state legislature. The bill promised to end PHRC's ability to order mandatory busing and limit conditions under which busing might be ordered by the courts (Chandler, 1997; p. 13). The bill was passed by the Senate and signed by the governor

who observed upon signing that busing was a “well intentioned but failed experiment” (quoted by Chandler, 1997; p. 5).

The role of business leaders in Pittsburgh’s school reform movement clearly shows how they contributed to the adoption of test scores as the sole criteria for evaluating the nature and quality of schooling. Such a criterion is being used to justify an unequally funded and segregated educational system.

## **Boston, Massachusetts**

In 1963, 80 percent of Boston schools were segregated. Today, with whites as only 17 percent of the students of the Boston public school system population and suburbs legally out of bounds for any systemic desegregation plan, it is difficult to believe Willie’s (1997) claim that recent desegregation plans are achieving “simultaneously” the “multiple goals of desegregation, school improvement and choice” (p. 14). (See Chart 4 at the end of this chapter for racial/ethnic breakdown of Boston’s public high schools, 1998–99). The first “student assignment plan” aimed solely at desegregating Boston’s school system was devised by the State Department of Education in 1974. Revision and expansion of this plan took place in 1975 and 1989. The second and third plans made desegregation only one of several “multiple goals,” compromising the principle of desegregation by conflating it with the goals of “school choice” (magnets) and the high-stakes testing agenda. Instead of the goal being desegregation on the principle that “separate is inherently unequal,” the goal, especially since 1989, seems to be acceptance of unequally funded schools, but with African Americans having an opportunity to attend the few “good” schools in the system. This program has been dubbed “equitable access” (Willie, 1998; p. 16).<sup>19</sup>

Prompted by a lawsuit filed by black parents in the face of an implacable school board, Federal District Judge Arthur Garrity promulgated detailed and complex desegregation orders for the Boston school system from 1974 to 1989. In 1975, Garrity appointed a committee of six “experts” to devise a plan. The resulting plan created a city-wide magnet school zone for 30 percent of the public school students while the other 70 percent either chose or were assigned to schools, depending on their location in one of eight “attendance zones” (Willie, 1997; p. 13). Racial imbalances nevertheless increased in the eight attendance zones from 1975 to 1989 (Willie, 1997; p. 15). Included in the “desegregation” plan, not insignificantly, was the inauguration of business/university partnerships with the public schools and the tying of the definition of “school improvement” to standardized test scores.

In 1989, Garrity ended judicial oversight by signing off on a “voluntary controlled-choice” program as an acceptable desegregation plan even though all four African American school board members had voted against it (Portz, 1999; p. 91). The “Controlled Choice” plan created three zones of 20 elementary schools per zone (the high school “zone” was citywide). There was a racial allocation for each school which was calculated by averaging the proportion of applications from each racial population to grades one, six, and nine with the proportion of racial groups already

enrolled in kindergarten, grades five and eight (Willie, 1997; p. 13).<sup>20</sup> Boston's business leadership wished to add standards and proficiency testing as part of the overall plan but was confronted by a "squabbling school board." They therefore put their energies into redesigning how school board members achieved their positions (Portz, 1999: 96).

As one of the principal architects of the 1989 plan, Charles Willie<sup>21</sup> (1998) argues that there is "no compelling educational value" to a desegregation plan unless it contains "a school improvement component" (p. 15). A "better" or "more attractive school" is defined as a school in which "the proportion of students in all racial groups who wish to attend a school as their first choice is substantially greater than the seats allocated for students in each racial group" (p. 16).<sup>22</sup> Willie has offered examples of what methods might produce such a result: being able to attend one's first or second choice of school, the opportunity to attend after-school programs at the same school one attends, the ability to walk to school, the experience of staying in the same school (or neighborhood?) from K–12, and going to a school that is racially and economically diverse. Willie's evaluation of desegregation from 1989 to 1998, however, only analyses the "choice" component and gives no data as to whether the school is more or less segregated — that seems to be a nonissue for him. For example, "for the 1997–98 school year, 32 out of 126 schools are listed as over-chosen"; 29 percent of those attending "over-chosen" schools walk to school; "80 percent of Boston's parents are satisfied with the student assignment plan" (p. 16). He suggests that "over-chosen" schools need to be studied so they can be replicated. This seems at odds with another one of his suggestions — every school should be different ("magnetized"). Such confusion suggests that there are inherent contradictions in using "choice" to achieve integrated and equitably funded schools.

In 1998, the superintendent of the Boston school system began considering revisions of the 1989 plan. According to Willie, every option being considered would increase racial segregation of the schools (his plan, he believed, being the least worse). It is difficult to see how the proposed 1998 options could lead to greater segregation than already existed (see Chart 4 at end of this chapter). Even according to Willie's criterion of desegregation (access to one's first choice school), seventy to eighty percent of the students who want to attend [their first-choice school] could not enroll in them (Willie, 1998; p .16)!

Besides successfully co-opting a prominent educational researcher, the business leaders of Boston have managed, in concert with those concomitantly influencing state legislators, to reduce the debate over educational reform into a confused numbers game — whether the game is over "racial allocation" quotas or the significance of test scores. While those concerned with the fate of Boston's school system fiddle with the numbers, desegregation and the "intangibles" of quality education have lost the burning urgency with which the 1954 Brown decision once invested them.

## **St. Louis, Missouri**

In comparing the role of "civic capacity" in education reform in St. Louis to that in Boston and Pittsburgh, Portz (1999) concluded that reform<sup>23</sup> has proceeded much farther in the latter two cities

because of weak leadership within the St. Louis school district (p. 122). And because of such “weak leadership,” both state officials and local corporate leaders showed relatively little interest in providing structure and funds for systemic reform. Unlike Boston and Pittsburgh, the school bureaucracy of St. Louis has been a “bastion of the city’s black middle class” (Portz, 1999; p. 113). This black middle-class, along with its allies, fought long and hard for desegregation and against attempts to resegregate. As long as community opposition was able to draw strength and support from a national social movement in favor of desegregation, leaders of systemic reform were unwilling to expend resources on a fight. They waited, instead, until the time was ripe.

In 1972, the courts ordered St. Louis to desegregate its schools (*Liddell v. Board of Education of St. Louis*). Since this decision there have been twenty appeals with the case “finally settled” in 1999. In 1976, the NAACP joined the ongoing legal struggle. In 1977, the U.S. Department of Justice joined a suit that resulted in a desegregation order involving the surrounding suburbs of St. Louis (Rebore, 1997; p. 8). In 1983, 22 suburbs volunteered to participate in an interdistrict transfer program instead of facing a judicial hearing which would have determined “the liability of predominantly white suburban districts for the segregation of predominantly black city schools.” The white suburban schools would be required under the agreement to accept city transfers up to 15 percent of their school population. “In return, white suburban students [were] encouraged to venture into the city to attend” magnet schools (*San Francisco Chronicle*, 2/23/83; p. 24).<sup>24</sup> If their school was more than half black, St. Louis city black students were allowed to attend a suburban school (Yu, 1997; p. 17). The St. Louis school district paid \$5,000 to a suburban school district for each black child it accepted (Tabscott, 1999).

This hard fought consensus supporting desegregation in St. Louis was under attack by 1991. During that year, the state of Missouri successfully filed suit to declare “unitary status” for St. Louis undermining the voluntary transfer program. The surrounding suburbs were now vulnerable to lawsuits if they continued to accept student transfers from city schools. Yet by this time, the suburban schools had found the transfer program beneficial both socially and financially, so they continued the program on a voluntary basis (Gray, 1998). It was at this point that St. Louis business leaders began to be interested in expending political capital to replace the debate over desegregation with that of systemic reform. In 1991, they successfully put forth four candidates for the school board. The newly constituted school board began to move towards the same formula being followed by systemic reformers throughout the country. Magnet schools were established while other schools would remain segregated (Portz, 1999; p. 116). As yet, there was still a lack of consensus on systemic reform. A divided school board voted to continue the transfer program to the suburbs.<sup>25</sup>

New elections, however, led to the composition of a school board that rejected those elements of systemic reform that the business-sponsored school board members also pursued during 1991 and 1992. Rejected were federal funds for the creation of site-based management decision-making councils and a \$15 million grant offered by the Urban Systemic Initiative Program of the National Science Foundation (Portz, p. 120). The magnet schools remained a means by which the

concept of “excellence and equity”, that is, the replacement of desegregation with the goal of “higher standards for all,” could be pursued by business leaders. It was this kind of political tug-of-war between community concerns supporting integration and a proportional distribution of resources against business leaders’ desire to implement systemic reform that led McAdams to label the school board in Houston “dysfunctional.”

In 1996, efforts to replace court ordered desegregation with systemic reform began in earnest. The Missouri state attorney general asked the courts for permission for the state to stop paying desegregation costs and set a deadline for the end of court-mandated desegregation plans. In February 1997, former U.S. Senator Danforth began a lobbying campaign to support state legislation that followed up on the state attorney general’s successful suit (Rebore, 1997; p. 8). In the Progressive Era tradition of state takeover of populist city governments, the Missouri state legislature, in 1999, imposed an end to court-ordered desegregation and supported changes that favored the BRT’s agenda. The sponsors of SB 781 hoped simultaneously to end the 26-year-old desegregation case and establish statewide systemic reform.

SB 781 reveals an overwhelming emphasis on systemic reform. The major provisions of the bill provided for the creation of a three member, state-appointed interim school board which was to take “corrective action in underperforming schools and seek relief from state-mandated programs”; “explore alternative forms of governance for the district”; outsource district operations; “establish school-site councils”; promote “establishment of neighborhood schools”; develop and implement a “comprehensive school improvement plan” (i.e., site-councils must explain how they will increase the scores of the students at the school, especially the scores of minority students); “ensure that all magnet schools operate at full capacity” and promote the business model of workers as interchangeable parts. This includes to change retirement system to make teachers more mobile, not allow tenure for teachers until their sixth year of teaching, principals would lose tenure altogether, and principals are to be allowed to “reconstitute schools”<sup>26</sup> (MO State Legislature, 1998, web page).

In none of the provisions was there reference made to desegregation. Presumably the support for magnet schools and a concession to districts that they could maintain existing transfer programs (but with added, burdensome restrictions) were intended to be an educational and morally defensible substitute for desegregation. But in naming the organization responsible for implementing the transfer program (Metropolitan Schools Achieving Value in Transfer Corporation), the legislators marked, in a subtle way, the shift in the definition of equity from integration (proportional racial representation in individual schools) to test score results.

Given that SB 781 was billed as the “1999 St. Louis school desegregation settlement” (St Louis Dispatch editorial, 2001), it said very little about the concerns voiced by Minnie Liddell (who started the suit back in 1972) and a great deal about the BRT’s educational reform agenda. At a final hearing in 1998, before the “settlement” was passed, Liddell gave the following testimony (as reported by an eye-witness):

All we have been asking for these last 25 years is for quality, integrated education for all our

children from Ladue to the Ville. Everyone wants to know whether integration works. Well, I can tell you what didn't work — segregated education didn't work. It didn't work for me and it didn't work for a lot of kids. There is only one moral course: to provide all of our children quality, integrated education (Tabscott, 1999).

Liddell and her allies, in 1998, were asking not for “equity and excellence” but for “integration and quality.” She has pursued the latter all her life. On March 5, 2001, the St. Louis Community Monitoring and Support Task Force released its assessment of the degree to which the school district had complied with the state mandated settlement of 1999. The St. Louis Post-Dispatch summarized the report as follows:

The report praises the city schools for:

- Offering all-day kindergarten to all children and expanding preschool.
- Expanding summer schools.
- Generally meeting state requirements on counseling services, library services, course offerings, and college prep programs.
- Maintaining a system of magnet schools.

The report criticizes the district for:

- Failing to raise scores in science, math, and communication arts by the number promised for all grades.
- Failing to boost attendance [rates actually dropped].
- Failing to reduce the dropout rate by the amount promised in the settlement (Franck, 2001).

The thrust of the report suggests that systemic reform (“high standards for all”) has successfully eclipsed the moral, social, economic, and political issue of desegregation and is raising test scores at the expense of increasing absenteeism while failing to make a dent in the dropout rate.

Through a series of rulings following *Brown*, the Supreme Court eroded the legal tools available to oppose the systematic resegregation of America's schools. As a result, public interest groups, such as the ACLU, the NAACP, and MALDEF (Mexican-American Legal Defense Fund) are acting as if they accept the rules of the new playing field: segregated schools, magnet schools, underfunded voluntary transfer programs, and the promise of increased (but not equal) funding for “low-performing” schools. Architects of the new “desegregation plans” like Charles Willie and Michael Alves are now housed in some of the primary think tanks of systemic reform — Harvard and Brown University. School boards, once converted to the benefits of desegregation, now are in a confused retreat against the increasing demands for higher test scores. “Equitable access,” “high standards for all,” or “equity and excellence” are euphemisms that justify segregation, and inequality of resources in the name of educational quality and opportunity by test scores alone.

## **Introduction to High School Charts**

(see separate pdf document *Chapter5Charts*)

My interpretations in this and the following charts are based on raw data from NCES Common Core of Data. I chose to look at the ethnic breakdown data from 1987 (the earliest available) and comparable data from 1998 (the latest to date). I only looked at high schools in the cities analyzed in chapters four and five (St. Louis data is not complete) for the following reasons: (1) the number of high schools in each city is a manageable amount for this kind of analysis; and (2) since high schools are generally more “comprehensive” than middle or elementary schools, the degree of segregation in high schools is an indication of even greater desegregation in elementary schools, the more so as district policy returns to neighborhood elementary schools.

### **Proportional Representation**

There are many definitions of segregation used by researchers and the courts. I have chosen to look at proportional representation since few city student populations have a “balance” in which 50 percent of the students in the district are black and 50 percent are white. Or, in cities like Houston, 33 percent of the students in the district are black, 33 percent are white, and 33 percent are Hispanic. Furthermore, proportional representation is an achievable goal. But such a concept is not well accepted by those who stand to lose their privilege as a result. An instructive comparison might be made with the Title IX provisions governing the distribution of funding for collegiate sports. Compliance to Title IX was interpreted by the courts in 1995 to be that the number of men and women in a university’s sports program be proportionate to the number of men and women enrolled in the university. When the law was amended in 1972, men were 65 percent of college enrollment (now 46 percent) and most athletic directors didn’t believe women would come out and play anyway. In 1972, one in 27 girls in high school played a sport. In 2000, the ratio was one in three. The virtual explosion of women playing sports in college has forced colleges to redistribute funding away from the men in order to fund the new women’s teams so they remain in compliance with the proportionality ruling (the men, however, still get twice as much money as the women). This has sparked a movement by many men who blame Title IX for the loss of their opportunity to play sports on the varsity level (Bill Pennington, *NY Times*, 5/9/02). Perhaps the principle of proportionality in sports is yet to be reversed because there is no issue of merit in the mix or that it is a gender and not a race issue. It is still agreed upon that resources should be distributed equally to men and women. But it is not agreed upon that educational resources should be distributed equally on the basis of race or ethnicity. Instead, a test, strongly correlated with SES, is to be the primary means deciding who merits entrance to the “best” schools. This allows those who test well to argue that they deserve the lion’s share of the nation’s paltry public school resources. No one has raised the question during the

debate over Title IX of whether athletic resources and opportunities should be distributed according to the results of a team's won-loss record or cumulative batting averages or other such "merit-based" criteria. As long as the debate remains at this superficial level, there will not be real educational opportunity in the United States.

## Understanding the Charts

Each chart has a line along which every school would fall, if its white population were proportionately represented. The other two lines connect dots representing individual schools. The chart reveals the degree to which individual schools deviate from "achievable" desegregation. For Boston and Pittsburgh, the percentage of whites in each district (as a percentage of the total black and white population) is the same in 1998 and 1987. In Houston and Charlotte, however, the percentage of all whites students in the district (of total black and white) changes (Houston: 1987, 33 percent; 1998, 27 percent and Charlotte: 1987, 62 percent; 1998, 55 percent). In order to make the change in the percentage of whites in each school from 1987 to 1998 graphically comparable for these two cities, I adjusted the figures to represent proportionate deviation from a mean of one.

Assuming that all high schools filled out the NCES questionnaire correctly and returned it to the Center, several observations can be made. By 1998, the number of high schools has increased since 1987. I have chosen to look at the percentage of whites (y-axis) in each school (x-axis) as *only the percentage of the total white and black student population* since the inclusion of Hispanic students in court-ordered desegregation plans is a relatively recent phenomena. More importantly, the history of Hispanics in this country is complex and unique and an analysis of the dynamic of Hispanic school segregation is deserving of its own extended analysis. But, since Hispanics have made up 33 percent (1987) and 49 percent (1989) of Houston's high school population I have provided Chart 2 in order to give a complete ethnic/racial breakdown of the high schools for context.

In the following charts, the comparison of the percentage of whites in each school to the percentage of whites in the district reveals that only some of Pittsburgh's and Charlotte's high schools approach proportional representation while Boston's, Houston's and St. Louis' schools are not desegregated at all. In looking at the differences between 1987 and 1998, it would seem at first glance that, for all five cities, more schools over time have become more representative of the larger black/white racial make-up of the district. But, if one looks at the percentage of black students in over-represented white schools (figures are below the title of each chart), that is, in schools in which the percentage of whites (of total black and white) is greater than their percentage of the district's total, then one sees a polarization of the racial balance occurring. There are fewer black students in "white schools" in 1998 than in 1987.

- 1 When the 1876 election results came in, Sam Tilden (Democrat) was conceded 184 electoral votes (185 required for election) and Rutherford B. Hayes (Republican) was only conceded 165 electoral votes. Nineteen of the twenty contested votes lay in the three southern states controlled by Republicans. On December 6, rival sets of Republican and Democratic electors cast votes and declared their candidate the winner. Congress had to decide which returns were “authentic.” With a Democratic House and Republican Senate . . . well, the point is, after a great deal of political maneuvering, a deal was struck that included the abandonment of any protection for the freed slaves in the South.
- 2 Journalist William Walling, New York lawyer Henry Moskowitz, and Mary White Ovington (granddaughter of an abolitionist) issued “The Call,” a statement of the intention to form an organization to address the injustices against blacks. The final draft of “The Call” was written by Oswald Garrison Villard, grandson of Abolitionist newspaper editor William Lloyd Garrison. In his paper *The New York Evening Post*, Villard hoped to continue his grandfather’s efforts to use the power of the press for moral persuasion. “The Call” united progressives from the labor movement, the college settlement movement, and the educational reform movement. Signers of the call included educational philosopher John Dewey; Jane Addams, founder of Hull House; labor leader Leonora O’Reilly; journalist and activist Ida Wells Burnett; and Atlanta university professor and outspoken critic, W.E.B. DuBois.
- 3 One of the most popular movies of its time, D.W. Griffith’s “classic” was essentially an interpretation of Reconstruction, which painted freed male slaves as predatory rapists of white women and the KKK as gallant defenders (through lynching) of white womanhood and civilization itself. One could consider *Gone with the Wind* as a sequel.
- 4 In 1949, the Kansas state legislature passed a law that permitted, but did not require, cities of more than 15,000 population to maintain separate school facilities for black and white students. After the passage of this law, the Topeka Board of Education elected to establish segregated elementary schools. Other public schools in the community, however, were operated on a nonsegregated basis.
- 5 See Appendix A – “Crisis of Legitimacy” for an explanation of the role education plays in promoting and appealing to the myth of meritocracy.
- 6 The Business Roundtable’s 1995 document by that name identifies the following as the “Nine Essential components of a Successful Education System”: Standards, Performance Assessment, School Accountability, School Autonomy, Professional Development, Learning Readiness, Parent Involvement, Technology, and Safety/Discipline.
- 7 The arbitrariness of this argument can be easily exposed by asking critical questions such as: How and by whom is “sufficiency” decided? If by a “cut-off” score, then who sets it? If by dropout rates or college acceptance rates, then how can an individual be held accountable for a school’s apparent success or failure?
- 8 Willie (1997) noted that the 17 percent decline in the white student population the year after Judge Garrity ordered comprehensive desegregation of the Boston schools in 1975 cannot be attributed to “white flight.” Only 7 of that 17 percent was unusual, given that Boston’s overall population had been declining steadily since 1950 but more precipitously before court-ordered desegregation than afterwards (20 percent decline from 1950 to 1970 and another 8 percent decline from 1970 to 1990). An equally plausible explanation for the spike in white student decline could be a response to the school districts’ correction of inflated attendance figures for the purposes of garnering state and federal aid (Willie, 1997; p. 16).
- 9 See Kenneth Jackson, *Race, Ethnicity and Real Estate Appraisal in American Vistas*, volume 2, L. Dinnerstein & K. Jackson, eds., Oxford Upress, 1983) for an analysis of the role of the New Deal in creating white Christian suburbs. From the editor’s introduction: “Federally financed interstate highways [of 1916 and 1956] have undermined the locational advantages of inner-city neighborhoods, while income-tax deductions have encouraged families to buy homes rather than rent apartments. [Jackson’s essay] focuses on the much-praised mortgage policies of Uncle Sam [Home Owners Loan Corporation and Federal Housing Administration of 1933] and points out the extraordinarily “flagrant discrimination that was built into them from the beginning” (p. 164). Jackson shows how the federal government’s rating system was adopted by private banks thus laying the foundation for systematic redlining throughout the nation.
- 10 Percent of black students in majority white schools: 1954 = .001; 1968 = 23.4; 1976 = 37.6; 1988 = 43.5; 1991=39.2; 1996 = 34.7 (Orfield, 1999).
- 11 The judges’ use of the “poor white Appalachian” is all too reminiscent of the historical strategy, used by elites to maintain their power, of pitting poor whites against blacks.
- 12 “Urban regime” theorists, such as Portz (1999), argue that the intervention of the courts undermines “urban capacity.” But “urban capacity” is a very specific and conservative construct essentially defining the ability of business to move city politics in the direction of its interests.

- <sup>13</sup> School districts divert extra resources to make magnet schools “attractive” and thus a school to be chosen over a student’s “neighborhood” school. These extra resources come from district budget allocations and business partnership contributions. From 1985 to 1993, the federal government has given \$739.5 million to 117 different school districts, to be spent on magnet programs that have a desegregation component (Yu, 1997;16).
- <sup>14</sup> This is just one of many examples in which educational issues are forced through the lens of the corporate competitive model. This model assumes that if one creates a sink or swim situation, people will teach themselves to swim. Those who do drown are victims of their own weakness, and were incapable of contributing to society anyway.
- <sup>15</sup> As may be recalled, decentralization or site-based decision-making (SBDM) has been a key component to the BRT’s total quality management model of governance reform. Calls for such “local control” are disingenuous since what is meant is that the staff at each school must decide how to fulfill educational goals set by state governments.
- <sup>16</sup> Although it may be recalled, as related in Chapter 4, that it was Houston’s business leaders who had kept the tax rate lower than what many others in the community wanted.
- <sup>17</sup> This is ironic since systemic reformers argue that these reforms are necessary because the New Economy is generating an increasing proportion of highly paid, high skilled jobs.
- <sup>18</sup> “School improvement plans” or “site plans” normally require site-councils to explain to the district administration exactly how the school intends to raise test scores of the students, especially Latino and African American students.
- <sup>19</sup> The Boston school board has been operating throughout the last 20 years in the context of a state reform agenda that has coupled “schools of choice” (of which magnets are the principal example), high-stakes testing, and “increased” but still unequal funding to poor districts. The 1993 state reform legislation was based upon the 1991 document, *Every Child a Winner*, published by the Massachusetts Business Alliance for Education. Craig Bolon (2000), a member of MassParents, argues that the authors of the legislation were anticipating a Supreme Court decision based on a 1978 lawsuit calling for equal funding for schools. The Reform Act was passed one week after the Court’s decision was announced supporting equal funding for schools. The Reform Act increased state funding to poor districts but also allowed for the creation of “schools of choice,” set in motion the creation of statewide mandated standards and tests, and required the development of school committees (site-based management decision making) (Bolon, pp. 1-2).
- <sup>20</sup> But such a formula does not necessarily lead to integration given the reality of segregated schools in Boston. For example, no movement towards greater balance would occur if the ratio of applicants to a school is 4 to 1 black: white and the ratio of enrolled students is 2 black students to every 11 white students. In this likely scenario, the average of the black applicants and black enrolled would be 6. The average of white applicants and enrolled would be 12. Thus, the racial allocation for that school would be acceptance of one black student to every two white students. When the formula does result in more black than white applicants to a school, it does so at glacially slow increments.
- <sup>21</sup> Willie is a professor at the Harvard Graduate School of Education (a colleague of Paul Reville) and codesigner (with Michael Alves of Brown University, home of the Annenberg School of Educational Reform) of the 1989 “Controlled Choice” plan.
- <sup>22</sup> Willie is studiously evasive about defining what “school improvement” is. He does provide examples of “some of the finest schools in Boston” as evidence that “there is a direct link between school diversity and school quality” (1998; p. 18). What these six schools have in common, according to Willie, are lots of computers; partnerships with business and universities; extracurricular activities after school; and extra time devoted to reading and math instruction. One school is excellent because it “operates as a school-based management institution.” Another school is excellent because the State Department of Education said so. Willie concludes by arguing “any good school system should be in the business of eventually magnetizing [sic] all of its schools so that they may attract all sorts and conditions of students” (p. 18). By defining a “good” school as a popular one, and the best schools as magnet schools, Willie has conceded the public relations battle to the BRT and made his diversity designs subordinate to systemic reform.

- <sup>23</sup> Beginning in the spring of 1993, John Portz, Lana Stein, and Robin Jones worked under the direction of Clarence Stone in studying “civic capacity and urban education” in three cities – Pittsburgh, Boston, and St. Louis. Their central research questions were: “Why do certain cities show greater initiative than others? What are the roles of institutions and leadership in creating and activating that capacity?” (p. vii). The researchers chose to use “ten innovations” as their definition of reform. The innovations (pp. 53, 164–69) closely resemble the Business Roundtable’s “Nine Essential Components.” Privatization, charters, and vouchers represent the only explicit departures from the BRT agenda.
- <sup>24</sup> City schools had been under a mandatory busing plan since 1980, which was fairly ineffective since 80 percent of the city’s student population was black. But combining the city-county schools into one system, however, turns the black population into 37 percent of the total student population (San Francisco Chronicle, 2/23/83; p. 24).
- <sup>25</sup> Suburban St. Louis is 25 percent black. Schools that were more than 75 percent white were obligated to accept black transfers until the school was 25 percent black (although some schools voluntarily exceeded this requirement). The city school board spent a total of \$118,600 on recruiting and busing 13,000 blacks (a third of the total) out to the suburban schools. The city magnet schools, however, only attracted 1154 county (suburban) students (Yu, 1997; p. 18).
- <sup>26</sup> “Reconstitution” is the policy of firing the entire staff of a school (based primarily on test scores) and rehiring from the district at large. This policy was tied to the court-ordered desegregation plan in San Francisco from 1992 onwards. The details showing both the ineffectiveness of this policy in promoting the goals of its proponents as well as the details of how destructive this policy is to an educational community attempting to provide the “intangibles” of quality education to its students will be discussed fully in Chapters 7 and 8.