

SCHOOL DISTRICT DESEGREGATION AND ITS IMPACT IN KALAMAZOO, MI

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Introduction

Though it would seem impossible to create a universal definition of what ingredients are required to create the “perfect” school, experts in the field of education typically agree upon four elements. (Kaufman, 2009). These include a faculty made up of capable and effective teachers, relatively small classrooms with tight student to teacher ratios, a large amount of community and parent support and a diverse student body. *Id.* While it can be argued that the first three ingredients listed above are issues related to funding for our schools, or lack thereof, the implementation of the final element has posed an interesting challenge for our nation’s school districts over the years. It is almost universally agreed upon that children benefit immensely from a diverse learning environment, allowing them to develop socially with students of varying backgrounds. (Kaufman, 2009). It was also decided decades ago that the practice of legally and/or forcibly allowing for segregated learning in our country’s schools is fundamentally unconstitutional. *Brown v. Board of Education*, 347 U.S. 483 (1954). These principles are well known and it would be hard to find someone who could provide a reasonable argument against them.

However, the enforcement of these principles has not always been easy for our country’s courts and school districts. School attendance zones are frequently drawn up based on where students live within the community, and history shows that people tend to live in neighborhoods with people who are similar to them. The question for school boards becomes what methods can legally be used to ensure that no segregation is taking place and what consequences will result from them? Several cities, such as Kalamazoo, Michigan, were forced to make difficult decisions

in the 1970's to ensure that racial balance occurred in their classrooms. The choices that the Kalamazoo Board of Education were forced to make demonstrated the dilemma that schools and cities faced when they had to weigh the benefits of providing equal educational opportunities to all their students against the possible social consequence of seeing a decrease in their enrollment. Only recently, through an unbelievably generous gift by an anonymous donor, have the Kalamazoo Public Schools begun to show signs of overcoming the consequences of their actions. However, had Kalamazoo failed to make those decisions they not only would have been acting in violation of the U.S. Constitution, they also would have allowed fiscal concerns and social pressure to deny the children in their community the chance at achieving the "perfect" classroom experience. Despite the negative consequences, the Kalamazoo Public School Board's actions were a legal and effective way to ensure racial balance in their schools.

Constitutional Requirements for Equal Educational Opportunities

As previously stated, the Supreme Court put an end to statutes and policy that classified and separated students based solely on their race in the landmark case of *Brown v. Board of Education*, 347 U.S. 483 (1954). In making its ruling on the doctrine of "separate but equal" in school settings, the Court chose to ignore making comparisons of "tangible" differences between white and colored schools, such as the physical state of the school and facilities available. Instead they chose to focus on the intangible effect of segregation itself on public education. *Id.* at 492. The Court stated that segregation of students based solely on their race was detrimental to the colored students, and that it "generates a feeling of inferiority." *Id.* at 493. The Court held that separate but equal was "inherently unequal" and that it deprived equal protection of the laws guaranteed by the Fourteenth Amendment of the United States Constitution. *Id.*

After *Brown*, the next school segregation issue was whether or not local school district's desegregation plans were effective and reasonable. The Supreme Court addressed this issue in the case of *Swann v. Charlotte-Mecklenburg Board of Education*, 402 U.S. 1 (1971). In giving guidance as to what could be considered when viewing desegregation plans, the Court stated, "policy and practice with regard to faculty, staff, transportation, extracurricular activities, and facilities are among the most important indicia of a segregated system, and the first remedial responsibility of school authorities is to eliminate invidious racial distinctions in those respects." *Id.* at 2. The Court further elaborated, holding that methods such as the variation of attendance zones and the use of public transportation should never be altered or used to further the practice of segregation, but could be used to correct racial imbalances that existed within the school district. *Id.* at 3. The Court's holding that mandatory busing was an acceptable method to promote integration would later prove to be very influential in Kalamazoo's proposed desegregation plan for its public school district.

The Court further strengthened its desegregation policies in the case of *Keyes v. School District No. 1, Denver, CO*, 413 U.S. 189 (1973). *Keyes* was one of the first examples of a school district in a northern state, which had never operated under a constitutional or statutory segregation policy, was nonetheless found guilty of carrying out a "systematic program of segregation." *Id.* at 201. The Court held that if a school board intends to create racially segregated schools, it is the same thing as state mandated segregation. *Id.* at 203. This holding established that proof of intentional school district behavior could be used to establish a prima facie case of *de facto* segregation, thus placing all school board policy and decision making under a heavier amount of scrutiny.

Kalamazoo in the Late 60's and Early 70's

As was the case in cities all over the country, the late 60's were a time of civil unrest in Kalamazoo, Michigan. According to a 1977 Commission on Civil Rights report, during the period of 1967-1971 the following racially motivated incidents occurred in the Kalamazoo Public School District: a 1968 decision to close a high school for 10 days due to fighting on school grounds; a 1970 boycott on Kalamazoo Central high school by African American students based on accusations of institutional racism; and one junior high school principal stating that "at one point as many as 20 race related fights per day" were occurring at his school, which was 40% minority at that time. (Buggs, 1977).

In 1967, eleven years after the *Brown v. Board of Education* decision, state officials in Michigan began to press all school districts to work on plans to develop their schools racially. (Miller-Adams, at 47). In 1968, Kalamazoo called upon a committee of citizens to start working on their plan for greater racial integration among the schools in their district. *Id.* The committee was chaired by the district's Superintendent, John Cochrane, and included other school administrators. (Buggs, 1977). Kalamazoo's school district was highly segregated at that time, as evidenced by the following statistics...

1. Of the district's two public high schools, Kalamazoo Central and Kalamazoo Loy Norrix, 16.9% of Central's student population was African American as opposed to 1.6% at Loy Norrix. (Houghton, 2007).
2. The African American student population at Kalamazoo Central constituted 93% of all African American high school students attending Kalamazoo public schools at the time. (Miller-Adams, at 46).

3. Kalamazoo Loy Norrix was the newer of the two schools, and was built on the very edge of the school district, in an area with virtually no African American population. (Miller-Adams, at 47).
4. Both high schools were available to anyone in the district, but students had to provide their own transportation. *Id.*

The committee released their preliminary desegregation plan in late 1969, which suggested several methods to desegregate the Kalamazoo School District. (Buggs, 1977). The plan included the gradual hiring of more African American professionals, the reorganization of the district's attendance zones, and mandatory busing to ensure integration. (Miller-Adams, at 47). On May 7, 1971, the Kalamazoo Board of Education adopted this plan after a 4-3 vote, and all parties involved agreed that if the plan was properly implemented it would achieve its desired result of racial integration. *Oliver v. Kalamazoo Bd. of Ed.*, 346 F.Supp. 766, 771 (Mich. Dist. 1972). This plan was subsequently referred to by the Court as the "May 7th" Proposal. *Id.*

Unfortunately, the plan to adopt the proposal resulted in outpourings of community resentment and hostility, with one Board meeting in late May drawing 2,100 attendees. *Id.* At a subsequent school board election held on June 14, 1971, two new Board members were elected. *Id.* These two individuals had campaigned heavily on a platform that promised the nullification of the May 7th Proposal. *Id.* Sure enough, at the very next meeting a motion was proposed and passed to rescind the previous integration plan. *Id.* Superintendent Cochrane, who had been responsible for developing the original busing plan for integration, was pressured into resigning by the new Board. (Buggs, 1977). The new resolution of the Board called for a "Voluntary Open-Enrollment Plan". In August of 1971, the National Association for the Advancement of

Colored People (NAACP) filed suit to enjoin the new integration plan and enforce the original May 7th Proposal. (Miller-Adams, 48)

Oliver v. Kalamazoo Board of Education

In 1971, Federal District Court Judge Noel P. Fox, Jr. found the Kalamazoo schools to be unlawfully segregated and issued a preliminary injunction ordering the Kalamazoo School Board to proceed with the original desegregation plan in September of 1971. *Oliver v. Kalamazoo*, 346 F.Supp. 766 (1972). The judge would later modify the injunction to restrain the Kalamazoo Board from dismissing all non-tenured teachers, as within their ranks were roughly one half of all the black teaching staff in the district. *Id.* at 782-783. While the Board agreed to fight the injunction, all the way through appeals if necessary, they still advised parents in the district to obey the law and cooperate with desegregation. (Buggs, 1977). Therefore, the desegregation of the Kalamazoo public schools officially began in the fall of 1971. *Id.*

In the subsequent trial on the full merits of the Plaintiff NAACP's claims, Judge Fox once again found in favor of the Plaintiffs and ruled that the actions of the Kalamazoo Board of Education constituted *de jure* segregation. *Oliver v. Kalamazoo Board of Education*, 368 F.Supp. 143, 171 (Mich.Dist.Ct. 1973). The Court first established the "uncontroverted fact" that Kalamazoo's public schools were unconstitutionally segregated, defined in the terms of disproportionate racial concentration. *Id.* at 153. The Court then looked at the evolving pattern of the Board's policies, noting that each school board decision taken separately may not be enough to show an intention of segregation, but taken together they may show that a purposeful pattern of discrimination existed. *Id.* at 163. After a thorough overview of the Board's historical decisions regarding issues such as attendance zones, new school locations, real estate

developments, past hiring practices and busing/transportation, the Court found enough evidence to classify the Board's actions as *de jure* segregation. *Id.* at 153-181.

Further, the Court concluded that both the state of Michigan and the Kalamazoo Public School District intended that the original proposal should be an implementation of the Fourteenth Amendment of the U.S. Constitution. *Id.* at 195. The Court based this assumption on the fact that both the state and the Board used very specific wording in their instructions, and the purpose of their requests was to implement methods to ensure desegregation. *Id.* By subsequently rescinding the original proposal in favor of a "voluntary open enrollment plan", the Board was in fact revoking the broader underlying policy of school desegregation. *Id.* at 196. Therefore, the actions of the Board in this matter were "repugnant" to the Fourteenth Amendment of the Constitution and constituted *de jure* segregation. *Id.* at 196. The Court ordered that the Kalamazoo Board of Education adopt the original "May 7" integration proposal permanently. *Id.* at 205.

As promised, the Kalamazoo Board of Education appealed this decision to the 6th Circuit Court of Appeals. (Buggs, 1977). In 1974, the appellate court affirmed the decision of the Federal District Court, and the U.S. Supreme Court denied certiorari in the matter in 1975. *Id.*

The Positive Effect of the Desegregation Proposal

Beginning in the fall of 1971, the court ordered implementation of the "May 7 Proposal" achieved substantially positive results in regards to the racial make up of Kalamazoo's public schools. *Id.* These results were documented by the U.S. Commission for Civil Rights in a report they compiled in 1977. The Commission had chosen Kalamazoo as one of 29 cities that it was studying around the country that had experience with desegregation. *Id.* By 1976, five years after the desegregation plan was ordered to begin, the two high schools had been balanced

racially, with a minority population of 25% at Kalamazoo Central and 22% at Loy Norrix. *Id.* The percentage of minority teachers rose from 7 to 12 percent by 1976, and had increased to 17.3% by 2007. *Id.*

The Commission also found that there had been a rapid decrease in the amount of interracial violence among the students in the years following the implementation of the proposal. *Id.* As one principal put it when interviewed, before elementary school desegregation, children were entering higher and higher levels of education unaware of other races, and this led to trouble. *Id.* “Now, with every incoming class there is less and less tension between blacks and whites, since each preceding class has been in a desegregated classroom for a longer time than the preceding class.” *Id.*

Finally, while student achievement scores initially declined during the first year of desegregation, (1971), they began to rise consistently from 1972 to 1976. *Id.* While minority students were still averaging scores below the national average, they were less so than previously. *Id.* This reflected the general theory supporting desegregation and diverse classrooms in that while it can be initially difficult for children to adapt, that difficulty can be overcome given effective additional services and programs. *Id.*

The Consequences of the Desegregation Proposal

The purpose of the May 7th Proposal was to erase desegregation and promote racial balance in the Kalamazoo Public School District, and in that regard it would appear that it was a huge success. However, not all side effects of the proposal were positive for Kalamazoo.

One noted negative aspect of desegregation was that some racial isolation continued, particularly due to the difficulty of student participation in extra-curricular activities such as Scouting that were not included in the mandatory busing/transportation changes. (Buggs, 1977).

Also, an abnormally high percentage of the disciplinary suspensions occurring at the high schools involved minority students, and reports suggested that de-segregation related teacher training came too late when it did not start until after desegregation had already begun. *Id.*

The largest measurable consequence to the city of Kalamazoo as a result of desegregation was the rapid decrease in white student enrollment in Kalamazoo Public Schools, otherwise referred to as “white flight.” The 1977 U.S. Commission on Civil Rights Report stated that from 1968-70, the years before desegregation when racial tension was high due to the Civil Rights Movement, white enrollment in Kalamazoo Public Schools declined 8.5%. *Id.* From 1971-73, during the first two years of desegregation, white enrollment fell 15%. *Id.* Finally, by 1976 five largely white schools were forced to close due to a rapid decline in enrollment (Miller-Adams, at 48).

While the decrease in white student enrollment slowed over time as people adjusted to desegregation, the long term effects can still be seen today. *Id.* In 1970, 14,285 white students were enrolled in Kalamazoo Public Schools. *Id.* at 50. By the year 2000, that number had dropped to 4,133. *Id.* It would not be entirely accurate to claim that desegregation was the sole reason for this decrease in enrollment, as District enrollment as a whole declined over that time period. *Id.* A large factor in this was the “baby boom” era that had inflated the number of school age children throughout the nation came to an end. *Id.* However, other statistics suggest that white flight from the urban core of the city was a contributing factor. *Id.* Specifically, the fact that the population of the city of Kalamazoo declined by 15 percent from 1970 to 2005, while the population of Kalamazoo County rose by 5 percent during that same period. *Id.* In other words, whether people were moving into Kalamazoo County or choosing to remain, they were increasingly making the decision to avoid moving to the city and its school district. *Id.*

Due to dropping enrollment numbers, school funding began to drop as well. *Id.* Finances especially suffered after the 1994 passage of Proposal A, which basically limited all of the Kalamazoo Public School District's funding to the state's foundation grant, which is directly based on enrollment numbers. *Id.* From 1999 to 2005, \$19 million was cut from the school budget, causing the closing of several school buildings, program and position cuts and the partial privatization of custodial and grounds services. *Id.*

The Kalamazoo Promise

Whatever the reason for the drain on enrollment in the Kalamazoo Public School District, by 2005 it was clear that they were hurting, with no clear solution available. Luckily, in 2005, they received a gift that almost seemed impossible in its generosity. An anonymous group of donors created a scholarship program that is commonly referred to as "The Kalamazoo Promise". The terms of the scholarship are simple, and were summed up by the Kalamazoo School District's Superintendent at the programs unveiling on November 15, 2005. *Id.* at 1. "It's a very simple concept. Go to school at Kalamazoo Public Schools (KPS), graduate from KPS, and in your hands will be a scholarship for tuition plus fees [based on] the number of years you have gone to KPS." *Id.* The scholarship provides that a minimum of 65% of the full tuition cost for any public university within the state of Michigan will be paid to any high school graduate of the Kalamazoo Public School system who has been enrolled in a KPS for four years. *Id.* at 2. If you enroll and stay in a KPS from the time you are in Kindergarten until high school graduation, you will receive a full ride. *Id.* The program is set up to last indefinitely, with a pledge to provide 13 years' notice in the unlikely event that the scholarship has to be terminated. *Id.*

Not only has the scholarship boosted the morale of the students of Kalamazoo, but it also has created tremendous opportunities for economic renewal within the city. *Id.* In the five years

since the promise has been announced, enrollment in the school district has grown by 16%, test scores have improved and a greater proportion of graduates are attending college. *Id.* at 143. In 2010 alone KPS enrollment grew by three percent (Unknown, 2010). Not only will an increased enrollment in Kalamazoo Public Schools increase tax revenue across the board for the city through an increase in population, it may have even greater economic benefits down the road due to the potential for higher educated citizens entering the work force.

Did the Kalamazoo School District Make the Right Decision?

The future of the Kalamazoo Public School District appears to be bright, as the Kalamazoo Promise creates hope for future expansion and opportunity. However, the sad truth is that the Kalamazoo Promise is an extremely rare and unexpected event. The *vast* majority of school districts in our country, particularly those located in urban areas, will not be able to count on such miracles if they have experienced similar desegregation problems. So taking the “Promise” out of the equation, and presuming that the District was not ordered to act by the courts, did the Kalamazoo Public School District do a good job of handling the desegregation of their public schools?

On the one hand, the District had an obligation to provide the children in their district with as “perfect” of an educational environment as possible. As stated earlier, this could include not only diverse classrooms, but also smaller classrooms and tighter teacher to student ratios. In order to create these two elements, any school district will normally need more funding. But the actions of the School Board to desegregate the schools contributed to lessening the amount of available school funding. The use of mandatory busing to provide equal access to schools doubled the District’s spending on transportation, increasing it to 3.3 percent of the overall budget (Buggs, 1977). While that number may not appear to be overly large, keep in mind that

most school districts operate on an extremely tight budget, and any mandatory increase in spending is going to cause cuts in other areas.

Further, while the decrease in overall enrollment in the public school district cannot solely be blamed on desegregation and “white flight”, they clearly were contributing factors. Decreases in enrollment led to decreases in funding for the public school district, which led to more cuts in educational programs and opportunities for the students who remained enrolled. By acting to insure diverse and equal educational opportunities for its students, the District indirectly hindered its ability to benefit its students in other ways.

Despite all the foreseeable consequences of Kalamazoo Public School District’s decisions, they were necessary and proper based on the rights that our country’s children are entitled to. If every tough decision relating to Civil Rights and Equal Protection were allowed to be influenced by the strong probability of public backlash and short term harm, it seems unlikely that segregation would have been eliminated in the first place. While smaller classrooms and qualified faculty provide a substantial benefit to students, if they come at the sacrifice of educational opportunities for others then they are not worth it. Further, desegregation in Kalamazoo resulted in *higher* test scores over time, showing that children truly did benefit from learning in a diverse and equal environment. The principle of “separate but equal” was rejected with good reason, as to allow for segregation in any form is inherently disadvantageous to certain individuals. And if we place *any student* in our schools at a disadvantage, we are only harming ourselves as children in school today will have to lead our country in the future. Kalamazoo’s desegregation plan was a constitutionally necessary and appropriate way to ensure equal educational opportunities for all its students, despite the consequences.

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