Desegregation Plans Benefit African-American Student's

Introduction:
Desegregation plans have been a very controversial issue in education. Many opponents have argued that desegregation plans are a waste of resources and money and do not effectively address the problem of integration. However, many proponents of desegregation plans state that these plans are the only way to achieve fair and balanced racially mixed schools. In this paper I will discuss the impact of desegregation plans on African-American students. I will argue that desegregation plans benefit African-American students and recent court decisions to dismantle desegregation plans will continue to have detrimental effects on African American student's education.

History of Desegregation Plans:
The history of Desegregation plans started with the court decision in Brown v. Board of Education. In that case the court held that separate but equal was not equal. In Brown, a unanimous Supreme court found that segregating children of different races in distinct schools violates the Equal Protection Clause of the Fourteenth Amendment, which guarantees that "[n]o state shall…deny any person… the equal protection of the laws" (§1). The empirical findings from Myrdal (1944) were the foundations of the psychological argument convincing the court that segregation did in fact have a

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negative effect on African American student’s potential for success. In 1955 the court empowered lower courts to supervise desegregation in local school districts and held that desegregation must proceed “with all deliberate speed.” In an effort to assist desegregation, Congress and the Supreme Court joined together and passed the Civil Rights Act of 1964, among its many features, the Act authorized the Department of Health, Education and Welfare (HEW) to create specific guidelines with which to measure the progress of school desegregation. The act also allowed HEW to cut off federal funding to school districts that did not meet integration guidelines.

By the mid 1960’s many decisions made by courts helped strengthened the cause of racial integration of schools. One particular case was United States v. Jefferson Board of Education. In this case judge Minor Wisdom issued a number of influential opinions. In his decision he wrote, “[T]he only adequate redress for a previously overt system-wide policy of segregation directed against Negroes as a collective entity is a system-wide policy of integration.” Another case that also set the tone for desegregation is Green v. County School Board in this case the court acknowledged that the integration guidelines set forth in Brown II had not produced adequate results. School districts such as those of New Kent County, where in 1967, 85 percent of black children still attended an all-black school, had avoided meaningful integration. The court argued that it was not enough to simply end segregation and allow “freedom-of-choice” plan- by which African-American children supposedly had the freedom to attend predominantly white schools-

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6 Green v. County School Board, 391 U.S. 430
to be the only means of combining the races in an educational setting. In addition, in
*Green* the court held that New Kent County would be expected to immediately begin
remedying the lasting effects of segregation. “The burden on a school board today,” the
Court said “is to come forward with a plan that promises realistically to work, and
promises realistically to work now” (*Green*). Furthermore, school boards would have to
provide meaningful statistical evidence that their school district was moving toward the
goal of integration.

In the last of the cases regarding desegregation plans was the plan for busing in
order to achieve racially balanced schools. In *Swann v. Charlotte-Mecklenburg Board of
Education*⁷ the focus of school desegregation shifted from rural areas to urban areas.
In *Swann*, the court took the final step and made busing a part of school desegregation
plans, by giving the lower courts power to impose it as a means for achieving
integration. In this case the judge called for the adoption of a desegregation plan that
involved busing 13,300 additional children at an initial start-up cost of $1 million. In
addition, the court gave further guidance to school authorities and school districts to
create desegregated schools. The court encouraged faculty reassignment; the
redrawing of school attendance zones; and an optional, publicly funded transfer
program for minority students. Furthermore, the court hinted at an end to court-imposed
desegregation plans saying, “Neither school authorities nor district courts are
constitutionally required to make year-by-year adjustments of the racial composition of
student bodies” This statement would be used to end desegregation plans in the near

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future. In addition, this statement began the dismantling of desegregation policies that would adversely affect African-American children.

**The positive effects of Desegregation plans on African-Americans:**

Before desegregation plans African-American students were in schools that were in dire conditions, they did have access to books and many of the facilities were in deteriorating conditions. After *Brown v. Board of Education, Brown II* and other Supreme Court cases these conditions changed for many African-American children. African-American children were able to attend schools with White Americans and experience the same educational opportunities as White Americans. In turn the outcome of desegregation plans were positive for African-American children. In a recent study by Rand and researcher David Grissmer and an earlier study by Daniel Koretz indicated that the most dramatic narrowing of the test score gap ever recorded happened during the desegregation era. In the study conducted by Rand they were able to use various studies conducted by other researchers to concluded that students who were desegregated at kindergarten or first grade are more likely to show positive results of desegregation, much less likely to show a negative result, and show a higher mean treatment effect. Treatment effects in this context mean that the children showed higher achievement scores. In another study conducted by Braddock II he discusses the system of education before Brown (1954), and states that “particularly in the South, students were educated under a dual system which offered putatively inferior training to

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blacks. When southern schools began to desegregate, blacks were granted the legal right to attend formerly all-white elementary and secondary schools.” This legal right led to some African-Americans taking advantage of the new law and going to all white elementary and secondary schools. Braddock concluded that desegregation as a social intervention strategy has long-term effects on breaking down the self-perpetuating cycle of racial segregation in America. Braddock states that “Black students with high school desegregation experience are more inclined than their segregated counterparts to continue their educational pursuits, in predominantly white settings, net of back ground factors, college qualifications, and college inducements, which suggests that desegregation practice does help ameliorate the social inertia and avoidance learning that racial segregation engenders”. In addition to these studies a more recent study done by Reber\textsuperscript{10} (2002) indicate that there were immediate effects of desegregation on the racial integration of schools, followed by gradual resegregation due to white migration out of cities. However, Reber states overall that taken as a whole, the evidence in the literature weighs strongly that desegregation plans led to a decrease in the segregation of public school districts.

**Recent court decisions against desegregation plans:**

After many years of policies and Supreme Court decisions for desegregation the climate began to shift. Many states and districts began to file suit to declare that they had fulfilled their requirement for desegregation plans. One important shift that occurred during this time was the implementation of the Regan Administration, with the new administration brought sweeping changes to desegregation efforts. According to Orfield,\textsuperscript{10}

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\textsuperscript{10} Sarah, Reber, “Desegregating America’s Schools: Successes and Failures in Integration Since Brown,” mimeo, Harvard University (March 2002).
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The Reagan Administration brought a rapid repeal of the federal desegregation assistance program and a shift in the Justice Department to a position of strong opposition to desegregation litigation, opposing even the continuation of existing desegregation plans. The Administration developed theories that desegregation had failed and that existing desegregation orders should be cancelled after a few years. The Justice Department began to advocate such policy in the federal courts in the mid 1980’s. In addition to these new administration policies many cases began to be heard in which school boards and districts challenged desegregation policies. One case in particular that challenged desegregation policies was *Board of Education of Oklahoma City v. Dowell*.

In the case of *Board of Education of Oklahoma City v. Dowell* the court declared that school districts which had sufficiently implemented their court orders in the judgment of the local federal district court should be released from their order and should be free to resume assigning students to neighborhood schools that were segregated as the result of residential isolation. Following this decision by the courts a number of the nation’s large school districts began to initiate proceedings to end their desegregation orders. According to Orfield, The Supreme Court’s resegregation decisions took place at the very time there was a turn toward increased segregation for black students. After increase in integration for black students for a third of a century, segregation began to intensify again. The increase in segregation can be attributed to

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the Regan policies of the early 80’s and also the dismantling of desegregation policies. Furthermore, according to Orfield, the Courts of Appeals in some parts of the country have been active in terminating desegregation plans, including recent court decisions in cases in St Petersburg, Florida, Charlotte, N.C. and Rockford, Illinois, each of which involved a situation in which either the school district itself or the trial judge or magistrate judge had found desegregation process to be incomplete but the Court of Appeals ordered termination of the plan. The current policies against desegregation plans have encouraged an environment in which many African-American students have become subject to an inferior education.

The effects of dismantling Desegregation policies on African-American Students:

Throughout the history of America there has been a consensus that treating people unfairly is wrong. The policies and Court cases that surround the issue of Education for African-American students stated that it was wrong to educate children in separate but equal environments because it violated their constitutional rights. The dismantling of desegregation policies has brought us back to the same issue. Schools in African-American communities are more segregated now than ever. The dismantling of desegregation policies has produced negative results for African-American students. Critics and civil rights advocates argue that the current trend toward dismantling court-ordered desegregation in many school districts is a step backwards toward segregated schooling. According to Orfield, school segregation has increased steadily over the past 15 years, particularly in non-southern states. The increase in school segregation has
profound consequences for urban minority students. According to Orfield14 “This means that students who move from an integrated school back to a segregated neighborhood school will most likely exchange the resources of a middle-class school for a poverty-stricken one, the result of the end of court-mandated busing or desegregation choice plans. High poverty schools have generally lower levels of educational performance and are less likely to prepare students for college than more affluent schools.” This trend will continue to have detrimental effects on African-American students’ education because they will not have the resources they need and will not be prepared for a higher level of education. In addition, the trend towards dismantling desegregation plans also effect’s African-Americans future potential for gainful employment. Education is linked to a better future in the employment sector if dismantling desegregation plans continues than there will be less qualified African-American adults who can do the type of work that the 21st century calls for. “The consequences of unequal education have become more severe because employment and income are sharply liked to education than in the past. Post secondary education is essential to significantly share in the benefits of economic growth, and the availability of well-paying manufacturing jobs with low educational requirements has declined greatly”15 African-Americans do not have the opportunities that were provided to them decades ago when manufacturing jobs were available and required less education. Today it is imperative that African-American students receive an education that will prepare them for the future. Furthermore, the dismantling of desegregation plans on African-American students has increased the high school dropout rate. “High school dropouts find themselves in jobs that pay only

15 Orfield, Supra Note 11.
half as much as a quarter century ago, in spite of the greater wealth in society. Those who drop out are far more likely to end up in the mushrooming prison population with staggering costs to the economy. Dropout rates are by far the highest in a few hundred segregated high-poverty high schools; about half of the high schools in the largest cities were graduating less than half of their students in the mid-1990's, and they were overwhelmingly segregated minority schools\(^{16}\). This provides evidence that dismantling the desegregation plans have had enormous affects on the dropout rates of African-American Students.

**Recommendations for Desegregation Policies:**

In order to provide a balanced and fair educational system, desegregation plans must be at the center of policy changes. According to Orfield, the resumption of serious enforcement of desegregation by the Justice Department and serious investigation of the degree to which districts have complied with all Supreme Court requirements by the Department of Education must be reinstituted. In addition, creation of a new federal education program to train students, teachers, and administrators in human relations, conflict resolution, and multi-ethnic education techniques and to help districts devise appropriate plans and curricula for successful multi-racial schools should also be included in desegregation policies. Furthermore, serious federal research on multiracial schools and the comparative success of segregated and desegregated schools needs

to be done. All of these recommendations take into account that without desegregation policies African-American students will continue to suffer and have an inferior education.

**Conclusion:**

In conclusion, when desegregation plans were in effect, they had a positive outcome on African-Americans education. The desegregation plans provided African-Americans with better educational opportunities and the opportunity for whites to get to know African-American culture through socializing with African-American students. There have been many studies done that contribute to the evidence that while desegregation plans are not perfect they do provide the best strategy for making sure that African-Americans have a chance at an equal education. Many opponents would like to argue that desegregation plans do not work however, evidence shows that many parents black and white would prefer that their children experience integration as oppose to segregation. The dismantling of desegregation plans have had a detrimental effect on African-Americans education, potential future income and puts them in a position to become part of the prison population. Desegregation plans are the only way to achieve an equal education for African-American students.