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ABSTRACT

The contents of this compilation of information on desegregation activities in Philadelphia, funded under Title IV of the Civil Rights Act of 1964, section 405, are organized in 11 parts, as follows: (1) Introduction, (2) Description of School District of Philadelphia, (3) Housing Patterns as a Factor in Desegregation, (4) Map Depicting Racial Distribution by Planning Districts, (5) Desegregation Terms, (6) Data Required for Desegregation Plans, (7) Desegregation Techniques, (8) Desegregation in Ten Cities: Profiles, (9) Checklist for Completed Desegregation Plans, (10) Organizations Offering Technical Assistance or Information on Desegregation, and (11) Desegregation Planning and Implementation: Funding. Also included are nine appendixes: (1) Guidelines for Desegregation, (2) Elements of a Desegregation Plan, (3) Chronology of Interaction Between the Philadelphia School District and the Courts, (4) Policies on Non-Discrimination of the Philadelphia School District, (5) Court Findings Relevant to Desegregation in Pennsylvania, (6) Excerpts from the Philadelphia Story, (7) Community Affairs Program, (8) Implementing School Desegregation: a Bibliography, and (9) News Articles Relating to Desegregation. (JM)

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DESEGREGATION RESOURCE HANDBOOK

PUBLISHED BY

OFFICE OF COMMUNITY AFFAIRS

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OFFICE FOR FIELD OPERATIONS

DESEGREGATION RESOURCE HANDBOOK

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DESEGREGATION RESOURCE HANDBOOK

FORWARD

Involving the total community in planning for desegregation is not an easy task for school officials, and it may appear to be an inefficient approach to decision-making. However, the effort is worthwhile! By assuring that all segments of the community are fully involved in the development of a plan, resistance can be minimized and public support, which is essential to the success of any program, can be significantly increased. Also, the plan itself may be made more responsive to the community's needs.

The history of school desegregation clearly suggests that community pressures of various sorts constantly affect the desegregation process. Having the community, black and non-black, knowledgeable about and in favor of desegregation is an advantage the Philadelphia School District holds high.

When parents and other community residents themselves know what is happening they can help prepare their children, can influence other parents, and can help support principals, teachers, and other staff.

The Office of Community Affairs has endeavored to pull together information which may prove helpful to those seeking to become familiar with various aspects of desegregation. In addition, several pieces of information have been included which specifically focus in on the desegregation efforts of the School District of Philadelphia.

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The following agencies were closely involved with the school district's staff committee:

Philadelphia Commission on Human Relations

Pennsylvania Department of Education

Philadelphia City Planning Commission

Consultative Resource Center On School Desegregation and Conflict -
University of Pittsburgh

Dr. Gordon Foster, Director of the Desegregation Center at the University of Miami met with the staff committee on October 2, 1973. In his role as consultant, he discussed technical aspects of desegregating a large school system, drawing upon the experiences of other cities.

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INTRODUCTION

Equal educational opportunity is fundamentally necessary for effective living in our complex society. It is our only means of obtaining adequately trained manpower and a thinking, informed citizenry.

To approach this ideal, every person should be offered the best education he can absorb. The best education means integrated education. This is necessary so that all segments of society will have relationships with each other early in life as a basis for later coping with the practicalities of the real world.

Much has been said in favor of local neighborhood schools, particularly for the younger children. In order to have both better integrated schools and neighborhood schools we must have integrated neighborhoods. Integration in housing does not exist in many areas of the city and probably will not be realized for many years to come.

Therefore, the Board of Education has attempted to effect quality, integrated education over the past eighteen years. This has been done despite the severe limitations of the city's housing patterns, and dire financial straits. It was on July 8, 1959, that the Board of Public Education of the School District of Philadelphia stated its firm belief in a policy of nondiscrimination.

The Board of Public Education, on June 25, 1963, expanded this 1959 policy of nondiscrimination to "state explicitly that integration of both pupils and staff shall be the policy of the Board of Public Education.

By unanimous action on June 10, 1968, the Board of Education recorded itself as "firmly committed to providing a quality integrated education for each child in as sound, as thorough, and as expeditious manner as possible." The Board, in the same resolution, committed the District to proceed unilaterally, if necessary, toward realization of an integrated society as a paramount goal.

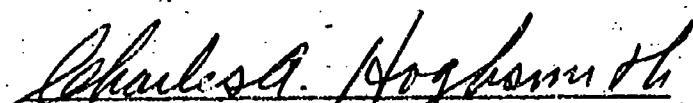
In a Desegregation Plan adopted by the Board of Education and forwarded to the Human Relations Commission on July 1, 1969, the Board reiterated its position: "We continue to be firmly committed to launching educational programs which, while improving learning, also maximize integration... The School District, thoroughly aware of the degree to which it has failed to meet the needs of a large percentage of its school population, is committed to an all-out effort to improve substantially the education of every child in the city's public schools."

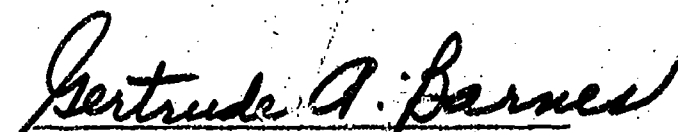
It is no secret that although the all-out effort to improve substantially the education of every child in the city's public schools has met with some success in the years since 1969, the move toward greater pupil integration has been hindered severely by housing patterns, by a lack of funds and by community reaction against busing. Yet, much has been accomplished in the areas of programmatic and staff desegregation, human relations and community affairs.

The Office of Community Affairs, formerly known as the Office of Integration and Intergroup Education, was established by the Board of Education on the recommendation of the Board's Committee on Nondiscrimination. This was done after presentations by civic groups asking for a creation of a specific new department or division in the administrative structure of the school district to more effectively implement the policy of integration and to work directly on problems incident to desegregation.

This office has received requests and visits from parents, students, teachers, and administrators from several school districts, colleges, and universities, requesting information on desegregation activities in Philadelphia. Therefore, this handbook on desegregation will, we hope, be a useful resource to community people, and all others who are concerned with the desegregation process.

This publication was prepared under the leadership of Leronia Josey, Advisory Specialist and funded under Title IV of the Civil Rights Act of 1964, section 405.

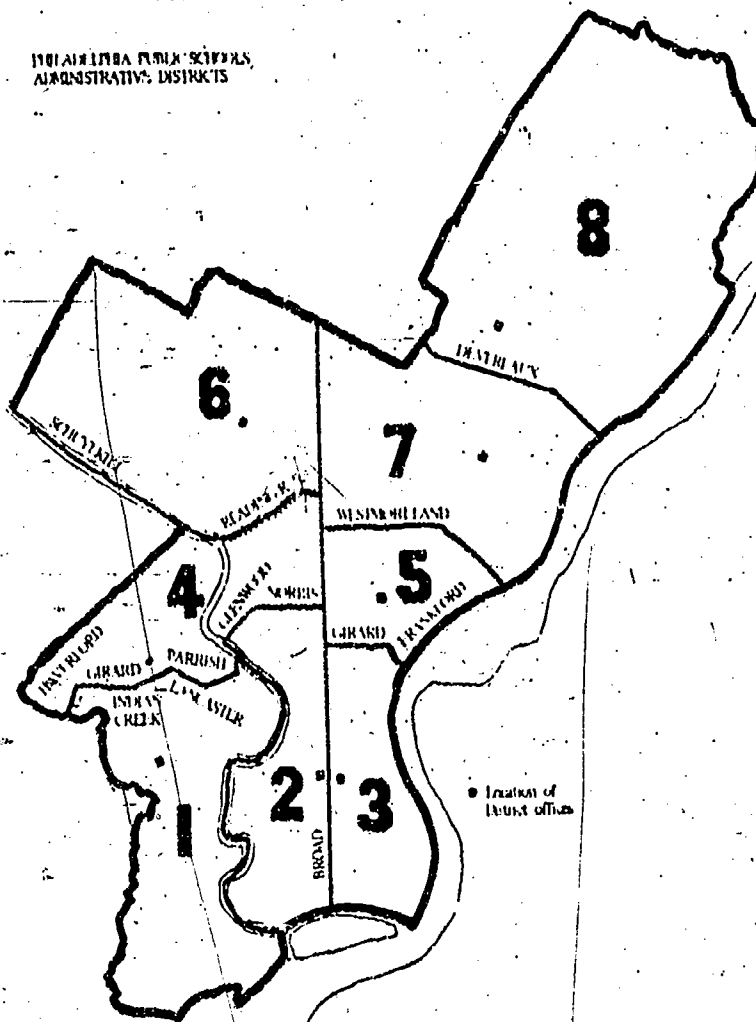

CHARLES A. HIGHSMITH
Associate Superintendent
Office for Field Operations


GERTRUDE A. BARNES
Director
Office of Community Affairs

DESEGREGATION RESOURCE HANDBOOK

MAP OF PHILADELPHIA PUBLIC SCHOOLS
ADMINISTRATIVE DISTRICTS

PHILADELPHIA PUBLIC SCHOOLS
ADMINISTRATIVE DISTRICTS



District 1
46th & Haverford Avenue (19139)

District 2
16th & Moor Streets (19145)

District 3
427 Monroe Street (19147)

District 4
32nd & Ridge Avenue (19132)

District 5
7th & Somerset Streets (19133)

District 6
Ridge Ave. & Osborn Street (19128)

District 7
Hedge & Unity Streets (19124)

District 8
4800 Grant Avenue (19114)

Location of District Offices

DESEGREGATION RESOURCE HANDBOOK

PUPIL ENROLLMENT SUMMARY COMPILED BY THE OFFICE OF RESEARCH AND EVALUATION

Black enrollment comprised 61.3 percent of the total enrollment in the Philadelphia Public School System in November, 1973. Black enrollment constituted 62.0 percent in May, 1973, 61.2 percent in November, 1971, and 60.5 percent in November, 1970. However, care must be exercised in drawing conclusions from such comparisons.*

Spanish surnamed children accounted for 4.2 percent of the total November, 1973 enrollment. In previous school years this category was called Spanish Speaking and was defined as those pupils whose first spoken language was Spanish. In May, 1973, Spanish speaking pupils accounted for 3.4 percent of the total public school enrollment, 3.5 percent in November, 1971, and 3.1 percent in November, 1970.

In the Philadelphia public schools in November, 1973, 126 pupils were identified as American Indian and 737 pupils were listed as Oriental. Both of these categories added together represent approximately three-tenths of one percent (0.3) of the total pupil population.

All other racial-ethnic groups within the Philadelphia public school population represented 34.1 percent of total enrollment in November, 1973. In prior years, this category (which included American Indians and Orientals) accounted for 34.1 percent of the total enrollment in May, 1973, 35.3 percent in November, 1971, and 36.4 percent in November, 1970.

*NOTE: The racial-ethnic categories expanded this year to include pupils of American Indian and Oriental heritage. In addition, the Spanish speaking category used in past years has been redefined and is now called Spanish Surnamed. These changes were made to conform to the mandated reporting requirements of both state and federal governments. Because of these changes and because of the data collection difficulties experienced in the wake of last year's teacher strike, it is difficult to compare this year's racial-ethnic enrollment data with those data obtained last year and those of previous years.

It is important to note that in some instances the percentages will not add to 100 percent due to rounding.

DESEGREGATION RESOURCE HANDBOOK

1973 - 1974 Pupil Enrollment Black and Spanish Speaking

	All Pupils	Elementary	Junior High	Middle Schools	Senior High	Vocational Technical
Black	61.3%	59.7%	66.3%	70.3%	59.0%	65.2%
Spanish Speaking	4.2%	5.0%	5.3%	1.1%	2.4%	3.0%
All Others	34.1%	34.9%	28.0%	28.3%	38.3%	31.6%

Racial Breakdown of Philadelphia Teachers 1973-1974

64%	White
35%	Black
1%	Other

Philadelphia Schools Pupil Enrollment: 1973-1974

145,960	Elementary Schools
53,987	Junior High and Middle Schools
64,838	Senior High and Vocational-Technical Schools

City Summary

<u>Number of Schools</u>		<u>Number of Teachers</u>	
Total	281	Total	11,063
Elementary	197	Elementary	4,966
Jr./ Middle	40	Jr./ Middle	2,559
Senior High	22	Senior High	2,817
Voc./Tech.	4	Voc. Tech.	392
Special	18	Special	328

HOUSING PATTERNS AS A FACTOR IN SCHOOL DESEGREGATION

During the more than twenty years since the historic Supreme Court decision of 1954, Philadelphia has been grappling with the problems of racial imbalance in its schools. The Court decision raised a serious question as to the obligation of school systems to deal with de facto segregation, which was the result of numerous factors - especially segregation of residential living.

Housing is a community factor which profoundly affects the operation of schools in the Philadelphia School District.

There has been an increasing trend toward concentration of non-white households in blocks having a majority of such households. This kind of uni-racial housing pattern leads inevitably to racial segregation in the schools.

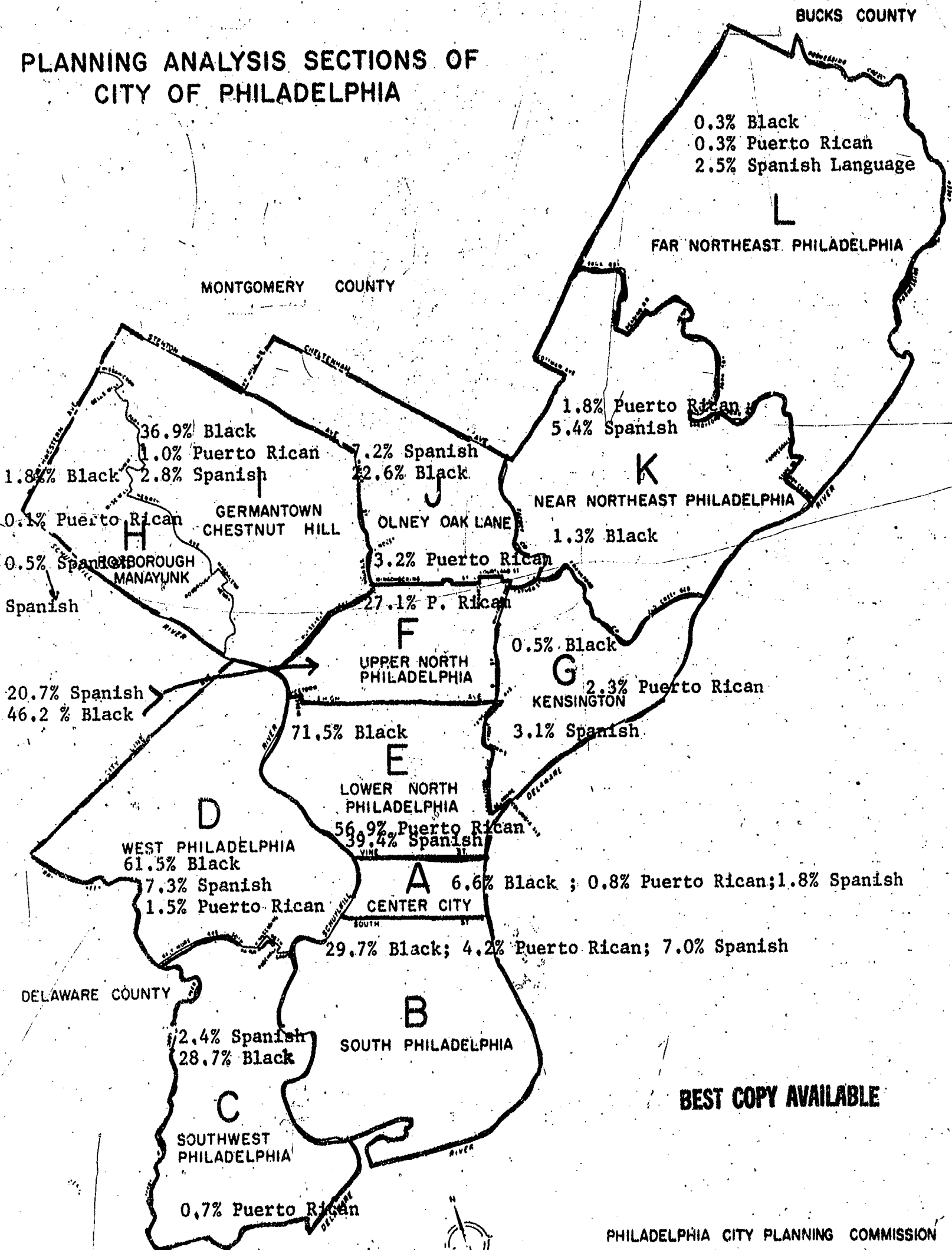
The accompanying map reflects concentrations of non-whites in certain areas and an almost absence in other areas.

Busing has been held by the Courts to be a legitimate tool to be used in achieving racial balance in the schools; however, the mere mention of the word engenders divisive controversy in the community. Groups of citizens are pitted against each other on the issue of busing. What is the solution? How will legal requirements of "racial balance" be achieved?

Racial segregation in Philadelphia schools is, ultimately, a human relations problem.

Education for human relations depends primarily upon satisfying personal and intergroup experiences. All learning is rooted in experience, either real or vicarious. If pupils are to learn to appreciate their heritage and their opportunity to contribute something new to that heritage, there must be an extension of their first-hand experience.

PLANNING ANALYSIS SECTIONS OF CITY OF PHILADELPHIA



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PHILADELPHIA CITY PLANNING COMMISSION



DESEGREGATION TERMS

Compiled From DESEGREGATION
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Association.

DESEGREGATION - RELATED TERMS

The A to Z of School Desegregation: Definitions

Ability grouping - Also known as "tracking". This process refers to the classification of pupils in homogeneous "intelligence" sections for purposes of instruction, based on teachers' assessments or standardized test results. A frequent result is to resegregate children by race in what might be an otherwise desegregated school facility. Ability grouping was outlawed by a federal district court in the case of the Washington, D. C. system.

Busing - Is used to refer to the transportation of students between home and school by bus. In its more innocent context, school children have been using school transportation since 1869. By the year 1970, an estimated 20 million, or 40% of elementary and secondary public school students were being bused because they lived too far to walk to the school they attended. Only 3% were bused due to desegregation. But the school bus has in recent years become a symbol of court-ordered desegregation, or a symbol of the transporting of children from their own neighborhood to another against the will of some or many parents involved, for purposes of desegregation. In this context, busing is often referred to as "forced busing".

Clustering - The method that combines three or more schools, any one or more of which may have been previously segregated, into desegregated facilities with different grade levels in each. Thus, two predominantly black schools and three white, each with grades K-8, in roughly the same area of town, might be reorganized to have five desegregated schools, two K-3, two with grades 4-6, and one with grades 7 and 8. It is similar to the "pairing" concept.

De facto segregation - A separation of students by race which the law recognizes as having happened either by sheer accident or because of housing patterns, with no local or state action responsible for the separation. It is often referred to as "Northern" segregation. So far, the Supreme Court has not interpreted the Constitution of United States to require the desegregation of de facto segregated schools. However, the legal definition of de facto segregation has narrowed somewhat in recent years, as state and U. S. districts courts in Los Angeles and Denver and elsewhere have ruled that past official state or school board acts, past official acts of commission or omission by states or school boards have fostered segregation.

De jure segregation - Although frequently equated with "Southern" segregation in the 17 Southern and border states, de jure segregation in fact refers to any separation of students by race which results from official school board, city or state action. The fact that the Southern states once maintained a dual school system, one for whites and another for blacks, created illegal, unconstitutional de jure segregation in the eyes of the U. S. Supreme Court in 1954. In 1955, the Supreme Court ruled that such segregation must be undone "with all deliberate speed". More recently, in a Ferndale, Mich. case, a federal court has ruled that a Northern district which deliberately isolated a black school

Desegregation - Terms

by board action in the 1920's was also a de jure segregated district, and therefore obliged to desegregate.

Desegregation - In practice, complex social and political process of reassigning pupils and teachers in order to end racial or ethnic isolation in the public schools. Legally it is achieved when a school system no longer has schools racially identifiable as "white schools", "black schools", or "brown schools", but - in the words of the 1968 U. S. Supreme Court decision in the Green case - "just schools". Techniques and the amount of pupil reassignment vary with the court or government agency requiring desegregation and with the size and makeup of the school district. The most complete desegregation is generally said to exist when the racial balance in each school matches the racial composition of the total school community.

Integration - There is no universal agreement on the difference between desegregation and integration, and the two words are used interchangeably by many in both the social sciences and education. But there is a growing consensus that integration is more than the reassignment of students, and includes the further steps needed to reach the potential or equal educational opportunity and interracial social contact in the school. "The process of integrated education may be said to begin where desegregation ends", announces the preface to a desegregation-integration book distributed by the United States Office of Education.

Majority-to minority transfer - The process by which students who are enrolled in schools in which their race is in the majority may transfer to any school (in the same district) where their race is in the minority. Usually, the school district is obliged to provide transportation. The result can be a voluntary leveling of racial imbalances between schools.

Neighborhood school - Like "busing", a term which has overtones of resistance to desegregation. In many Southern school districts where housing segregation is not as much a factor as in the North, housing meant segregation for years, and the neighborhood school has since come to mean desegregation. But the predominant meaning is one of preserving a racially homogeneous school near the home of the student whose parent is promoting neighborhood schools.

Noncontiguous zones - At face value these are geographic attendance zones which are not adjacent to one another within a given district. In fact, a pupil living within one zone who must attend school in a noncontiguous zone to achieve desegregation, will require transportation. Thus, to some administrators and federal officials familiar with the term, noncontiguous zoning is equated with "busing".

Open enrollment - A passive policy of permitting parents to choose any school within a district for their children to attend. In the North, it is frequently the first hesitant step taken by a desegregating school district; in the South, it was the predominant form of desegregation under the appellation of "freedom of choice". However, the Supreme Court said in 1968 that it was permissible as a

Desegregation - Terms

remedy for de jure segregation only if it worked. Because open enrollment or open transfer puts the entire burden of desegregation on the parents and children rather than on the school district itself, it is only as successful as an activist community can make it. It is rarely if ever the plan of choice of either HEW or the federal judiciary.

Pairing - A method of desegregating two schools, one predominantly white, the other minority, which serve the same grades. Instead of both schools containing grades K-6, after pairing one school might have grades K-3 and the other grades 4-6, with students drawn from the former attendance zones of both schools. Both schools would share the white and minority populations of the enlarged zone. This means of desegregation is more frequently used where two comparable schools are located within a relatively short distance of each other; but in urban systems, schools in noncontiguous zones are also paired, requiring transportation.

Racial balance - A requirement that the racial makeup of each school in a district equal or approximate the racial composition of the entire community. Thus, if a town's school population is 75% white and 25% black, each school might have to have somewhere between 20% to 30% black student enrollment. Similarly, if 15% of a system's teachers are black and 10% are Spanish-surnamed, each school staff would have to have the approximate same percentages. Although some courts have ordered racial balance as a remedy, it is not a legal end in itself, since the Constitution does not require racial balance, only the end of discrimination, according to Supreme Court rulings.

School closing - Frequently a part of a larger desegregation plan, the closing of a school and the redistribution of its student body into other schools not of the same racial makeup is one way to change the racial identity of schools. To the extent that "black" or "Mexican American" schools are the ones closed to the exclusion of "white" schools, school closings are increasingly unpopular among minority communities on grounds that the choice of schools to be closed is too often discriminatory.

Zoning - The placement of school attendance boundaries to include both majority and minority race children in every possible school. Sometimes zones need merely to be enlarged to embrace the living area of the children needed to achieve desegregation and, at other times, lines must be redrawn in unusual patterns to reach residential pockets of one race or another. Since the simple drawing of zone lines is based on existing residential patterns and needs no manipulation of grade structure (pairing and clustering) or of the children themselves (noncontiguous zones, busing), it is considered the most stable method of desegregation - when it will suffice to do the job.

DATA REQUIRED FOR DESEGREGATION PLANS

Compiled from DESEGREGATION
Published by the National
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Association

DATA REQUIRED FOR DESEGREGATION PLANS

The development of a sound desegregation plan depends upon cooperation between the local school officials and technical assistance personnel in collecting accurate data and information about the school system. Some of the kinds of information needed include:

- Student enrollments by school, grade, race
- Staff assignments by school, position, race
- Capacity, age, location and adequacy of all school facilities
- Curricular and extracurricular offerings in each school
- Demography and geography of the community, including potential safety hazards
- Distances between schools and between population centers
- Transportation facilities available
- Tax base and fiscal information
- Organization and current policies of the school district
- Past efforts to desegregate
- Office for Civil Rights, D/HEW, compliance requirements.

The following are suggested as means of obtaining the necessary facts:

1. Building information

To develop a plan, data on staff, building capacity, students, grade level, and so forth are necessary. This type of information can be supplied by each school principal.

2. Proposed building information

Information on future construction plans, including long-range projected plans, should be obtained.

3. Pupil locator maps

A pupil locator map for each school should be prepared by local school officials. The lowest grade of each school usually enrolls the greatest number of pupils. Thus, plotting the location of the students in the lowest grade of every school in the system should prove to be representative of total student distribution. For example, if the school system is set as 6-3-3, three pupil locator maps should be prepared. The first map would locate every student in the 1st grade, the second map would locate every student in the 7th grade, and the third map would locate every 10th grade student. If the school system is 4-4-4, a separate map should be prepared for students in grade 1, students in grade 5, and students in grade 9.

In addition, it is important to obtain projected figures for the student population over the next 5 years, and to foresee changing housing patterns in the community. These procedures may prevent resegregation in the future.



DATA REQUIRED FOR DESEGREGATION PLANS

The residences of black and white students should be plotted on maps by the use of different symbols or colors. For example, white students could be plotted with red dots and black students with green dots.

Maps of adequate size should be used. They may be procured from the local Chamber of Commerce, State and County highway departments, or other municipal agencies. Duplicate copies of these maps will be needed.

In some cases a separate locator map for each school may be necessary. These maps can show the flow patterns of students as established under present policies.

4. School and school site map

A map should be obtained which shows the location of each school in the system. Schools should be placed on the map, coded as to level. In addition, all proposed buildings and sites owned by the board should be shown. All schools should be located in blue: elementary schools 0; intermediate school  ; and high schools .

5. Transportation maps

Maps should be obtained showing all bus routes, the schools served, the number of miles driven for each route, and the number of students living on each route. Students should be designated by race.

6. Demographic smear map

This map shows the community population distribution by race.

DESEGREGATION TECHNIQUES

Compiled from DESEGREGATION
Published by the National
School Public Relations
Association

DESEGREGATION TECHNIQUES

The techniques for developing an effective plan vary, since they are contingent upon such factors as size of the student population, residential patterns of the community, number, and location of schools in the system, and grade levels served by each school. Those discussed in this section have been used by many school systems. In some cases, one of the techniques will be adequate to do the job, but in larger systems a combination of one or more may be needed.

METROPOLITAN PLAN

The metropolitan plan may embody some or all of the features of education parks and complexes but differs in that it includes surrounding suburban areas. Thus, one large complex of buildings and facilities located in the city would serve central city and suburban children. The site of the complex should be as convenient as possible to all areas that it serves and should be large enough to permit growth.

ILLUSTRATION #1

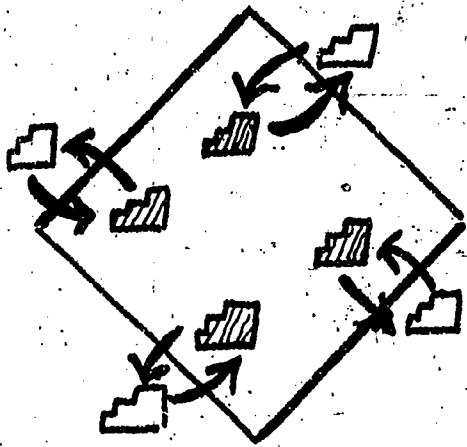
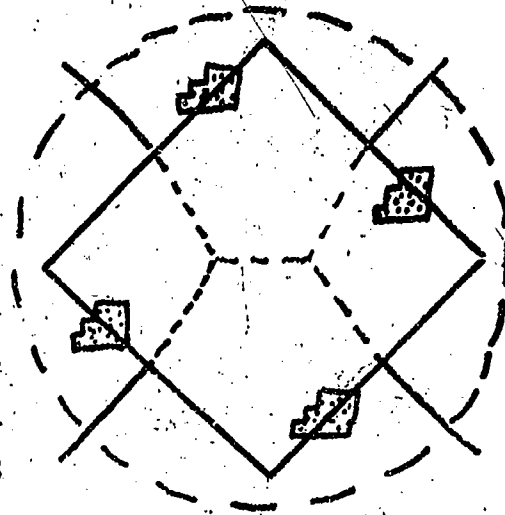


ILLUSTRATION #2



 PREDOMINANTLY
BLACK SCHOOLS

 PREDOMINANTLY
WHITE SCHOOLS

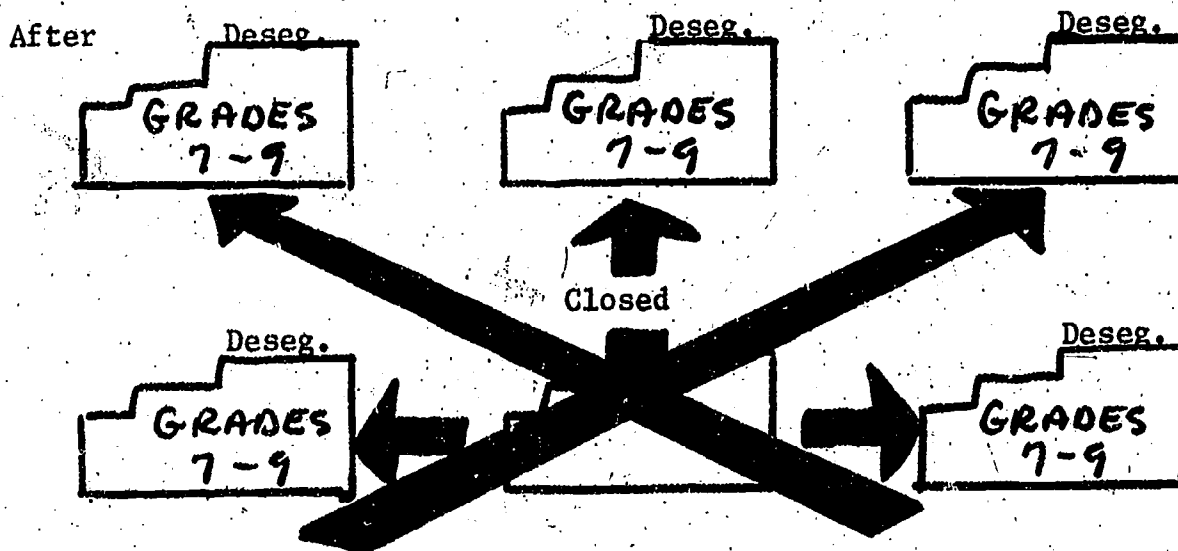
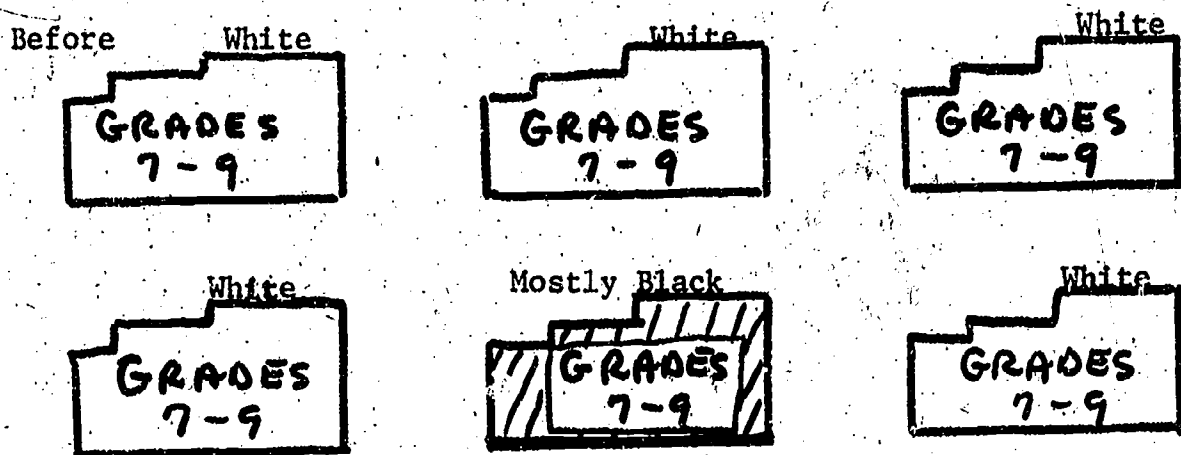
 DESEGREGATED
SCHOOLS

NOTE:

Several groups testified in favor of this plan when the School District of Philadelphia held public hearings on the proposed desegregation plan in January, 1974.

SCHOOL CLOSING AND CONSOLIDATION

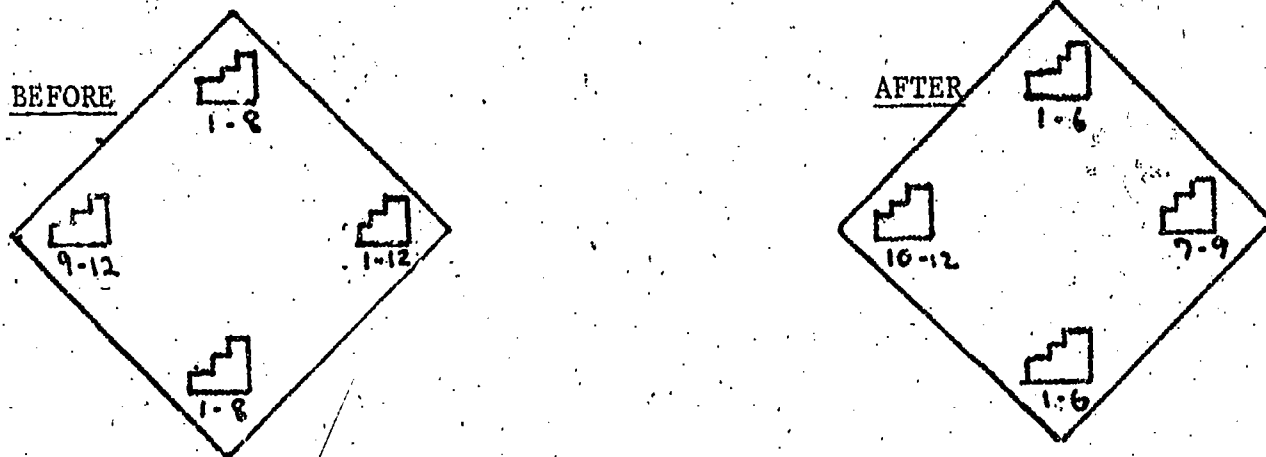
In many systems small inadequate schools exist which were originally established for students of a particular race. Such schools deny students equal educational opportunity and should be closed and the students assigned to other schools in the system. Consideration should be given to recommending, when administratively feasible, that schools not meeting State or other accreditation standards be closed. Recommendations should be made of other uses that could be made of the facility, such as adult education center, recreation center, reading center, special materials center.



The Predominantly Black Junior High School Is Closed and the Students Are Assigned to Other Schools.

REORGANIZATION OF GRADE STRUCTURE

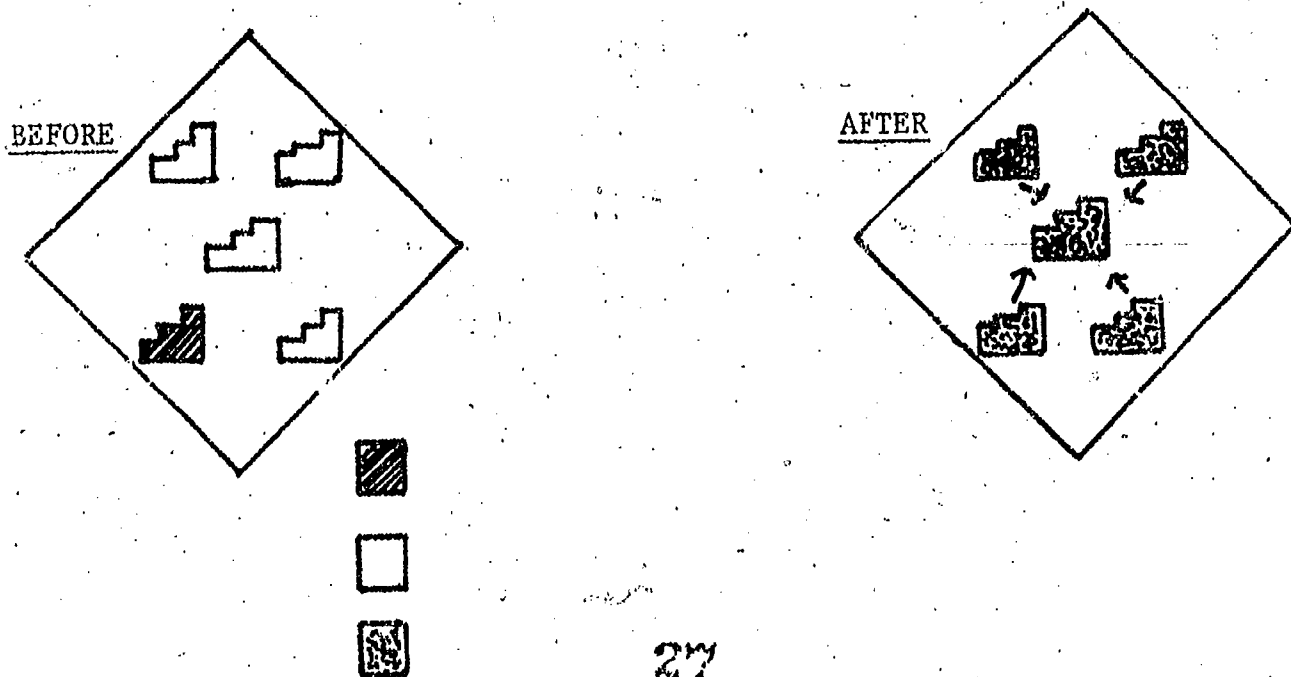
In some school systems, desegregation may be accomplished through changing the basic grade organization. Prior to reorganization there might be a predominantly black school serving grades 1-12, one predominantly white high school serving grades 9-12, and two predominantly white elementary schools serving grades 1-8. The system could be reorganized on a 6-3-3 basis for all schools. The formerly white high school could serve grades 10-12, the formerly black school could serve grades 7-9, and the formerly white elementary schools could be zoned to serve 1-6.



Utilizing this method would not only completely desegregate the system but would also make full use of existing school plants.

ESTABLISHING SCHOOLS FOR SPECIAL SERVICES

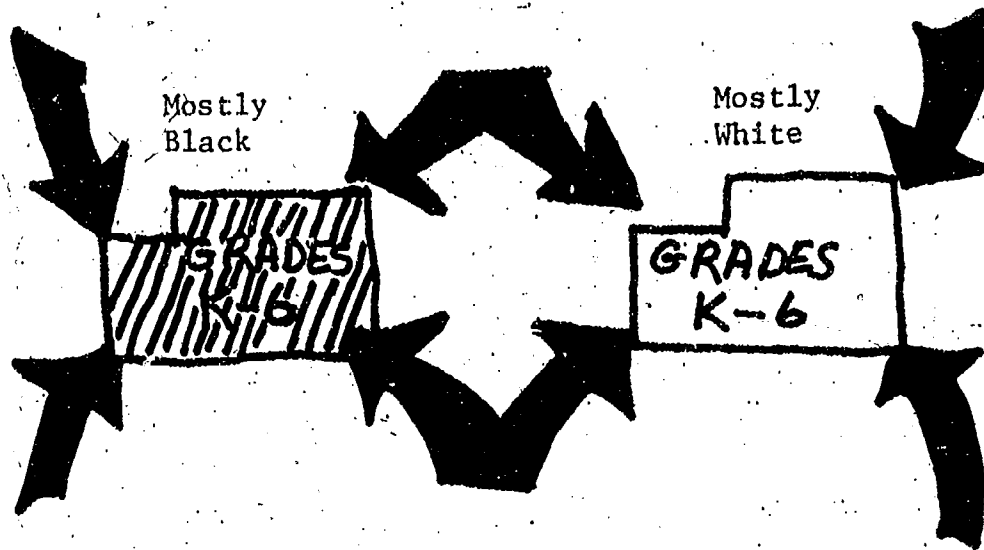
A school formerly attended predominantly by students of one race may be converted into a special-services building to serve the entire system. The special-services needs of the system should be assessed to determine how the building might be best utilized. Such a facility could be used to house classes for the educable mentally retarded and physically handicapped students with hearing or sight difficulties, or as an adult education center, advanced learning center, or recreation center.



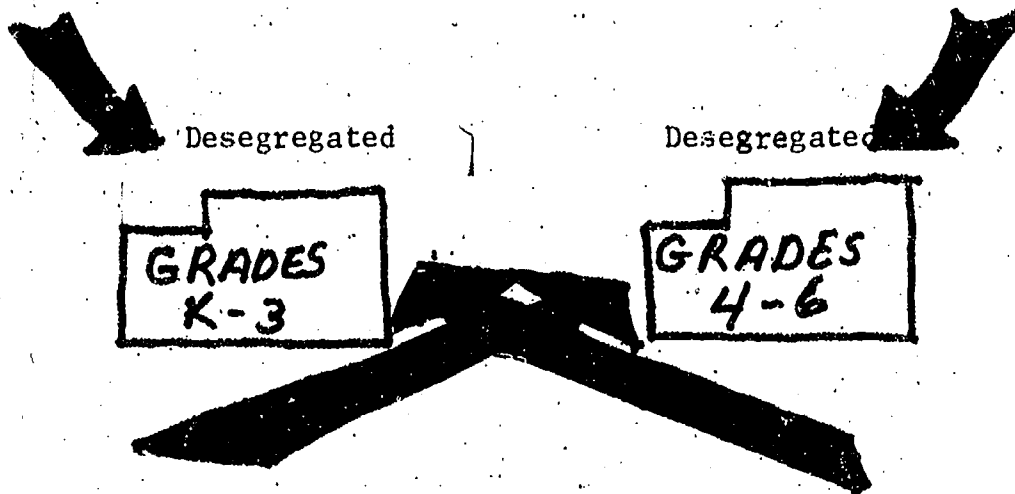
SCHOOL PAIRING

This method of desegregation is best suited to an area of a school system which has two comparable schools located within a relatively short distance of each other. Before pairing, one school might be a predominantly black school serving grades 1-6. The other school might be a predominantly white school serving the same grades. After pairing one school could serve grades 1-3 and the other 4-6. In this way the former attendance patterns for the two schools would be merged to form one larger attendance area for both schools.

Before



After



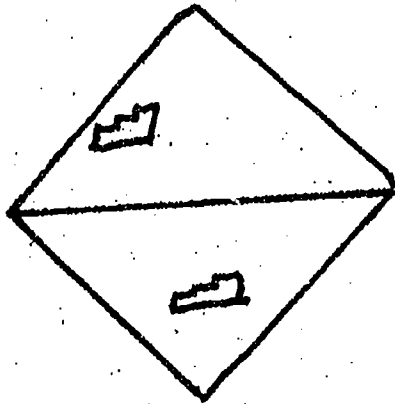
Before Pairing, Students Enroll According to Each School's Attendance Area. After Pairing, Students of Both Attendance Areas Enroll in the Two Schools According to Grade.

GEOGRAPHIC ATTENDANCE ZONES

In many school systems it will be possible to assign students to schools on the basis of geographic attendance areas. Zone boundaries should be drawn in a manner promoting a maximum of desegregation in each school and in as many schools as is administratively feasible. This would tend to deter the process of resegregation or exclude it altogether as a possibility. In many cases, it will be sufficient merely to enlarge existing attendance areas. In others, new and imaginative attendance areas must be drawn to assure that schools serve a racially and socially heterogeneous student population. Many systems have used school bus routes as a basis for establishing attendance areas.

ILLUSTRATION #1

After



Before

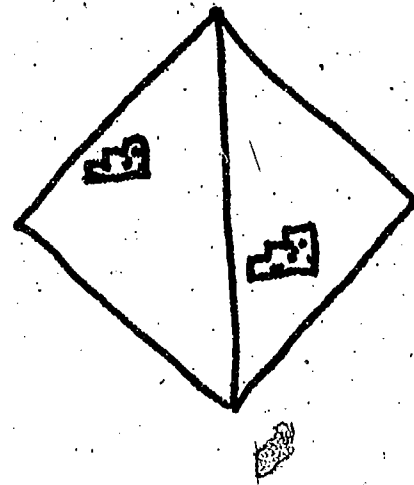
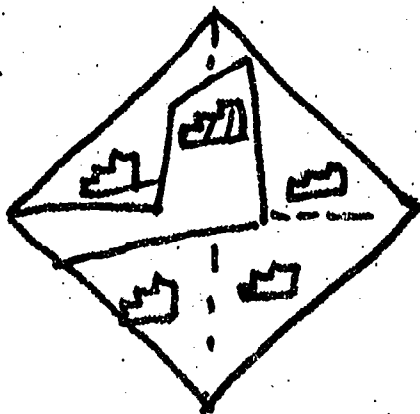
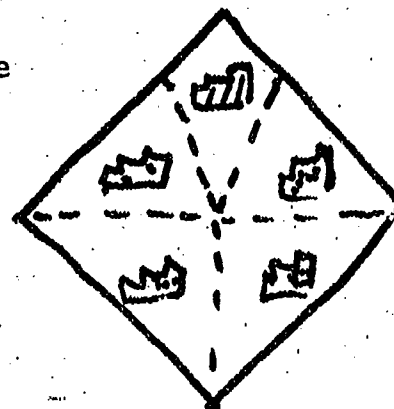


ILLUSTRATION #2

After



Before



Predominantly White Schools



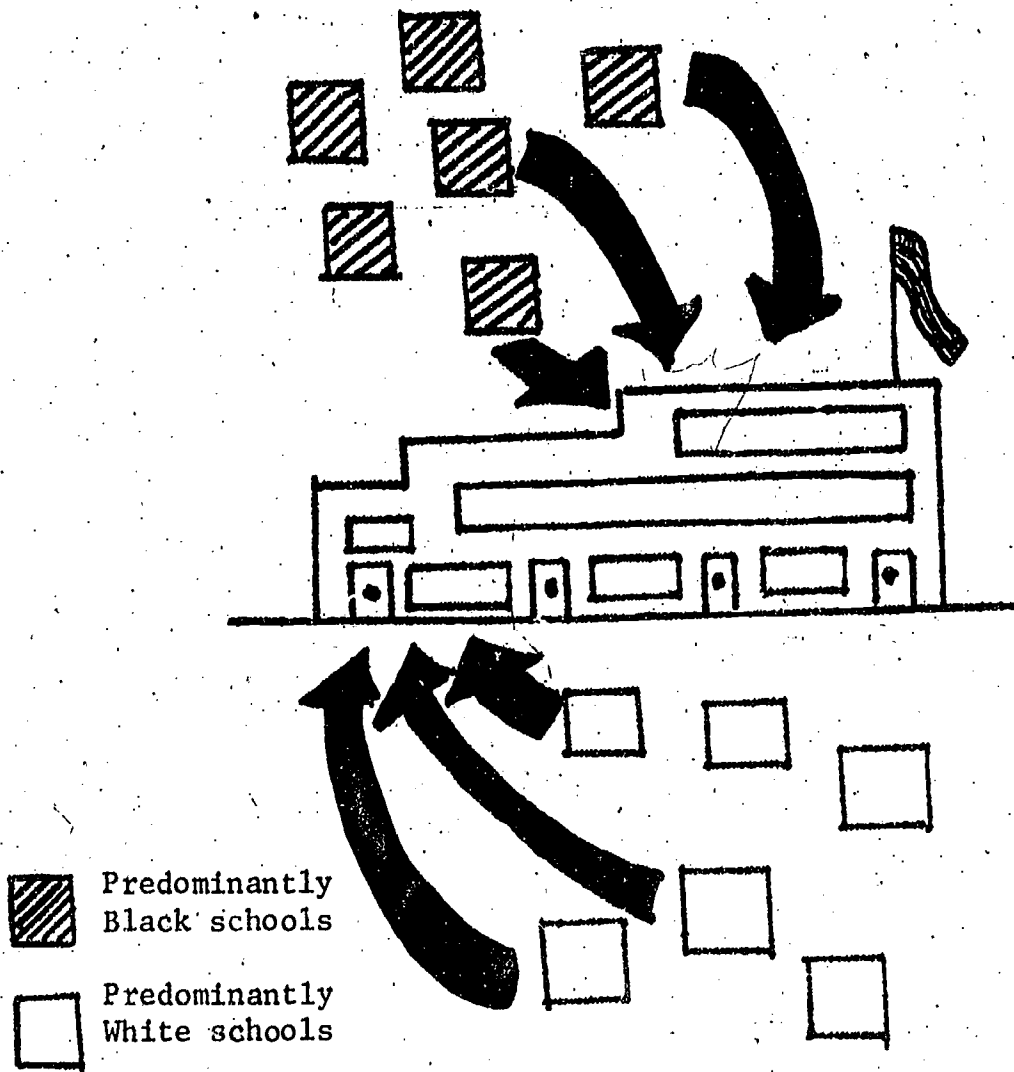
Predominantly Black Schools



Desegregated Schools

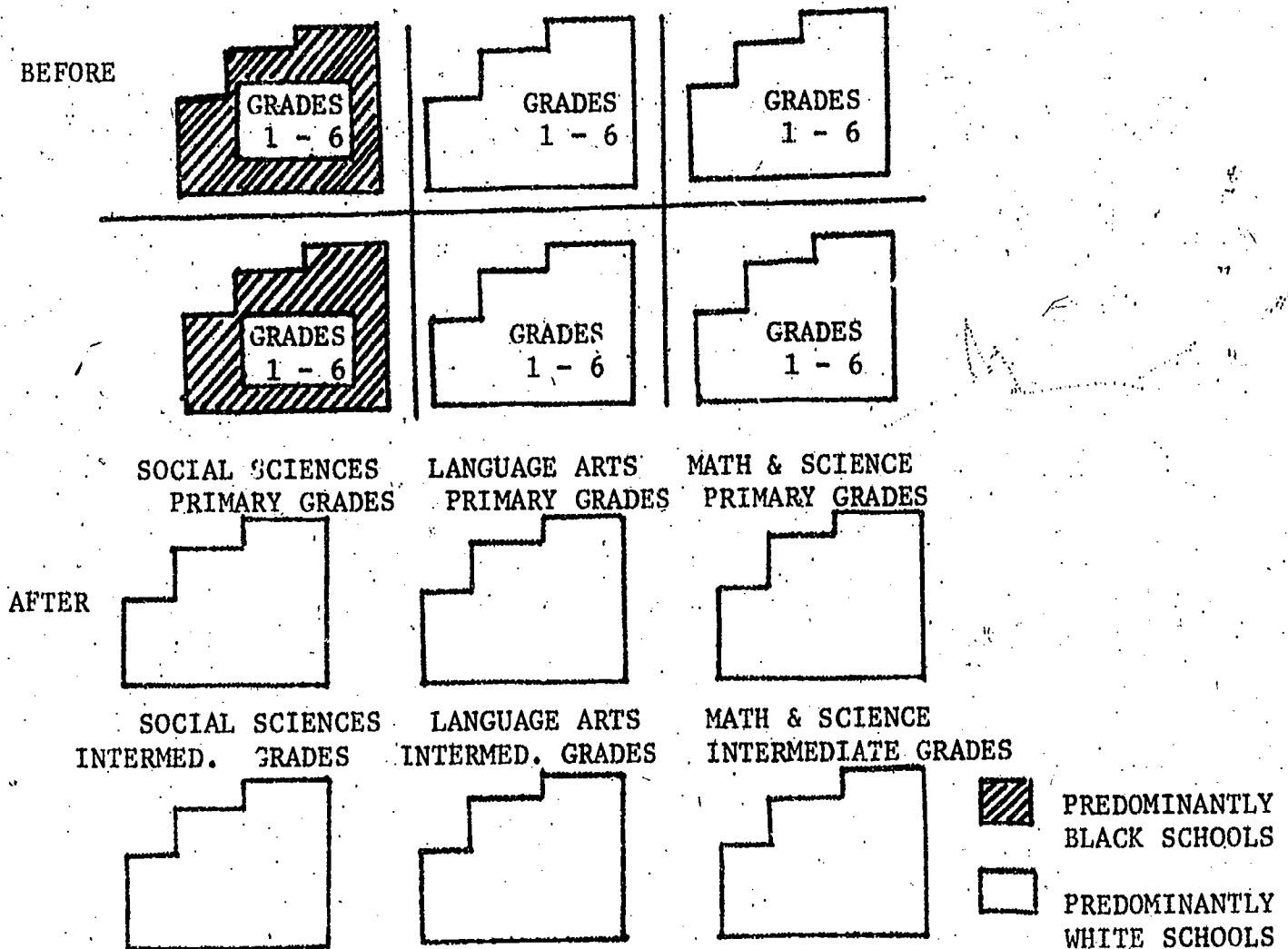
MAGNET SCHOOLS AND SUPPLEMENTARY CENTERS

To attract students from a wide geographical area of a school district, programs which are innovative or which are designed to supplement activities existing in traditional schools could be offered exclusively at "magnet" schools. A supplementary center could also offer a special curriculum taught nowhere else in the system. Many students should be eager to choose to attend such a school on a full-time or part-time basis. Attracting students from as large a geographic area as possible would assure a more racially and socially heterogeneous student population.



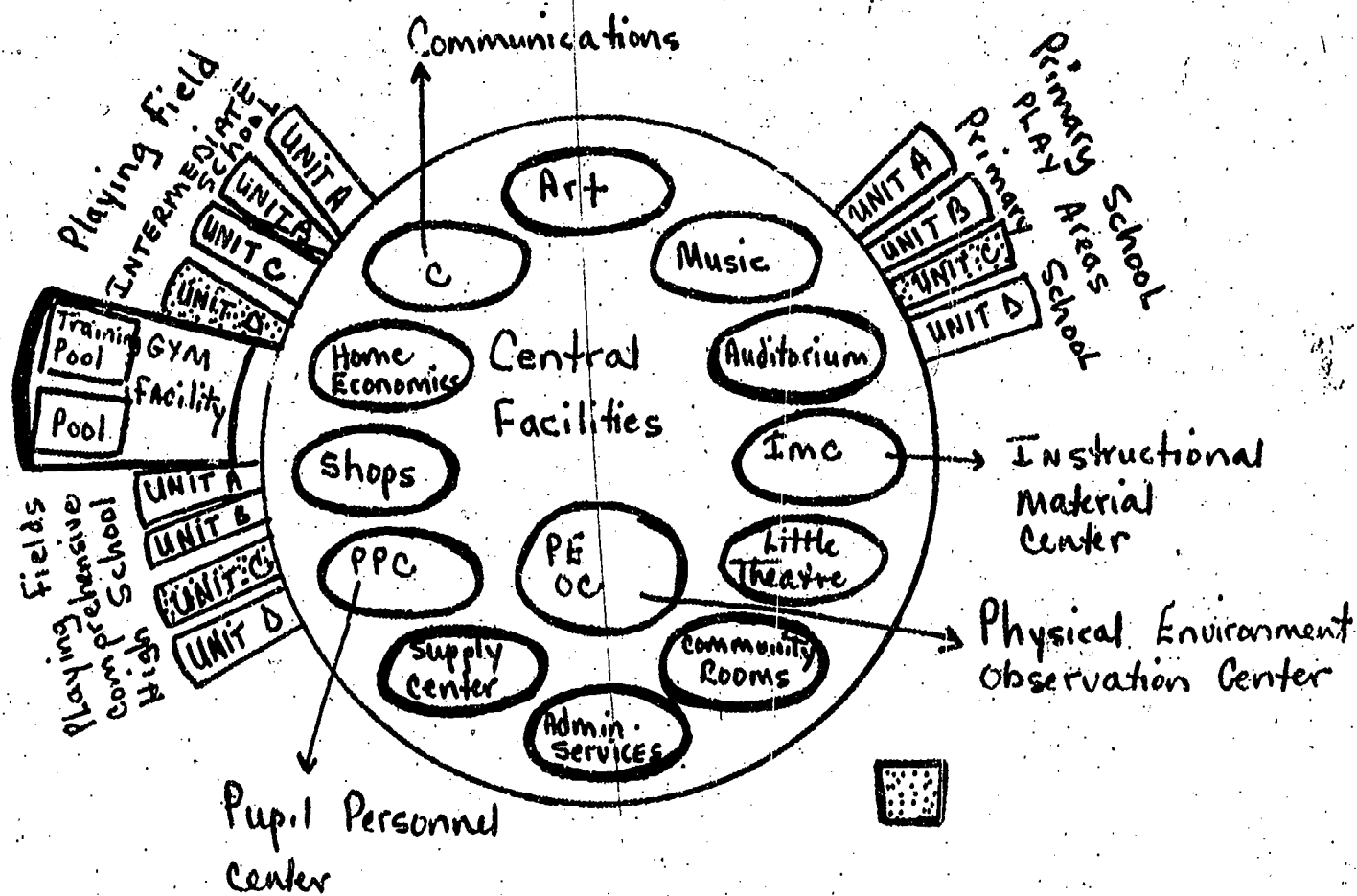
EDUCATION COMPLEXES

This method may be suited for communities in which there are several schools of the same grade structure located relatively near each other. While it might be impossible to draw attendance zones that would desegregate such schools, reorganizing the academic program in each school so that course offerings are distributed among the schools on a departmentalized basis would result in all children attending all schools sometime during the day. This method would also provide for the best distribution of specialized personnel, since all children would be gathered in one building for each curricular area. One situation conducive to reorganization into an education complex would be an area of a community in which there are five elementary schools, two predominantly black and three predominantly white. The five schools could be reorganized into the following: a social science building, a language arts building, a math and science building, a central library building, and a special education building. The reorganization would result in more concentrated programs for all children in the area.



EDUCATION PARKS

For some communities, the education park plan may be one of the best techniques for achieving desegregation, as well as for improving the overall quality of education and providing opportunities for specialized training. The education park could consist of one facility, centrally located, which would serve all students in the area. The park plan usually calls for new construction but it also permits more innovation and specialized facilities.

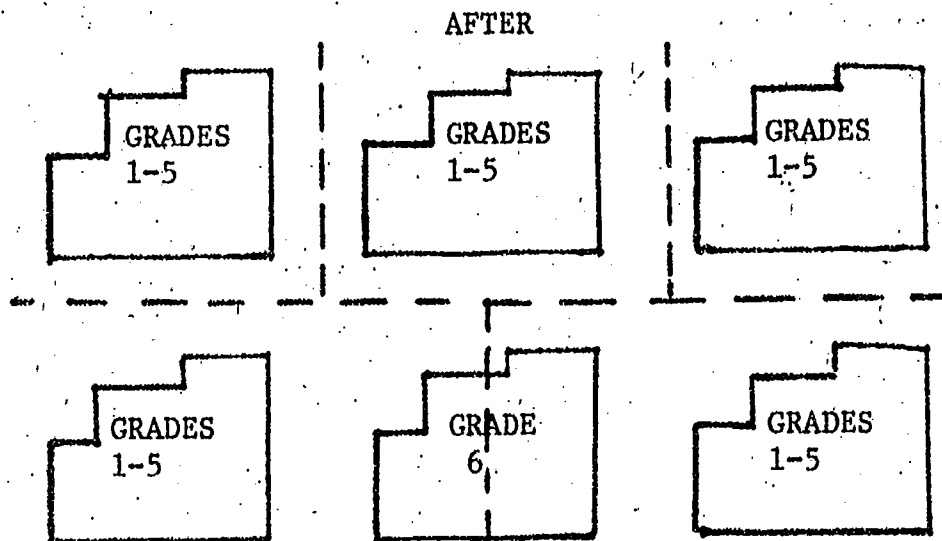
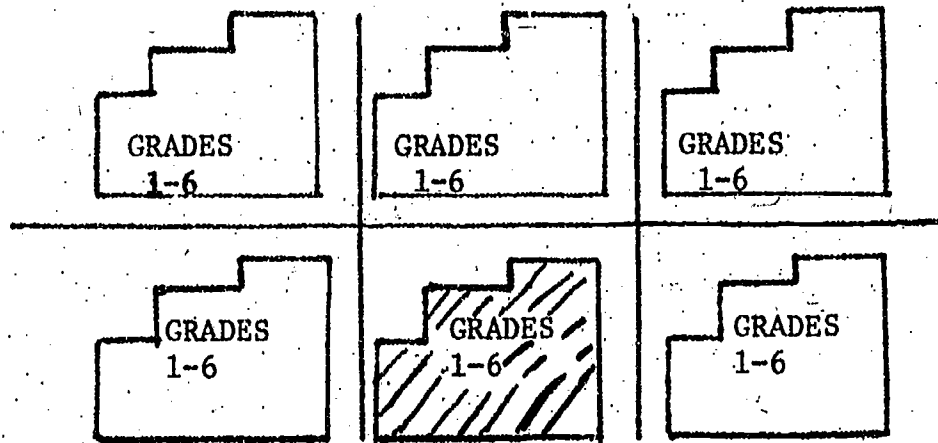


PLAN FOR NEW YORK'S NEW EDUCATION PARK PROVIDES FOR PRIMARY SCHOOLS FOR 2,800 PUPILS, INTERMEDIATE SCHOOLS FOR 3,600, AND A COMPREHENSIVE HIGH SCHOOL FOR 4,000. STUDENTS WILL BE GROUPED IN UNITS OF 700 EACH IN THE PRIMARY SCHOOLS, 900 IN THE INTERMEDIATE SCHOOLS, AND 1,000 IN THE HIGH SCHOOL. THE CENTRAL UNIT WILL OFFER COMMON FACILITIES FOR ALL SCHOOLS IN THE COMPLEX.*

* DIAGRAM ADAPTED FROM SATURDAY REVIEW, NOVEMBER, 1966

CENTRAL SCHOOLS

Central schools are established by converting one or more facilities into schools which serve a single grade for a much larger geographical area. Thus, when a central school is created, attendance areas for the remaining schools can be enlarged. For example, a predominantly black elementary school could be converted into a school for all 6th-grade students in the community. The remaining elementary school would then serve only five grades.



Predominantly Black



Boundaries for Grades 1-6



Boundaries for Grades 1-5

DESEGREGATION IN TEN CITIES

DESEGREGATION IN TEN CITIES

The communities described here reflect varying stages of desegregation, varying attitudes toward it by the community, and varying problems accompanying the process. None of these desegregation efforts can be labeled a total success. In many there have been disappointments and setbacks, and the outcome remains in doubt. Nevertheless, from an analysis of the kinds of problems these communities have encountered and the steps they have taken in an effort to meet them - often on a trial and error basis - we can all learn!

Investigation by the U. S. Commission on Civil Rights shows that these communities have not stood by idly permitting the problems to overwhelm them, but they have taken action to head them off. To a large extent, the problems that have arisen and the action necessary to meet them depended upon the particular history, tradition, and attitudes of the area. However, several elements appear common:

1. Determination of the School Board and Administration to carry out the desegregation plan.
2. Support of the news media, local officials, and civic leaders.
3. Insurance that responsibility for desegregation does not fall disproportionately on part of the community, but that all share it equally.
4. Close involvement of parents as active participants in desegregation.
5. Development of a process to assure firm but fair and impartial discipline of all students.
6. Efforts made to improve the quality of education being offered while desegregation is in process.

None of these elements, either singly or in combination, is a guarantee of success. However, the experience in these ten cities strongly suggests that through patience, thoughtfulness, and a common sense of fairness, equal educational opportunity can be finally achieved.

DESEGREGATION IN TEN CITIES: PROFILES

Compiled from U. S. Commission On
Civil Rights Publication: DESEGREGATION
IN TEN CITIES.

PROFILES OF SCHOOL DESEGREGATION IN TEN CITIES

Winston - Salem/Forsyth County, North Carolina

Profile:

The Winston-Salem Forsyth County school district had a student enrollment in 9/72 of 46,397 - 30% black.

67 schools in the district: 15 were all black, 7 all white, and of the remaining schools, 31 had less than 5% of the minority race.

Legal History

Suit filed by NAACP on 10/2/68. Following the Swann decision (1971), the school district was ordered to develop a plan complying with Swann. (In Swann, the district court was directed to require use of all available techniques for desegregation, including pairing or grouping of schools, creation of non-contiguous (satellite) attendance zones, restructuring of grade levels and the transportation of pupils. Such techniques were to be used to achieve the greatest possible degree of actual desegregation).

1971 - The Board submitted a plan under protest; plan was approved by the district court; Board voted to appeal order arguing that traffic conditions on busy highways posed a danger to loaded school buses. Date not set for hearing as of 1973.

Busing

Approximately 32,000 students (70% of total student enrollment) are bused. Nearly 10,000 of the 14,000 blacks are transported, as are 22,000 of the 32,000 whites.

Cost

1972-73 total operational costs for busing amounted to \$1,087,000 of which 90% was reimbursable by the State, with another \$335,000 allocated for the purchase of new buses.

Quality of Education

Superintendent asserted that from turmoil had come direction, from doubt a bold effort and from controversy had come reassessment and innovation. Too, the community has supported the schools - great surge of innovative elementary school programs.

School desegregation has led to a greater emphasis on individualized instruction and team planning.

Charlotte-Meckleburg, North Carolina

Profile:

In Oct. 72, the student enrollment was 79,873. Black enrollment was

25,782 (32.2%) as compared to 24,890 (31.29%) in late 1971.

Ratio (black and white)

Majority of schools had a black enrollment of between 20-40%.

Considerable disruption occurred in the Charlotte schools from Feb. 1970 to the end of that school term. Substantial white flight occurred in 1970 and 1971 involving an estimated 5,000 students.

Busing

Approximately 46,300 students, 19,488 of whom are black, are presently transported.

Specific Desegregation Techniques

The district continues to operate its feeder plan, a modification of the plan implemented following the Swann decision. Busing is also utilized.

Quality of Education

1972 - Charlotte's request for 1.3 million dollars in federal funds denied because of the sale of excess school property to a private, segregated school in South Carolina.

Despite this failure to obtain these funds, there is wide spread feeling that the quality of education is steadily improving in the district.

Pasadena, California

Profile:

Restrictive covenants effectively segregated the city as early as 1945.

Racial Distribution

By 1969 (year before the desegregation plan went into effect) white-Anglo enrollment was 58.3%, white Black and Spanish surnamed was 30 and 8.2%, respectively. By 1972, Pasadena public school enrollment was 26,225, 38.3% black, 11% Spanish, and 2.8% Asian American.

Between 1961-72, some 10,000 white-Anglo students left public schools. The decline in white-Anglo enrollment peaked in 1970 when the Pasadena desegregation plan went into effect and the system lost some 2,200 students.

Legal History

In August 1968 a suit was filed against the Board alleging that racial discrimination existed in the school district. On 2/22/70, the courts ruled that de jure segregation existed in the assignment of students and faculty, in the utilization of the district's physical facilities, and that segregation was extant at all levels.

Desegregation Techniques

The Board adopted a plan designed to meet five criteria:

- 1) each school was to have a student population as close as possible to the general racial and ethnic composition of the district.

- 2) neighborhood schools, where possible, should be consistent with desegregation
- 3) criterion of shortest distance between a student's home and his school was to be used in determining the route of the school buses
- 4) all existing physical facilities were to be desegregated
- 5) sites for construction of all educational facilities were to be selected with a view to assure that desegregation would be maintained in the future

The basic component of the Pasadena Plan was the crosstown busing of approximately 60% of elementary, 50% of junior high, and 27% of the senior high students.

Busing Costs

Cost of transportation was approximately \$1 million dollars the first year. This represented 2.5% of the school district's budget (\$38,658,000).

Quality of Education

Despite the educational innovations instituted by the Pasadena school system and the superior educational program maintained in the city's schools, Pasadena cannot yet be said to have turned corner to stable, successful desegregation. The problem of white flight remains severe. However, the quality of education is said to be superior.

Riverside, California

Profile:

Riverside has 35 elementary and secondary schools, all of which are desegregated.

Student enrollment: 25,555, of whom 81 are American Indian, 2,381 black, 204 oriental, 3,623 Spanish surnamed, and 19,266 white. In 1972-73, the school district's minority population was approximately 24 percent.

Background

The combination of the Watts and minority group pressure acted as catalyst, spurring the board to action. On October 18, 1965, the superintendent submitted to the board a Proposed Master Plan for School Intergration. The plan dealt with transportation, and other important matters such as enrichment programs, tutorial help and remedial reading classes. Also, the board adopted policies to preclude desegregation.

Busing

In 1971-72, 5,079 students were bused to school; of this total number, 29% or 1,471 were transported for the purpose of intergration.

Quality of Education

Riverside traditionally has had a strong commitment to education. In moving to a school system for everyone, there has been a major policy of personalization.

Riverside, California (Continued)

Informal summaries of findings concerning achievement levels reveal that integration of schools has not resulted in lower achievement of white children. Integration in itself has not brought about uniform improved achievement for minority pupils. It has been more beneficial for higher achieving minority children than lower achievers.

Union Township, New Jersey

Profile:

Approximately 9% of the county's residents are non-white. The county's 55,000 residents are largely German-American. Union Township has been guided by the same mayor for more than 45 years.

In 1968, Union Township Public Schools enrolled 8,719 students, of whom 1,000 were non-white. There were 7 elementary schools (one 90+ percent black), 2 junior high schools and 1 comprehensive high school.

Legal History

1968 - school district faced the termination of federal financial assistance for failure to end segregation.

On 2/17/69 the board approved a desegregation plan although federal funds received by the district didn't represent a significant segment of the system's overall budget.

Desegregation Techniques

- 1) central-6 plan
- 2) student assignment
- 3) pupil transportation

Busing Costs

In 1969-70, about 8 percent or \$72,714 of the district's \$8,965,000 budget was expended for transportation operating costs.

In 1970-71 and 1971-72, transportation operating costs amounted to about 7 percent of the overall budget for the two years. Eight new buses purchased in 1969-70 cost \$7,800 each or a total of over \$61,000.

Quality of Education

School system leaders are pleased with progress made both academically and attitudinally.

Clark County, Nevada (Las Vegas)

Profile:

1970 census: county population of 273,288, of which 10.5 percent are members of some racial or ethnic minority group. The county's school district population is 72,207, of whom 13,548 are classified as non-white.

Clark County, Nevada (Las Vegas) (Continued)

Legal History

In May 1968, the NAACP Legal Defense Fund, Inc. filed suit against Clark County School District. A decision was handed down in October, 1968 ordering the district to desegregate. However, it was not until October 1973 that an approved plan went into effect. (In 1972, under a State imposed injunction, all elementary schools were closed).

Desegregation Techniques

- 1) magnet schools
- 2) pupil transportation
- 3) attendance zones
- 4) grade re-structuring

Busing Cost

The transportation cost to the school district to desegregate the schools represent only 2.3% of the district's approximate 64 million dollars.

Quality of Education

Programs were devised to improve the quality of education: Reading Improvement, Social Enrichment, Paired Schools Program, and Ethnic Studies.

Oxnard, California

Profile:

1970 population: 71,255. Of these 63,698 were white, including about 24,300 persons of Spanish surname. Approximately 4,270 were black and 3,257 were oriental.

1970-71 school district enrollment: 9,458:

- 3,884-Anglo
- 4,364-Mexican
- 1,031-Black
- 179-Oriental

Legal History

On 5/12/71, the U.S. District Court found the majority of Oxnard schools desegregated in fact. It ordered within 20 days a desegregation plan which didn't involve one-way busing of Mexican, American or Black students.

Desegregation Techniques

- 1) pairing
- 2) re-arrangement of grade levels
- 3) transportation

Busing

The 1971 Plan required the transportation of an additional 1,700 elementary students, raising the total number of students bused from 1,300 to nearly 3,000.

Oxnard, California (Continued)

The plan cost the district an estimated \$85,000, representing mostly the cost of increased transportation involved in the pairing of schools.

Quality of Education

Federal programs: ESAP; Title I Compensatory Education and other special Department of Agriculture programs have helped make available more-in-depth multi-ethnic activities in the schools and community. Individualized instruction has increased.

Desegregation in this racially and ethnically mixed community was not easy but there is evidence of growing optimism and satisfaction with what is happening in the schools and community because of desegregation.

Pontiac, Michigan

Profile:

Manufacturing city located approximately 20 miles north of Detroit.

Population: (1970) 85,364 of whom 22,760 were black and 4,368 were listed as "persons of Spanish language".

Pontiac School District enrollment: 21,097 students, 57 percent of whom are white, 38 percent black, and 5 percent Spanish American.

Legal History

The court order to desegregate the Pontiac Schools resulted from a suit filed in 1969. Implementation did not begin until 1971 as there was the usual interaction (stays of appeal, delays, etc.) between the court and the Board of Education.

Desegregation Techniques Utilized

- 1) Grade re-organization
- 2) Clustering - feeder patterns
- 3) Pairing

Busing

The desegregation plan necessitated the busing of approximately 6,000 additional students. In 8/71, ten buses were destroyed by bombs; 5 KKK members were subsequently indicted for the bombing.

Student Enrollment

Before the desegregation plan (1970-71), the Pontiac school district operated 29 elementary schools, six junior high schools, and two senior high schools. In the first year of desegregation, school enrollment decreased by 2,500 students (withdrawal of white students, for the most part). Minority student proportion increased from 33% black and 4% Spanish to 37% black and 5% Spanish.

Racial Distribution (as of 1973)

57% white, 38% black, and 5% Spanish American

Student Ratios

Although the desegregation plan stipulated that all schools were to have student enrollments between 20% and 40% black, black students make up more than 40% of the student population in 7 elementary and 4 junior high schools.

Quality of Education

Problems such as high drop-out rates and low-achievement score are not the result of desegregation but are problems of long standing.

Since October, 1971, the Pontiac School District has received \$350,000 under ESAP to carry out educational programs occasioned by desegregation. In December, 1972, school officials applied for a 1.5 million dollar grant under ESAA.

1972-73 were relatively tranquil for Pontiac as evidenced by fewer serious incidents, and greater communication and understanding between students and school personnel. This relative calm has enabled Pontiac officials to now concentrate on the serious academic problems of the district.

Hillsborough County, Florida (Tampa)

Profile:

The Hillsborough County School District is the 26th largest in the nation.

Pupil Enrollment and Schools: 106,294 - approximately 20% black, and 6% Spanish surnamed, 92 elementary, 26 junior high and 11 senior high schools as of 1972-73.

Hillsborough County population (1970) was 490,260 of whom 66,729 were black, 52,643 were listed as "persons of Spanish language".

Tampa's population (more than one-half the county's population) is approximately 20% black and 14% "Spanish language".

Legal History

1962-1970 - eight year period of interaction between the courts and the school district. In May, 1971, the Hillsborough County Board of Education decided not to appeal, but to comply with the court order. As a vehicle for public participation, a 156 member Community Desegregation Committee was established to represent the full spectrum of community opinion concerning school desegregation.

Also, school officials established an Administrative Desegregation Committee (15 key school officials and 5 laymen) to draft a series of alternative desegregation plans. The community committee considered plans generated by the Administrative Committee suggested modification, and finally selected one for submission to the court. The District Court received the plan and approved it without alteration.

Desegregation Techniques Utilized

- 1) clustering
- 2) pairing

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Hillsborough County, Florida - (Continued)

Desegregation Techniques Utilized (Continued)

- 3) satellite attendance zoning
- 4) alteration of grade structure

Specific white-black ratios: 79-21% at elementary level: 80-20 at junior high; 86-14 at senior high level.

Most of 89 schools desegregated by clustering.

Busing

Before the desegregation plan some 32,000 students were transported and approximately 53,000 after the plan.

Cost of student transportation before the desegregation plan was approximately \$826,000 (1.3% of total school operating budget of 63,300,000 and in the year following desegregation was about \$1,369,000 (1.9% of total operating budget of \$71,567,000). Estimates of operating expenditures for student transportation in 1972-73 would amount to nearly 2 million dollars because of increases in equipment cost and mandatory pay raises.

Quality of Education

To date, no definitive assessment of the academic impact of the desegregation plan; while the data are quite limited, it appears that there has been "no lessening of education---no lowering of standards" because of the desegregation plan.

(There were a number of new programs financed from the 2.5 million dollar Emergency School Assistance Program Grant.)

Glynn County, Georgia (Brunswick)

Profile:

Glynn County population on 1970: 50,528 residents, a third of whom were black. Nearly half of the 19,585 residents of Brunswick are black.


In 1970-71 the Glynn County school system implemented a desegregation plan for its school system which provides for an approximate 70% white and 30% black racial composition for each school in the system.

Legal History

On 1/9/70 after a number of intervening motions, the court ordered the school board to produce a plan for elimination of the dual school system. The court ordered a plan into effect for the 1970-71 school year.

Desegregation Techniques

- 1) grade restructuring
- 2) school attendance zones
- 3) pairing
- 4) transportation




Glynn County, Georgia (Brunswick)

Busing

More than 50% of Glynn County's students were bused prior to desegregation. Following the plan, a slight increase in the numbers bused occurred. About the same number of black and white students are transported.

Quality of Education

For the past 2 years, there has been definite improvement in reading scores administered to second and third grade pupils. Increased achievement was noted for all students.



CHECKLIST FOR COMPLETED DESEGREGATION PLANS

Source: DESEGREGATION - A Publication of
the National School Public Relations
Association.

BEST COPY AVAILABLE

CHECKLIST FOR COMPLETED DESEGREGATION PLANS

Any plan presented for adoption by a school system should contain the following elements:

1. The plan should satisfy all requirements of Title IV of the Civil Rights Act of 1964 and/or of the court. Approval should be obtained from these sources prior to presentation.

2. The plan should employ the most educationally sound technique(s) for the district.

3. The plan should be administratively feasible.

While school officials may want to negotiate the provisions of the plan with Federal technical assistance personnel in the area, it should be kept in mind that any negotiations for the purpose of official plan approval must be between the Office for Civil Rights (Title VI CRA) and/or the court and the school system.

The materials to be used in presenting the plan should be reviewed thoroughly before the presentation and should be organized in an orderly and coherent manner.

As a suggested format for the presentation:

1. Outline briefly, if necessary, the legal requirements for desegregation, including recent court decisions.

2. Distribute copies of the written plan to each person present.

3. Explain the desegregation plan in great detail, using maps, overlays, charts, overhead projector, and a detailed written description. For districts that are made up of several attendance areas, it is suggested that the presentation cover one area at a time.

4. Make educational recommendations that are pertinent to plan implementation. Explain the various sources of technical assistance available for plan implementation.

5. Make recommendations that are not only pertinent to short-range plan implementation, but that also deal with effective desegregation and prevention of resegregation.

ORGANIZATIONS OFFERING TECHNICAL ASSISTANCE
OR INFORMATION ON DESEGREGATION

ORGANIZATIONS OFFERING TECHNICAL ASSISTANCE
OR INFORMATION ON DESEGREGATION

American Civil Liberties Union
260 S. 15th Street
Philadelphia, Pa. 19102
(215) 735-7103

American Jewish Committee
1612 Market Street
Philadelphia, Pa. 19103
Dr. Murray Friedman
(215) 404-2460

Aspira Inc. Of Pennsylvania
526 W. Girard Avenue
Philadelphia, Pa 19123
Epitanio DeJesus Jr.
Executive Director
(215) WA3-2717

Cardinal's Commission on Human Relations
222 North 17th Street
Philadelphia, Pa. 19103
Rev. Charles V. Devlin
Executive Director
(215) 587-3760

Citizens Committee on Public
Education in Philadelphia
1218 Chestnut St., Suite 509
Philadelphia, Pa 19107
Miriam L. Gafni, President
(215) WA3-6550

Council of Spanish Speaking Org., Inc.
2023 N. Front Street
Philadelphia, Pa. 19122
Mrs. Carman L. Bolden
(215) GA6-7985

Ethnic Heritage Affairs Institute, Inc.
260 South 15th Street
Philadelphia, Pa 19102
Jaipaul, Ph.D., President
(214) 545-6600

Fellowship Commission
260 S. 15th Street
Philadelphia, Pa. 19102
Dr. Henry H. Nichols, President
Maurice B. Fagan, Executive Director
(215) KI6-7600

General Assistance Center on School
Desegregation and Conflict:
University of Pittsburgh
4029 Bigelow Boulevard
Pittsburgh, Pa. 15260
Dr. Curtis L. Walker, Director
(412) 624-5865

Human Resources Development
Institute, AFL-CIO
1512 Walnut Street
Philadelphia, Pa. 19102
Ben Stahl, Regional Director
(215) PE5-9039

National Conference of Christians
and Jews, Inc.
101 S. 13th Street
Philadelphia, Pa. 19107
John H. Sardeson, Regional Director
John M. Elliott, Esquire, Co-chairman
Maxwell Bralow, Esquire, Co-chairman
William Weston, Esquire, Co-chairman
(215) WA3-4113

Nationalities Service Center
1300 Spruce Street
Philadelphia, Pa. 19107
Michael C. Rainone, President
Michael D. Blum, Executive Director
(215) KI5-6800

Office of Equal Rights
Pennsylvania Department of Education
P.O. Box 911
Harrisburg, Pa. 17126
Jeanne E. Brooker, Director
(717) 787-1130

Philadelphia Association of School
Administrators
Ben Franklin Motor Inn, Suite 179-180
22nd & Parkway Sts.
Philadelphia, Pa. 19130
Daniel J. McGinley, President
(215) LO7-4455

ORGANIZATIONS OFFERING TECHNICAL
ASSISTANCE OR INFORMATION ON
DESEGREGATION

Philadelphia Federation of Teachers
1816 Chestnut Street
Philadelphia, Pa. 19103
Frank Sullivan, President
(215) 567-1300

Philadelphia Urban Coalition
1512 Walnut Street
Philadelphia, Pa. 19102
Mr. Charles W. Bowser, Executive Director
(215) PE5-9401

Philadelphia Urban League
1317 Filbert Street, Suite 304
Philadelphia, Pa. 19104
Andrew G. Freeman, Executive Director
(215) L09-3636

Pennsylvania Human Relations Commission
100 N. Cameron St., 2nd Floor
Harrisburg, Pa., 17101
Homer C. Floyd, Executive Director
(717) 787-4410

Anti-Defamation League of B'nai B'rith
225 S. 15th Street
Philadelphia, Penn. 19102
Samuel Lewis Gaber, Regional Director
(215) 545-2752

Jewish Community Relations Council
260 S. 15th Street
Philadelphia, Penn. 19102
Albert Chernin, Executive Director
(215) KI5-8430

League of Women Voters of Philadelphia
Gimbels Clubwomens Center
8th & Market
Philadelphia, Pa. 19107
Mary Hangle, Education Chairperson
(215) CH2-2668

Philadelphia Home and School Council
Room 408 - Administration Building
21st & Parkway Streets
Philadelphia, Pa. 19103
Mrs. Lloyd R. Westfield, President
(215) 448-3462/L03-4114

Public Interest Law Center of Philadelphia
1 North 13th Street
Philadelphia, Pa. 19107
Edwin D. Wolf, Executive Director
(215) L03-8600

The Children and Family Service
225 So. Third Street
Philadelphia, Pa. 19106
Paul M. Gezon, Director
(215) WA5-8110

Parents Union for Public Schools
In Philadelphia
36th & Haverford Avenue
Philadelphia, Pa. 19104
Happy Fernandez, Co-chairperson
Hazel Flowers, CO-chairperson
(215) 222-6505

Council of Black Clergy
Broad & Girard Avenue
Philadelphia, Pa. 19130
Rev. Marshall Lorenzo Shepard
President
(215) CE6-3838

ORGANIZATIONS WITH INFORMATION ON DESEGREGATION

American Friends Service Committee
160 N. 15th Street
Philadelphia, Pa. 19102
J. Philip Buskirk
(215) 563-9372

B'nai B'rith
Anti-Defamation League
315 Lexington Avenue
New York, New York 10016
Oscar Cohen
National Program Director
(212) 689-7400

Lawyers Committee For Civil
Rights Under Law
733 15th St., NW
Washington, D. C. 20006
Steve Browning
(202) 628-6700

The League of Women Voters of
The United States
1730 N St., NW
Washington, D. C. 20036
Alice Kinkead
(202) 296-1770

MARC Busing Task Force
Metropolitan Applied Research Center, Inc.
60 E. 86th Street
New York, New York 10028
Lawrence Plotkin
(212) 628-7400, ext. 52

Mexican American Legal Defense
and Education Fund
145 Ninth Street
San Francisco, Calif. 94103
Mario Obledo, General Counsel
(415) 626-6196

NAACP Legal Defense and Education
100 Columbus Circle
New York, New York 10019
Jean Fairfax
(212) 586-8397

National Assn. for the Advancement
of Colored People
1790 Broadway
New York, N. Y. 10019
John A. Morsell, Assistant
Executive Director
(212) 245-2100

National Catholic Conference for
Interracial Justice
1307 S. Wabash Avenue
Chicago, Illinois 60605
Sister Margaret Ellen Traxler
Executive Director
(312) 341-1530

National Center For Research And
Information on Equal Education
Opportunity
Box 40, Teachers College, Columbia U.
New York, N. Y. 10027
Nicholaus Mills
(912) 663-7244

National Conference of Christians
and Jews
43 W. 57th Street
New York, New York 10019
Harry A. Robinson
Vice President and Director of Public
Relations

National Urban League, Inc.
477 Madison Ave., 17th Floor
New York, N. Y. 10022
Dr. Ermon Hogan, Director of Education
(212) 751-0300

SOURCES FOR TECHNICAL ASSISTANCE

For technical assistance in desegregation, centers sponsored under Title IV of the Civil Rights Act now operate at the following universities and colleges:

Auburn University at Auburn, Alabama
University of South Alabama at Mobile, Alabama
Ouachita University at Arkadelphia, Arkansas
University of Delaware at Newark, Delaware
University of Miami at Coral Gables, Florida
University of Georgia at Athens, Georgia
Western Kentucky University at Bowling Green, Kentucky
Tulane University at New Orleans, Louisiana
University of Southern Mississippi at Hattiesburg, Mississippi
University of New Mexico at Albuquerque, New Mexico
St. Augustine's College at Raleigh, North Carolina
University of Oklahoma at Norman, Oklahoma
University of South Carolina at Columbia, South Carolina
University of Tennessee at Knoxville, Tennessee
University of Virginia at Charlottesville, Virginia
University of Pittsburgh at Pittsburgh, Pennsylvania

Technical Assistance programs sponsored under Title IV of the Civil Rights Act now operate in State departments of education in the following states:

California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Jersey, New York, North Carolina, Ohio, Oregon, Oklahoma, Rhode Island, South Carolina, Tennessee, Texas, Washington and Wisconsin.

In addition, technical assistance personnel are located in the Division of Equal Educational Opportunities at U. S. Office of Education regional offices in Atlanta, Ga.; Philadelphia, Pa.; Dallas, Texas; and San Francisco, California.

DESEGREGATION PLANNING AND IMPLEMENTATION: FUNDING

DESEGREGATION PLANNING AND IMPLEMENTATION:
Title IV, Civil Rights Act of 1964

The United States Office of Education funds programs in four categories:

1. Grants to school boards

Desegregating or desegregated school districts with severe desegregation-related needs may apply for funds to employ a desegregation specialist or in some cases, to conduct inservice training for their school personnel. Since a broad range of desegregation services will be available to school districts through the three other Title IV programs, districts applying for a grant under this category must be able to demonstrate exceptional need.

Any activities conducted as a result of such a grant must be part of a comprehensive, long-range planning effort in the area of desegregation. Selection of applicants for funding will be determined according to the number and percentage of minority students enrolled in the district and the educational quality of the proposed project.

2. Grants to state educational agencies to provide desegregation assistance

State educational agencies may apply for funds to provide technical assistance to desegregating, or desegregated school district within their states. As evidence of need for such services, each applicant must present letters from desegregation assistance from the state educational agency. Selection of applicants for funding will be determined according to the enrollment of minority students in desegregating or desegregated districts requesting assistance and the educational quality of the proposed program.

3. Awards to Organizations providing desegregation assistance to school districts in designated service areas

Public or private organizations (including colleges and universities) may apply for funds to provide assistance to school districts in the preparation, adoption and implementation of desegregation plans. Organizations receiving these awards will be known as General Assistance Centers. No more than 26 awards will be made, with a maximum of one award being made in each of 26 service areas. Service areas have been determined geographically according to need for desegregation assistance.

Each center will be responsible for providing a comprehensive range of technical assistance and training services to desegregating or desegregated school districts located within its service area. As evidence of need for such services, each applicant must present letters from districts within its service area stating specific desegregation-related needs and requesting assistance from the applicant organization. Selection of applicants for funding will be determined according to the enrollment of minority students, students in desegregating or desegregated districts requesting assistance and the educational quality of the proposed program.

54/55

Desegregation Planning and Implementation:
Title IV, Civil Rights Act of 1964

4. Grants to conduct desegregation training institutes

Colleges and universities may apply for funds to train teachers, counselors, administrators and other school personnel in techniques for solving special educational problems brought about by desegregation. Such training may be conducted only at the request of one or more boards of desegregating or desegregated school districts. Topics treated in institute sessions will be determined according to the desegregation-related need of the school district.

It is expected that follow-up activities will be part of the institute planning and that participants will be prepared to return to their jobs and train their colleagues, either formally or informally, after completing the institute activities. As evidence of need for training services, each applicant must present letter from desegregating or desegregated school districts stating specific desegregation-related needs and requesting training services from the applicant institution. Selection of grantees will be determined by the educational quality of the proposed training project.

APPENDIX A: GUIDELINES FOR DESEGREGATION

DESEGREGATION GUIDELINES FOR PUBLIC SCHOOLS

COMMONWEALTH OF PENNSYLVANIA

The Pennsylvania Human Relations Commission, together with the Department of Public Instruction of the Commonwealth of Pennsylvania, set forth the following guidelines for school districts (administrative units) in dealing with segregation in public schools.

1. Segregation As a Factor in Public Education

When any one public school building comes to be viewed as improperly exclusive in fact or in spirit; when it is viewed as being reserved for certain community groups; when morale, teacher and pupil motivation and achievement are affected by segregation. In other words, segregation is not an arbitrary numerical relationship of one group to another. Segregation becomes a factor adversely affecting education when an untoward concentration of any racial group in one building begins to destroy the functioning of the entire system as a "common school."

The common school has long been viewed as a basic social instrument in attaining our traditional goals of equal opportunity and personal fulfillment. The presence in a single school of children from varied backgrounds is an important element in the preparation of young people for active participation in the social and political affairs of our democracy.

Insofar as possible, every school building should reflect in its enrollment a cross section of the entire community.

2. Responsibility for Correcting Discriminatory Actions

Any action, direct or indirect, overt or covert, which fosters racial segregation in the public schools, is against the public interest and should not be taken by any public agency. Whenever any such action, past or present, has adversely affected public education, it is the responsibility of public school authorities to correct it, forthwith.

3. Racial Inclusiveness of Staff

A component of quality education is a racially inclusive staff at all professional, nonprofessional, and administrative levels. A desegregated staff affords positive educational values. All children need role models with whose ethnic backgrounds they can identify, and they also need to be taught at times by those who are racially different. Nothing herein is to be interpreted as calling for discrimination in favor of less qualified teachers because of their race.

DESEGREGATION GUIDELINES FOR PUBLIC SCHOOLS
COMMONWEALTH OF PENNSYLVANIA

4. Desegregation a Local Responsibility

Responsibility for coping with segregation rests with local school authorities. This is in keeping with the spirit of local control. It allows consideration for local conditions which may affect desegregated education. Such policy allows for the widest innovation in school assignment and program to meet local needs. Hence, the Department of Public Instruction and the Human Relations Commission proceed in correcting segregated conditions by requiring that each local public school district affected submit its own plans for dealing with the problem as the first step in their enforcement procedure.

5. Program Consistent with Policy

The state agencies involved in supervising the desegregation process realize that changing policies and desegregation of pupils, teachers and staff are but the first steps in meeting the requirements of these guidelines. These agencies wish to cooperate with public school officials in every way possible to strengthen programs designed to produce mutual respect and trust between groups.

They urge the reexamination of curriculum to make sure the contributions of all groups are included. They urge the reexamination of the treatment of all minorities in our common history. This they propose for all schools - not just those which have minority children enrolled. In other words, these proposals are designed to achieve good education for all children - not just special education for the minorities. Further, they ask cooperation of local school districts in the development of stronger programs of inservice training in human relations, both for administrative staff and teachers.

6. Continuous Evaluation and Preventive Action

Public school districts with concentrations which adversely affect education will be subject to continuing examination by the Pennsylvania Human Relations Commission and the Department of Public Instruction. Hence, constant study and evaluation should be made at the local level to catch these undesirable trends in their incipient stages, and deal with them while they are in manageable proportions. In situations where action is being taken to apply corrective measures to existing concentrations, care should be taken to provide follow-up to make sure future imbalances do not occur.

7. Community Participation

Local boards of education should make wide use of community involvement in the preparation of their plans.

APPENDIX B: ELEMENTS OF A DESEGREGATION PLAN

BEST COPY AVAILABLE

RECOMMENDED ELEMENTS OF A SCHOOL DESEGREGATION PLAN

BY

PENNS'LVANIA HUMAN RELATIONS COMMISSION

AND

DEPARTMENT OF PUBLIC INSTRUCTION

1. Projected Racial Composition of School Attendance Areas and Racial Composition of total staff.

Does the desegregation plan indicate the projected racial composition of each elementary and secondary school attendance area and the racial composition of the total staff of each building as of the completion dates of each step?

2. Location of Proposed School Construction Sites, Including Map Showing Population Areas and Statement on Student Population.

Does the desegregation plan identify the location of proposed school building construction sites? Include a map showing population areas for each proposed school. Also include a statement on student population in these new areas concerning the numbers of black students.

3. Minority Concentration.

How nearly does the desegregation plan bring the percent of black pupils in each building to within 30 percent of the black pupils among the buildings of the same grade span?

4. Affirmative Action Procedure for Recruitment and Assignment of Integrated Staff.

Does the desegregation plan include procedures to affirmatively and effectively recruit and assign an integrated staff at all levels for all schools?

5. Racial Composition of staff.

Does the desegregation plan correct any untoward concentrations of professional or non-professional black staff in any buildings?

6. Match between services of professional staff, program and education needs.

Does the desegregation plan equally match the services of its professional staff and program with the educational needs of each school building?

7. In-Service Training.

Does the desegregation plan include plans for inservice training of staff to meet the needs and problems incident to the implementation of desegregation plans?

8. Ethnic Contribution and Intergroup Education.

Does the desegregation plan include steps to include intergroup education programming and the inclusion of the contributions of Blacks and other racial and ethnic groups in the history courses about Pennsylvania and the United States?

9. Timetable for Implementation.

Does the desegregation plan include a timetable indicating deadline dates by which each step will be completed? Are these dates as early as possible?

10. Community Involvement.

Does the desegregation plan indicate involvement of the community in its development and implementation?

11. Plan Consistent with Master Plan.

Is the desegregation plan consistent with the Long Range Developmental Plan submitted to the Department of Public Instruction?

May 15, 1968

APPENDIX C: CHRONOLOGY OF INTERACTION BETWEEN
THE PHILADELPHIA SCHOOL DISTRICT AND THE COURTS

Developed by The Office of Community Affairs

CHRONOLOGY CONTINUED

- DEC., 1970: The School District staff people met with local HEW office and Council of Great City Schools' staff to seek additional resources to desegregate.
- JAN., 1971:
- FEB., 1971: PHRC announced public hearings for March 2, 3 and 4, 1971.
- MAR., 1971: PHRC held public hearings in Philadelphia and examined the Philadelphia Plan in relation to the eleven recommended elements of an acceptable desegregation plan.
- JUNE 7, 1971: Final Order and Findings of Fact from the Pennsylvania Human Relations Commission to the Philadelphia School District.
- JULY 2, 1971: Exceptions to Findings of Facts, Conclusions of Law, Commission's Decision and Final Order were forwarded to PHRC and Commonwealth Court by the School District.
- JULY 7, 1971: Support by the President of the Philadelphia School Board for the Emergency School Aid and Quality Integrated Education Act was expressed to Congressman Roman Pucinski.
- JULY 10, 1971: Federal extension of the Emergency School Assistance Program.
- JULY 26, 1971: Region III conference was held to discuss ESAP funding for desegregation. Philadelphia is eligible under Priority I: "Districts required to take new or additional steps respecting desegregation pursuant to a court or Title VI order issued or modified on or after April 30, 1971..."
- AUG. 2, 1971: Initial steps were taken by the Office of Community Affairs for the submission of a desegregation plan for consideration by the Superintendent and Board of Education as a response to the following: (1) State Human Relations Commission Order to desegregate; and (2) making application for a grant under the Emergency School Assistance Program.
- AUG. 4, 1971: A progress report was prepared and a request for a more detailed report was made by Mr. Horowitz in a memo delivered August 11, 1971.
- AUG. 5, 1971: Exploratory conference was held with the State Intergroup Office, the HEW Program Officer - An additional conference was held with the PHRC's Executive Director.
- AUG. 16, 1971: A full draft of the Proposed Desegregation Plan was completed for submission to the Superintendent and the Board of Education.
- AUG. 20, 1971: Board of Education filed a Petition and Order for Consolidation of Appeals regarding PHRC vs. School District of Philadelphia and PHRC vs. School District of Pittsburgh.
- AUG. 17, 1972: Commonwealth Court of Philadelphia consolidated cases of Philadelphia and four other school districts and ordered them to submit a minimum acceptable plan to PHRC.
- SEPT. 25, 1972: PHRC handed down an amended Final Order to submit a desegregation plan by January, 1973.

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CHRONOLOGY OF INTERACTIONS BETWEEN THE SCHOOL DISTRICT

AND

THE PENNSYLVANIA HUMAN RELATIONS COMMISSION

DESEGREGATION PLAN AND FUNDING FACT SHEET

- FEB., 1968: The Pennsylvania Human Relations Commission mandated that the Philadelphia School District prepare a plan to desegregate the Philadelphia public schools.
- JUNE, 1968: The School District requested and was granted by the PHRC ninety days extension of the deadline for submitting a plan.
- SEPT., 1968: The School District submitted a proposed plan one element proposing a once-a-week opportunity for elementary students from uniraical black and white schools to get together.
- OCT., 1968: Overwhelmingly negative community reaction expressed at Board hearings on the plan, primarily from the white community. PHRC granted extension to December, 1968.
- NOV., 1968: Thirty-seven cluster meetings involved school personnel, parents and community in a restudy of the plan. The strong conclusion was expressed that educational excellence must take priority over the physical mixing of students in cases where both cannot be achieved together.
- DEC., 1968: The School District sent a letter to PHRC calling for financial help, restating commitment and reporting constraints on long-range plans.
- MAY, 1969: Extensive plan submitted outlining School District's best intentions in the light of the hearings "feasibility" of which will have to be determined by Federal and State governments' willingness to pay for them by the willingness of the people of Philadelphia to accept them."
- JULY, 1969: PHRC called plan unsatisfactory for lack of information.
- OCT., 1969: PHRC requested further information.
- NOV., 1969: Information sent to PHRC.
- DEC., 1969: The School District requested extension.
- JAN., 1970: PHRC granted extension.
- NOV.-DEC., 1970 Series of meetings between the PHRC staff and the School District's staff where PHRC staff shared their suggestions on sixteen ways the School District could move to achieve greater physical desegregation. Some of these suggestions appeared to the School District's staff to be impossible to implement; some were already being implemented.
- NOV., 1970: PHRC requested specific information on School District's achievements in the last year. Information sent, including responses from district superintendents outlining desegregation achievements since the July, 1969 report.

CHRONOLOGY CONTINUED

- DEC. 21, 1972: Board of Education requested a two month extension of the January 2, 1973 deadline. Approved.
- MAR. 13, 1973: Board of Education requested and received an additional extension to April 16, 1973.
- AUG. 6, 1973: PHRC files petition for enforcement of order of PHRC.
- SEPT. 8, 1973: Philadelphia Commission on Human Relations agreed to cooperate with the School District and Mr. Augustus Baxter, Board Member and desegregation Task Force Chairman, in the preparation of the desegregation plan.
- SEPT. 13, 1973: The School District answered the petition of the PHRC stating that a broad based committee is being established "to provide the School District with pertinent information and ideas upon which the new plan will be based."
- SEPT. 19, 1973: The PHRC replied stating that "the new matter (submitted by the School District) and its assertions are irrelevant and unresponsive to the Petition for Enforcement of Order of the Pennsylvania Human Relations Commission." It cited the long delay in replying and the fact that the PHRC had continuously made itself available to the School District to develop a plan and timetable.
- OCT. 1, 1973: Augustus Baxter, Board Member, convened the Citizen's Advisory Committee on School Desegregation.
- OCT. 31, 1973: Hearing held before the Honorable Roy Wilkinson on the petition for enforcement of the order. The court required the School District to answer whether or not it will finance a plan out of current revenue or whether financing will be needed from other sources.
- NOV. 7, 1973: The School District answered that it will finance a plan from current revenues. In Final Amended Order, Court ordered the School District to submit a plan and timetable to PHRC by February 13, 1974.
- DEC. 12, 1973: Proposed physical desegregation plan submitted to School Board for review.
- DEC. 17, 1973: School board announces public hearings on proposed desegregation plan to be held on January 16 and 17, 1974. Copies of the draft were distributed to the community.
- JAN. 16-17, 1974: Public hearings on the draft of the proposed physical desegregation plan were conducted by the School Board. There was an overwhelming opposition to the plan expressed by the community.
- FEB. 13, 1974: Board of Education approved Desegregation Plan for submission to PHRC.
- FEB. 15, 1974: The plan was delivered to PHRC.
- FEB. 25, 1974: The PHRC reviewed the proposed plan and unanimously voted that it was not in compliance with the Final Order of the Commission.
- MAR. 11, 1974: The PHRC staff and the Department of Education staff met with the School District in an effort to identify specific inadequacies and to explore further desegregation possibilities.

- MAY 21, 1974: Board of Education summoned to Commonwealth Court for an evidentiary hearing.
- JUNE 4, 1974: Commonwealth Court appointed a "master" to review the December 1973 Plan and suggest modifications needed to bring it into compliance. Review process will continue through August, 1974 with the completion of an approved plan scheduled for September, 1974.
- SEPT. 1, 1974: Dr. Kurtzman submitted Desegregation Plan to the Commonwealth Court of Pa.
- SEPT. 6, 1974: Review of Kurtzman Report submitted to Board of Education by Martin Horowitz, assistant counsel for the Philadelphia Board of Education.
- SEPT. 26, 1974: Commonwealth Court hearing on Philadelphia Desegregation Plan held in Harrisburg. Judge Wilkinson heard testimony from PHRC and Philadelphia Board of Education.
- OCT. 1, 1974: Judge Wilkinson of the Commonwealth Court ordered the Philadelphia School District and the Pennsylvania Human Relations Commission to submit a "definitive" plan by January 31, 1975 for desegregating the Philadelphia Public Schools.

APPENDIX D: POLICIES ON NON-DISCRIMINATION
OF THE PHILADELPHIA SCHOOL DISTRICT

SCHOOL DISTRICT OF PHILADELPHIA

OFFICE OF COMMUNITY AFFAIRS

Policies of the Board of Education
on Integration and Nondiscrimination

July 8, 1959: Policy of Nondiscrimination

WHEREAS, the Board of Public Education seeks to provide the best education possible for all children: and

WHEREAS, the Educational Equality League and other organizations have requested the adoption of written policies for full inter-racial integration of pupils and teachers:

BE IT RESOLVED, that the official policy of The Board of Public Education, School District of Philadelphia, continues to be that there shall be no discrimination because of race, color, religion or national origin in the placement, instruction and guidance of pupils; the employment, assignment, training and promotion of personnel; the provision and maintenance of physical facilities, supplies and equipment, the development and implementation of the curriculum, including the activities program; and in all other matters relating to the administration and supervision of the public schools and all policies related thereto; and,

BE IT FURTHER RESOLVED, that notice of this resolution be given to all personnel.

June 25, 1963: Policy of Integration

RESOLVED that the 1959 policy of nondiscrimination because of race, color, or national origin now be reaffirmed and expanded to state explicitly that integration of both pupils and staff shall be the policy of The Board of Public Education. The committee appointed to review the policy of nondiscrimination should be instructed to conduct its study and to report the facts with recommendations for such other or further action that may be necessary or advisable in fostering integration of pupils, teachers and staff.

April 13, 1965: Integration of School Staffs

The resolutions of June 25, 1963, and January 7, 1964, which, in part, were designed to promote integration and racial heterogeneity of school staffs are rescinded with the adoption of transfer policies for 1965-1966 to become effective May 1, 1965.

October 20, 1965: Busing

When busing public school pupils to relieve overcrowded conditions... every attempt will be made to

Policies of the Board of Education
on Integration and Nondiscrimination

1. Foster a greater degree of integration in the schools involved
2. Integrate bused children into the classes and activities of the receiving school

Large scale exchange of white and black pupils by reverse busing is not regarded as a suitable way of obtaining meaningful integration, and the use of school buses for this purpose is not recommended.

March 14, 1966 and December 1, 1967: Nondiscrimination Clause in Contracts

WHEREAS, At the meeting of the Board of Education the Public School Code of 1949 states that all contracts for construction and repairs of school buildings shall contain a provision forbidding the contractor to discriminate in the hiring of employees by reason of race, creed, color, or national origin. On March 14, 1966, the Philadelphia Board of Education extended the nondiscrimination clause of the Code to cover contracts for supplies and equipment, and the resolution adopted on that date also states that any successful bidder who fails to comply with the anti-discrimination provision in the contract may be removed from the list of approved bidders.

On December 1, 1967, the Board of Education extended further its policy against racial discrimination by prohibiting the School District from having any business or professional dealings with anyone who discriminates because of race, creed, color, or national origin. The resolution approved on that date reads as follows:

WHEREAS, At the meeting of the Board of Education held on March 14, 1966, the following resolution was adopted:

WHEREAS, Pursuant to Section 755 of the Public School Code of 1949 all contracts of the School District for construction, alterations, repairs and improvements of school buildings contain hiring of employees by reason of race, creed, color or national origin.

WHEREAS, All specifications of the School District of Philadelphia for construction, alterations, repairs and improvements to public school buildings contain provisions requiring compliance with the aforesaid statute, and also provide penalties for failure on the part of contractors to comply therewith, and

WHEREAS, The Board of Education wishes to extend the nondiscrimination clause to the purchase of supplies and equipment, be it

Policies of the Board of Education
on Integration and Nondiscrimination

RESOLVED, That, consistent with the policy of the Board, all specifications for the purchase of supplies and equipment by The School District of Philadelphia shall contain a provision that the successful bidder shall not discriminate nor permit discrimination in the performance of its contract with The School District of Philadelphia, including but not limited to, preparation, manufacture, fabrication, installation, erection and delivery of all supplies and equipment, against any person because of race, creed, color or national origin, and in the event of such discrimination The School District of Philadelphia may terminate its contract with said successful bidder and, in the event of refusal on the part of the successful bidder to comply with the anti-discrimination provisions of the contract, the bidder may be removed from the list of approved bidders of The School District of Philadelphia.

WHEREAS, The Board wishes to extend the policy enunciated in the aforesaid resolution, and

WHEREAS, The Board of Education also wishes to adopt as its policy that the School District of Philadelphia will only do business with contractors who are not in violation of Federal or Pennsylvania labor standards, now therefore be it

RESOLVED, That the policy of the Board of Education, enunciated in the above resolution adopted March 14, 1966, is broadened to prohibit The School District of Philadelphia from having any business or professional dealings with any individuals, partnerships or corporations which practice discrimination because of race, creed, color or national origin and be it

FURTHER RESOLVED, That every contract for supplies and for the construction, alteration, or repair of any building of The School District of Philadelphia shall state that the contractor or supplier agrees that in the hiring of employees for the performance of work under the contract by the contractor or supplier, and by any first tier sub-contractor of a principal contractor or a principal supplier, there shall be no discrimination by reason of race, creed, or color, and be it

FURTHER RESOLVED, That no bidder who has been duly declared by the Philadelphia Commission on Human Relations or the Pennsylvania Human Relations Commission to be engaged in discriminatory practices shall be considered qualified to do work for or to supply material or services to the School District of Philadelphia, and be it

FURTHER RESOLVED, That no bidder shall be considered qualified to do work for or to supply material or services to The School District of Philadelphia who is engaged in a continued and persistent course

Policies of the Board of Education
on Integration and Nondiscrimination

of unfair labor practices as determined either by the National Labor Relations Board or the Pennsylvania Labor Relations Board.

June 26, 1967: Processing Forms EH-36

RESOLVED, That in accordance with the resolutions adopted by the Board of Education in 1959 and 1963 stating explicitly that integration of both pupils and staff shall be the policy of the Board, requests for transfer of pupils filed on Form EH-36 shall be processed as heretofore with consideration given to the availability of space in the receiving school and to the date of filing of the requests, and in addition, to the race of the pupil. This measure expresses the Board's affirmative responsibility to foster and maintain integrated schools wherever possible.

As a service to interested parents and other members of the community the lists of the names of pupils filing EH-36's for each school will be available for routine public inspection. In this fashion, maximum fairness in the granting of transfers will be assured.

APPENDIX E: COURT FINDINGS RELEVANT
TO DESEGREGATION IN PENNSYLVANIA

Compiled from The Center Communicator
Desegregation and Conflict Center
University of Pittsburgh

COURT FINDINGS RELEVANT TO SCHOOL DESEGREGATION IN PENNSYLVANIA

Four cases have appeared before the courts which will shape the direction of school desegregation in the Commonwealth of Pennsylvania. The cases are, in chronological order:

1. The "Roth decision" affecting Wayne, Macomb, and Oakland Counties in Michigan.
2. The "Mehrig decision" affecting the city of Richmond and the adjoining Henrico and Chesterfield Counties in Virginia.
3. The "Harrisburg decision" determined in the Supreme Court of the Commonwealth of Pennsylvania.
4. The Commonwealth court decision affecting Philadelphia, Pittsburgh, Uniontown, New Kensington-Arnold and New Castle.

These decisions are reviewed in this essay:

In the Roth decision¹, Judge Steven Roth of the Federal District Court ruled that plaintiffs presented a prima facie case of state imposed segregation in the Detroit Public Schools. The State of Michigan aided segregation in numerous ways: by encouraging school site construction in locations which drew students from homogeneous neighborhoods; by supporting suburban transportation of pupils, but not supporting urban transportation; and by placing financial limits on bonding and establishing state aid formulas which enabled suburbs to expend a greater amount per pupil despite less tax effort. Judge Roth also ruled that plaintiffs had established locally imposed de facto segregation. Roth found that the Detroit school district encouraged segregation by drawing school attendance zones which maintained racial, ethnic and socioeconomic homogeneity; and by establishing a "neighborhood school" policy which reflected segregated housing patterns. Judge Roth ruled that amelioration of de facto segregation within Detroit city was meaningless without the involvement of eighty-five contiguous suburban school districts (from Wayne, Macomb and Oakland counties). This decision may apply to Pennsylvania's schools.

- a) if plaintiffs allege that racial, ethnic or socioeconomic considerations inform educational decisions affecting them
- b) if plaintiffs allege that equality of educational opportunity is denied them because of inequities in state distribution of financial support for districts.

The "Mehrig Decision" ²ruled on behalf of plaintiffs that state and local education authorities perpetuated de facto segregation. The Court concluded that:

¹R. Bradley et al v. Milliken et al, Civil Action Number 5257.

²C. Bradley et al v. The School Board of the City of Richmond, Virginia et al

the duty to take whatever steps are necessary to achieve the greatest possible degree of desegregation in formerly dual systems by the elimination of racially identifiable schools is not circumscribed by school division boundaries created and maintained by the cooperative efforts of local and central state officials.³

Judge Mehrige also ruled that "meaningful integration in a bi-racial community, as in the instant case, is essential to equality of education, and the failure to provide it is violative of the Constitution of the United States."⁴ This decision used demographic, sociological, psychological and legal precedent as the base for "general findings of fact and conclusion of law." In this sense, Judge Mehrige paralleled the finding of Brown v. Board of Education (1954) by ruling for the plaintiffs because of the effects of certain discriminatory practices. Judge Mehrige concurs with Judge Roth by affirming the necessity of crossing district lines and crossing county lines to eliminate racial imbalance. The dissimilarity lies in the nature of evidence used in finding for the plaintiff.

The Supreme Court of the Commonwealth of Pennsylvania has ruled recently on a school desegregation case. A plaintiff contested the right of the Pennsylvania Human Relations Commission and the Harrisburg School District to require racial balance. Plaintiffs alleged that Harrisburg's plan for reorganization and desegregation, which required busing, placed an unreasonable burden on children and parents. The Supreme Court found for the defendants and upheld the right of the Harrisburg School District to reorganize and desegregate the schools and to transport students where necessary.⁵ Since this judgement came from the Commonwealth's Supreme Court, it applies as law throughout the Commonwealth,

A fourth suit contested the jurisdiction of the Pennsylvania Human Relations Commission over the plaintiff school districts. Plaintiffs included Pittsburgh, New Kensington-Arnold, Uniontown, Philadelphia and New Castle school districts. The Commonwealth court ruled on August 17, 1972, that:

1. standards used by the Pennsylvania Human Relations Commission to determine de facto segregation are not arbitrary and capricious;
2. the State Supreme Court recently affirmed the right of the Pennsylvania Human Relations Commission to cite the Harrisburg School District and to apply more stringent standards than are applied across the Commonwealth:

³C Bradley et al v. The School Board of the City of Richmond, Virginia et al p. 21

⁴Ibid.

⁵Bolsbaugh v. Rowland 447 PA423, 29A 2D85, 1973

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3. the question of whether any or each of the five districts could afford to desegregate is premature since none has submitted an acceptable desegregation plan to the Pennsylvania Human Relations Commission;
4. staff integration is not part of the final order from the Commonwealth Court.

While this decision is on appeal before the Commonwealth Supreme Court, it is clear that the Pennsylvania Human Relations Commission does have authority to effect de facto segregation. Because of the Supreme Court's recent ruling concerning Harrisburg, it seems likely that the appeal motion will be denied or that the Court will find that the Pennsylvania Human Relations Commission has the rights granted through its originating legislation and affirmed by the State Supreme Court in the Chester Case (1967) and the Harrisburg case (1972).

On the state level and on the federal district level, the courts are affirming the rights of all students to equal educational opportunity through desegregation. While legislation retarding the advance of school desegregation has been proposed in Harrisburg and Washington, the courts have sent the message, "Desegregate schools now!" How well are the districts receiving the message?

APPENDIX F: EXCERPTS FROM THE PHILADELPHIA STORY

The Research Council has been involved in the school desegregation process in Philadelphia since early April, 1969. Its role in Philadelphia's efforts to develop an acceptable plan for achieving racial balance in its schools is unique. Providing consultant services to school systems is an integral part of the Council's implementation of the Technical Assistance program. Initial meetings with the staff of the Office of Integration and Intergroup Education in Philadelphia, therefore, took the form of "information-gathering" with the Research Council exploring the parameters of the problem in Philadelphia. At these initial meetings the Philadelphia staff was made aware of some of the more innovative steps being taken to desegregate schools in other cities. A list of possible consultants was drawn up, and the Research Council staff "settled in" for a careful analysis of the arm load of materials provided by Philadelphia. Several consultants were utilized in the attempt to design "strategies" for designing and implementing a model school desegregation plan; these consultants were experienced educators and experts in the field of urban education and urban affairs.

In late April, 1969, the Office of Integration and Intergroup Education and the Research Council agreed to sponsor a two-day seminar of intensive discussions on desegregating schools in Philadelphia. This two-day "brain-storming" session was scheduled for May 8 and 9 at a location which would be isolated enough from the hurley-burley of city life so that the full concentration of the participants would be on the problem at hand, namely, designing an adequate and meaningful approach to school desegregation for Philadelphia by the July 1 deadline.

THE COMMUNITY

Approximately 50 to 60 participants representing the school district, home and school associations, the community and community agencies assembled at St. Dominick's Hall, a retreat just outside of Philadelphia in Elkins Park, Pennsylvania. Superintendent Mark Shedd opened the meeting by welcoming the group and inviting them to explore the possibilities for remedying one of the most serious problems presently confronting the city of Philadelphia. The task was further outlined by Mr. Robert Blackburn, the Director of the Office of Integration and Intergroup Education. The two-day work session dealt with the two major aspects of school desegregation. Task Force I discussed the Curricular Aspects of Desegregation. Task Force II discussed Physical Planning for Desegregation. The participants were asked to address themselves to the following questions as they related to their area of discussion:

1. What programs are now in progress, or what steps are now being taken, to achieve desegregation?
2. What programs or steps are recommended to further achieve desegregation?
3. What effect will these recommendations have on improving the racial balance of schools throughout the city?
4. What features of these recommendations may be implemented by September, 1969?
5. What facilities, personnel, equipment, or supplies will be needed to implement these features by September, 1969?
6. When may the total recommendations be implemented?
7. What facilities, personnel, equipment, or supplies will be needed to implement the total recommendations?

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The two days that followed were both intensive and exhausting days for the participants. Participants experienced a wide range of emotions from extreme frustration at the size and scope of the problem with which they were asked to deal to great exhilaration as suggested solutions to the problem came closer and closer to hitting the mark.

The two-day seminar produced almost as many reports or outlined suggestions as there were participants. These recommendations can be divided into three categories: (I) Those that require short-term planning time and require a minimum amount of new resources to implement; (II) middle-range projects requiring more time or implementation by stages over 2 or 3 year period and which require new sources of funds or personnel; (III) long-range projects require substantial new resources and which involve new school construction or massive reorganization of school structure. Following are only a few of the recommendations made:

I. — Programs of dual enrollment and shared facilities with the arch-diocesan schools should be extended.

Although some reservations may be expressed for extending these programs the opportunities for providing desegregation experiences must be considered. The Office of Planning should vigorously pursue the possibilities of shared facilities to promote desegregation; the Office of Instructional Services should develop significant curricular experiences to enhance integration; and the Division of Research should develop data evaluating the effectiveness of dual enrollment programs. In addition, staff development programs must be developed concurrently with the programs of shared facilities.

— Demographic data relating to school boundaries and feeder patterns should be computerized to facilitate changes.

The racial balance of approximately twenty schools may be improved with boundary and feeder pattern changes that may be implemented within one year. However, computerized data are needed to effect these changes.

- Exchange of teachers, a few pupils and perhaps principals for week-long visits at schools.
- One-group schools divided in half. Two such one-group halves attend one of the schools four days of the week.
- Active learning experiences in study of the urban environment by two one-group schools, utilizing field trips, investigation, action programs, political involvement, etc. (Two one-group classes learn together.)
- Magnet School Modifications:
 - A. Provide for "managed intake."*
 - B. Give more publicity to Magnets already existing.
- Specifics for Curriculum Procedures:
 - A. Workshops for principals to explain new, integrated materials (also for collaborators, lead teachers, etc.)
 - B. Immediate examination of all films listed for circulation.
 - C. Immediately revise Science Curriculum, especially K-8, to include facts about race, etc.
 - D. Immediately prepare for use in September suggestions to teachers for implementation of *The World of Africans and Afro-Americans*.
- Utilize TV facilities widely for the following:
 - A. Human Relations Programs for pupils at all grade levels.
 - B. Staff Development Programs for school personnel.
 - C. Use recordings, video-tapes, etc., to share with other schools.
 - D. Every program should be a model for desegregation and intergroup relations.
 - E. Workshop for students.
- II. — The magnet and skills centers concept of school organization should be extended.

*Students would be selected in such a way as to achieve a racial balance in the school.

The limitations of space in the present high schools militate against the full development of the magnet concept. However, the possibilities of part-time attendance at magnet schools should be explored. The rationale for quality education in the magnet school must also be advanced. Also to be explored further is the advisability of developing upper schools with an exclusive magnet offering as contrasted to comprehensive upper schools with a magnet specialty. The latter pattern is now yielding modest desegregation results.

— The Parkway Project concept should be extended to other sections of the City.

The Parkway model may be considered in such areas as the Food Distribution Center, the Northeast Industrial Park, and South Philadelphia below Snyder Avenue.

— Human development laboratory program.

— Intensive Development Program in Communication. (To be used in several pairs of high schools.)

A. Develop cadre of leadership through a significant percentage of pupils in one-group schools.

B. Pupils come together for a two-week period to grapple with basic human relations experiences. (Day-long program for entire period.)

C. After two-week period pupils come together periodically.

D. Teacher involvement under professional leadership vital to success of program.

— Parkway and Germantown Area Schools Program models. (Schools modeled after the Parkway School and the Germantown Area Schools Program — a program similar to that of the Parkway but on a smaller scale.)

— Race Relations Institute on an Extensive Basis for Staff, Parents, Pupils.

III. — The Board of Education should adopt a policy of clustering schools when constructing new schools rather than proceeding with scattered site construction.

At the present time, the Board seems to be

locked into the practice of constructing new buildings on the sites of former ones. Rather than replace the building on the original site, a larger site should be sought on which the new building will be the first of a cluster of lower and middle school buildings. The school cluster concept must be advanced on the basis of educational benefits accruing from the cluster. Also, racial balance may be achieved more easily with cluster groupings than with single site arrangements. Economies in construction may also be realized with cluster groupings in that facilities such as gyms and planetaria may be shared by a number of schools. The school cluster concept differs from the education park concept; the former does not provide for K to 12 facilities on one site.

— The Board should pursue the feasibility of joint development with the City of large tracts of land for housing, commerce, industry and schools.

Economies in land acquisition may be realized, and racial balance in schools may be achieved as a result of the housing patterns evolving from the joint enterprise.

A. Extend Parkway concept.

1. Hospital complex.

2. Career Development.

3. Knitting mills.

4. Subway schools.

5. Train and trolley schools.

— Development of School-University Urban Education Programs.

A. Joint planning (school and university planning).

B. Intergroup mandated college courses for certification.

C. Use of university related programs to include people of two one-group schools.

The recommendations were collected and incorporated into a report to the Executive Committee of the School District of Philadelphia. This Committee was responsible for drafting the new "plan" and the two-day seminar provided them with a broad range of substantive proposals for developing an acceptable model plan for school desegregation. The draft plan was written by the July 1 deadline and the next step in "The Philadelphia Story" was taken by the Board of Education. The mistakes made in 1968 seemed to have been corrected. All segments of the community had a role in designing school desegregation for Philadelphia. Careful attention had been paid to the task of making sure that the mass media were thoroughly and thoughtfully informed of the activities taking place. The School District and the Research Council managed not to lose sight of the real issue confronting them, the development of a plan to achieve racial balance in the schools and to provide to each child equal access to educational opportunity.

APPENDIX G: COMMUNITY AFFAIRS
PROGRAMS 1973 - 1974

1973-1974

Summary of Program Activities of The Office of Community Affairs
Funded under Title IV of Civil Rights Act, 1964
Director: Mrs. Gertrude A. Barnes

The Office of Community Affairs has completed a comprehensive program designed to deal effectively with problems incident to desegregation. Activities were coordinated by the Project Director who was assisted by three (3) Advisory Specialists and a Research Assistant. A variety of activities designed to assist the following six (6) major participant groups:

- 1) newly appointed and experienced teachers and counselors
- 2) minority and non-minority students
- 3) administrators, including district superintendents, principals, vice-principals, field supervisors and collaborators
- 4) para-professionals including security officers, teacher aids and secretaries
- 5) community persons who were key civic and non-partisan organization representatives and parents
- 6) school Human Relations chairmen and members

SUMMARY OF ACTIVITIES

Workshop for Newly Appointed Teachers

An intergroup education training workshop designed for newly appointed teachers was held on Wednesdays, January 30 through February 27, 1974 from 4:00 to 6:00 P. M. The sessions were held at the Martin Luther King High School. The purpose of the workshop was threefold; to acquaint teachers newly appointed to the Philadelphia School District with problems stemming from segregated housing situations; to provide information concerning the various ethnic groups in the Philadelphia schools and to illustrate effective intergroup education techniques. There were a variety of activities and experiences for the 424 newly appointed and experienced teacher participants and 49 group leaders and resource leaders. Between sessions participants were involved in back-home assignments which provided for participant application of and/or sharing experiences learned during the workshop. On general, participants reported that they learned new intergroup education techniques, received more insight into the housing problem as it affects school attendance and became familiar with members of other ethnic groups and their concerns.

2. Administrative Follow-up

In August, 1973 seven Philadelphia administrators attended a one week Desegregation Leadership Institute sponsored by Cheyney State College, Community Services Center. Two follow-ups to this institute were held on April 18 and 19 (Session I) and May 2 and 3, 1974 (Session II). The Office of Community Affairs in cooperation with Philadelphia Association of School Administrators and Community Services Center of Cheyney State

College were responsible for the planning of these Institutes.

The institutes were designed to provide administrators with an intensive group training experience to improve their awareness and understanding of the problems of desegregation. The purpose was also to develop and sharpen leadership skills in dealing constructively with desegregation problems within the local school situation.

Emphasis was placed on such activities as small group discussions, mini-lectures, skill-building, simulated situations and other experience-related activities.

A total of three hundred-seventy-nine School District administrators participated in Institutes.

3. Human Relations Workshop

More than three hundred sixty five (365) Human Relations Committee members including Chairmen were involved in a Human Relations Workshop. There were four sessions held on consecutive Mondays and Wednesdays, April 22 through May 1, 1974.

The workshop was designed to improve skills in problem solving techniques and to reactivate a skilled Human Relations Committee. Serious incidents were examined in light of their implications for Human Relations Committees. Members of the Internal Security staff served in a resource capacity to each group.

The eight Human Relations Collaborators, an Internal Security Supervisor and The Philadelphia Federation of Teachers' Human Relations' Chairman served as resource leaders. Group leaders were given training by OCA staff prior to the workshop.

All eight school districts were represented. During the last session, more than fifteen administrators participated in the workshop to give support in all follow-up activities outlined in Action Plans to be implemented in their schools.

4. Student Action Program: Student Leadership Training

An all day retreat was held for 34 members and former members (recent graduates) of the Student Association of South Philadelphia High School on June 20, 1974 at the Downingtown Inn. The program was initiated as a follow-up to the Human Relations Workshop sponsored by The Office of Community Affairs. The purpose of the workshop was to develop action plans for instilling an atmosphere of better human relations in the school and community. The participants (including 10th & 11th grade student association members and recent graduates who were former members of the Student Association) dealt with the role of Student Government at South Philadelphia High School, concerns about student government at South Philadelphia High School and perceptions of student unrest. Problem-solving techniques were utilized to develop action plans for the next school year for four problems which were identified by the participants.

5. Desegregation Handbook

A handbook on desegregation was written and published by the OCA. Pertinent materials related to desegregation were compiled for this task. The Handbook was designed to be a source for information to students, parents, educators and community leaders who needed a comprehensive record of desegregation-related materials. Both local and national data and information was included.

6. Parent Cluster Meetings on Desegregation

The Board of Education sponsored public hearings on the proposed desegregation plan on January 16 and January 17, 1974 at the Administration Building. The purpose of the hearings corresponded to the Title IV guidelines for parent cluster meetings. In an effort not to duplicate services, The Office of Community Affairs did not sponsor cluster meetings. Instead, The Office of Community Affairs analyzed the testimony of parent and parents groups. This is presented in a report entitled "Meetings of the Desegregation Task Force" which includes recommendations and a summary of Task Force meetings.

7. Community Cluster Meetings on Desegregation

The Board of Education sponsored public hearings on the proposed desegregation plan on January 16 and January 17, 1974 at the Administration Building. Because of the close similarity of the design and purpose of the hearings, the Office of Community Affairs did not duplicate the activity. The Office of Community Affairs analyzed the testimony which was available and compiled it into a report entitled "General Summary, Community Organization Testimony, Public Hearings on Desegregation."

APPENDIX H: IMPLEMENTING SCHOOL
DESEGREGATION: A BIBLIOGRAPHY

IMPLEMENTING SCHOOL DESEGREGATION

A BIBLIOGRAPHY

compiled by

OFFICE OF COMMUNITY AFFAIRS

School District of Philadelphia

March 1974
Adapted From:

Eric Clearinghouse On
Educational Administration
University of Oregon
Eugene, Oregon 97403

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APPENDIX I:

NEWS ARTICLES RELATING TO DESEGREGATION.

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End discrimination

Busing: one way to integration

To the Editor:

Your editorial, "Speaking of discrimination," in which you state that if the Pennsylvania Human Relations Commission cared about school children they would be searching for funds for schools rather than enforcing desegregation, is so full of misinformation and false logic that one must suspect your interest in ending discrimination.

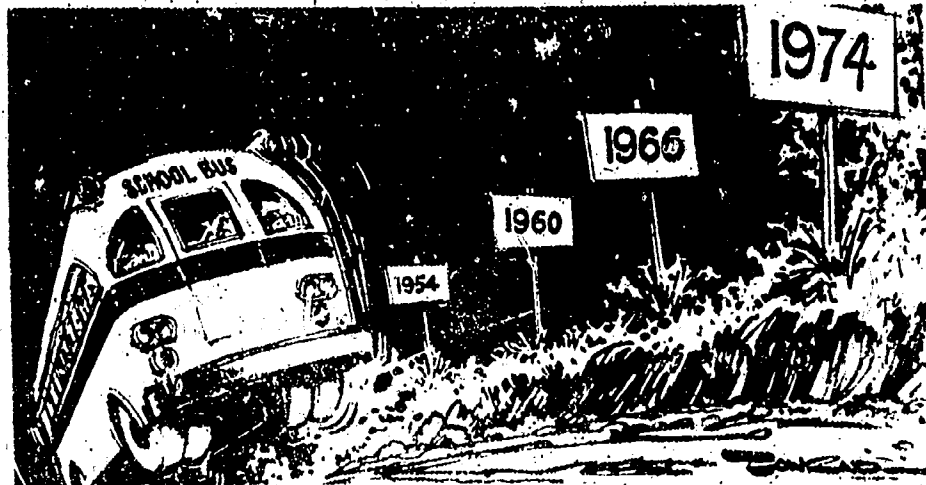
The school system needs both sufficient funds and racial integration. One cannot be substituted for the other as you suggest. To use the excuse of the need for funds for not desegregating the schools is particularly fallacious. There is at least as much evidence that desegregating schools improves the basic skills of minority children as there is that putting more money into schools does.

The cost you quoted for a busing component of a desegregation plan is at least four times as high as the one given by a nationally known expert hired by the School Board. You suggest Philadelphia schools cannot be desegregated because of neighborhood schools, an argument I heard frequently, growing up in Little Rock, especially from Gov. Faubus in 1957. Since then the Supreme Court decided in the Swann case that integration "cannot be limited to walk-in schools."

Your paper is advocating violation of the law, not only the order of Commonwealth Court but the many Supreme Court decisions, including the Brown decision of 20 years ago.

You should know that the School Board submitted to the Human Relations Commission a plan so inadequate that Commonwealth Court had no choice but to reject it.

It is not the Human Relations Commission's job to raise money for



schools. It is City Council, the state legislature's and Congress's responsibility. We hope you will join in the fight at the appropriate places for school funds.

ANNA BELLE WOODFIN
Co-ordinator for 1973
Campaign for full funding
of the Schools.

Philadelphia.

To the Editor:

In your April 8 editorial "Speaking of discrimination," you have unfairly criticized the Pennsylvania Human Relations Commission because of its insistence on busing to achieve racial integration of the Philadelphia schools.

It is indeed ironic that the only time busing becomes an issue is when it is used to integrate our schools.

Many older blacks remember walking (no buses) past several "white schools" to get to the "colored schools." They also remember that bus loads of blacks came from 15 to 20 miles away to attend the "colored school."

A white female in Alabama put it this way, "Busing is making the white children get on with nigger."

as we don't have niggers on there, it is not busing."

Almost 50 percent of the nation's children ride buses to school. As few as 3 percent are bused to achieve racial balance. In Pennsylvania alone, 1,300,000 pupils are bused daily to public schools, and an additional 73,000 are transported on public buses to nonpublic schools. Less than two-thirds of 1 percent are being bused to help desegregate schools.

If busing is so costly, we should stop all of it, not just that for integration.

You blame housing patterns for the segregated systems. Our children had nothing to do with these housing patterns. Why should they suffer because of the ineptness, unconcern, and hypocrisy of the adults?

It is obvious that busing is only opposed when it is used as part of a plan to provide an equal education for black children. Let us not be misled. Busing is simply one method of desegregating pupils whose unlawful status cannot be corrected by other methods.

C. H. BUTLER, M.D.
Pennsylvania State Conference
NAACP Branches
Coateville.

'A Friend of the Kids'

By RICHARD DEASY

Four years ago, Mrs. Lois Stalvey was working as a volunteer in the school where her son Noah was an eighth-grader, when a black child secretly sidled up to her and whispered:

"Word's around that you're a friend of the kids. Can I talk to you?"

THAT EXPERIENCE — and the tale the child told of his mistreatment by teachers, — prompted Mrs. Stalvey to break a promise to herself and unravel her impressions of the Philadelphia public school system in a book now winning national attention.

"It was written as my attempt to change things," Mrs. Stalvey says of "Getting Ready," published by William Morrow and Co. of New York.

On the one hand the book recounts the success of the schools in educating Mrs. Stalvey's own three children and is an invitation to the white middle class to return to the city schools.

But it also indicts the system for the way it handles black children, treating them as less capable than whites and leaving them "angry, hostile and impatient" graduating unable to achieve legitimately so that many are forced to achieve illegitimately.

Mrs. Stalvey, who lives with her husband, Bennett, and children on Westview st. in W. Mt. Airy, says the book recounts her personal experiences in seeing "teacher hitting, slapping, abusing" black students.

calling them stupid, animals, incapable of learning."

She's a housewife. Her husband works with the U.S. Department of Labor.

The book, which covers the 11 years the Stalvey children — "Spike," 18; Noah, 16, and Sarah, 14 — have spent in the schools, details similar incidents and calls for change.

Only one school is named, Germantown High School, Germantown ave. and Haines st., for which she has the highest praise.

"That is the kind of school I wish we had in every city of the country," she said. "Dedicated teachers, sensitive, realistic principals. Just wonderful."

Her son, "Spike," goes to Germantown High. Sarah now goes to Girls High at Broad and Olney sts., and Noah goes to Saul on Henry ave. in Roxborough.

OUT OF HER EXPERIENCES, Mrs. Stalvey has developed her own prescription for changing the rest of the system.

Public school teachers and administrators should send their own children to the public schools.

• Only parents of public school children should be permitted to serve on the Board of Education.

• The middle class must be encouraged to return to the city schools.

"We can't have a plantation system run by overseers," she said. "It has to be run by people who have a stake in it."

Mrs. Stalvey says her book was "written as an attempt to change things" in the school system.

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Mrs. Stalvey and her children: From left, Sarah, Noah and "Spike" Photograph by Bill Peronneau

New Thorns in the Problem

Washington—(UPI)—The 20th anniversary of its famous public school desegregation decision finds the Supreme Court still struggling to solve racial problems in education.

But the picture is vastly more complex than it was on May 17, 1954, when Chief Justice Earl Warren dramatically read the unanimous opinion to a hushed audience in the stately marble-columned chamber.

The focus of attention has shifted from South to North, the flight of whites to the suburbs has confused school attendance planning, and the court itself now is divided and may have been brought full circle by white claims of "reverse discrimination."

After achieving tremendous gains in breaking up dual school systems in southern states, civil rights lawyers have the issue at boiling point in cities such as Boston, Cincinnati, Cleveland, Indianapolis and Los Angeles.

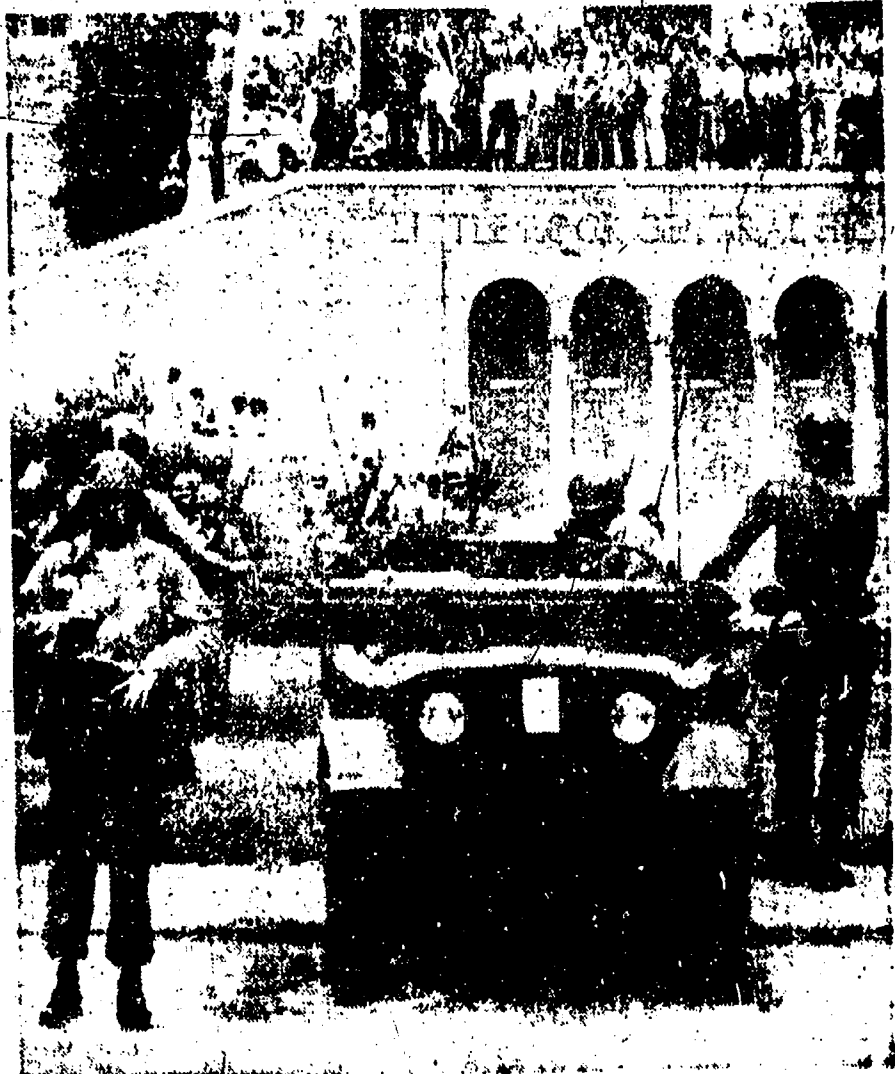
The 1951 opinion (Brown vs. Topeka Board of Education, involving the barring of a black girl, Linda Brown, from a "white school") was grounded firmly on the principle that the U.S. Constitution is color-blind. But because of "massive resistance" by Virginia and other southern states, color-consciousness ran through many subsequent opinions in favor of blacks trying to take advantage of the rights the Supreme Court had given them.

Law Student

This term, for the first time, the justices were confronted by a white man in similar circumstances. A white law student claimed his application to attend the University of Washington had been unfairly rejected in favor of minority students who were less qualified.

The court took a searching look at his case—then looked away without deciding it. The opinion said that since he had been permitted to attend school while appealing and was about to graduate, his suit was moot.

But a separate opinion by Justice William O. Douglas may have foreshadowed a future decision that color blindness is the basic—and indeed the only—guideline. The Constitution, he said, "commands the elimination of racial barriers, not their creation in



LITTLE ROCK: In 1957, the court decision against "separate but equal" schools was challenged in Arkansas and enforced by President Eisenhower. White students watched as black students guarded by federal troops entered a previously all-white school.

order to satisfy our theory as to how society ought to be organized."

The 1954 court was fully aware of the social revolution it was generating when it said "separate educational facilities are inherently unequal."

Only 13 paragraphs long, the opinion was geared to the 14th amendment, which provides no one may deny to any person the equal protection of the laws.

The 1954 opinion did not include instructions on how its mandate should be carried out. It was not until a year later that the justices evoked the "all deliberate speed" formula for obedience to the ruling, a guideline of them lived to regret. They then tossed the whole problem back to lower federal courts.

Some school systems took immediate good-faith steps to integrate; some took token steps, most did nothing. Neither Congress nor President Eisenhower acted positively at the time to lead the nation in the direction the court had charted.

Not until the very integrity of the court was challenged by Arkansas Gov. Orval Faubus did Eisenhower move. He was compelled to enforce the order by use of troops.

The Supreme Court reversed a federal judge's order delaying the Little Rock desegregation with the admonition that no more delays. A slowdown in the process should not have been in the school's mind.

The "separate but equal" were sprouting all over, but in 1961, even years after the 1954 decision, the Supreme Court found it necessary to state that a barrier, which might have been sufficient to get the game no longer could persist.

Twenty years ago, as Linda Brown, she was a focal point in the court battle over segregation. Today, she's Linda Brown Smith, mother of two.



Tennessee's Program

In 1963, Tennessee's program of racial transfers got the ax. Any pupil was permitted to transfer from a school which formerly served only the other race. The Supreme Court opinion rejected the "purely racial character" of the plan.

By 1964, a decade after its momentous pronouncement, the court had on its doorstep one of the very disputes that brought the original decision about—a case from Prince Edward County, Va.

Faced with a final desegregation order, the county board of supervisors had refused to appropriate funds for the public schools. A private foundation ran schools for white children,

who got county and state tuition grants. Black children were virtually without instruction.

The Supreme Court ruled the trial judge could require the supervisors to levy taxes to raise funds for nonracial operation of the school system. It said certain public schools could not be closed to avoid the law of the land while others remained open at taxpayer expense.

That was the year Congress responded to the social upheaval in the country by passing the Civil Rights Act of 1964, which bars distribution of federal funds to systems continuing to perpetuate dual schools.

"Massive resistance" just about disappeared, to be replaced by "freedom of choice" in 90 percent of southern educational systems. Both black and white children could choose their own schools.

The Supreme Court looked at three "freedom of choice" cases from New Kent County, Va., Gould, Ark., and Jackson, Tenn., and concluded that, if the method was not accomplishing desegregation, zoning and other means should be substituted.

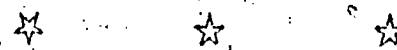
Later, Chief Justice Warren E. Burger having succeeded Warren, the court tightened the screws once more. It ruled that "all deliberate speed" was "no longer constitutionally permissible."

The opinion was a sharp rebuff to the Nixon Administration, which for the first time had placed the Justice Department at odds with blacks in their long fight for legal equality.

The opinion, in a case from Holmes County, Miss., established the principle that a unitary school system must operate while objections to a particular desegregation plan are fought out in court.

Burger in a later action said it was time the court ironed out some of the sticky details on which lower courts were foundering. So in 1971 he wrote for a unanimous court in a Charlotte, N.C., case that busing, contiguous

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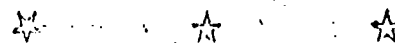
Momentous Words

On May 17, 1954, Chief Justice Earl Warren read from the Supreme Court bench:

"... We come then to the question presented: 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 educational opportunities. We believe that it does.

"... To separate them 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 their minds in a way unlikely ever to be undone.

"... We conclude that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal."



zone pairings and a mathematical ratio all are means of achieving desegregation and should be used.

The most recent decision, in a Denver case last June, held that intentional racial discrimination by a school system taints the entire system.

Meanwhile Congress and President Nixon became embroiled in the school busing controversy. After the court's 1971 efforts to put busing in context with other integration methods, Nixon said the ruling would be enforced "to the minimum required by law."

Two decades after the Supreme Court's desegregation ruling, the situation still is muddled. And the cutting edge of the controversy has migrated from the tarpaper shacks of the south to the split-level enclaves of northern suburbs.

SUNDAY BULLETIN

MAY 12, 1974

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State-by-State Rundown

NAACP Aide Salutes South For 'Enormous Progress'

New York — (UPI) — Jack Greenberg, director of the NAACP Legal Defense Fund and a leader of the struggle to integrate the nation's schools, looked back over 20 years since the U.S. Supreme Court's desegregation decision and described progress as "enormous," especially in the South.

"When you consider how far we had to come — from absolute zero in the South — the change that have taken place in the South and the rest of the country have been enormous," said Greenberg, 29, a white lawyer who has dedicated his career to helping blacks achieve first-class citizenship.

Greenberg, speaking in generalities, assessed the situation in the South this way.

Alabama — Substantial integration in a great many places.

Arkansas — Well integrated.

Florida — Very good statewide, except for parts of Miami.

Georgia — Generally good, except for Atlanta.

Kentucky — Well integrated

throughout except for Louisville and several smaller cities which are now under court order to integrate.

Louisiana — Good except for New Orleans and a few other places.

Maryland — Rather good with the exception of Baltimore and Montgomery county.

Mississippi — Very well integrated all over.

North Carolina — Essentially well integrated.

South Carolina — Ditto, except for Charleston and a few other cities.

Tennessee — Good, except for some black schools in Memphis.

Texas — Largely integrated except for schools in Houston and Dallas.

Virginia — Pretty well integrated with the exception of the Richmond suburban area.

"In the North, the large cities present special logistical problems in integration due to the largeness of black ghettos," Greenberg pointed out. "Merging largely black city school systems with predominantly white suburban systems has run into roadblocks."

Integration Aid Sought in Court

By A. W. GEISELMAN JR.
Of The Bulletin Staff

Harrisburg — The Pennsylvania Human Relations Commission yesterday requested the Commonwealth Court to appoint a master, a committee or an expert to devise a desegregation plan for the Philadelphia Public Schools.

In a two-hour hearing before Judge Roy Wilkinson Jr. the commission asked for an evidentiary hearing to compel the school district to comply with a 1972 order to integrate all Philadelphia schools by 1976.

Judge Wilkinson had or-

dered on Nov. 14, 1973, that the Philadelphia School District submit a desegregation plan to the commission by last Feb. 15.

No Timetable Set

Richard Anliot, director of education and research for the commission, charged yesterday that the school district had not fully complied with that order.

Anliot, the only witness to testify, said that the desegregation plan submitted lacked specifics for implementation.

The commission seeks an evidentiary hearing to prove the plan fails to comply with

Wilkinson's order requiring a timetable for implementation. **Six Plans Rejected**

The plan submitted last Febuary called for integration of fewer than one-fifth of the city's 285 public schools by 1976. The commission rejected it 11 days later and sought a contempt citation against the board.

The school district has devised six plans for desegregation since the commission's 1968 order to integrate. All plans have been rejected by the commission or the school board.

Anliot testified that since 1968 city schools with an all-

black student population have increased from six to 18 and those with 95 percent black students have increased from 78 to 102. He said the black population has increased from 59 percent in 1968 to 61 percent this year.

Could Be Jailed

School Board President Arthur W. Thomas and School Superintendent Matthew W. Costanzo were present at the hearing but did not testify.

If the court rules after an evidentiary hearing that the school district is in contempt of Wilkinson's November order to submit a desegregation plan, Thomas and board vice president Dolores Oberholtzer could be jailed and the school district could be fined for every day the schools remain racially segregated.

Wilkinson said he would decide by June 4 whether he will appoint a master or committee and if he will order an evidentiary hearing on the contempt citation filed by the commission.

Daily Times 6-4-74

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Kurtzman to Review Desegregation Plan

By RICHARD DEASY

The State Commonwealth Court today named Dr. David H. Kurtzman, former Secretary of the State Department of Education, to review the desegregation plan proposed by the Philadelphia Board of Education.

The court gave Kurtzman wide latitude in making recommendations, including the possibility that he would find that it is impossible for the school district to desegregate as ordered by the State Human Relations Commission.

THE COURT AGREED with the commission that the Philadelphia plan — which would only desegregate about 3 percent of the city's segregated schools—does not meet the commission order which sought complete racial balance



DR. DAVID KURTZMAN
... wide latitude

by 1976.

But it did not find the board in contempt for its failure, and instructed Kurtzman to decide whether there is any way to

improve the plan.

It left unclear what it would do if Kurtzman decided that desegregation is impossible. Kurtzman must present his findings by Sept. 10.

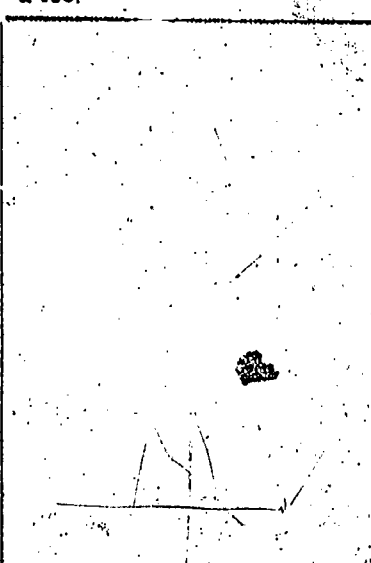
KURTZMAN, the state's chief educational executive from 1967 until December, 1971, recently resigned as a member of the board of education in Pittsburgh, which is also under court order to comply with a commission desegregation order.

The Human Relations Commission apparently had been urging the court to name someone with expertise in the field of desegregation planning.

"There are people who work more closely on these matters on a day-to-day basis," said Homer Floyd, commission executive director, "but we

have no objection to the decision of the court."

The court order does not indicate if Kurtzman will be paid for the job, but Floyd said he assumed he would receive a fee.



Phila. Gets Integration 'Expert'

By ELIZABETH A. WILLIAMS
Of The Bulletin Staff

A Pennsylvania educator has been named by a Commonwealth Court Judge in Harrisburg to decide by Sept. 1 if it is possible to desegregate Philadelphia's 280 public schools.

Dr. David H. Kurtzman, former Pennsylvania secretary of education, was the

"expert" appointed today by Judge Roy Wilkinson Jr. to design a satisfactory plan.

Failing that, he is charged with providing "the reason or reasons that would justify noncompliance" with the court's 1972 desegregation order.

The Pennsylvania Human

Relations Commission ruled in 1968 that the city's schools were racially unbalanced. In 1972, Commonwealth Court ordered Philadelphia schools desegregated by 1976.

Dr. Kurtzman, chancellor emeritus at the University of Pittsburgh, will meet with the Human Relations Commission and local school officials. He

also will examine the unsatisfactory desegregation plan submitted by the Philadelphia School District Feb. 15.

It was the most recent of six school district plans — all unsatisfactory either to the commission or the school board itself.

The Feb. 15 plan would
Please Turn to Page 4, Col. 1

Kurtzman to Design School Plan

Continued from First Page

have integrated fewer than one-fifth of the city's public schools.

The commission rejected the plan 11 days after it was submitted, but was hoping to work out a plan with school officials.

When such efforts proved useless, the commission asked the court to appoint an

independent panel of experts to draw up a desegregation plan for Philadelphia. Judge Wilkinson appointed Dr. Kurtzman.

School district officials claim it is impossible to integrate the city's 62-percent-black schools without merging the city schools with those of the predominantly white suburbs.

"We are ready to do everything we can to cooperate," said Philadelphia Board of Education Vice President Dolores Oberholtzer. "I am extremely curious to see what Dr. Kurtzman can come up with the board could not."

If Kurtzman's recommended plan includes cross-busing, Mrs. Oberholtzer said, "I would oppose that strongly."

Inquirer 8-3074

Expert Gives Plan for Phila Desegregation

**75 Pct.
Of Pupils
Covered**

By **PAUL TAYLOR**
Inquirer Education Writer

A plan to desegregate 75 percent of Philadelphia's public schools in September 1975 "without massive busing and at minimal expense" was submitted Thursday by a court-appointed expert.

Under the plan, neither the predominantly white schools of the Northeast nor the predominantly black schools of West Philadelphia would be desegregated for at least two years.

The 37 page proposal was submitted by Dr. David H. Kurtzman, chancellor of the University of Pittsburgh, who was appointed by Commonwealth Court earlier this summer. As the so-called "master in the case, it was his task to try to resolve the six-year-old desegregation battle between the Board of Education and the state Human Relations Commission.

Kurtzman argued that desegregation in the Northeast and in West Philadelphia should be delayed because those areas are geographically isolated from parts of the city with different racial compositions.

At present, only a fourth of the 285 public schools in Philadelphia are desegregated according to the guidelines of the Human Relations Commission. The school system has a population that is 61 percent black and 4 percent Spanish-surnamed.

The plan released Thursday is only a recommendation to the Commonwealth Court, which can elect to incorporate none, part or all of it in a desegregation order.

Commonwealth Court Judge Roy Wilkinson Jr. said Thursday that before the court made its final decision (See SCHOOLS on 2-A)

111 CONTINUED

Meeting Set To Discuss Pupil Shift

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A meeting of state and city officials as well as community representatives and members of the Board of Education will be held tonight, Thursday, to discuss the latest plan on the desegregation of the Philadelphia school system as proposed by Dr. David Kurtzman.

In the Kurtzman plan, pupils from elementary schools in Roxborough and Manayunk would attend an East Falls school during the last four years of elementary education in order to bring about an integration level suitable for the state Human Relations Commission.

The session tonight which is not open to the public was organized by State Rep. John H. Hamilton, Jr. who represents the 21st Ward in the Legislature. Expected to attend with Hamilton is State Sen. Louis G. Hill, Dr. Bernard Kelner, superintendent of District Six of the Board of Education; Robert G. Hoffman, principal of Roxborough High; Gertrude Barnes and Charles Colgan, representatives of the Board of Education and Dr. Richard Schultz, director of the community's mental health/mental retardation center.

Also scheduled to attend is the Board of Education's counsel, Martin Horowitz; three representatives of the home and school associations in the 21st Ward; and representatives of the 21st Ward Community Council.

Invited to attend the session by Hamilton were Board of Education president Arthur Thomas and desegregation committee chairman Augustus Baxter.

Continued on page 18

Group Meets Tonight

Continued from page 1

Harry Clark, Hamilton's campaign manager in the upcoming November election for state representative, indicated that Mayor Frank Rizzo was invited with either the mayor or a representative expected to attend.

The meeting is not open to the general public, but Clark stated that once the results of tonight's session are studied by those present, a special public meeting might be warranted.

The Kurtzman plan was undertaken after the Human Relations Commission argued before the

Commonwealth Court that the Philadelphia public school system was not integrating its schools as mandated seven years ago by the commission.

The court appointed Kurtzman, who is chancellor of the University of Pittsburgh, to tackle the job of desegregating the school system. His plan is currently being discussed by the Board of Education and by the Human Relations Commission.

Both the Board and the Human Relations group will make presentations to the state court before the proposal is ruled on.

Phila. Desegregation Plan Proposed

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CONTINUED

SCHOOLS, From 1-A

it would probably invite the two parties in the desegregation suit — the commission and the Philadelphia Board of Education — to submit any objections to the Kurtzman proposal.

But because Kurtzman, a former state secretary of education, was appointed by the court, it seems likely that his recommendations will be the basis of an eventual court order.

The Kurtzman plan calls for reorganization of schools under a new grade structure. They would be divided into kindergarten through fourth grade, fifth through eighth grades, and ninth through twelfth grades.

At present, most elementary schools in the city teach grades K-6; junior high schools grades 7-9; high

schools grades 10-12.

By changing the grade structures of existing elementary schools, the Kurtzman plan would bring about the "pairing" of school populations to achieve desegregation.

Under pairing, two adjacent school attendance areas — one mostly white and the other mostly black — might be combined. Then all students from the combined area would attend one school for the first four grades and the other school for the next four.

The proposal would permit students to be assigned to elementary and middle schools that are within walking distance of their homes — usually not more than one-and-a-half miles away.

It would increase the number of high school students to be bused to school, but those

students would use SEPTA lines rather than school buses, a continuation of current procedure, Kurtzman said.

The proposal would defer desegregation of the West Philadelphia and Northeast schools for two years.

The Northeast has a Public school population that is 99 percent white, while the West Philadelphia school population is 90 percent black. Both are geographically set apart from the rest of the city, without easy access to neighborhoods that contain large numbers of students of the opposite race, the proposal notes.

The population of those two areas totals about a fourth of the overall school population, and the deferral of their integration accounts for the 15 percent desegregation esti-

mate in the Kurtzman report.

The author does note, however, that plans should be drawn to desegregate those two areas "when the experience of the rest of the city can be evaluated."

Kurtzman breaks the rest of the city into five administrative areas, outlines a detailed desegregation plan for one of them, Northwest Philadelphia, and suggests it be used as a model for the other four.

The detailed plan employs a combination of approaches — pairing certain schools, closing certain non-fire-resistant schools, relieving overcrowding at certain schools — that are designed to foster desegregation.

In his report, Kurtzman has some mild criticism for both the Board of Education and the commission.

Kurtzman said that the orders had left the impression that numerical integration would have to be achieved in every single school and that the Board of Education had responded on the theory that because it could not meet that criterion, it would do virtually nothing.

"If any improvement in this problem is to occur, both sides must move off their fixed positions," Kurtzman said.

He said there were serious problems in trying to integrate the 270,000-pupil system and he listed four:

- The fact that the system has a 61 percent black pupil population. (He did not say why he considered this a problem.)

- The high degree of racial concentration in several areas of the city.

- The existence of a strong (and primarily white) parochial-school system.

- The large exodus of whites from the city to the suburbs.

Because of these problems, Kurtzman recommends that no substantial desegregation be sought during the 1974-75 school year. He suggests the year be used instead to prepare schools and neighborhoods for desegregation.

Kurtzman's report makes no recommendations on the so-called "metropolitan" approach to desegregation — the combining of the city school system with adjoining suburban system. He notes that such a plan would require special state legislation.

In a ruling last month on a Detroit metropolitan desegregation proposal, the U. S. Supreme Court severely restricted the circumstances under which such cross-district plans would be considered constitutional.

Schools Get Integration Deadline

By HARMON Y. GORDON
Of The Bulletin Staff

Commonwealth Court Judge Roy Wilkinson Jr. today ordered the Philadelphia School District and the Pennsylvania Human Relations Commission to submit a "definitive" plan by Jan. 31, 1975, for desegregating the Philadelphia public schools.

A source in the judge's office said that it is up to lawyers for both parties to determine whether they want to submit a new desegregation plan or a plan to implement the desegregation proposal designed by Dr. David H. Kurtzman, the court-appointed master on the desegregation issue.

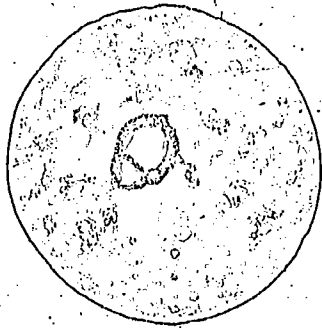
The order handed down this morning states that testimony at a court hearing last week by the commission and the school district determined that both parties wanted more time to work out details of the desegregation plan.

The Kurtzman plan submitted to Commonwealth Court in August calls for a reorganization of school boundaries so that students could walk to various schools to accomplish desegregation. The plan calls for implementation by September 1975.

Martin Horowitz, assistant counsel for the Philadelphia Board of Education, said that the order does not say that the school district must use the Kurtzman plan "so I must assume we can disregard it completely."

"We would, of course, take the second course," Horowitz said, referring to the submission of a totally new desegregation plan. "We can do it in four months."

The details of working out a new plan must be discussed with the school board, Horowitz said.



School Board To Submit Plan On Integration

By CAROLE RICH

Of The Bulletin Staff

The Philadelphia Board of Education will submit a new desegregation plan to Commonwealth Court by next Jan. 31, as ordered by the court yesterday, according to school officials.

The order from Commonwealth Court Judge Roy Wilkinson Jr. states that the school board and the Pennsylvania Human Relations Commission must submit a "definitive plan" by that date to desegregate the city's public schools.

The order does not specify whether that plan should be a new one or one based on a proposal designed last August by the court-appointed maker, Dr. David H. Kurtzman.

District's View

Martin Horowitz, assistant counsel in charge of the desegregation issue for the school district, said yesterday he interprets the court order to mean the school district has the option of disregarding the Kurtzman proposal.

Horowitz said he feels the school district can submit a new desegregation plan by the deadline. The specifics of a plan would have to be discussed with the school board, he said.

But school board president Arthur W. Thomas was less optimistic.

"We're certainly not going to submit a plan to implement the Kurtzman proposal because we are in total disagreement with that proposal," Thomas said.

"I don't know of any other plan we could submit other than the regionalization proposal," Thomas added. "And there is no need of submitting that because that concept has already been outlawed by the U. S. Supreme Court."

The Supreme Court ruled last July against busing across county lines to bring about desegregation of schools in connection with a Detroit, Mich., suit.

"At this moment, I don't know of any other plan that would work," Thomas said.

Rights Official

Joseph X. Yaffe, chairman of the state Human Relations Commission, said the commission would not oppose the school district submitting a new desegregation plan as long as it conforms to the commission's guidelines of approximately 41 to 79 percent black enrollment per school.

The commission felt the Kurtzman plan "was moving in the right direction," Yaffe said.

At a hearing in Commonwealth Court last week, the commission took exception to the Kurtzman proposal's deleting predominantly black West Philadelphia and mainly white Far Northeast sections of the city from the plan.

Realign Boundaries

Kurtzman, former state secretary of education and currently a professor at Pittsburgh University, was appointed by the court to devise the plan last June. He said yesterday that he had done his job and it is now up to the school district and the commission to decide what they want to do with the proposal.

The Kurtzman proposal called for realigning school boundaries and reorganizing the elementary school grade structure so that children would walk up to a mile and a half in some cases to nearby schools to accomplish integration.

The Kurtzman proposal is the sixth plan designed for the Philadelphia public schools since 1968 when the Human Relations Commission ordered the school board to integrate its 277 schools.

Decision Vague

Thomas said the court decision yesterday was vague.

"This is extremely disturbing to me," Thomas said. "This whole plan is being made a football and the children are being kicked around. This has been going on and on — appeal after appeal. Nothing really definitive has come down from the courts on what you really should do. I feel that this is going to go on and on and on."

If the court had ordered the school district to implement the Kurtzman proposal, the board would have appealed the decision, Thomas said.

The ultimate decision will probably have to be made by a high court and then the school district will have to abide by it, he added.

Inquirer 10-2-74

Court: Start Over on Plans To Integrate

By PAUL TAYLOR
Inquirer Education Writer

Commonwealth Court Judge Roy Wilkinson Jr. sent the two parties in the 6½-year-old Philadelphia school desegregation suit back to the drawing boards Tuesday.

In a surprise ruling, Wilkinson ordered both the State Human Relations Commission and the Philadelphia Board of Education to draw up by next Jan. 31 a "definitive plan" for the desegregation of Philadelphia's public schools.

He said that he would use the two plans as the source material from which to eventually issue a detailed school desegregation order — one that will set forth the manner in which each school attendance area must be redrawn in order to achieve desegregation.

The 270,000-pupil public school system has a student population that is 61 percent black and 4 percent Spanish-surnamed. Fewer than a fourth of its 270 schools are considered desegregated under Human Relations Commission guidelines.

Wilkinson hinted Tuesday, however, that his order might not require the desegregation of every public school in the city.

"We (the court) can order a plan that doesn't desegregate everything," he said. "We'll have to see how much movement of students is involved — that sort of thing. That is why we have asked for the detailed plans."

Wilkinson's order came a week after attorneys for the board and the commission told the court that they were not satisfied with the desegregation plan recommended by former State Secretary of Education David H. Kurtzman, the court-appointed "master" in the case.

Kurtzman's plan called for the school district to desegregate 75 percent of its schools by September 1975, but it did not contain a detailed proposal for the desegregation of each school. Instead it recommended several broad strategies to achieve desegregation.

"We're satisfied with the judge's order," said Roy Yaffe, assistant general counsel for the commission. "We don't plan to scrap the Kurtzman plan. We just felt it was not sufficiently detailed. We'll probably use it as a starting point and try to modify and develop it as we see fit."

Daily News 10-2-74

School Deseg Plan Flunked

By DON HASKIN

The School District of Philadelphia and the State Human Relations Commission have been given until next Jan. 31 to devise separate plans for desegregating the city's public schools.

The deadline was set yesterday by Commonwealth Court Judge Roy Wilkinson Jr. in an order that also effectively killed the controversial Kurtzman desegregation plan that had been branded unworkable by school district officials.

UNDER TERMS OF THE ORDER, the court will decide which of the two plans or what parts of both should be put into effect to achieve racial balance in public schools here.

No decision is expected, however, pending hearings and arguments that could stretch into next spring.

Attorney Martin Horowitz, the School District's desegregation expert, yesterday praised Judge Wilkinson's decision.

"This is the first time that both sides have been ordered to submit plans," Horowitz said. "It's only been us in the past."

Human Relations Commission attorney Roy Yaffe said he was pleased with Judge Wilkinson's action because his agency also had reservations on the workability of the plan submitted to the court in August by retired state Education Secretary David Kurtzman.

Yaffe said he was concerned, however, that the "protracted nature of the entire case" would create unnecessary community concern.

"ONE OF my fears," Yaffe said, "is that the longer this litigation lasts, the more difficult it will be to bring about a smooth implementation. It will be more difficult to gain community acceptance, and that's the essential ingredient."

Schools Superintendent Matthew W. Costanzo said there would be "no problem" in drawing up a plan "as we've done so often over the last seven years or so."

"The key," Costanzo said, "is whether the commission, which is the plaintiff in this action, will be willing to accept a more evolutionary approach or will stick to its traditional stance with regard to percentages."

THE KURTZMAN plan, which led to yesterday's action, seemed doomed from the start. Among other things, it excluded the Northeast and West Philadelphia from the initial stages set for implementation next year, and called for the complete reorganization of the school system from eight districts to six "educational service areas."

Yesterday, Yaffe said its flaws included the lack of school feeder pattern analysis, transportation needs and school modification requirements.

Inquirer 10-4-74
By Bob Lancaster

A Walking Tour From Hall to Hall Tries One's Soul

Cont'd

If you really want to see some 20th Century-style Philadelphia leadership in action, you should then saunter on down to 21st st. and the Parkway and look in on the Philadelphia Board of Education.

You'll notice a striking contrast. While the Founders tended to be rash and impulsive, jumping into something as serious as revolution after only a couple of years of discussion and debate, the Board of Education of today looks a long time before it leaps.

It's been looking at school desegregation for more than six years now and it hasn't leaped yet. It hasn't done anything. There are kids going to school today who weren't even born when the board first got the word to develop a desegregation plan, but the board still hasn't developed one. It's still scratching its chin meditatively.

Last year, an impatient Commonwealth Court decided to give the board some help. It obviously needed some. The court appointed a fellow named Kurtzman to develop a desegregation plan for the board. He did, but the board wasn't satisfied to sit back and let someone else do its work. It roused itself long enough to declare the Kurtzman plan impracticable and then it rolled over and went back to sleep.

Shuffling Past Still Another Deadline

When the court imposed another deadline this week, the board's president shuffled out and lackadaisically bespoke himself.

"We're certainly not going to submit a plan to implement the Kurtzman proposal," he said, "because we are in total disagreement with that proposal."

So what plan DOES the board plan to submit?

"I don't know of any other plan we could submit other than the regionalization proposal," he said.

But that won't do because the United States Supreme Court has rejected that concept. So what ELSE does the board have in mind?

"At this moment, I don't know of any other plan that would work," the president said.

There are other stops on this tour I could recommend, but probably by the time you've gotten this far you'll have seen enough to make you appreciate the tremendous evolution in the quality of public leadership in this city in the last 200 years. You'll probably be ready to go home and cry a while.

Bulletin 10-4-74

Law Won't Stop Bid to Integrate

By CAROLE RICH
Of The Bulletin Staff

The Pennsylvania Human Relations Commission will proceed with plans to desegregate the Philadelphia public schools despite the antibusing bill passed by the state House

of Representatives Wednesday.

Roy Yaffe, assistant general counsel for the commission, said yesterday in an interview that if the bill becomes law, "It would complicate our efforts and would certainly delay things."

But such a law would not end the commission's efforts to desegregate the schools, he added.

Consent of Parent

The bill, which must be passed by the Senate and signed by Governor Shapp before it becomes law, says that

no board, department or commission shall have the power to order the assignment of any pupil to any school other than the one nearest his home without consent of his parent or guardian.

Yaffe said that since the desegregation proposals for

Schools, Panel Says

the Philadelphia schools are in Commonwealth Court, "any kind of direction now would come before the court."

Commonwealth Court Judge Roy Wilkinson Jr. early this week ordered the commission and the Phila-

delphia Board of Education to submit a detailed desegregation plan to the court by Jan. 31, 1975.

Would Appeal

If the bill becomes law and if Judge Wilkinson rules that the commission must abide by it, the commission would

appeal to the State Supreme Court, Yaffe said.

A further appeal could take the case into the U.S. Supreme Court, which could order the schools to desegregate despite the provisions in the bill, Yaffe explained. Federal judges may not be as sensitive to local issues, he added.

"As far as the future effect, I have some serious questions of the constitutionality of such a bill under the State Constitution, which guarantees to every citizen in the Commonwealth the full enjoyment of their civil rights," he said.

Any individual might initiate an action in federal court to get desegregation, Yaffe said.

"Just because the commission can't do it (order desegregation under the bill), that doesn't mean it will be stopped," he said.

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Saturday, October 5, 1974

Page 6-A

A state court now agrees: Kurtzman plan won't work

Pennsylvania Commonwealth Court has made it unanimous: The Kurtzman plan is dead. It got what it deserved.

David H. Kurtzman is the court-appointed master who was assigned to draw up a plan for desegregation of Philadelphia public schools. The Philadelphia Board of Education opposed his plan. The Pennsylvania Human Relations Commission opposed it. It was the first time the board and the commission had agreed on anything. Now the court has rejected the recommendations of its own master.

In so doing, the court has ordered both the Human Relations Commission and the Board of Education, acting separately, to draw up school desegregation plans by next Jan. 31. Thus a new round begins in a battle that began in 1968, when the commission first ordered the board to reduce racial segregation in the city's schools. But there are two notable differences between the situation now than six years ago.

First, the inability of Dr. Kurtzman, a highly respected former state secretary of education, to produce a practical plan for achieving the Human Relations Commission's integration guidelines raises serious questions about the viability of those guidelines. The school board has been saying all along they are unrealistic.

Second, the Human Relations Com-

mission for the first time has been ordered by a court to produce a desegregation plan of its own, instead of merely telling the school board to produce one. Although the Commonwealth Court order, written by Judge Roy Wilkinson Jr., is phrased in discreetly judicial terms, it is tantamount to a put-up-or-shut-up directive to the commission. It has been told, in effect, to show how its own guidelines for public school integration in Philadelphia can be implemented.

There is nothing in the court order, however, to prohibit the commission from modifying its guidelines. That is what it ought to consider first in drawing up its plan for submission to the court. The commission should revise its formula which, however well intentioned, seeks to establish a citywide racial mix in the school system that does not take existing housing patterns adequately into account.

Commonwealth Court is under no obligation to impose a desegregation plan on Philadelphia schools. If the Human Relations Commission is unable to propose reasonable standards for integration — standards that could be achieved without massive busing and destruction of the neighborhood school system — the court could well rule that the commission has not made a valid case against the Board of Education.