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ABSTRACT

The major objective of this symposium is to present four perspectives on the question of attaining the goal of racial balance while avoiding the difficulties that accompany court-ordered integration. Three of the postulated solutions have been implemented in the Cincinnati Public Schools. A secondary objective of the symposium is outlining criteria used in Cincinnati as indicators of success or failure in achieving racial balance. One paper outlines the role of options that permit pupils and parents to select programs that are suitable and attractive, thereby promoting voluntary integration. Another approach is provided by the position taken by those promoting racial balance through the provision of quality education, especially through alternative programs. Criteria used in Cincinnati's schools to determine the success or failure of racial balance efforts are provided in the next paper which also provides some preliminary data on the achievement of racial balance. A fourth possible perspective, which is not presently being pursued in Cincinnati, is also presented. Here, it is asserted that all strategies for achieving racial balance have a metropolitan context and a metropolitan impact; and that the metropolitan context and impact of any strategy need to be made explicit. An introductory paper addresses itself to policy change as a strategy for racial balance. Three court cases, which racial balance in Cincinnati have been a major issue, are described. (Author/AM)

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STRATEGIES FOR ACHIEVING RACIAL BALANCE IN THE CINCINNATI PUBLIC SCHOOLS

MRS. VIRGINIA K. GRIFFIN, Chairman
Cincinnati Public Schools

Presented at the
American Educational Research Association meeting
April 21, 1976

Few issues in urban education have outshadowed the prominence of the drive toward racial balance. The courts have acted vigorously on this issue and often with powerful consequences to the school system. Court-ordered racial balance, most will agree, is less desirable than local solutions to the problem. Given the value of racial balance, what are some strategies for its achievement? The major objective of this Symposium is to present four perspectives on this question, three of which have been employed in the Cincinnati Public Schools. A second objective is to identify some of the criteria employed in Cincinnati as indicators of future success/failure of achieving racial balance.

Mrs. Virginia Griffin, member, Cincinnati Board of Education, presents a paper entitled, "Policy Change as a Strategy for Racial Balance." Her paper gives a brief historical sketch of the Cincinnati Public Schools with emphasis on social and political background. She identifies and traces the development of Board of Education policies and resolutions regarding racial balance against the backdrop of three major court litigations. First, the Deal vs. Cincinnati Board of Education (1962) case, in which the court rules that no intentional segregation could be found in Cincinnati schools. Second, Bronson vs. Cincinnati Board of Education (1974) in current litigation, and third, Cincinnati Board of Education vs. DHEW where the school system is attempting to secure a grant from the Emergency School Aid Act and DHEW is alleging non-compliance with the Civil Rights Act. She argues that timely and judicious policies are essential to racial balance and that at times, the conditions prevailing prompt Board action which may not have occurred otherwise (or at least not as soon).

Dr. Donald R. Waldrip, Consultant, Cincinnati Public Schools, presents a second perspective, "Program Development as a Strategy for Racial Balance." Dr. Waldrip's thesis is that a monolithic school system magnifies the problems of achieving racial balance. Instead, pupils and parents alike will voluntarily integrate in schools which present programs of vital interest and value to their clientele, thus relegating racial factors to less concern. He describes the evolution and status of alternative programs, magnet schools, open enrollment, and vocational programs, all of which are supported by a free transportation policy.

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Dr. James N. Jacobs, Assistant Superintendent, Cincinnati Public Schools, describes a third approach, "Providing Quality Education as a Strategy for Racial Balance." Dr. Jacobs argues that alternative programs provided on an optional basis are not for all pupils or parents. The majority of students will opt for the conventional program in the district school. If the conventional program is viewed as inferior, parents, especially the white and affluent, will leave the district, thus making it impossible to achieve racial balance. He describes some of the major program efforts in Cincinnati which are designed to beef up the educational programs in all schools and assure the public of quality education.

Dr. Joseph L. Felix, Coordinator of Program Evaluation, Cincinnati Public Schools, concentrates on the second objective in his presentation entitled, "Criteria for Measuring Racial Balance and Its Effects." Dr. Felix provides some preliminary data on the achievement of racial balance. He presents criteria reflecting "hard data" such as ratios of blacks and whites in Cincinnati schools, but also presents survey data obtained from parents, students, and staff reflecting their perceptions of the problem over time. He observes that the racial composition of Cincinnati in 1975 was 51 percent black and 49 percent white, and that the percent of black students has been increasing at an average rate of 1.5 percent per year. Survey data show that black parents favor racial balance much more than do white parents. Similarly, black students favor it over white students.

The Reverend Duane Holm, Executive Director of the Metropolitan Area Religious Coalition of Cincinnati, presents a fourth possible perspective, which is not presently being pursued in Cincinnati, in a paper entitled "The Metropolitan Context for Achieving Racial Balance." Mr. Holm asserts that all strategies for achieving racial balance have a metropolitan context and a metropolitan impact; and that the metropolitan context and impact of any strategy need to be made explicit. He looks at the metropolitan context in which Cincinnati is seeking to achieve racial balance and considers some ways other communities are seeking to achieve racial balance in a metropolitan context.

SYMPOSIUM: Strategies for Achieving Racial
Balance in the Cincinnati Public Schools

Presented at the American Educational
Research Association meeting,
April 21, 1976

Virginia K. Griffin
Donald R. Waldrip
James N. Jacobs
Joseph L. Felix
Duane Holm

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What means are available to a school district for achieving racial balance? How can a school system develop ways of attaining this goal and avoid the difficulties that accompany court-ordered integration?

This symposium has as its major objective presenting four possible solutions to this problem, three of which have been implemented in the Cincinnati Public Schools. A secondary objective of the symposium is outlining criteria used in Cincinnati as indicators of success or failure in achieving racial balance.

A paper, presented by Dr. Donald R. Waldrip, consultant to Cincinnati's schools on alternative programs, is entitled, "Program Development as a Strategy for Racial Balance." Dr. Waldrip outlines the role of options that permit pupils and parents to select programs that are suitable and attractive, thereby promoting voluntary integration. Cincinnati's experience with alternative programs, magnet schools, open enrollment, and vocational programs is described.

Dr. James N. Jacobs, assistant superintendent of the Cincinnati schools, provides another approach, "Providing Quality Education as a Strategy for Racial Balance." He points out some of the major program efforts in Cincinnati to improve the quality of instruction and prevent the wide-spread exodus of white and affluent families. Dr. Jacobs observes that alternative programs typically serve a relatively small percentage of the school district population. Intensive program improvement efforts are needed to prevent the conventional program from being looked upon as inferior.

Criteria used in Cincinnati's schools to determine the success or failure of racial balance efforts are noted by Dr. Joseph L. Felix, coordinator of Program

Evaluation in Cincinnati. His research paper relates to "Criteria for Measuring Racial Balance and Its Effects," and includes some preliminary outcome data.

In the final presentation, the Reverend Duane Holm, Executive Director of the Metropolitan Area Religious Coalition of Cincinnati (MARCC), calls our attention to "The Metropolitan Context for Achieving Racial Balance." Mr. Holm's thesis is that all strategies for achieving racial balance take place in a metropolitan context and have a metropolitan impact; and that the metropolitan context and impact of any strategy should be made explicit. He looked at the financial and characteristics of the school systems of metropolitan Cincinnati, and considered how other communities have sought to achieve racial balance in a metropolitan context.

I will now address myself to "Policy Change as a Strategy for Racial Balance" and will attempt to flag cogent decision points for the Board of Education, of which I am a member, in Cincinnati's integration efforts. Primarily I will describe three court cases in which racial balance in Cincinnati has been a major issue. I will endeavor to make no obvious value judgments through the selection of historical materials, but I am fully aware that objectivity is altered by the researcher's personal biases.

Part I

POLICY CHANGE AS A STRATEGY FOR RACIAL BALANCE

MRS. VIRGINIA K. GRIFFIN
Cincinnati Public Schools

The development of Cincinnati Board of Education policies and resolutions regarding racial balance will be traced through the period of three major court litigations: first, the Deal v. Cincinnati Board of Education¹ case, in which the court ruled that no intentional segregation could be found in Cincinnati schools, second, Bronson v. Cincinnati Board of Education² in current litigation, and third, Cincinnati Board of Education v. DHEW³ where the school system is attempting to secure a grant from HEW for funds provided under the Emergency School Aid Act. HEW denied the application for the alleged reason that the Board had violated the provisions of that Act claiming that the Board had been guilty of discrimination. The Board filed a suit on May 14, 1974 against the HEW in the U.S. District Court in Cincinnati and the court entered a judgment in favor of HEW.

The Cincinnati Board of Education first became defendant in a desegregation suit in 1963 filed by the NAACP on behalf of Tina Deal, a pupil in the city schools. That suit resulted in a judgment in favor of the Board. The Court of Appeals affirmed that judgment, but remanded the case for further findings on the issues of claimed discrimination in specific schools and programs and claimed harm to Negro students, allegedly

¹Deal v. Cincinnati Board of Education, 244 F. Supp. 572 (S.D. Ohio 1965), aff'd 369 F.2d 55 (6th Cir. 1966), cert. den., 389 U.S. 847 (1967) aff'd on other issues, 419 F.2d 1387 (6th Cir. 1969), cert. den. 402 U.S. 962 (1971).

²Mona Bronson, et al., v. Bd. of Ed. of the City School District of Cincinnati, et al, District Ct. Civil No. C1 74-205.

³Cincinnati Board of Education v. HEW, U.S. Court of Appeals, (6th Circuit) No. 75-1918 (1976),

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caused by racially imbalanced schools, and for the taking of such additional relevant evidence as either party may offer."

On remand, the district court found "that neither gerrymandering nor any other alleged discriminatory practice on the part of the Board brought about such racial imbalance as existed..." That general finding was supported by eighteen detailed findings in favor of the Board on specific issues of claimed constitutional violations. All of the findings on remand were affirmed by the Court of Appeals.

During these years, the Board and the administration of the Cincinnati schools were acutely aware of the issues of the law suit and of the force of the civil rights movement itself.

The favorable conclusion of the case signaled that new opportunities would be sought to continue to pursue equality of educational opportunity for all children. By 1971 none of the Board Members who had been party to the 1963 suit were still remaining on the Board. The Superintendency had also changed hands. New ideas and enthusiasms abounded.

Among the significant policy changes which occurred was the strenuous resistance of the Cincinnati Board to routine transfers of territory from the Cincinnati district by the State Board of Education to suburban districts. These transfers were of small white areas seeking flight from city schools. The United States District Court upheld the resistance of the Cincinnati Board in one case and denied it in another which involved two or three students whose homes had been separated from the district by expressway construction.

In March of 1969 a report had been published by a community task force on Education and Race which contained the recommendation that the Board declare it to be "the policy of the Cincinnati Board of Education that quality integrated education

is the highest goal of the Cincinnati Public Schools. While this purpose shall remain clear, devices used to achieve this goal may vary with time and circumstances. Whenever a relevant decision is made, the potential for achieving integration shall be assigned a higher priority than any other single factor."

Subsequently, the Planning, Program and Organization Committee of the Cincinnati Board of Education had reported on June 8, 1970 (Cincinnati Board of Education minutes) that it believed that the Board should include among its stated goals that of fostering "better intercultural understanding." At the June 8, 1970 meeting the Board also resolved to consider as one of its program goals "to provide quality interracial and intersocio-economic educational experience for both the student and the teacher of the Cincinnati Public School System, thereby giving both the student and the teacher a more realistic knowledge of the multi-cultural nature of our society."

On June 29, 1970 (Cincinnati Board of Education minutes) the Board adopted the following statement as part of its "Program Goals for 1971":

"F. Intercultural Understanding.

It is basically desirable to have intercultural, interracial, and intersocio-economic understanding for all students in order to prepare them for citizenship in a pluralistic and democratic society and to foster cooperation and understanding rather than friction and misunderstanding within the schools themselves.

Therefore, it will be one of the goals of the Cincinnati Board of Education to provide interracial and intersocio-economic educational understanding for both the students and the teachers of the Cincinnati Public School system thereby giving the students and the teachers a more realistic knowledge of the multi-cultural nature of our society.

Recognizing that provincialism contributes to misunderstanding among groups separated by geography as well as other factors, the schools must devise methods for regular dialogue among representatives of different areas, bringing differences and even conflicting views into open discussion and examination.

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Better intercultural understanding comes about as a result of effective communication among staff, community, and students who share in the development of common goals. Effective programs to do this job are very difficult to devise; yet the community looks more and more to the schools to help solve problems which might have their roots in the community. One suggested approach to the problem is to strengthen present community associations. Such associations may provide the needed medium of communication among staff, parents, community and students in the local school context. Much work has been done and much work still has to be done in the area of human relations, and it requires the whole-hearted involvement of all groups concerned if it is to succeed.

Ohio law requires the equal opportunity for every child to attend the most convenient school regardless of race, creed or national origin. With this in mind, the Board of Education supports the neighborhood school concept. Nothing in the goal set forth in this Section F shall conflict with the legal requirement of convenience nor require the voluntary or involuntary transportation of students."

On July 10, 1972 (Cincinnati Board of Education minutes) the Board authorized the appointment of a Task Force to Study Racial Isolation. On September 22, 1972 its Division of Research, Statistics, and Information prepared a Review of Overcrowded Schools and Possible District changes to Relieve Overcrowding. That review stated, "Redistricting was not considered a feasible alternative if it seemed likely that nearly all pupils transferred would be of one race and would in the situation under review tend to increase segregation in any school affected." On December 11, 1972 (Cincinnati Board of Education minutes) the Board adopted the Policy on Grouping.

"Grouping is an aspect of organization for instruction that has intimate relations with other aspects as staff assignments, scheduling, uses of space and equipment, and intra-staff communication.... Vertical organization concerns how students move upward along the curricular sequences from year to year. It covers graded, non-graded, and multi-graded progression. Horizontal organization concerns the assignment of students to teachers and instructional groups. It includes the self-contained classroom and departmentalization, heterogeneous and homogeneous inter-class grouping, patterns of flexible scheduling, and team organization."

--Encyclopedia of Educational Research
Fourth Edition 1969

Proposed Policy

1. Placement of pupils in the Cincinnati Public Schools into groups or class sections should provide for optimum individual growth and for effective instruction. No child will be placed into any track or stream designed to separate children on the basis of intellectual ability alone. The Cincinnati Board of Education accepts the findings of the National Center for Research and Information on Equal Educational Opportunities, to wit:

Homogeneous ability grouping is undemocratic and affects the self-concept of all children adversely by placing a stigma on those in lower groups while giving higher-group children an inflated sense of their own worth; adult life experiences are not ability grouped, and pupils must learn to work with a wide range of people; pupils of lesser ability may profit from learning with those of greater ability; it is impossible to achieve truly homogeneous grouping, even along a single variable, since test data are not generally reliable or valid enough for this type of distinction; and finally, homogeneous grouping may provide less sensitivity to individual differences in children by giving the teacher the false sense that pupils are similar in social needs, achievement and learning style, while heterogeneity permits different patterns of abilities to emerge within a group of children.

2. Grouping within a class and sectioning within a grade in the elementary schools should be flexible enough to allow for alternative strategies which constitute a constructive challenge to the un-realized aims and actual deleterious effects of ability grouping.
3. Encouragement and support should be provided for the elementary schools to expand their use of alternative strategies for grouping, such as individualized instruction, stratified heterogeneous grouping (e.g. Baltimore Plan), multi-age/multi-level groups, and team teaching with flexible grouping.
4. Encouragement and support should be provided for the secondary schools to continue curriculum development under the quarter plan. Until the quarter plan is fully operative, assignment of pupils to the various classes should be flexible enough to permit transfer of any individual to another section as the need arises. Moreover all students shall have the right, with parental consent where appropriate, to elect courses at any higher level or track than that to which they have been assigned.

On February 26, 1973 (Cincinnati Board of Education minutes) the Board received the Majority and Minority Reports of the Task Force to Study Racial Isolation.

The members of this organization differed in their views, with the result that the Majority Report contained three alternative proposals and the Minority Report presented a view which differed substantially from that expressed in the first two alternatives of the Majority Report.

The Board of Education adopted as policy on March 26, 1973 (Cincinnati Board of Education minutes) "...that quality integrated education is the highest goal of the Cincinnati Public Schools. While this purpose shall remain clear, devices used to achieve this goal may vary with time and circumstances. Whenever a relevant decision is to be made, the potential for achieving integration shall be assigned a high priority."

The Superintendent reported to the Board as a matter of record on July 9, 1973 (Cincinnati Board of Education minutes) the first step toward implementation of the policy with his plans for September, 1973:

"The incidence of racially identifiable staff will be reduced through attrition and transfer. New teachers will be assigned to schools on the bases of: 1) their area of training and certification, and 2) their race. The intent will be to have the racial balance of each school staff approach the racial composition of the staff of the entire school system with ten percent leeway in either direction. A number of years will be required to reach this goal through attrition; therefore, we will work with teachers and the recognized teacher organization to encourage volunteer transfers so that the goal will be reached as rapidly as possible.

An open enrollment plan for students will be implemented in September, 1973, under the following conditions: 1) that the receiving schools have available space, and 2) that the transfers will improve racial balance.

Those schools which are not enrolled to capacity have been identified. Numbers of students the school may receive and the racial composition of students acceptable to the receiving school have also been identified. Exemplary programs, alternate forms of education, and courses unique to a receiving school will be identified.

Parents and students will be encouraged, but not coerced, to take advantage of this opportunity."

An application for ESAA funds was conceptualized in this setting during the summer of 1973. The Superintendent was verbally assured by the regional office of the Department of Health, Education and Welfare and by the Office of Civil Rights that eligibility based on staff assignment, student transfer, alternative schools and school building construction were sufficient efforts in the reduction of racial isolation to warrant the application. The application was made to assist the Board with a massive integration effort in one high school district.

On December 10, 1973 (Cincinnati Board of Education minutes) a "lame duck" Board of Education passed a resolution to abolish school district lines and to assign pupils to school buildings so that each school would have, substantially, the racial quotient of the district as a whole. This was approximately 50 percent black, 50 percent white.

The new Board on January 14, 1974 (Cincinnati Board of Education minutes) did not rescind the December 10 resolution. Rather the new President detailed extensive plans for affirmative programs to provide students with a quality integrated education consistent with its statutorily mandated and judicially approved neighborhood school policy and the evolving policies of the Board prior to the action of the "lame duck" majority. We will return to these resolutions later in this paper.

Immediate reduction of the allowable amounts in the ESAA application occurred. After several months of contact by letter and conference, the Board of Education determined to challenge "the right of the United States Department of Health, Education and Welfare to withhold emergency school aid for the purpose of coercing the Cincinnati Board of Education to abandon its policy of providing a quality integrated education to the children of Cincinnati through the maintenance of

neighborhood schools, and for the purpose of coercing the Board to overturn and restructure the system of public education now in operation in Cincinnati."

The District Court denied the Board's motion for summary judgment and granted summary judgment in favor of HEW. However, pending the outcome of an appeal, HEW was ordered by the court to set aside and hold available \$1,200,000 for the ESAA grant to Cincinnati.

On March 31, 1976 the U.S. Court of Appeals, Sixth Circuit, reversed the judgment of the district court and sent the case back to that court to determine the issue of discrimination on the basis of evidence which will be considered by that court in the Bronson case.

The racial and economic integration of the public schools in Cincinnati and Hamilton County is the purpose of a suit that was filed in the U.S. District Court on May 29, 1974 by attorneys of the National Association for the Advancement of Colored People on behalf of Mona Bronson and all persons similarly situated. Specifically, the attorneys asked the Court to order the Cincinnati Board of Education to implement the integration plan passed by its predecessor on December 10, 1973 and to desist from implementing its own plan adopted January 14, 1974. Further, the attorneys asked the Court to order the City and State Boards of Education to consider the development of a county-wide integration plan. Since the case has not yet gone to trial, the offering in this paper is limited to background, issues and positioning in the pre-trial period.

The integration plan of the outgoing Board was loaded with legal consequences for an incoming majority elected on a neighborhood school platform. In the preamble of its resolution, the "old" Board confessed to a long list of segregatory acts,

charged its predecessors with similar illegalities and assumed a responsibility to desegregate the system root and branch. To right these wrongs, the Board prescribed a racial and income balance for each school substantially proportionate to the district as a whole. The Board abolished the schools' attendance districts, but not the pupil assignment to each school, and required a redistricting by September of 1974. The Board went on to sketch the administrative and financial machinery to accomplish this and noted that transportation could be one of the tools.

This desegregation drama was based on a Dayton scenario. There, the outgoing Board, anticipating the stance of the incoming majority, passed on December 8, 1971 a plan that became the pattern for the Cincinnati action. The same NAACP attorney who charted the course there emerged as the consultant of the Cincinnati adaptation. As it developed, the "new" Dayton Board on January 3, 1972 rescinded the three resolutions embodying the "old" Board's plan. The NAACP filed a suit in Federal District Court on April 17, 1972.¹ The trial was conducted from November 13 through December 1, 1972. The District Court, on February 7, 1973, found three sets of facts that were "cumulatively in violation of the Equal Protection Clause." Significantly, one was the rescission of the December 8 resolutions.

The "new" Cincinnati Board projected its course on January 14, 1974 by adopting a resolution consisting of two major parts: first, Findings and, second, a Plan for Quality Integrated Education. The foremost finding was the Deal decision of 1969 holding that racial imbalance had not been caused by Board action. The

¹Brinkman v. John J. Gilligan et al. (Dayton Board of Education), S.D. Ohio, Eastern Division, Civil No. 72-137).

remaining findings were essentially refutations of the recital items in the December 10 resolution of the "old" Board. The second part set forth these major goals:

(1) racial balance of the staff; (2) open enrollment to improve racial balance; (3) alternative schools; and (4) program improvements such as reading enrichment, restoration of secondary school hours from 120 to 160, and other proposals. In the January plan's preamble the Board took its posture toward the December 10 resolution "... (it) is not being rescinded but rather it will stand as the action of the outgoing 1973 Board to be judged in the light of all the circumstances and of the foregoing findings."

In the Tina Deal case, the Courts found the Board guiltless of any discriminatory practices intentionally causing racial imbalance in the schools. Consistently, that Board was adhering to the "neighborhood plan" prescribed by the Ohio law; it was not responsible for the racial imbalance in the schools resulting from the racial composition of the neighborhoods served. Nor was that Board responsible for any discrimination by public or private agencies affecting neighborhood composition. The Constitution does not impose an obligation to balance the races.

The law of de facto (housing pattern) segregation to which Deal belongs is distinguished by the necessity of proving intent or purpose. Let the distinction be relaxed and all segregation becomes de jure, that is, an unlawful condition presumed to be caused by official action or inaction of whatever kind. And, relaxation had been the trend of court decisions, shifting the test from intent to "natural and probable effects." The trend reached its apogee in Cisneros v. Corpus Christie¹

¹Cisneros v. Corpus Christie, 459 Fed. Hd. 13 (1972); 467 Fed. H 142 (1972).

in which the Fifth Circuit Court "...discarded the anodyne dichotomy of classical de facto and de jure segregation." Although the distinction was restored by the Supreme Court in Keyes¹ (Denver), the trend is very significant for Bronson.

Three broad periods are discernible in the chronology of the pre-trial proceedings. The first, defining the issues, extends from the beginning in May of 1974 to the filing of the charge of specific segregatory practices by the plaintiffs' attorneys in October of the same year. The second period, the last three months of 1974, is dominated by two decisions of the Sixth Circuit that are turning points for Bronson. Finally, the third, the res judicata appeal, extends from the District Judge's opinion in January, 1975 to a refusal of a rehearing of the appeal by the Sixth Circuit filed October 30, 1975.

The strategy of the plaintiffs' attorneys has been to upset Deal and to incriminate the Board with a rescission resolution. The thrust at Deal is disclosed in a memorandum filed July 29, 1974 in response to the District Judge's question as to the relevance of Deal. The NAACP attorneys argued that Deal is for the most part ignored in current desegregation case law. Further, they said that it was clear from the Sixth Circuit Court's interpretation that Deal had become obsolete and erroneous with time and is therefore distinguished or simply not followed by the Court. This line was supported by the attorney for the two minority Board Members in her contention that desegregation law has changed since the Deal decision and therefore the decision is not relevant to the present suit. The effect of this disposal of Deal would be to avoid the burden of proving segregatory intent; simply linking segregative effects to School Board action would suffice. It would also remove the res judicata defense in the Board's pleadings.

¹Keyes v. School District No. 1, 415 F. 2d 990 (10th Cir. 1971), 413 U.S. 189 (1973).

These trends in de facto segregation were uppermost in the District Judge's mind when he called a conference of the attorneys in his chambers on July 10, 1974. He stated, "I have the impression that Tina Deal is as dead as a dodo bird." The Board's response to this was a 25-page memorandum submitted July 23, 1974. From a thorough review of Deal and the cases since decided, the Board's attorneys advised the Judge that Deal is very much alive and still the law.

The major segregative practice charged by the NAACP attorneys is the claimed rescission of the December 10 resolution and its replacement on January 14, 1971 with a voluntary integration plan. The NAACP attorneys characterized this as a deliberate choice to have segregated schools. At the time they made this charge, the attorneys could turn to the decision of District Judge Rubin in the Dayton case. Judge Rubin linked rescission to racial imbalance and to optional attendance zones in a trilogy of cumulative violations and, more, he held rescission to be an independent violation. The plaintiffs' attorneys seemed to be on solid ground.

These were the main issues. The plaintiffs' attorneys did add a second illegal practice: the assignment of black teachers to black schools and white teachers to white schools.

Two momentous decisions supervened to change the course of events. The first, the Sixth Circuit's Dayton decision of August 20, 1974, greatly diminished the force of the alleged act of rescinding the December 10 integration resolution. The Court ruled that the Dayton Board's rescission was not in itself an unconstitutional act. This prompted the District Judge to advise the NAACP attorneys that they could not rely on the rescission charge and would have to prove other alleged acts of segregation. The Judge announced that he would hear evidence on both the original

request for a preliminary injunction--the one that would require the Board to implement the December 10 resolution--and on the merits of the entire complaint at the same time. He asked the attorneys to complete the gathering of their evidence by November 1, 1974 and he indicated that he anticipated a lengthy and complex trial.

The Dayton ruling makes clear that the rescinding of an integration plan is illegal only if the Board that enacted it was under a constitutional duty to enact it. This was the situation in Dayton. The District Court there had found violations in the form of racially imbalanced schools and in the use of optional attendance zones. Because of this, the "old" Dayton Board's resolution of December 8, 1971 was obligatory and its rescission was an element in the cumulative violation of constitutional rights. This kind of illegality has not been found to be the case in Cincinnati; it has not been proven that the "old" Board was obliged to enact the December 10 resolution. Rescission is not illegal in itself.

The second momentous decision gave new life to Deal and to the de facto/de jure distinction. The Sixth Circuit decided this case in favor of the Board of Education of the City of Grand Rapids on December 6, 1974. The Court upheld the neighborhood school concept and cleared the Board of any responsibility for the displacement of whites by blacks in the established neighborhood attendance grid. The Court would not require the Board to take affirmative action to improve racial balance because there was no evidence that school officials had any complicity in the allegedly segregatory acts. Further, the Board could not be held for failing to foresee the possibility of imbalance and to take preventive action. Finally, the Court turned to Keyes, the Denver decision, for the Supreme Court's recognition of the de facto/de jure distinction and its ruling that a finding of segregative intent

is required.

In a final thrust at Deal, the NAACP attorneys asked the District Court to interpret the relevance of res judicata, a principle of law pled by the defendants contending that all issues had been settled in Deal and could not be relitigated. With Higgins before them, the NAACP attorneys admitted that Deal remains good law. But, they said that certain aspects have been overtaken by more recent decisions. For example, Deal's "dominant purpose" has been supplanted by "natural and probable effects" in testing for intent. Further, because school desegregation cases are unique and involve national public policy, the rules of res judicata should have only limited application. They did not upset Deal, but they won a "development" that will be discussed below.

The District Court Judge ruled on January 30, 1975 that the defendants may properly assert the defense of res judicata as of the date of Deal. The Judge found no intervening changes that would overrule the holdings of Deal. He noted that segregational intent was critical in Deal and continues to be critical. He foreclosed the showing of any violations prior to Deal's date of July 26, 1965. Anticipating a challenge, he certified the ruling for immediate appeal.

The NAACP attorneys filed the appeal on March 4, 1975. They argued before the Circuit Court on April 23 that they must be allowed to use as evidence conditions prior to July 26, 1965 to develop a cumulative showing, a developing pattern, to prove intent in the present. The Circuit Court decided the appeal on September 24, 1975. The Court confirmed that the application of res judicata prevents the finding of violations prior to July 26, 1965. However, in the plaintiffs' endeavor to prove violations since that time, they may go back of July 26, 1965

for relevant actions and policies before that time and the District Court is directed to consider this and even new evidence from the pre-Deal period. This is to accommodate the principle of "cumulative evidence" that the Court concedes is a "development and refinement" since Deal.

The Sixth Circuit's decision proved to be ambiguous. The Board's attorneys expressed the impression that Judge Porter cannot base Bronson findings solely on pre-1965 evidence and that the early material has no more than background value. On the other hand, the NAACP attorneys saw these two uses for the pre-1965 material: first, newly discovered evidence could be used to attack the Deal findings and, second, the pre-1965 proof can be used for a showing of cumulative violations of present day rights.

The Board's attorneys petitioned the Sixth Circuit for a rehearing of the appeal. The Court's denial was filed October 30, 1975.

An appeal to the Court of Appeals brought conflicting opinions from the three judge panel. The United States Supreme Court has been asked to accept the case for certification. This appeal is pending. Acceptance will delay the trial on merit by a year or more. In the meanwhile the Cincinnati Board of Education is vigorously pursuing its policies for open enrollment and magnet and alternative schools with careful attention to the building program and unique curriculum development.

While this occurs, the external climate to Cincinnati has had developments such as the James Coleman report to the AERA membership last spring in Washington, D.C. and the affective impact to the public of Boston and Louisville with its companion stirring of Congress to enter the fray.

Let it be noted here that sanguine attention to the accumulation of laws, litigation and practices throughout the United States has provided the data base for the actions of the Cincinnati Board of Education over a protracted period of time. The early date of the Tina Deal case in itself stimulated extraordinary perspicuity in many policy decisions. Such routine actions as the acceptance of periodic transfers of territory from the city district to suburban districts for the alleged convenience and safety of the pupils residing in the territory transferred began to be scrutinized.

Some decisions in the late '60's were forced upon the Board because of a fear of promoting unfavorable court reaction. As example, a small interracial camping program was and is held intact through several annual extensive budget chopping sessions where the athletic program was lost, high school hours were cut 20 percent, foreign language was dropped in junior high school. The interracial camping program was retained simply because it was interracial.

Tedious study has been required with the building of every school building and with the assignment of pupils so that the maximal conditions might exist for racial balance.

Vocational annexes in five high schools have been planned on a basis of unique programs which would cause cross movement of races in the school district.

Transportation policies have been so that free and convenient service is available for open enrollment and for attendance in the unique programs.

Magnet and alternative schools have been planned and located so as to provide "quality integrated education." Pupils are accepted in all programs on a racial quota basis.

Staff balance is mandated by the Board to ensure broader interracial contacts.

These and many other decisions have been made adaptively under the stress of the urban school problems of declining achievement and actual or threatened court action for racial balance.

This paper for the most part is a sterile recital of chronologies. To develop these in a public policy model would require a tremendous amount of additional time, which is not available at this conference. It must suffice to serve here as a backdrop against which the next four papers play.

April 21, 1976

The considerable assistance in the preparation of this paper of Mr. Frederick E. Ewing, Director, Department of Governmental Research, Greater Cincinnati Chamber of Commerce, is much appreciated.

Part II

PROGRAM DEVELOPMENT AS A STRATEGY FOR RACIAL BALANCE

DONALD R. WALDRIP
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Cincinnati Public Schools

"What did you learn on the river today?"

Aunt Polly might have asked this of Tom Sawyer and his friend, Huck Finn. In the last quarter of the twentieth century, Cincinnati parents will be repeating the question. A new program in Inland Waterways Occupations, complete with operating craft, is part of Cincinnati's expanding effort to provide educational options for elementary and secondary students.

More than 11,000 students in the Cincinnati Public Schools are enrolled in fulltime, optional courses of study this year. These programs are available at no cost to all students in the school district. Even free transportation is provided. Estimates indicate that by 1980 alternative programs will include over 20,000 students, forty percent of the projected enrollment of the school system.

Academic Emphasis

Unlike life on the Mississippi, education in Ohio's riverfront city keeps its emphasis on academic learning. Basic skills are a consistent concern of every alternative program. Alternative schools combine the best of both conservative and liberal philosophies of education. They are conservative in that they conserve the best of traditional education: emphasis on basic skills and academic achievement. They are liberal in their assumption that parents and their children know best what their educational needs and interests are.

Secondary students may choose from a variety of full-time vocational offerings, like the watercraft operations program. Or many of the district's students choose to enroll at Walnut Hills High School, the city's oldest alternative school. Several other options are available to junior and senior high school youth. At the elementary level the school system has nine distinct alternative programs, some of which are offered in several schools.

What Was Their Beginning?

Alternatives to traditional public schools have always existed. These have ranged from religious schools and other private institutions to the extreme alternative of no school at all. The 1960's saw a proliferation of parent-controlled free schools. For some middle-class drop-outs, free schools provided a hopeful alternative. For other youth in the inner-city, storefront schools and street academies emerged--usually supported by businesses or philanthropic organizations.

For the most part, however, the alternative schools movement had low priority and limited growth until the present decade. In large urban school districts the movement has gained momentum, and the range of alternatives has widened.

Cincinnati has been among the leaders in this development. No other major city has moved so far to provide a wide range of options to all students.

One area of expansion is college preparatory programs. Walnut Hills, founded in 1918, is Cincinnati's six-year college preparatory school. A comparable program, is now offered in the neighborhood high schools for qualified students who prefer to attend school nearer their homes. The junior high college preparatory program now provided a strong academic background for qualified students in

grades seven, eight, and nine, as well as an alternative program to upgrade students in basic skills.

Vocational options have also expanded dramatically. The birthplace of cooperative education, Cincinnati has traditionally been looked to as a frontrunner in offering programs that stress career preparation. The recent addition of modern vocational wings to district high schools has increased the variety of programs and made them more available to students. Students may now study Horticulture, Communication Electronics, Medical Lab Assisting, Millwork and Cabinetry, and more. These are offered in addition to the Inland Waterways Program and a program at the Zoo which offers instruction in animal care and habitats.

Another secondary option is the City-Wide Learning Community. This program provides a community-resource curriculum that combines learning with practical urban life experiences. It uses the metropolitan area and its resources to help students immediately see practical applications of the subject matter they are learning. Students may work with businessmen, artists, farmers. They can learn to build sets at the Playhouse in the Park, help get a newspaper out, or work alongside a city councilman. One student even spent a year as "assistant" to the Superintendent of Schools.

The Cincinnati Academy of Mathematics and Science provides an opportunity for students to concentrate in science and math, with rich field experiences and in-depth laboratory study. Lectures and demonstrations permit the student to learn from scientists and mathematicians in the community.

The School for Creative and Performing Arts has gained national recognition in only three years. This program, which includes grades four to nine and will

ultimately go to grade twelve, combines strong basic skills instruction, courses in humanities, sciences, foreign language, as well as studies in visual arts, instrumental and vocal music, dramatics, dance, and creative writing. It now has 556 students with 362 on the waiting list. Although it has existed in temporary locations for the past two years, the students look forward to going to school in the historic Union Terminal in 1977.

Elementary Alternatives

Elementary bilingual programs are available in French, German, and Spanish. Each of these alternatives is offered in two schools. Including only primary grades at present, the bilingual alternatives will add one grade each year. The programs seek to develop listening, speaking, reading, and writing skills in a second language; students will be speaking two languages fluently by grade six. These schools will ultimately continue to grade 12.

Three schools--Burton, Covedale, and Roselawn--have elementary college preparatory programs. This option is for students who need the special challenge of accelerated and enriched curricula along with basic skills development. Offered to intermediate students, this program will help prepare students to progress into the secondary college preparatory program--perhaps Walnut Hills, perhaps another college prep alternative.

Children's House is Cincinnati's Montessori school. Children from five to eight years of age participate in an all-day program of classic Montessori instruction. A second Montessori school--Children's House West--will open in September, 1976. In three other schools, selected Montessori equipment is combined with other readiness materials and manipulative learning aids in an interracial primary program.

Millvale and Parham Schools have Reading Intervention Centers, to which students with reading difficulties may elect to go for special diagnosis and instruction. The staff at these centers seek to determine why children with normal intellectual ability do not read well. After diagnoses, the reading teachers prescribe specific instructional programs for each child.

Another kind of option is the fundamental school. Some parents and students prefer a highly traditional school, and some students learn more readily in a tightly controlled environment. The Fundamental Academy stresses reading, language, mathematics, and science, along with such traditional American values as patriotism, good manners, personal grooming, and proper behavior. The program emphasizes structure, organization, and discipline in learning and self-control.

Magnet Schools

Magnet Schools are neighborhood schools which are open to students outside the neighborhood.

Three magnet elementary schools--Eastwood, Kennedy and North Avondale--offer the Individually Guided Education (IGE) program developed by the Wisconsin Research and Development Center for Cognitive Learning. Another magnet (Clifton) has a strong multi-age, nongraded program of team teaching and individualized instruction.

Flexibility

In Cincinnati and throughout the country, the touchstone of the alternative school plan is flexibility. Schools are adapting both to the diverse needs of students and to the ever-changing requirements of society. The approach differs from traditional concepts of education primarily in that the school system is seen

as responsible for suiting the program to the student's needs, rather than forcing the student to change in order to fit into the program.

Basic to the success of alternatives is a more effective match between teaching and learning styles. Alternative schools generally attract teachers with similar instructional styles who work together to create a given kind of learning environment. Each student tends to choose the school whose environment most suits him or her.

Most educators believe that alternative schools offer a new hope that urban school systems can keep their promise of serving every student. No single curriculum can possibly capitalize on the talents and abilities and satisfy the needs of all students. Imposing a monolithic system of education on all students denies and stultifies individual and group differences, which are a crucial part of the nation's strength.

Purposes

Respect for individual students and cultures is the core of the rationale for alternatives. These programs address diversity of learning styles, modes of living, cultural aspirations, value systems, and growth patterns.

Allowing students and parents to choose what best suits them from among the range of options is one of the primary reasons Cincinnati has adopted the alternative programs. The programs also improve racial balance, keep the present students, and attract new students to urban public schools.

Cincinnati school administrators are convinced that alternative schools offer a more publicly acceptable, more cost-effective means of improving racial balance in schools than any other approach. Strong alternatives attract students to integrated school settings; they draw suburban youngsters to urban public schools.

By contrast, in large cities mandatory desegregation plans usually promote segregation rather than integration. Families who resist integration flee to the suburbs.

Impact

How well are Cincinnati's alternatives accomplishing their purposes?

So far, very well. Within one year 1,076 white students have returned to Cincinnati public schools from private and parochial schools. Coupled with the open enrollment policy, alternatives have done much to further integration in the schools. By definition, alternatives (other than vocational or magnet programs) are racially balanced. Open enrollment allows students to select any school in the district where their membership will improve racial balance.

Options for Everyone

The other purpose of alternatives is to make choices available to students and parents. Participation in Cincinnati's diversified options is high. This year about a thousand students applied for open enrollment, 1,500 for full-time vocational programs, 2,800 enrolled at Walnut Hills, 450 elected the special college preparatory program at neighborhood junior high schools, and 4,210 applied for other alternatives. Of those who enrolled in alternatives, ninety per cent remained in their selected programs.

Another evidence of interest is student attendance. For the first quarter of the current school year, attendance rates for alternative programs averaged ninety-five per cent, compared to ninety-two per cent for the school district as a whole.

Achievement

How well are alternative school students learning? Although measures are not yet available for the programs that are new this year, past data show excellent

academic achievement. Students have almost universally shown significant achievement gains, averaging at least one month per month of instruction. In the programs that tend to attract the more capable students, the achievement gains are considerably larger.

There is another kind of achievement that alternatives are making possible for many students. This is the success that comes from attaining goals and gaining recognition in areas that correspond to one's strongest interests and talents. There are no systematic data on what such achievement does for self-image, but educators agree that it is beneficial.

In the Creative and Performing Arts school, for instance, students have had the opportunity to gain national recognition of their talents. They have appeared in national and local television productions, toured with drama companies, and participated in every facet of the arts.

Disadvantages

With all this, are there no disadvantages to alternatives? As with all programs involving change, the alternative school plan presents some new problems and challenges. Declining enrollments, attributable to declining birth rates as well as to alternative school transfers, have made it difficult to maintain a full range of program offerings in several neighborhood schools. Often the soundest educational decision is to close the neighborhood buildings and absorb the students in surrounding schools, but this sometimes causes adjustment problems for the community.

Also, many of the district's most knowledgeable and strongly motivated parents are choosing to send their children to the alternative programs. Some families have as many as five children attending five different programs. Often the brightest and most talented students elect to leave their neighborhood schools.

This tends to remove school leaders from their former schools and disperse them throughout the district. There is, however, wholesome competition developing in neighborhood schools to improve their programs and to increase their appeal to students and parents.

Overall, the advantages of alternative learning opportunities far outweigh the disadvantages. Cincinnati school children have more educational options than any other students in the nation. Even Huck Finn might envy the student who climbed aboard a riverboat every morning for school--and learned water transportation, marine biology, and engine repair in the bargain.

PART III
PROVIDING QUALITY EDUCATION
AS A STRATEGY FOR RACIAL BALANCE

JAMES N. JACOBS
Assistant Superintendent
Cincinnati Public Schools

I will explain a third strategy for achieving racial balance, recognizing full well these approaches are complementary rather than exclusive.

Don Waldrip has put forth the idea that alternative education is a powerful means of attaining racial balance, since racial balance is a requirement to establishing alternatives in Cincinnati. This approach is excellent when the objective is to obtain a voluntary racial balance within the school district. It has two limitations, however. First, not all parents and children value alternative education, at least not to the point where they are willing to leave their neighborhood school for an alternative program. One could argue that we need an ever-expanding array of alternatives so that the special interests of more and more children can be captured. But this takes time and resources.

A second problem is that if parents' perception of the conventional school program is poor, they might be impelled to leave the school district and enroll their children elsewhere. Since the option to leave is usually associated with the white and affluent, the home district may become progressively black. When this happens, racial balance becomes an academic issue.

These arguments lead to the conclusion that the conventional program schools or neighborhood schools must be thought of as having a quality educational program

if we are to (a) at least maintain the racial balance which already exists in many schools and (b) avoid the exodus of the white and affluent, thus making racial balance an academic issue.

The ideal situation for achieving voluntary racial balance would be to have an astonishing array of alternatives such that the value and motivation of all students to attend one of them would be greater than their value and motivation to stay in their neighborhood school. We would also have to assume that equal proportions of each race would opt for each alternative. This ideal is not likely to occur.

Let's look at the appeal of alternatives to parents and students. When asked, "Would you send your child to another Cincinnati school for an alternative program?" about 40% of elementary parents and about 50% of secondary parents answered affirmatively. Black parents answered affirmatively about twice as frequently as white parents. In my judgment, the potential market for alternative school enrollment is between 20% and 40%, depending on resources and promotion. This leaves a lot of children in district neighborhood schools.

Neighborhood schools must be strong contenders to alternatives for student enrollment. When they are not, the alternatives also will fail for lack of public support. We have found in Cincinnati a group of persons who are contending that alternatives will draw off district resources at the expense of neighborhood schools. They argue, and rightly so, that conventional schools are themselves alternatives. But, more basically, they are motivated by an egalitarian value. Their perception, incidentally, is largely unfounded in fact and grossly magnified, but this is what they believe.

Strong neighborhood schools also have the advantage of attracting students

under our open enrollment plan which is designed to improve racial balance.

Most conventional schools do have features of one kind or another that make them distinctive, thus giving that school some magnet power to some students. A school staff may be known for its strong science department, or athletic teams, or good discipline or high academic achievement. Whatever it might be, it might attract some students in the same way that the more formal alternatives attract students.

What actions have we taken to safeguard the quality education of our neighborhood schools? We have attacked this problem on several fronts. On the program front, we have mounted a \$2.7 million effort at improving reading skills in all schools of the city. Resource allocations to schools are made on an equitable basis. A math improvement program, hopefully to be funded under the Emergency School Aid Act, will be similarly administered in qualified schools. Administratively, we are keeping teacher-pupil ratios in alternatives at about the same level as in conventional programs. There are some unavoidable exceptions to this rule, such as in an IGE school where additional staff is required for the school to qualify as IGE.

We are also careful not to deplete conventional schools of leadership personnel by permitting too many from one school to be assigned to alternative programs. The high visibility of transferring many teaching staff of recognized excellence by parents has an immediate and negative effect on parent perceptions of school quality.

We try to exercise care in selecting students to attend alternatives. If this selection process resulted in draining off just the academically talented and motivated youngster, the result could leave the neighborhood schools lacking in

student leadership and achievement. It is the achievements of the student body, after all, that largely determine the perceptions of school program quality. In light of this, the best alternatives are those which are least correlated with academic achievement and ability. The best examples of these types of alternatives in Cincinnati are the German, French and Spanish bilingual programs, our Montessori alternative, and the School for the Creative and Performing Arts alternative. In each of these, it is reasonable to assume that both more and less able children would benefit from such a program. We believe the range of academic talent will be similar to the district as a whole. Our evaluation of alternatives, now being conducted by the next speaker, Joe Felix, will check out this assumption.

Part IV

CRITERIA FOR MEASURING RACIAL BALANCE, AND ITS EFFECTS

JOSEPH L. FELIX
Coordinator
Cincinnati Public Schools

Introduction

The first three presenters in this symposium have described approaches that Cincinnati has used to achieve racial balance in our schools. You heard Mrs. Griffin talk about policy change, which is one major strategy. Dr. Waldrip presented the alternative program effort and showed you slides that might have made our alternatives a little more real for you. Dr. Jacobs talked about the importance of maintaining quality in the total instructional program of the school system.

These presentations lead us to the crucial question: How well are these strategies working? Because many of our program efforts, especially our alternatives, are now in their first year, we do not have a thorough answer to the effectiveness question. I would like, however, to share with you the evaluation results that we do have, so that you can judge for yourself how productive our efforts have been so far.

Although effectiveness is indeed the main evaluative question, there is another important interest represented here that I would like to serve with my presentation. Some of you will be primarily interested, not in the results themselves, but rather in the means whereby effectiveness is determined. The question foremost in your mind is: What measures or criteria can be used to judge the effectiveness of a racial-balance endeavor?

I have organized this presentation to serve both needs. The major structure of my content is based on the measures themselves rather than on the results. At the same time, though, I will share with you the data that we do have at this time as a result of applying some of these measures. I've divided the presentation into two main sections. The first is concerned with measures of racial balance itself, and the second with measures of the effects of this balance.

Measuring Racial Balance

First, let's look at the criteria that may be used to evaluate racial balance apart from its effects. Although Cincinnati has also acted to achieve racial balance of staff, this presentation will concern itself only with the student population. There are three major kinds of criteria a school system can use in measuring racial balance of student population. These are enrollment percentages by race, indices relating to larger units, and number of students affected.

Enrollment Percentages. First, enrollment percentages by race. The student population of the Cincinnati Public Schools is about 51% black and 49% white. We have a very small number of other minority races comprising less than 1% of our student population. The question, though, is how well distributed these two major races are. This question may be examined at the school, the program, or the classroom level.

First, we can look at school enrollment percentages by race. This is most often done on a city-wide basis, so that we can talk about the number of schools falling at various points in the distribution according to percentage of black or white students. In Cincinnati we have been concerned with improving the racial balance of all of our schools, but most especially of those in which alternative

programs have been located.

The alternative programs have improved the balance of the schools in which they are located. This is inevitable because a racially balanced population is a prerequisite for each of the alternative programs. The impact on the school system as a whole is measurable, and depending on the standard one establishes, it could be said to be dramatic. The number of racially isolated schools in Cincinnati has decreased this year. Almost three-fourths of the schools in highly segregated neighborhoods have moved closer to a racially balanced enrollment. The big changes -- 15, 20, 30% and more -- have occurred in the schools where the alternatives are housed. Other schools show smaller differences, but these also are mostly in the direction of improved balance.

Even with this improvement, about 10% of the schools in the system have student enrollments entirely of one race. We do still have some distance to go, then, in improving the balance in some of our schools.

A second level of enrollment percentages by race is that of instructional programs. In Cincinnati, for example, the racial balance in each alternative program is a primary concern. Students were admitted to these programs on a one-to-one basis as far as possible. This insured that the programs started the year with a racially balanced population. Fortunately, withdrawals from the program have also been relatively balanced, so that a desirable ratio has been preserved.

Thirdly, one might consider enrollment percentages by race of individual classrooms. Racial balance at the classroom level has not been a specific criterion for evaluation in Cincinnati. It does have importance in relationship to Office of Civil Rights guidelines, but we'll say more about this later.

Racial Balance Indices. The second major kind of criterion a school system can use in measuring racial balance is the index that relates percentages at one level to those at a higher level. The first example of such an index is one that compares each school's racial balance to that of the total school system. For example, a school in which 20% of the population is black might be considered well balanced in a school system having a similar percentage of black population. In a district like Cincinnati, though, where the distribution approximates fifty-fifty, the same school would be seen as considerably less balanced. This relationship, of course, can be mathematically represented.

The most useful example of such a representation is the Index of Segregation, originally developed by Karl and Alma Taeuber. This index reflects how well pupils of different races are distributed throughout the schools in the system. It is simply a composite representation of the degree to which black and white pupils are disproportionately distributed among the schools. From the Index of Segregation one can easily compute an indicator of the percentage of black and white students who would have to transfer to schools that are predominately of the other race, in order to desegregate the system completely.

The Segregation Index was computed for the Cincinnati Public Schools by representatives of the Metropolitan Area Religious Coalition of Cincinnati, of which Rev. Holm is the director. This study showed declining Segregation Indices for the school system at all levels. The elementary index for 1975-76 is lower than at any time in the thirteen years covered by the study. Even so, the total school system Index of 67 means that two-thirds of our black students would have to transfer to white schools (or vice versa) to achieve perfect racial balance.

It is also possible to compute indices that relate the racial balance of programs either to that of the school in which they are located, or of the system as a whole. In Cincinnati this would set the ideal for any program approximately at a fifty-fifty ratio. Similarly, we might want to look at an index that compares the racial balance of an alternative program to that of the school in which it is located.

Finally, the balance within a classroom can be related to that of a program, a school or the school system. This is one of the basic interests of the Office of Civil Rights in assessing the school district's qualifications for funding under the Emergency School Aid Act. With only those exceptions that are instructionally justified, the racial balance of each classroom must approximate that of the school.

Number of Students Affected. A third major kind of criteria for measuring racial balance is student count. It is possible to count the number of students who are affected by efforts to improve racial balance. Obviously, since this approach encompasses total groups at the classroom, program, or school level, it presents a more impressive picture than the preceding approaches.

In Cincinnati, the total number of students affected by our integration efforts is a little over 20,000. That is to say more than 20,000 students, or approximately 30% of our population, are now attending schools that are better racially balanced than last year. This same concept can be applied to counting students by program or classroom.

Measuring Effects

Beyond the simple question of racially balancing schools lies an issue that ultimately has even greater importance. This is the question of the effects that

balancing schools has on students and others whom we serve. There are many ways of approaching this aspect of our topic. Consistent with our concern with means of measurement, this presentation will focus on approaches to measuring four categories of effects: social integration, attitudes, achievement, and other effects.

Social Integration. In the view of most educators and sociologists, the goal of helping students of different ethnic backgrounds get along with one another is an important reason for racial balance. In this perspective, the measurement of social integration becomes at least as important as simple racial balance criteria. Although it's beyond the purview of this presentation to deal comprehensively with sociometric measures, I would like to talk about two approaches we have used in Cincinnati: sociograms and unobtrusive counts of student groups.

We have used sociograms to measure changing patterns of interracial relationships in several Cincinnati programs. Typically, these sociograms have been built on students' identification of their best friends. Several years ago, in an early childhood education project, we applied this technique with students of pre-school and kindergarten age. We found some hopeful evidence that interracial educational experiences helped to promote integration in friendship patterns. This same early childhood project later became the model for one of our alternative programs.

We are using the same sociometric approach this year in evaluating several of our existing alternatives. Measures taken early in the school year tend to confirm the notion that segregation of friendship increases as students advance in age. Obviously, it is too early to be able to report the extent to which the experience

of an integrated alternative has had a beneficial effect this year.

In the same pre-school program I just mentioned, we also used a second type of social integration measure. An evaluator visiting classrooms conducted unobtrusive counts of student groups, classifying them as monoracial or biracial. These results were similarly encouraging in that young children had relatively few barriers to interracial relationships and even these tended to lessen in the course of the program. We did the same kind of study in a senior high school project and, as you might guess, the results were very different. We found the interracial group to be the exception rather than the rule.

As with other unobtrusive measures, this counting approach has one major disadvantage. It is time-consuming and, therefore, expensive. For this reason, we have not been able to make use of it in this year's evaluation of our alternative programs.

Attitude Measures. Closely related to the integration issue is the question of attitudes. In any program aimed at racial balance, a goal worth measuring would be the improvement of attitudes toward people of other races. But other kinds of attitudes can also be affected in the integration process. Let's talk about both categories of attitude in the light of Cincinnati's surveys and other instruments.

Annually, the Cincinnati Public Schools' administer surveys to students, parents, teachers, and administrators throughout the district. We do not have time to deal with complete results of these attitude instruments, but let me highlight a few of the items that are most relevant.

On the student survey, which offers response choices of "yes," "no," and "undecided," students reacted to the statement, "It is important to go to school with students of other races." Responses to this item have been rather consistent for the past two years. At sixth and twelfth grade levels, we get about 65% affirmative response, and at ninth grade 50 to 55%. Responses of students in schools with alternatives tend to be more affirmative on this item, with some of our elementary alternatives showing 90 to 97% yes response.

We're also very interested in looking at the student survey results in terms of attitudes toward self and school. As we move toward integration, we want to know whether there is improvement in the personal and academic attitudes of black students, white students, or both. We're interested in whether the attitudes of students in our alternatives are showing more positive change than those of other students. Although the data for this year have not yet been thoroughly analyzed, we have a few indications of rather favorable outcomes. At very least we can say that personal and academic attitudes are more favorable among students in alternatives. Unfortunately for evaluation purposes, we don't know how true this might have been while these same students were in regular programs.

Parents are also asked questions with "yes," "no," and "undecided" response choices. For the sake of economy we survey elementary parents one year and secondary parents the next. Last year 65% of the responding elementary parents answered yes to the question, "Would you keep your child in the Cincinnati Public Schools if all schools were racially balanced?" This year, the affirmative response among secondary parents was 67%. We also asked, "Do you believe children should have interracial experiences in their school program?" Of our elementary parents 64% said yes; among secondary parents the affirmative

response was 57%.

Teacher and administrator surveys call for items to be rated on a seven-point scale, from one (poor) to seven (excellent). Of primary interest on these instruments are two categories of items: those concerned with the effectiveness of alternatives and those on which teachers and administrators rate various student characteristics.

Teacher judgments about the effectiveness of alternatives seem sharply divided. Those working in alternative programs rate them very high; others, for the most part, rate them low. Take, for instance, the item, "Effectiveness of alternative programs in improving interracial understanding." Teachers in elementary alternatives gave this item a mean rating of about six on a seven-point scale. Those in schools without alternatives rated it 3.6.

I wish we had time to go into detail about other survey results. One of the real joys of being an educational researcher is splashing around in the data. Unfortunately, we'll have to settle for this light sprinkle. Remember, the Cincinnati evaluation will also look hard at how teachers and administrators rate various student characteristics, like self-image, aspiration level, and behavior.

We have done a few other types of attitudinal measures in Cincinnati. In the early childhood education program I referred to earlier, we did a modified version of Kenneth Clark's doll study to measure racial and self-awareness. Our results suggested that white children recognize racial differences earlier than black children, and that racial awareness seems to increase sharply between ages three and four -- at least in this integrated educational setting.

Our other measures of relevant attitudes, done mostly in connection with

Title I evaluation, have given us some helpful baseline data for assessing the effects of racial balance. A primary-grade instrument we developed ten years ago, "Attitude Toward Self and School," has been adapted by many school systems and several commercial publishers. We have used several other kinds of student questionnaires and teacher rating instruments to get at the very elusive attitudinal dimension. In all, I won't claim that we've been any more successful in doing a valid, reliable job with this than anybody else. But certainly the best instruments available need to be used to measure the effects of racial balance on both racial and general attitudes.

Achievement. Eventually, though, all eyes seem to focus on the matter of academic achievement. I see no need to discuss measurement approaches here, beyond advocating some combination of norm-referenced and criterion-referenced instruments.

As for results, the most important data are not yet in. The achievement growth of our students, in alternatives and otherwise, will be of greater interest this year than ever before. Our major interest in this regard has been preparing to give a fairer representation, based on per-student growth rather than on school medians that have the contamination of changing populations, inappropriate norming, and the like.

Generally, our past studies of achievement growth in integrated settings have yielded favorable results. An important study of several years ago (related to the Deal case cited by Mrs. Griffin) showed black students who had been transferred to an integrated setting achieving slightly better than their counterparts in the home school. In the alternative programs that have been in existence over the past few years, there's a rather consistent pattern of gain of one month or more per month

of instruction -- somewhat better than our city-wide standard.

Other Effects. Finally, let me mention two other kinds of effects we are interested in measuring. First, in evaluating our alternatives, one crucial question will be the holding power of the programs. The question to be answered is, "Once enrolled in an optional, integrated program, to what extent do students tend to stay?" Indications are that, once beginning-of-year problems of transportation and adjustment have taken their toll, students seem to stay on rather well. It looks as if about 85% of the students initially enrolled in our alternatives will finish the year in the same programs. The percentage to date is running slightly higher for blacks than for whites.

In addition, we will be looking at several other effects that are related to the specified goals of the Cincinnati Board of Education. This gets us into areas like student and staff safety, discipline, and attendance. Our effort to achieve racial balance, itself a Board goal, may also be looked at as a means to attaining other goals. We'll be very interested in the impact of this effort on the total spectrum of our goal-attainment.

Summary

These, then, are criteria that we are using or have used in Cincinnati to measure the impact of racial-balance and integration efforts. First, we consider racial balance itself, apart from its effects. For this purpose, we examine enrollment percentages by race, indices relating to larger units, and numbers of students affected. Then, more importantly, we look at the effects of racial balance. In this process we measure social integration, attitudes, achievement, and other relevant effects.

If you have gained one useful insight from this presentation, which you can apply to doing the best possible job of evaluating integration efforts, I leave happy.

Part V

THE METROPOLITAN CONTEXT FOR ACHIEVING RACIAL BALANCE

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City school strategies for achieving racially balanced schools take place in a metropolitan context and have metropolitan impact. This paper considers (1) the metropolitan context in which the Cincinnati Public Schools' strategies for achieving racial balance must be implemented, (2) the impact of Cincinnati's strategies (quality education in neighborhood schools, creating new alternative schools, and Board of Education policy changes) on school districts in the metropolitan area, (3) metropolitan solutions being developed in other cities, and (4) some possible side-effects of metropolitan solutions.

1. Metropolitan Context

The context in which Cincinnati seeks to achieve racial balance is as one of twenty-three separate school districts, of four different kinds, in Hamilton County.¹ They vary widely in area. Few conform to city, village or county boundaries and some cross county lines. Cincinnati is an arrested metropolitan school district, which failed to keep up with urban growth as the city failed to continue annexing new communities. Most school districts in Hamilton County are successive consolidations, put together over the years in response to court orders, state standards, and local wishes. (Twenty years ago there were more than twice as many school districts in Hamilton County.) Awkward, arbitrary boundaries have produced continued readjustments and transfer petitions.

Enrollments in school districts in Hamilton County vary from over 70,100 to less than 1,000 pupils.² Enrollment has been decreasing in Cincinnati schools, but the shift to the suburbs has not been as pronounced as in some cities, since much of Cincinnati itself is suburban in nature. (Characteristically Cincinnatians use the term "suburb" to refer to a residential community either inside or outside the city limits.) Enrollment declined in most districts in Hamilton County last year. In a number of districts (not just Cincinnati) enrollment is decreasing in the older, more built-up areas of the district and increasing in the newer areas where young families are moving in, forcing them to close schools and transport pupils.

Cincinnati is a hilly, southern community with the black population scattered through a number of city neighborhoods and some older suburban communities. There is a variation in the percentage of black pupils among the school districts in Hamilton County from 50.5% to 0.0%, and the county pattern is essentially an expanded version of the city pattern.

The variation in the percentage of black teachers among the school districts in Hamilton County (which one would assume were drawn from the same metropolitan labor pool) is from 30.2% to 0.0%. (Apparently only school districts with black pupils need black teachers.) School districts in Hamilton County have 15.1% black administrators, but they are all in two school districts.

Indexes of segregation measures how evenly black pupils are distributed throughout the schools of a school district. It allows one to compare a district over time, or one district to another. We have calculated indexes of segregation for Cincinnati, but have found that calculating the index of segregation for smaller suburban districts with very small percentages of black pupils is not helpful.

Reynolds Farley infers that where city schools are segregated and where the city schools and the suburban schools differ substantially in racial composition, the index of segregation for the metropolitan area would be as large as that for the city.³ Our calculations give Hamilton County schools 77, as compared with 71 for Cincinnati, in 1973-1974; and 75, as compared with 69 for Cincinnati, in 1974-1975.⁴ When Farley publishes his indexes of segregation for metropolitan areas, we will be able to compare metropolitan Cincinnati to other metropolitan areas.

Most school districts in Hamilton County have had difficulty in passing levies. There is a wide variation among the school districts of Hamilton County in the assessed valuation/pupil (from \$95,532 to \$10,963) and in school tax rates (from 56.32 mills to 23.62 mills).⁵ There is also a wide variation among the school districts of Hamilton County in median income (from \$19,630 to \$7,015 (Cincinnati) for families and unrelated individuals). We have found a close correlation between the median income and the tax rate for school districts in Hamilton County, which would tend to indicate that voters have been able to work out their own, rather than their school district's tax base's ability to pay.

Because Cincinnati is a fairly "rich district" (valuation/pupil) with "poor voters" (median income), the new Ohio Equal Yield Formula (which has no income factor) will result in decreased state aid for Cincinnati and increased state aid for many of the other districts in Hamilton County.

The consolidation of school districts in Hamilton County in the past fifty years has come through the need to provide a specialized educational service: high school. Today most of these school districts are again unable to finance, staff, or provide enough students on their own for new specialized services demanded by

their families or mandated by the state or federal governments. School districts cooperate to provide some of these services, and contract with the Cincinnati or the County school district to provide others.

The state has created a number of incongruent, overlapping, single-purpose, larger districts to oversee these new specialized services. In addition, the school districts of Hamilton County are being called upon to deal with educational organizations and governmental agencies which are organized on a larger-than-district basis.⁶

2. Metropolitan Impacts

Cincinnati's strategies for achieving racial balance, although designed to deal with the situation in Cincinnati, have an impact on the metropolitan area.

Providing quality education in improved neighborhood schools in Cincinnati, as a strategy for achieving racial balance, should have some success in Cincinnati, since Cincinnati is a rather lovely city, with a solid, cultural life, a viable downtown, and a number of suburban-like neighborhoods. Unfortunately dramatic improvements would take a lot of money. And many families who can, make their decisions on the basis of school district reputation (of which percentage-of-black-pupils is a part), which often lags behind particular improvements being made.

Neighborhood succession has been followed by school district succession as the more-affluent, educationally-concerned families move upward and outward to "better school districts." The reputations of a school district can become self-fulfilling prophecy, as they affect where families buy houses and so concentrate the more-affluent, educationally-concerned families into the same school districts. (District-wide achievement scores may reflect the concentration of more-affluent,

educationally-concerned parents, as much as they do the quality of instruction being provided to individual pupils.)

Neighborhood school policies in small suburban districts tend to concentrate suburban black pupils into those districts, which will be less able to respond to these changes and meet these needs than the larger city school district.

Creating alternative schools in Cincinnati as a strategy for improving racial balance may succeed in holding and rearranging some pupils in Cincinnati. It may succeed in drawing in some pupils from private schools or other school districts. Alternative schools also take a lot of money and tend to take it away from neighborhood schools. Alternative schools could prove more valuable as a metropolitan strategy than as a city-only strategy, as they could form the basis for exchanges of tuition pupils between Cincinnati and surrounding school districts, which would improve the racial balance of the metropolitan area.

Alternative schools could enhance the reputation of the Cincinnati school district. Suburban schools now have the reputation, which large city school districts once had, as the place where real educational innovation takes place. Families who can, probably decide on school districts as much on reputation as on performance, and the creation of alternative schools, by improving the reputation of the Cincinnati school district, could help hold and draw the families that will make that reputation come true.

Board policy change as a strategy for improving racial balance, although formed primarily to deal with Cincinnati problems, is probably the strategy with the most awareness of its impact on the metropolitan area.

The Cincinnati Board's efforts to prevent white pupils being transferred to other districts made those boards aware of the danger of any actions which may affect racial balance in Cincinnati. The Cincinnati Board's later direction to their superintendent to meet with suburban superintendents was perceived as a threat by many boards and met with little response. Many suburban districts have been cautioned by counsel not to have dealings with Cincinnati. (Some have examined METCO and the Metropolitan Planning Project in Boston, and a recent county-wide meeting in which a suburban Wilmington school superintendent spoke, has increased awareness of the metropolitan dimensions of achieving racial balance.)

However, it may prove that the Cincinnati Board action that will have the most impact on the metropolitan area in the long run will be Cincinnati's decision to file suit against the state over the Equal Yield Formula.⁷ More equal and more adequate funding is essential to any strategy to achieve racial balance.

3. Metropolitan Solutions

Although there have been only tentative groupings in Cincinnati, metropolitan solutions have been developing elsewhere.

Some suburban districts have felt their best legal defense was to begin to do some things voluntarily. In our own backyard, Kettering,⁸ a suburban district outside Dayton has worked to increase black faculty and to arrange limited faculty and classroom exchanges.

METCO transports some 2,400 black Boston pupils who volunteer to some 37 suburban school districts who volunteer to receive them (and also to integrate and train their faculty.) The state pays transportation.⁹ There are similar programs in Rochester, New York,¹⁰ and in Hartford and New Haven, Connecticut.¹¹

City and suburban school districts can develop shared programs in which both participate, such as the Metropolitan Planning Project involving Boston and some 77 suburban districts.¹² Racine, Wisconsin voluntarily desegregated their previously unified city-suburban district in 1975 through pupil rearrangement, transportation, and magnet schools.¹³

There have been efforts prior to the court order to decentralize and redistrict metropolitan Milwaukee legislatively,¹⁴ and also to provide financial incentives to pupil transfers which improve the racial balance between city and suburban school districts.¹⁵

HEW, and state agencies like the Ohio Civil Rights Commission, have been slow to look at the racial balance of teachers (who are employees, drawn from the same metropolitan area) on a metropolitan, rather than a one-district-at-a-time basis.

The main source of metropolitan solutions has been the courts. Most metropolitan solutions have occurred in the south where there has been a scattered black population and a tradition of county school districts.

But contrary to popular opinion, the Detroit case¹⁶ did not rule out metropolitan remedies in the north. The Supreme Court said that if there is to be a metropolitan remedy, the suburban districts involved must have their day in court, and it must be proved that actions in their districts increased segregation in the city district.

Louisville and Jefferson County Kentucky¹⁸ were desegregated last fall. Wilmington and Newcastle County¹⁹ have been ordered to desegregate this fall, and are waiting for the courts to choose between plans which will create one county

district, create five city-suburban districts, or exchange pupils and teachers among existing districts. Indianapolis and Marion County, Indiana²⁰ are waiting for an Appeals Court ruling on a metropolitan plan. In Atlanta, the ALCU is preparing a clustering plan for a metropolitan case involving seven counties. The Kansas City School District, which is already in court, is considering a suit against the surrounding suburban districts and the state of Missouri. In the Cleveland case,²¹ the NAACP called for a metropolitan remedy, citing state involvement in separate vocational schools and school district boundary changes. The apparent strategy is to develop a pattern of state involvement in the five cases in Ohio (all of which are potentially metropolitan cases),²² and then call for the state to develop metropolitan remedies.

4. Metropolitan Side-Effects

When and if metropolitan desegregation were ordered in Cincinnati, it would be for the purpose of achieving racial balance. But it could have some other side-effects.

School districts have usually been seen as the unwilling victims of housing patterns. Publicity like that developed recently in Louisville²³ indicate that desegregated schools in a metropolitan area could be used as a way of encouraging the development of integrated housing.

This fits in with Robert Manley's analysis of five historical stages of metropolitan housing patterns, in which American cities, like the older European cities, will, as they mature, open up economically desirable city housing which middle class families will reclaim -- if they are not locked in to neighborhood

schools. Manley says that metropolitan desegregation with extensive alternative schools would free the economic system to help desegregate metropolitan housing.²⁴

Finally, if responded to creatively, metropolitan desegregation could free the metropolitan area to design a more rational system for delivering educational services in the metropolitan area, an effort which has been postponed partly because of fears of getting involved in school desegregation. This could provide better curricula for regular, alternative, and specialized education; less overlap in state and federal programs; and better utilization of existing personnel, buildings, and transportation in a shrinking educational system.²⁵

Notes

1. MARCC. "A Proposal to Study the Financial and Administrative Organization of School Districts in Hamilton County."
2. Figures in this section are from Ohio Department of Education. Fall Pupil Membership and Ethnic Composition in Public Schools, 1974-1975. cf. MARCC. "1974-1975 Racial Composition of Hamilton County School Districts."
3. Farley, Reynolds. "Racial Integration in the Public Schools, 1967 to 1972: Assessing the Effect of Governmental Policies." The Sociological Focus. 8:1. January, 1975, pp. 11-12.
4. MARCC. "Racial Isolation in the Schools of Hamilton County." January, 1976.
5. Figures in this section are from Ohio Education Association. Basic Financial Data of School Districts: 1975. cf. MARCC. "1974-1975 Hamilton County School Districts Finances."
6. Median income figures calculated from 1970 census data. MARCC. Presentation to the Ohio Senate Education Committee. April, 1975.
7. Board of Education, Cincinnati v. Essex.
8. Kettering City School District. Resolution. January 25, 1972.
9. Boston. Metropolitan Council for Educational Opportunity. Figures for 1974-75.
10. Rochester. Urban/Suburban Interdistrict Transfer Program.
11. Hartford, New Haven. Project Concern.
12. Boston. Metropolitan Planning Project.
13. Racine, Wisconsin. Unified School District Number 1.
14. "The East Shore District Plan: A City-Suburban School Proposal" by State Representative Dennis J. Conta, and a more comprehensive proposal for a City-Suburban Council prepared for the City Suburban Connection Workshops, May, September, 1975.
15. Wisconsin Assembly Substitute Amendment 2, to 1975 Assembly Bill 1040.
16. Bradley v. Milliken.
17. Newburg Area Council, Inc. v. Board of Education, Jefferson County and Haycraft v. Board of Education, Jefferson County.

18. Evans v. Buchanan.
19. United States v. Board of School Commissioners, Indianapolis.
20. Reed v. Gilligan.
21. Dayton. Brinkman v. Gilligan.
 Cleveland. Reed v. Gilligan.
 Cincinnati. Bronson v. Board of Education, Cincinnati.
 Columbus. Penick v. Columbus Board of Education.
 Youngstown. Alexander v. Youngstown Board of Education.
22. Kentucky Commission on Human Rights. 6 Ways to Avoid Busing.
23. Manley, Robert. Metropolitan Interaction Between Housing Markets and School Integration Policies. Council of School Attorneys, National School Boards Association. April, 1975.
24. cf. A Master Plan for School District Organization in Ohio. 1966.