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ABSTRACT

This is a report on the progress (or lack of such) in the desegregation of Chicago's public schools through June, 1979. An addendum includes supplementary information through September, 1979. The history of school and social segregation in Chicago is reviewed, a chronology of the school desegregation controversy since 1961 is provided, and present conditions are described. The current desegregation plan ("Access to Excellence") proposed by the Chicago Board of Education is discussed and its underlying philosophy and potential for achieving school integration are criticized. A brief description of the monitoring activities of the Illinois State Advisory Committee to the U.S. Commission on Civil Rights is provided. Finally, the Committee's formal recommendations are offered for bringing an end to the long tradition of segregated schools in Chicago. (WP)

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MIDWESTERN REGIONAL OFFICE
230 South Dearborn Street, 32nd Floor
Chicago, Illinois 60604
Telephone (312) 353-7371

Briefing Memo on
Chicago School Desegregation

"DESEGREGATING CHICAGO PUBLIC SCHOOLS:
THE DEADLINE GAME"

To The
Commissioners
U.S. Commission on Civil Rights
Washington, D.C.

October 1979

Illinois Advisory Committee
To The
U.S. Commission on Civil Rights

U.S. DEPARTMENT OF HEALTH,
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INTRODUCTION

Chicago is "the city that works" as local public officials and civic boosters often proclaim. At a time of uncertainty about the soundness and stability of most major cities, Chicago continues to experience a construction boom in its central business district and an impressive Moody AA rating for its municipal credit obligations.

Chicago, however, is more racially segregated in its housing patterns than any other major city in the North.¹ Further, the schools of Chicago constitute the most highly segregated public system of all major cities in the nation.²

Chicago continues to represent a crucial test in the North and the nation, of whether the complex constitutional and statutory demands for desegregated schools as judicially and administratively interpreted will be implemented in major cities of the country.

The population of Chicago was 3,367,000 in 1970 and an estimated 2,962,200 in 1978.³ The Chicago public schools, with 494,880 pupils in 1978, constitute the third largest school system in the country (after New York and Los Angeles).

There has been a long and bitter history of almost 20 years of controversy about integration in Chicago, as will be summarized in this Report. To this date, there is no substantial plan to end

desegregation in the Chicago Public Schools. The problems inherent in any desegregation effort are often enlarged by school authorities and political leaders into impassable barriers to make effective desegregation impossible.

Among the problems which have been raised by a number of commentators are the small number of white pupils in the school system (expected to be 19% in Sept. 1979); the presence of other minorities in the schools (59.9% black, 15.1% Hispanic, 23.2% white in Sept. 1978); the eroding tax base of the city, and the geographical distances involved in Chicago. Other critics of desegregation efforts point to changing urban-suburban demographics. While Chicago continues to see a decrease in total and white pupil populations, the surrounding suburbs are maintaining a substantially white pupil composition which is generally increasing slowly, although specific suburbs are experiencing a decrease in pupil enrollment. In 1978, suburban schools had a composition of 91.0% white, 5.2% black, and 3.8% Hispanic. For the year 2000, minor changes are projected: 82.3% white, 10.4% black, and 7.3% Hispanic.⁴ These data on urban-suburban populations are sometimes raised to support the prediction that Chicago Public Schools will not only increase their proportion of minority students but also of students from economically poor families.

The foregoing problems are real but they cannot be used as arguments to bolster the refusal to implement meaningful desegregation.

3.

Financial constraints can and should be addressed by the General Assembly. However, the duty to operate a school district in accord with constitutional standards cannot be avoided because of a claim of insufficient finances.⁵ Geographical distances have been present for years in rural and in private school systems and have successfully been traversed. At stake here is the provision of desegregated, equal educational opportunity for all children, as demanded by Brown and the progeny of that judicial decision.⁶

The U.S. Commission on Civil Rights has monitored the segregated Chicago Public Schools since 1962. In the last two years, the Illinois Advisory Committee (Illinois SAC) to the Commission has conducted a special project for monitoring desegregation in Chicago. These notes mark the closing of the more formal aspects of this monitoring process undertaken by the Illinois SAC.

The members of the Committee and the Commission staff believe that as the city continues its interaction with state and Federal civil rights enforcement agencies, informal monitoring should and will continue through the Illinois SAC.

These notes will highlight significant events in the history of desegregation of the Chicago Public Schools, review activities of the school board, community groups, and state and federal agencies, summarize past Illinois SAC activities, and offer recommendations to the Commission for future action.

I. SEGREGATED SCHOOLS IN CHICAGO PAST: A HISTORY OF RESISTANCE

The schools in Chicago were formally desegregated in 1874.⁷ Shortly after, a number of neighborhood "improvement clubs" were initiated to keep the local schools all white. The policy of "neighborhood schools" has been invoked consistently since that time by school authorities. In recent times, this facially neutral policy has been used in an attempt to prove that the segregated Chicago Public Schools are not segregated "de jure" and therefore not directly affected by the Brown decision but only "de facto" that is to say, have resulted from housing patterns and trends beyond the control of the Board of Education, even beyond any governmental action.

In fact, however, housing segregation in Chicago has been the result of official policy throughout the existence of the city. In 1917, the Chicago Real Estate Board adopted a policy of "continuous block" expansion⁸ for the blacks, prohibiting "the present method of obtaining a single building in scattered blocks...." Later, VA and FHA lending practices, and the selection of sites by the Public Housing Authorities emphasized preservation of racially segregated housing patterns⁹ or reinforced them.

Restrictive covenants in real estate contracts and deeds were common in Chicago to prevent blacks from moving into white neighborhoods long after they were declared unenforceable in Federal court.

in 1948.¹⁰ Only in 1969 did the Department of Justice (DOJ) seriously challenge the legality of even recording such covenants.¹¹

In spite of these and similar public policies in housing, the issue of whether segregated neighborhood schools are the inadvertent result of "fortuitous" housing segregation patterns remains a pressing one in the Chicago school segregation controversy.

Specific issues of segregation in the public schools have been raised in Chicago throughout this century. In 1945, for example, at the hearings of the Mayor's Commission on Race Relations (created in 1943 as fear of racial disturbances pervaded the city), the NAACP raised the issue of Washburne Trade School, where "a Negro boy is never selected as an apprentice, consequently the very highly productive building trades exclude the Negro...."¹² The segregated condition at Washburne Trade School, where employers and unions select students as apprentices, continues even today.

The current school desegregation struggle started in 1958, with an article in Crisis, the NAACP journal, "De Facto Segregation in the Chicago Public Schools." According to this article, 91% of Chicago schools were segregated in 1957. A segregated school for the purposes of that article was one that enrolled 90% or more pupils of the same race (in 1978, the Chicago Board of Education (CBE) adopted as a desegregation criterion a 90/10% representation of races in each school. Such



criterion is under dispute, see p. 19).

The history of the controversy has been written in detail¹³ and need not be repeated here. For the purpose of these notes, a brief chronology through June 29, 1979 will suffice.¹⁴

September 1961; A group of parents sues the CBE on the segregation and overcrowding of black schools.¹⁵ The suit, the Webb case, is settled by 1963, out of court. The Board adopts a resolution to remedy overcrowding and to appoint a study panel to make recommendations on desegregation (see below, the Hauser Report).

January 1962: NAACP sues the CBE asking for redrawing of school boundaries to relieve overcrowding of one black school near an under-utilized white school.

August 1962: The U.S. Commission on Civil Rights publishes Civil Rights, USA/Public Schools North and West. Prof. John E. Coons writes the chapter on Chicago. The report documents the segregation of Chicago schools, the overcrowding of black schools, the absence of black teachers from white schools, etc. Specifically, it highlights the segregative policies of the Washburne Trade School, and the explicit policies of the CBE that promote segregation into unequal schools throughout the system.

November 1962: The CBE authorizes the first permissive transfer program in the 60's, (permissive transfers had been authorized by CBE from 1955 to 1958), to relieve overcrowding and possibly promote integration. Only 28 students take advantage of the program. Permissive transfers have subsequently been used in Chicago with various degrees of scope and CBE support.¹⁶

January 1963: Black parents boycott and picket an unsatisfactory school, established in an unfinished, converted warehouse.

January 1963: For the first time in Chicago, a black principal is appointed to a white elementary school.

July 1963: NAACP national convention meeting in Chicago demonstrates in front of the CBE. A few days later, CORE holds a sit-in in the central CBE office. They object to the CBE practice of utilizing mobile units to relieve overcrowding, and placing them primarily in black schools.

July 1963: The Illinois General Assembly passes the Armstrong Law,¹⁷ binding on all school districts in Illinois. It requires: "As soon as practicable, and from time to time thereafter, the board shall challenge or revise existing units or create new units in a manner which will take into consideration the prevention of segregation and the elimination of separation of children in public schools because of color, race, or nationality. All records pertaining to the creation, alteration, or revision of attendance units shall be open to the public."

August 1963: The GBE agrees to a racial census of the students, in preparation for implementation of the Armstrong Law, just passed. It is the first time these data are to be available to civil rights activists.

August 23, 1963: CBE adopts a limited permissive transfer program for high school students of extraordinary achievement. The relations among community groups, the Board and the Superintendent are strained.

October 2, 1963: There is a massive demonstration by black groups and a boycott of the schools by black pupils: more than 224,000 absent on October 22, "Freedom Day." The boycott is organized by the Coordinating Council of Community Organizations (CCCO).

February 1964: Another boycott keeps 172,000 pupils from school.

March 1964: The Hauser Report is presented to the CBE.¹⁸ It is prepared by the panel appointed by CBE on part of the out-of-court settlement in the Webb case. (Among the initial members of the panel is Dr. John A. Hannah, the President of Michigan State University and Chairman of the U.S. Commission on Civil Rights. He resigned before the panel completed its study.) The Hauser Report represents one of the major efforts in the desegregation of schools in Chicago: It examines comparative conditions in white, black and integrated schools,

considering overcrowding, building conditions, student achievement, attendance, dropouts, physical facilities, and teaching materials. In all of those areas the report finds the conditions of black schools quite unequal to the white ones. It deplores the action of the CBE in not having undertaken desegregation before and urges the adoption of 13 recommendations to implement the Board's own policy statement of February 13, 1964 with respect to school integration ("We reaffirm and publicly declare a policy of racial integration. We shall endeavor to effect the development of continuous programs to achieve this goal.") Among the 13 recommendations, the Hauser Report includes "modified open enrollment" in elementary and secondary schools (what today may be called "clustering"); decisions on school attendance boundaries with fostering of integration as "a major consideration;" integration of faculties across race, training and experience; CBE to provide free transportation for students taking advantage of the various transfer programs; training and other in-service activities on human relations; and, the establishment of a "saturation" education program in some particular sub-district as a demonstration project.¹⁹

April 1964: The Board adopts the Hauser Report "in principle." The only immediate action to implement recommendations of the Hauser Report is the creation of a "friends of the Chicago Schools" committee to advise CBE on matters of integration, at its request. The committee will lack support from CBE and be non-existing in practice.



August 1964: The CBE adopts policy of open enrollment at trade and vocational schools (recommended by the Hauser Report).

May - July 1964: The Superintendent offers the CBE a "counter plan" to the Hauser Report. It challenges definitions of overcrowding, rejects the recommendation for free transportation. According to the Superintendent, that would be "sub-ordinating (sic) education to transportation." Other Hauser Report recommendations are modified substantially and adopted.

November 1964: CBE releases another major study it had commissioned: the Havigurst Report.²⁰ It is a massive analysis and survey of the city schools: its author states that the "study design did not consider the issue of racial balance in the schools specifically." It repeats and endorses the recommendations of the Hauser Report on integration, and adds recommendations on compensatory education.

July 1965: The CCCO files a formal complaint of discrimination in the Chicago Public Schools with the U.S. Office of Education. It invokes the newly passed Civil Rights Act of 1964, and demands the disapproval of Federal funds under Title VI provisions. It is the first major challenge to a Northern school district under the new Act.

Also in July 1965, Congressman Adam Clayton Powell holds hearings of the House Committee on Labor and Education in Chicago, dealing with Chicago school segregation.

In the Summer, there are marches, boycotts, and protests about the school conditions and the future of the Superintendent.

September 1965: The U.S. Commissioner of Education in response to the CCCO complaint announces he is holding up about \$30 million (the first grant to the CBE under the newly approved ESEA Title I), pending the investigation of the issues raised by the complaint. Congressman Roman Pucinski of Chicago, the Chairman of the House Education Subcommittee, intervenes. So does the Chicago Mayor, who carries the case to the President of the United States. Within 5 days, the order is rescinded, the monies are released and the investigation is suspended to allow the CBE to conduct its own. The impact of this HEW decision and its backing off "chilled all Title VI enforcement efforts in Northern and Western schools for almost three years."²¹

January 1966: After requesting cooperation from CBE, an HEW team begins to review Chicago following the CCCO complaint. There are continuous reports of difficulties in securing data, particularly those relating to faculty racial breakdown.

January 1967: The U.S. Office of Education issues a report, the result of its Chicago schools review. It identifies possible violations of Title VI in the operation of the apprentice training program (still the Washburne School), student assignments (segregated pupils), and faculty assignment patterns. HEW seeks voluntary compliance, including a city-wide plan to lessen segregation.

August 1967: The new Superintendent of the Chicago schools has been given as a first assignment the response to the January 1967 HEW report. He now presents to the CBE a report, "Increasing Desegregation of Facilities, Students and Vocational Education Programs," (the Redmond Report).²² The Redmond Report was prepared by a series of task forces made up of CBE staff and outside consultants. It addressed four areas of concern: faculty assignment patterns, boundaries and student assignment practices, vocational education (including the apprentice program and open enrollment in vocational schools), and "public understanding." In each of the four areas, after a lengthy programmatic discussion, the report offered a long series of detailed recommendations for action. For the most part, an end result of this format was a great deal of difficulty in assessment of progress. The CBE adopted the report with modifications. The U.S. Office of Education demanded a timetable for implementation but, pursuant to its intent to seek voluntary compliance, did not press for formal compliance.

March - April 1968: Some 300 black pupils are bused from two overcrowded schools to eight under-utilized white schools. There is picketing by white parents at the receiving schools.

September - October 1968: Black high school students demonstrate and boycott the Chicago Public Schools, asking for major improvements in school facilities, curriculum and even food in the school cafeterias.

By 1969, there is an agreement between HEW and DOJ for the latter to carry on proceedings in the Chicago segregation efforts. In July 1969, DOJ notifies the CBE that faculty assignments must be modified to remedy the current patterns of faculty segregation. The CBE adopts a policy of voluntary transfers of faculty and incentives to promote faculty integration.

October 1969: The DOJ rejects the CBE plan for faculty integration. All four major Chicago newspapers deplore DOJ's decision.²³ The Chicago Teachers Union also opposes transfers of faculty for desegregation.

April 1970: Negotiations to achieve desegregation of facilities achieve no progress and DOJ threatens a lawsuit.

June 1970: HEW (by now in the background in enforcing desegregation in Chicago) presents to CBE a plan for desegregating faculties. Chicago Teachers Union threatens to sue as the provisions, it feels, are contrary to the teachers' contract. Some actions by the Board to increase voluntary transfers of teachers. The plan fails to achieve meaningful desegregation of teachers.

October 1971: The Illinois State Superintendent of Public Instruction files binding Rules "concerning racial balance in the schools." Basically, the Rules mandate that no school may deviate more than 15% in its racial composition from that of the school district as a whole. The Rules

represent a new approach to desegregation by State initiative: most desegregation legislation has occurred up to now at the Federal level. Chicago Board of Education submits plans whereby no school will have more than 75% nor less than 50% students of the same race. This plan is not implemented, but there is a great deal of unrest in the white schools over its provisions.

April 1972: DOJ rejects as insufficient the CBE's teachers desegregation plan. CBE resubmits the same plan. There is again a threat of a lawsuit.

August 1972: State Superintendent of Public Instruction finds Chicago schools (as well as those of 20 other school districts) out of compliance with the Rules for desegregation of pupils.

In 1973, OCR-HEW announces a new review of segregation in the Chicago Public Schools.

June 1973: The Governor of Illinois signs into law a bill that prohibits mandatory busing as a remedy for segregated schools. The State Superintendent of Public Instruction states that he cannot achieve desegregation in Chicago schools without busing.

January 1974: The State Superintendent tones down his goals and timetables for desegregation in Illinois schools, talking in general of "immediate steps for eliminating racial segregation."

July 1975: The U.S. Office of Education declares the Chicago

Board of Education ineligible for ESAA funds: the reasons given are the continuing segregative patterns of school faculty assignments and the deficient services provided to non-English speaking pupils. This rejection of eligibility for ESAA funds will be repeated every year for the same reason up to 1979. In that year, HEW rejects the application for ESAA funds on the basis of segregated pupil assignments as well as services to non-English speaking pupils and faculty assignments.

November 1975: OCR-HEW, as a result of its review, finds CBE out of compliance with Title VI, on the issues of faculty assignments and the services to non-English speaking pupils. It gives the CBE until February 1976 to submit a plan to remedy these deficiencies. A new Superintendent of Schools for Chicago is appointed.

January 1976: The School Board adopts a teacher desegregation plan that prevents any tenured teacher from being transferred involuntarily, limiting the scope of transfers to substitute and newly hired teachers. Union, the public, and groups such as NAACP take issue with the plan amid great controversy.

March 1976: The State Board of Education (created by the new 1970 State Constitution and superseding the previous elected Superintendent of Public Instruction) reviews the Rules for school pupil desegregation, adopts them anew, and notifies the CBE that it is out of compliance with the Rules. It gives CBE 30 days to submit a desegregation plan.

April 1976: CBE having failed to offer a satisfactory desegregation plan, the State Board of Education puts the CBE in "probationary recognition" status. This is supposed to be an initial stage for the eventual withdrawal of recognition and subsequent ineligibility for both Federal and state funds administered by the Illinois Office of Education.

November 1976: CBE appoints a specialist to develop a new desegregation plan to comply with the state Rules and findings of non-compliance by the Board. A newly created City-Wide Advisory Committee (CWAC) will be created to develop the plan. Elected members from the city sub-district educational councils, augmented by appointees will form the 40-member CWAC.

January 1977: CBE adopts a resolution to meet the state compliance requirements on desegregation.

February 1977: An administrative judge appointed to hear the non-compliance status of CBE with Federal guidelines finds CBE out of compliance with faculty desegregation and services for non-English speaking pupils. Negotiations with NEA start for a compliance plan.

May 1977: CWAC is formed, starts meetings to develop desegregation plan. Charges of non-cooperation by CBE are aired. Lack of support is alleged by CWAC members and the appointed expert consultant.

May 1977: A tentative agreement between HEW and CBE is reached for faculty desegregation and bilingual education for non-English speaking children. HEW Secretary will hail the plan as "exemplary to the nation."

June 1977: State Board of Education extends CBE's probationary period for a year.

June 1977: A new partial plan for exposure of children to various racial groups through means of television is proposed to the CBE.

September 1977: Schools open in Chicago with 600 children (later 1,000) involved in voluntary busing programs. There is strong protest by white parents.

January 1978: The CWAC submits its desegregation plan to the CBE: it relies heavily on voluntary transfers by means of various academic incentives, including special interest centers, magnet schools, etc. It includes also a mandatory transfer as a back-up provision in case the voluntary measures fail to integrate students.

March 1978: The Access to Excellence plan is developed by CBE, relying somewhat on ideas submitted by CWAC, but eliminating any mandatory back-up mechanism. The CBE approves the plan (across racial lines among its members) and submits it to the State Board.

May 1978: The State Board of Education accepts provisionally Access to Excellence (A-E), and gives the CBE until December 1978 to make it work. The State Board holds out for a mandatory plan as a back-up for the voluntary measures. The A-E program is the current center of controversy and action related to desegregating schools in Chicago. It will be examined in detail later in these notes.

December 1978: The State Board of Education receives an interim report on A-E, decides it has not accomplished desegregation, and creates a joint staff committee state board - CBE, to continue monitoring of A-E (see below, Access to Excellence).

January 1979: The Chicago Urban League presents an "Analysis and Commentary," declaring the A-E plan to be somewhat meaningful in improving educational opportunities and quality of education for some, but stating its uselessness as a means for true desegregation. The Urban League presents an alternative plan, praised by press and educators and concentrating integration along the middle school years.

April 1979: The U.S. Office of Education once more rejects CBE's application for ESAA funds. CBE is found in non-compliance because of faculty implementation of the 1977 agreement on faculty desegregation and services to non-English speaking children. The rejection also includes for the first time findings of non-compliance with pupil assignments to desegregated settings. An accompanying letter by the U.S. Secretary of HEW indicates that the findings by OCR of non-compliance with

with Title VI (the basis for rejection of eligibility for ESAA) constitute an apparent cause for further action, and announces the possibility of a referral of the case to DOJ for litigation.²⁴ The press reports widely the contents of this April 1979 letter. The School Superintendent of Chicago is repeatedly quoted as requesting from HEW clear directions on what would constitute appropriate desegregation in the Chicago Public Schools.

June 5, 1979: Mr. David Tatel, Director of the Office for Civil Rights, HEW, writes the Chicago Superintendent of Schools transmitting a set of guidelines for a desegregation plan.²⁵ One of the most important elements of these guidelines is the definition of desegregated schools. HEW-OCR provides two definitions:

1. A desegregated school is one that has a full-time student enrollment that is 25-50% white and 50-75% black; or
2. A desegregated school is one that has a full-time student enrollment that is 15-35% Latino, 15-35% white and 50-70% black.

This double definition is sharply at odds with the "10-90%" definition proposed by CBE and seemingly accepted by the joint Staff Committee of CBE and the Illinois State Board (see below). According to this definition a school is desegregated when not more than 90% of the pupils are of the same race. Several other provisions are also part of the HEW-OCR guidelines, including provisions that plans must not result in re-segregation through "tracking," and that bilingual education must be preserved. These guidelines constitute the most recent statement from the Federal government on what it considers desegregation for the Chicago

Public Schools. They are included in a document in which HEW-OCR states that it considers not more than 3% of the Chicago schools desegregated. The criteria within the guidelines are open, to be "subject to discussion with CBE," they are "intentionally general" and not "rigid," and HEW further assures CBE that Access to Excellence will be the basis for any new plans. The guidelines, finally, seek a plan to maximize "to the extent practicable" desegregation. The entire document thus conveys hesitation and lack of determination in the position of HEW as it prepares to enforce desegregation in the Chicago Public Schools. Under these conditions, what impact the guidelines will have on desegregation in Chicago, is open to question.

At the end of this chronology, and while controversy and negotiations are still underway, a few observations are in order:

The Chicago Public Schools system is still segregated along racial lines although the issue has been a focus of community concerns for almost twenty years.

At this stage, definitions of segregation vary as well: the Federal government suggests a ratio of 25% to 50% white and 50-75% black (except where a substantial Hispanic population is present); the State Office of Education has not officially changed its Rules

*Of necessity, there is a cut-off point - June 29, 1979 - in the chronology of events in the Chicago desegregation struggle as set forth in these notes. The issues have not been resolved and action continues to be threatened by CBE, the Board of Education, and HEW-OCR, as well as by DOJ.

which call for a 15% maximum deviation of each school from the overall district composition; and the Chicago Board of Education considers a school desegregated if the pupil population there is no more than 90% of the same race. (As will be indicated later, the positions of the State and the CBE seem to be getting closer to each other.)

The Chicago Public School officials often mention the impossibility of desegregating a school system with too few white pupils. They continue to attach responsibility for segregated schooling to residential patterns and housing preferences, occurring supposedly independent of government action.²⁶

The Office for Civil Rights, HEW, has however documented in an extensive appendix to the April 9, 1979 letter from the Secretary of HEW to the Chicago School Superintendent, a long history of actions and/or omissions by the Chicago Board of Education over the years that have contributed to or caused segregation in the Chicago Public Schools. The appendix details areas of responsibility in the location of new permanent and temporary facilities; the creation and alteration of school boundaries at elementary, secondary and vocational schools; the optional attendance zones at elementary, secondary and vocational schools; transportation of pupils including segregative busing; assignment of faculties and other professional staff, etc.

The Federal authorities charged with enforcing desegregation have been involved for 14 years: there have been at least two major reviews,

a referral to DOJ for litigation, and the current threat of a new referral for the same purpose; a formal hearing before an administrative law judge with findings of non-compliance with Title VI of the Civil Rights Act of 1964; repeated findings of ineligibility for funding under ESAA guidelines; etc. That these proceedings will culminate in a desegregation plan is not in the foreseeable future.

The State Board of Education has had desegregation rules since 1971, and has kept the CBE under probation since 1976 for non-compliance. Nonetheless, a resolution of the desegregation issue for Chicago schools does not seem to be at hand.

The current status of the desegregation efforts centers on the CBE plan, Access to Excellence, which will be examined next.

II. THE CURRENT "DESEGREGATION" PLAN: ACCESS TO EXCELLENCE

Access to Excellence is the current plan developed and adopted by CBE in response to the findings of non-compliance with the State Rules for desegregation, as enforced by the Illinois State Board of Education.

As indicated in the chronology, a plan was developed by a City-Wide Advisory Committee (CWAC), made up of 40 members, including some elected by the educational councils of the sub-districts in Chicago, and some appointed by CBE. The plan offered to CBE by the CWAC included a provision for a mandatory back-up in case voluntary measures failed to achieve integration.²⁷

The Superintendent of the Chicago schools received the CWAC plan and then created his own, Access to Excellence: Recommendations for Equalizing Educational Opportunities²⁸ (A-E). It was presented to CBE, approved, and sent to the State Office of Education. CWAC objected to the contents of the A-E plan, and to the procedure whereby it had been prepared separate from CWAC's own work, and rejected A-E.

A-E is a multi-faceted document, relying entirely on voluntary participation "a broad spectrum of alternative programs. Academic interest centers, career development centers, technical centers, basic skills programs, enriched studies, new preschool programs: these are some of the choices that will be available. New magnet schools will be established, based upon the success of the Disney, Black, and Whitney M. Young, Jr., schools. Students will be given the chance to select from many schools in the system. Altogether, the plan contains one of the most exciting collections of educational alternatives ever developed in this country. It is a plan for our very brightest as well as for the less academically talented; it addresses the needs of all of our children including those for whom English is a second language. Instead of the school system's programming the children, the children will be able to program the system. They will be able to find in our schools those educational programs that best meet their own individual needs, interests, and aspirations."²⁹

A-E explicitly rejects a mandatory desegregation program, particularly one which would require transportation of pupils for desegregation:

To those who say it does not go far enough by requiring children to move, we say, 'This plan offers expansions of programs already working; new, innovative programs; educational options related to career choices, bilingual education, and special education; committed resources; and concern for the individual child.' To mandate movement of students at this time, as some demand, would negate the right of parents to participate in the educational decisions made for their children, and would preclude a rational, objective evaluation of programs to determine which are successful, which should be expanded, which should be modified, and which should be eliminated."³⁰

The A-E Plan then is described as a "commitment" of the Board of Education of the City of Chicago to "increase quality educational opportunities for all students in desegregated settings."³¹ In other words, it hopes to increase desegregation by offering students a variety of educational programs attractive enough that students and parents will enroll in them for their benefit without regard for racial composition, thereby creating desegregated educational settings.

To this end, and over a period of five years, A-E offers three kinds of programs:³²

- I. District Programs which include Basic Skills centers, and District selected programs (District in this context means, as indicated, sub-district, geographical administrative division of the Chicago Public Schools District 299). They would affect 17,130 students in

the first year, and at the end of five years a projected 41,600 pupils.

II. Systems Programs which include Academic Interest centers; enriched studies programs and advanced placement; high school bilingual centers; career education programs (career development centers) and technical centers; magnet schools, both elementary and high schools and preschool programs. They would serve 38,060 pupils in the first year (78-79) and eventually 86,650 at the end of the fifth year.

III. Administrative Actions which include summer elementary and high schools, a special transfer program at the Gage-Morgan schools, permissive transfers at elementary and high schools; removal of mobile classrooms, the construction of new schools and a metropolitan exchange. Pupils affected by these programs would number 70,661 in the first year, and 86,641 on the fifth year.

A-E would cause the schools to incur added expenditures of \$46,302,200 in the first year and a total for the five years of \$368,628,600. The School Board expected that sizable portions of these added costs would be made up by funds from the State - the enforcing agency - and the Federal government (through ESAA and other Federal assistance programs).

To this date, legislation introduced in the State General Assembly to assist CBE financially for A-E costs has not passed. HEW has rejected application for ESAA funds, as already indicated.³³

A-E Programs encompass many formats: full and part-time activities; new and already-existing programs; some (the metropolitan exchange) independent from the CBE control. The metropolitan exchange is expected to enroll, if successful, only 500 students. The two underlying premises are voluntary participation, and variety of educational attractive settings.

A-E was immersed in controversy even before its formal adoption and submission to the state by the CBE: the press in general accepted the plan, as did many civic and social groups. For instance, Chicago United, a group of top chiefs of business and industry not only approved it, but also contributed \$150,000 for a public information effort to disseminate the characteristics of the plan among potential participating parents.

Other groups opposed the plan whole heartedly: the Chicago Urban League published a 68-page "Analysis and Commentary on A-E."³⁴

After stating in its introduction that "A-E can only by misnomer be termed a desegregation plan," it goes on to predict that "the total impact of the program will be to the detriment of vast members of poor and students...." Among the specific criticisms leveled by the Chicago Urban League and other critics of A-E, are:

- a) The lack of a mandatory back-up provision; no voluntary plan has worked before in the city;
- b) The programs may not be new, and only their grouping under a single document is;
- c) The majority of the programs are aimed at enrichment and for enhancing educational quality for non-minority students and bright students; it is in fact, elitist. A-E fails to address the low quality of education for minority and poor pupils; basic skills education is neglected; and
- d) Many of the programs are part time - summer programs are also included - so the total figures provided reflect a variety of educational experiences, from full-time enrollment to a single one-week career orientation. Numbers of children affected by A-E, even if all slots available were used, are therefore misleading if read as a factor of integration.

The State Board of Education received A-E, and on May 11, its Desegregation Committee presented a motion to extend probation of the CBE, directing it to implement A-E, and report to the State Board in December 1978. The motion was approved. At that time, the Desegregation Committee of the State Board also described a series of "deficiencies" found in the plan, and directed the CBE to prepare mandatory back-up provisions for desegregation:

Those /school/ authorities proposing such optional plans /voluntary desegregation/ must submit, at the same time, a plan not based on parent or pupil choices which the State Superintendent may require to be substituted in the event that the voluntary plan does not result in conformance."³⁵

The Illinois State Board of Education had also appointed a Technical Assistance Committee to prepare a "comprehensive analysis of the desegregation proposals submitted by CBE to the Illinois State Board of Education." The committee's 92-page report was submitted in May 1978.³⁶ Some highlights:

The process of spreading segregation in Chicago... is inextricably linked with actions of government agencies as well as the force of private prejudice. In good measure, the residential segregation of Chicago is de jure.³⁷

There is far stronger evidence of unconstitutional /school/ segregation in Chicago than in a number of the cities that have come under federal court /desegregation/ orders.³⁸

There are...almost two-thirds as many white students in the Catholic schools as in the Chicago Public Schools.³⁹

In 1976 the typical city black student was in a school with 3% whites. His white suburban counterpart was in a school with 3.5% blacks.⁴⁰

Chicago...has more highly segregated public schools than any other major city.⁴¹

Against this background, the report analyzes Chicago's A-E:

Most of the proposals included in the A-E program contain no explicit desegregation goals and spell out no machinery for actually producing desegregation.⁴²

A substantial majority of the children listed as program participants will be in part-time programs with no assurance of desegregation.⁴³

Chicago officials claim that (a) voluntary programs can desegregate the city. A review of the very extensive experience with voluntary approaches in cities across the county, as well as earlier voluntary plans in Chicago, suggests that a purely voluntary approach will not desegregate more than a small fraction of the minority children.⁴⁴

Cases show that a properly administered program with a provision for mandatory student reassignment can have a far larger impact than a purely voluntary approach.⁴⁵

Planning of desegregation must take into account the multi-racial nature of the student population and the need to guarantee special instructional programs for the large number of students with little or no mastery of the English language...A-E recognizes the need to address the issue but it presents no concrete plan....⁴⁶

The A-E plan has little to say about faculty and staff segregation.⁴⁷

The Chicago School Board Plan does not discuss in any detail the issue of evaluation of the plan.⁴⁸

The impact of the Chicago plan on desegregation in the city cannot be precisely assessed.⁴⁹

The plan contains a large variety of programs which whatever their other merits are wholly unrelated to desegregation.⁵⁰

The cost of this program...is staggering.⁵¹

This committee is convinced that over the long run the most effective plan for school desegregation must be metropolitan in character.⁵²

The State Board of education should...review its own desegregation rules.⁵³

In the long run there will be little desegregation unless there is an area-wide plan with mandated reassignments.⁵⁴

The critique of A-E by the state Technical Assistance Committee has been detailed here at length because it provides the basis for the State Board of Education's actions with respect to A-E. It also, with the Chicago Urban League Analysis constitutes the major

study and criticism of the plan. Although the press (both written and electronic) and other civic voices accepted and backed the plan, most of their comments were judgmental, more than analytical, or simply explanatory of the provisions of the A-E. For instance, the Chicago Sun-Times⁵⁵ published a special supplement explaining the plan and the options open to parents willing to participate in it.

During the initial stages of planning for A-E, through the deliberations and decisions of CWAC, and in the negotiations between CBE and the State Board of Education, the Illinois Advisory Committee to the Commission actively monitored the process. These activities are reviewed in the next section.

Access to Excellence has operated now for a full school year. An interim report was published by the Chicago Board of Education in December 1978, as required by the State Board in extending the CBE's probation at the time of the conditional acceptance of the plan.⁵⁶

The Status Report, December 1978, offers enthusiastic praise for A-E and its implementation. It re-states the CBE's commitment to the plan "to further desegregation by creating exceptional, attractive educational alternatives for students;"⁵⁷ it recounts the support given the plan by newspapers, business and industry, and many other groups including the Chicago region PTA.⁵⁸

The data offered subsequently in the December 1978 report are difficult to evaluate with reference to the original Access to Excellence document. Some programs which were part of the initial A-E plan have been omitted, others not mentioned in the original plan appear in the December 1978 report.

Nevertheless, and within these methodological limitations, analysis of data does raise concerns about the effectiveness of the A-E plan. As of December 1978, only 18,143 students had been chosen to participate in A-E programs (participation in similar programs for the year 1977-78, prior to A-E was 18,830). The total participants foreseen for 1978-79 was 63,751, and as of December 1978, CBE projected an increase of 26,487 which would mean a total for the 1978-79 school year of 44,630, almost one-third below the original estimate.

There are no substantial data in the December 1978 report on the breakdown of participants by racial or ethnic origin. Thus the report provides no clues as to the impact of A-E on desegregation. The discussion in the report, and in the press as it commented on it, centers on number of participants in A-E programs. Mere participation, however, does not imply desegregative results. Achievement of desegregated school settings, not participation figures, must be the criterion for evaluating the A-E. On that score, the December 1978 report is irrelevant to the issue.

This difficulty in evaluating the A-E plan, led the Illinois Board of Education, in receiving the December 1978 CBE report, to establish a Joint Staff Committee on Access to Excellence, with personnel from the State Office of Education and the Chicago Board of Education.

In March 1979, this Joint Staff Committee submitted to both Boards a new progress report.⁵⁹ The progress report is also enthusiastic in its praise of A-E: "34 schools have been desegregated as a result of full-time programs...179 schools (30.5%) have been positively affected by A-E in terms of desegregation...."⁶⁰

An analysis of the data in this Joint Progress Report raises serious doubts about the optimistic claims in the text. Perhaps the most serious problem is that, in analyzing desegregation, the report accepts the CBE definition of "desegregated school": one with "at least 10 percent and not more than 90% minority or non-minority."⁶¹ This definition had never been explicitly accepted by the State Board whose Rules for desegregation call for a more stringent set of guidelines: no more than 15% deviation in a school from the percentages in the total district (in Chicago 78/22 in 1978).

The consequence of this substantial difference of interpretation is obvious: the number of segregated schools varies according to the standard used. HEW-OCR uses yet a different desegregation standard (see above, p. 19).

The March 1979 Progress Report notes that a full measure of A-E's impact can only be ascertained at the end of the school year. Such year-end report has not yet been published. The interim data offered are marshalled to show the success of the program both in terms of participation, and in terms of desegregation.

On further examination, other considerations appear also warranted. Data in the Progress Report can be interpreted as confirming the fears that critics of the A-E plan (including the Illinois SAC - see next section) expressed at the time of the adoption of the program: that A-E would increase educational opportunities for non-minority students, but would produce minimum positive effects on minorities. Moreover, some of the programs, because of their "elitist" goals, could prove deleterious to the educational opportunities of minority students.

The data in the March 1979 report indicate that as far as full-time programs are concerned, the "choice programs," labeled "elitist" by critics of A-E, enrolled more non-minority students than the system-wide proportions. Thus, Academic Interest Centers enrolled 32.3% non-minorities; advance placement classes, 53.0% non-minorities; classical schools, 42.3% non-minorities; and language centers, 41.0% non-minorities.⁶² On the other hand, minorities participated in full-time programs more often than non-minorities when the programs were related to basic skills (83.2% minorities) or in Permissive Enrollment programs (98.0% minorities).⁶³ In the case of basic skills, this means that the student participated in programs outside of his/her own school building, but within the sub-district, with no effect on desegregation. Permissive transfers require transportation of the student. The fact that virtually all students who participated in permissive transfers are minority, means that whatever desegregation occurred, minorities carried the burden for its accomplishment.

One other aspect of the implementation is worth noting: community participation, extensive during the CWAC deliberations, was almost non-existent during the monitoring period. The CBE reconstituted the CWAC as an on-going advisory group, but by February 1979, CWAC had held only one meeting.⁶⁴ No other community participation activities are mentioned in the Progress Report.

Access to Excellence is the largest complex of programs ever put together by the Chicago Board of Education as response to pressures to desegregate its schools. It is the result of the demands placed on the CBE by the State Board of Education.

As the Office for Civil Rights, HEW, engages in negotiations with CBE, after finding the District ineligible for ESAA funds, Access to Excellence is considered by both parties as a basis for a desegregation plan that will meet the Federal guidelines.

The potential of A-E to produce desegregation in the Chicago schools is under controversy. None of its critics has been as harsh as Mayor Jane Byrne of Chicago, who was asked on Public Television her opinion of A-E and replied: "It is a piece of puffery."⁶⁵ She has subsequently altered her position.

The interim results of the A-E are mixed in its impact on desegregation. It is uncertain at this time what actions the State Board of Education, HEW and the Department of Justice may take in the future, as negotiations continue.

In the meantime, Progress Report I identified 586 units in the Chicago Public Schools that it termed "desegregable," including all educational facilities in the system that have no unique admission requirements or are otherwise unable to desegregate. Of those, according to the Joint Staff Committee, only 224 (39.23%) are desegregated, even by the "10-90%" standard adopted by CBE.

III. THE ILLINOIS SAC AND DESEGREGATION OF THE CHICAGO PUBLIC SCHOOLS

The U.S. Commission on Civil Rights has monitored the segregated conditions of the Chicago Public Schools over the years. In 1962, the Commission report, "Civil Rights, U.S.A.," included a chapter by Prof. John E. Coons on the Chicago schools.⁶⁶ The most recent publication on desegregation by the Commission⁶⁷ includes Chicago among the 47 school districts reviewed.

Beginning in 1975, the Illinois Advisory Committee to the Commission engaged in an intense monitoring of the desegregation efforts for the Chicago schools. By 1977, the Illinois SAC decided to formalize into a structured project its monitoring and advising activities in this area.

The moment was crucial to the desegregation effort, as the state, federal government and CBE were engaged in the most serious negotiations to that date to bring about desegregation. The proposal, adopted in July 1977, expressed the purpose of the project "to facilitate the desegregation in Chicago's school system....One goal...is to provide information to motivate public awareness...."⁶⁸

Highlights of the SAC activities implementing this monitoring project follows:

January 1975: SAC meets with OCR regional officials to discuss the then up-coming review of Chicago Public Schools. A follow-up meeting is held with OCR national and regional staff, as well as staff of the contractor assisting OCR in the data collection.⁶⁹

September 1975: SAC meets with the State Superintendent of Education and his staff, to discuss the current status of the state desegregation rules and the action the state may take in reviewing the CBE compliance with them.⁷⁰

January 1976: SAC addresses the State Board of Education with a formal statement. After pointing out the legislative and regulatory history of desegregation mandates in Illinois, the SAC urges the State Board to act in requiring compliance by the 21 districts (including Chicago School District #299) that had been found out of compliance three years before.⁷¹

September 1977: The Regional Director, MWRO, writes to the Mayor of Chicago urging him to accept the "constitutional and moral imperative" of desegregation in the Chicago Public Schools, as well as those in the rest of the nation.⁷² The letter follows a report to the SAC by its desegregation subcommittee which had found that "less than one-fifth of the number of students eligible to participate in the permissive transfer program have indicated their intention to do so. We believe that this is due to the lack of leadership on the part of the

School Board and administration which has raised the fear of violence
⁷³ The press report and comment on the report and the letter.⁷⁴
 The Mayor does not respond to it.

Throughout the school year 1977-1978, the SAC, its subcommittee on desegregation, and Commission staff assigned to the SAC monitor most of the activities of the CWAC.

October 31, 1977: The SAC receives, and formally reviews, the planning paper prepared by the CBE consultant in charge of developing a desegregation plan with the CWAC.⁷⁵ The formal review finds fault with the commitment to desegregation evidenced in the paper, including lack of analysis of the Chicago school desegregation status and of the experience with desegregation by other districts in the country.⁷⁶ The premise of a totally voluntary plan is found to be violative of the state desegregation Rules. One of the most serious deficiencies is highlighted in the letter of transmittal: the fact that the paper envisions an implementation span of 10 years.⁷⁷ The SAC asks the consultant and CBE: "How long?"

November 1977: SAC calls for a meeting by the various city, state and Federal officials involved to discuss the status of the desegregation plan. At the same meeting the SAC's desegregation subcommittee offers a progress report: The results of its observations of CWAC activities makes the subcommittee pessimistic in hoping for any meaningful plan coming

out of the CWAC. It encourages more active intervention by OCR, and recommends to the Commission continuing monitoring of the Chicago segregated school situation by the then-forming Regional Advisory Committee to the Commission.⁷⁸

December 1, 1977: SAC writes to the Regional Director, HEW-OCR, urging him to participate more actively in the Chicago school situation, including the review of student placement practices of CBE.⁷⁹ A similar letter is sent to OCR headquarters by the Illinois State Superintendent of Education.⁸⁰ The response promises cooperation "in every way possible."⁸¹

April 1978: The A-E, prepared by the Chicago schools staff, is presented to the CBE for approval...and submission to the State Board of Education. SAC prepares and presents to CBE a formal statement, "Access to What?"⁸² It is widely distributed and reported in the press.

"Access to What?" states: "A-E contains several recommendations aimed at improving the quality of education in the Chicago Public Schools, but it fails to adequately address the primary concern of the State Board, that being desegregation."⁸³ This is one of the prevalent concerns of the Illinois SAC, the fact that A-E is a group of educational programs not directly related to desegregation. The Illinois SAC shared this concern with other civil rights groups, such as the Chicago Urban League:

"A-E can only by misnomer be termed a desegregation plan;⁸⁴ and the regional office of the Office for Civil Rights, MEM: "A-E is basically an educational proposal, lacking any substantial plan for desegregation."⁸⁵

"Access to What?" points out three major deficiencies of the A-E plan:

- a) provisions that will virtually insure failure of the voluntary plan (including the arbitrary adoption of desegregation definitions at variance with state guidelines);
- b) the lack of mandatory back-up provisions; and,
- c) the fact that the proposed educational changes may increase rather than decrease segregation through "the creation of a racially defined tracking system for the Chicago Public Schools."⁸⁶

The third deficiency pointed out by the SAC is of particular importance, and the Illinois SAC is the first to point it out as a criticism of the A-E plan. A-E not only may not accomplish desegregation, but it may prove harmful in itself to the minority students in the Chicago school system:

Under Dr. Hannon's proposals, students will attend one of three basic types of educational programs; academic, technical, and basic skills. Inequality, though not necessarily by race, is therefore built into the system. The likelihood that such inequality will develop along racial lines, however, is evident given the manner in which students will be placed in the various programs. For example, students can enter the Whitney Young Magnet School (one of the academic preparatory programs) either by passing a standardized achievement or proficiency test

(which are generally racially and culturally biased), or by successfully completing grades K-6 in one of the classical schools to be established. How does one gain entry into a classical school? The basic criterion is that one be a student with high academic potential. But who is to decide and how will a decision be made that a five year old boy or girl has high academic potential? This is not made clear in the plan, and it is doubtful a satisfactory evaluation mechanism could be developed. Current sociological literature on educational inequality is replete with examples of teachers and administrators making subjective evaluations of student academic potential based on racially and culturally biased criteria. Dr. Hannon's proposal invites this type of abuse.

Participation in the basic skills program, at the other end of the educational continuum, will be based on need. Again, who will make the determination of need and how will that decision be made? The potential for racial and cultural bias is, once again, apparent.

The potential for abuse would not be as grave a concern if careful safeguards were included to assure that parents and students would have a major voice in choosing among available options, and in changing decisions made by school officials when appropriate. Despite the many references to the voluntary nature of this program and the desire for student and parent involvement, nothing in the plan specifies what guarantees the participants will have in the decision-making process.⁸⁷

June 1978: SAC holds an informal all-day fact-finding meeting. Representatives from the CBE, the State Office of Education, OCR-HEW, and citizens groups testify on the issue of the desegregation of Chicago schools, the Access to Excellence program and its impact on desegregation, and current activities by government agencies and citizens groups related to segregation of Chicago schools. A transcript of the proceedings is available at the MWRO office.

December 1978: SAC submits a formal presentation to the State Board of Education. Having granted the CBE until this date for implementation of the A-E plan and for further strengthening of desegregation, the State Board is, in December 1978, considering new action on desegregation in Chicago. The main thrust of the SAC statement is to remind the State Board that A-E never was satisfactory under the Rules for desegregation, and that even the implementation of this program would bring the CBE no closer to compliance with them.⁸⁸

February 1979: SAC makes a formal presentation before the Illinois School Problems Commission, a commission made up jointly by State Senators and Representatives, and appointees by the Governor. The SAC statement urges the commission to recommend to the Illinois General Assembly the adoption of legislation that would: make the state financially responsible for transportation expenses for desegregation; repeal the state legislation mirroring the Esch and Eagleton-Biden Amendments; and, give the State Board of Education more ample authority to modify or consolidate school districts to make metropolitan remedies to segregation possible.⁸⁹

This chronology documents the nature and extent of the Illinois SAC involvement in the desegregation efforts of the Chicago Public Schools. The time span covered by this SAC project represented a unique juncture in all of the almost 20 years of desegregation

struggles in Chicago: a) It was the first time that a civil rights enforcement agency - the State Board of Education - had made clear and forceful requirements of the CBE; and, b) The nature of the process of developing a desegregation plan, with heavy involvement of community leaders, lent itself to the type of intensive monitoring that a citizens groups such as the Illinois SAC can do best.

In carrying out this project, the Illinois SAC provided information and advice to State and Federal authorities, and offered to everybody a forum for exchange of information on the desegregation of the Chicago schools, the legal and judicial mandates, as well as the options open for action. It also was able to offer insights into the plan as it evolved, and criticisms of the programs as adopted. Some of these criticisms seem to be confirmed by interim data as A-E is implemented.

The A-E plan has now been accepted - albeit reluctantly and with reservations by the State, and has been put into effect. The remaining negotiations, as well as the as-yet undefined role of the Federal government will require the SAC to continue its task of monitoring and overseeing desegregation developments in Chicago.

But, this SAC task, as a specific project, comes now to a close. At this time, the Illinois SAC, as it reports to the Commission the status of the desegregation issue in Chicago, and the narrative of the SAC efforts, sees an important role that the Commission needs to maintain in this area, and it will be explored in the concluding recommendations that follow.

IV. CONCLUSIONS AND RECOMMENDATIONS

The Illinois Advisory Committee to the U.S. Commission on Civil Rights has monitored the Chicago Public Schools intensively for three years. It has gathered and disseminated information to agencies and the public, and it has offered advice to educational and civil rights enforcement authorities during this time.

From this process, the SAC offers the following observations as a summary:

1. The Chicago Public Schools continue to be the most segregated of any major city in the country, with HEW estimating that only 3% of them can be considered fully desegregated.

2. Segregation in the schools follows residential segregation in Chicago. Housing segregation has been influenced by official and governmental actions for many years.

3. In addition to the role of segregated housing in creating and perpetuating segregated schools, the Board of Education of the city of Chicago has taken a number of actions and has omitted others that have lead to maintaining and/or fostering segregation in the city schools.

4. The CBE has, over the last 20 years, taken limited and ineffective action towards desegregation in response to prodding by government agencies and private groups.

5. CBE has failed to comply with decisions from the State Office of Education for desegregating the schools in accordance with State Rules and Regulations.

6. This long history of resistance and inaction has carried educational segregation to a point where increasingly fewer non-minority students are attending Chicago Public Schools (19% is projected for school year 1980-81). This shift in population is invoked by the school system and some leaders, including the press, to withhold any substantial efforts to desegregate.

7. The latest educational plan, Access to Excellence, purports to seek desegregation through the improvement of educational programs attractive enough to encourage students and parents to seek integrated settings. Its effectiveness for desegregation is insubstantial; its total reliance on voluntary decisions and explicit rejection of mandatory back-up provisions, against the background of failed voluntary measures in the past, forecast its failure to desegregate the Chicago Public Schools.

8. A-E may also prove harmful to minority children in the Chicago schools, as its proposed groupings at various performance levels are bound to re-segregate pupils along economic lines, as well as along racial and ethnic ones, through a tracking system.

9. Political and civic leaders in Chicago have rejected the possibility and need for meaningful desegregation of the Chicago schools. Lacking decisive leadership for desegregation, grass-roots community groups are divided on the issue across racial and ethnic lines.

10. The Chicago Public Schools continue to receive substantial Federal assistance, amounting in 1977-78 to approximately \$155 million. Their activities therefore are subject to provisions of the Civil Rights Act of 1964, Title VI. The CBE also receives substantial amounts of money from the State of Illinois (approximately \$513 million in FY'79 alone).⁹⁰

11. The Federal government, through the Departments of HEW and Justice, has been involved with segregation in the Chicago Public Schools for fourteen years. There have been findings of non-compliance with Title VI, formal hearings before an administrative law judge, threats of litigation, and repeated exhortations. The only actual action taken by HEW has been the repeated denials of ESAA funds to the Chicago Public Schools. HEW and DOJ have failed to adequately enforce desegregation in the Chicago Public Schools as they are required by law to do.

12. Whatever minor movement towards desegregation has occurred in the Chicago Public Schools, including the current A-E plan, has been the result of state impetus, dating from the time that the State of Illinois first filed its Rules for desegregation in 1971. Because of insufficient enforcement efforts by the State and resistance from CBE, the effect of the Illinois State Board of Education in achieving desegregation since it first found Chicago Public Schools out of compliance with the State Rules for desegregation in 1972 has been minimal.

In submitting this report to the Commissioners, the Illinois SAC offers them the following recommendations:

1. The Commissioners should urge the Secretary of HEW and DOJ to intensify their law enforcement responsibilities to desegregate the Chicago Public Schools. In particular, the Commission should recommend to both Departments that they coordinate their actions in pressing CBE to comply with desegregation mandates. Administrative, and, if necessary, court action, as well as assistance to the CBE can thus be unified for a more consistent, flexible, and speedy termination of segregation in the Chicago Public Schools.

2. The Commissioners should recommend to the Secretary of HEW and DOJ to extend their efforts to intensify and unify desegregation demands to include close cooperation with the Illinois State Board of Education. A joint strategy, with a unified set of guidelines to the CBE, delineating each enforcement agency's component of the effort, and free exchange of data, technical assistance and staff allocations between state and Federal authorities, can be major components of this cooperation.

3. The Commissioners should make a public statement of their concern for the status of desegregation in Chicago Public Schools.

4. Finally, the Commission should continue to monitor equality of education that goes beyond a numerical mix. The quality of education received by pupils in the nation cannot depend on race or ethnic background. In this context, the Commission should address the following issues among others: "tracking" of pupils along achievement or ability lines, that in fact turn out to be racial and ethnic lines; the rising

trend towards competency testing, and the differential impact it has on minorities; the admission and participation in extracurricular activities and their relationship to desegregation; the training of teachers and other school staff in the differential characteristics and needs of pupils across racial, ethnic and economic groupings and the impact of these cultural characteristics on the learning process.

FOOTNOTES

1. Annetette Sorensen, Karl E. Tauber, and Leslie J. Hollinsworth, Jr., "Index of Racial Residential Segregation for 109 Cities in the United States, 1940-1970," Sociological Focus, April 1975, Table I, pp. 128-130.
2. Integration in Chicago, A Report to the Illinois State Board of Education by the Technical Assistance Committee of the Chicago Desegregation Plan, May 11, 1978, p. 3.
3. Demographic data and Projections from R. Hinze, D.J. Bogue, and P. deVise, Population Projections: Chicago City and Suburban Ring, 1970-2000, Community and Family Study Center, University of Chicago, 1978.
4. Ibid.
5. See, e.g., Gates v. Collier, 501 F. 2d 1291, 1320 (5th Cir. 1974).
6. For a summary of court desegregation cases, see Robert McKay, "Court, Congress and School Desegregation" in School Desegregation: The Courts and Suburban Migration, U.S. Commission on Civil Rights, 1976.
7. Allan H. Spear, Black Chicago: The Making of a Negro Ghetto, 1880-1920, (Chicago, University of Chicago Press, 1967), p. 6.
8. George W. Pickering, "Desegregation: Chicago Background," Desegregation and Chicago Public Schools, Issues and Options, American Issues Forum, Chicago, 1976, pp. 15-22.
9. Alexander Polikoff, "Gautreaux and American Apartheid," a paper to the Michigan Advisory Committee's Consultation on Housing, Detroit, Michigan, 1979 (to be published).
10. Shelley v. Kramer, 334 U.S. 1 (1948).
11. Karl E. Tauber, "Desegregation: Chicago Background," Desegregation and Chicago Public Schools, Issues and Options, American Issues Forum, Chicago, 1976, pp. 23-36.
12. Pickering, "Desegregation," p. 26.
13. See, e.g., Paul E. Peterson, School Politics Chicago Style, (University of Chicago Press, Chicago, 1976).

14. This chronology has been gleaned from the following sources: Chronicle of Race and Schools in Chicago, November 1962 to May 1977, compiled from IntegratEducation Magazine for the Chicago Media Conference on School Desegregation, sponsored by the Chicago Urban League, and the Citizens Coalition on School Desegregation, in cooperation with the Center for Equal Education, Northwestern University (mimeographed); Focus on Desegregation, a publication of The Citizens Schools Committee, April 1978; "Report on the Progress of School Desegregation in the Chicago Public Schools, No. 1," The Citizens Schools Committee, August 30, 1977 (mimeographed); and, Memorandum from Mary Frances O'Shea, Deputy, New Programs, to Alanson J. Sumner, Chief, New Programs Branch, HEW-OCR, Region V, Chicago, dated April 13, 1978 (copy in MWRO files).

15. *Webb v. Board of Education of the City of Chicago*, 223 F. Supp. 466 (N.D. Ill. 1963).

16. See Memorandum from Alyce J. Boyd, EOS, to Alanson J. Sumner, Chief, New Programs, HEW-OCR, Region V, Chicago, April 12, 1978, "Policy Development of the Permissive Transfer and Mobile Unit Classroom Programs within the Chicago Public School District: 1961-1977," (copy in MWRO files). Also Memorandum between the same, March 9, 1978 (also in MWRO files).

17. Armstrong Law, Ill. Rev. Stat. c122 §10.21.3.

18. Report to the Board of Education, City of Chicago, by the Advisory Panel on Integration of the Public Schools, March 31, 1964.

19. Within the Chicago Public Schools System there are 27 School Districts, created as administrative units by the Chicago School Board. To avoid confusion with standard definitions (whereby the official designation of Chicago Schools is District 299), these units are referred to in these notes as "sub-districts."

20. Robert J. Havighurst, The Public Schools of Chicago, (Board of Education, City of Chicago), 1964.

21. Center for National Policy Review, Justice Delayed and Denied, HEW and Northern School Desegregation, (Washington, 1974), p. 9.

22. Board of Education, City of Chicago, August 23, 1967.

23. Chicago Tribune, Chicago Today, Chicago Sun-Times, and Chicago Daily News. The Chicago Defender favors the decision.

24. Letter from Joseph D. Califano, Jr., Secretary of HEW, to Dr. Joseph P. Hannon, General Superintendent of Schools, Chicago Board of Education, April 9, 1979 (copy in MWRO files).

25. Letter from David Tatel, Director, HEW-OCR, to Superintendent Hannon, June 5, 1979 (copy in MWRO files).

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28. Access to Excellence. Recommendations for Equalizing Educational Opportunities, Board of Education, City of Chicago, April 12, 1978, hereinafter referred to as Access to Excellence.

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69. See Minutes, Illinois SAC, Education Subcommittee, Jan. 21, 1975 (in MWRO files).

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71. Statement by the Illinois SAC to the State Board of Education, Jan. 8, 1976 (on file at MWRO).

72. Letter from Clark G. Roberts, Regional Director, U.S. Commission on Civil Rights, MWRO, to the Hon. Michael A. Bilandic, Mayor of Chicago, Sept. 2, 1977 (copy on file at MWRO).

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74. "U.S. Official Rips Mayor on Busing," Chicago Tribune, Sept. 13, 1977, sect. 1, p. 3.

75. "(Planning Discussion Paper) Overview of a Process for Enhancing Quality Educational Programs to Reduce and Eliminate Racial Isolation for the Chicago Public Schools," prepared by Edward A. Welling, Jr. and staff, Chicago Public Schools, Oct. 26, 1977.

76. "Analysis of Dr. Edward A. Wellings, Jr.'s October Paper on School Desegregation, Chicago," prepared for the Illinois Advisory Committee to the U.S. Commission on Civil Rights by the Midwestern Regional Office Staff, U.S. Commission on Civil Rights, Oct. 31, 1977.

77. Letter from Clark G. Roberts, Regional Director, U.S. Commission on Civil Rights, MWRO, to Edward A. Welling, Jr., October 31, 1977 (copy in MWRO files).

78. Report to the Illinois SAC from Hank Rubin, Chairperson of the Chicago School Desegregation Committee, Nov. 14, 1977 (on file at MWRO).

79. Letter from Valeska S. Hinton, for the Illinois Advisory Committee, to Mr. Kenneth Mines, Regional Director, OCR-HEW, Dec. 1, 1977 (copy in MWRO files).

80. Letter from Joseph M. Cronin, State Superintendent of Education, Illinois, to David Tatel, Director, OCR-HEW, Dec. 27, 1977 (copy in MWRO files).

81. Letter from Kenneth A. Mines, Regional Director, OCR-HEW, Region V, Chicago, to Valeska S. Hinton, MWRO, Jan. 11, 1978.

82. "Access to What?" A statement on Dr. Joseph P. Hannon's desegregation proposal for the Chicago Public Schools by the Illinois Advisory Committee to the U.S. Commission on Civil Rights, April 12, 1978. Hereinafter cited as "Access to What?"

83. "Access to What?", p. 1.

84. Urban League Analysis, p. 1.

85. Letter from Dr. Mary Frances O'Shea, Deputy, New Programs, OCR-HEW, Region V, to Theresa F. Cummings, Chairperson, Illinois Advisory Committee, June 13, 1978.

86. "Access to What?", pp. 4-5.

87. "Access to Excellence: A Review by the Illinois Advisory Committee to the U.S. Commission on Civil Rights," a presentation to the Illinois State Board of Education, April 26, 1978.

88. "Justice Delayed: The Response of the Chicago School Superintendent to the State Board of Education's December 1, 1978 Deadline," statement of the Illinois Advisory Committee to the U.S. Commission on Civil Rights, to the State Board of Education on December 14, 1978.

89. "Testimony Before the Illinois School Problems Commission," Theresa F. Cummings, Chairperson, Illinois Advisory Committee, U.S. Commission on Civil Rights, February 16, 1979.

90. Phone conversation with Robert Pyle, Illinois Office of Education, with MWRO on September 1979.

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MIDWESTERN REGIONAL OFFICE

230 South Dearborn Street, 32nd Floor

Chicago, Illinois 60604

Telephone (312) 353-7371

DATE: October 12, 1979

REPLY TO: Theresa F. Cummings, Chairperson
ATTN OF: Illinois Advisory Committee

SUBJECT: Chicago Public School Desegregation

TO: Commissioners

In the attached, "Briefing Memo on Chicago School Desegregation," the chronology documents the Chicago schools desegregation developments as of June 29, 1979. However, in the interim period, there have been substantial actions that need to be mentioned to provide an updated picture of the issue at this time. Among them:

On September 1979, the Standard and Poor bond rating system reduced the ranking of Chicago municipal bonds from AA to A+. While the Moody rating system has not changed its AA rating, municipal officials have expressed their belief that a downgrading may be forthcoming.

The tentative figures for enrollment of pupils in the Chicago Public Schools in the 1979-1980 year confirm the projections made in the summer of 1979: a total of 475,115 students were enrolled as of September 28, 1979, down from 493,048 in September 1978. No racial or ethnic breakdown is available yet, but initial indications are that the decreases are more pronounced in the south side (mostly black) schools of the city (Sun-Times, Thursday, October 4, 1979, p. 58). In terms of desegregation enforcement actions, the Office for Civil Rights, U.S. Department of Health, Education and Welfare (OCR) had given the Chicago Board of Education (CBE) until September 15, 1979 to produce an acceptable desegregation plan, to request a waiver of ineligibility for ESAA funds, and to forestall a referral from HEW to the Department of Justice for litigation.

During the summer, there were several contacts between CBE and OCR, as well as widely reported requests from CBE for OCR to clarify what an acceptable desegregation plan might be.

During this time, newspapers editorialized often on the subject. Perhaps the most comprehensive editorial expression in the city was the series of seven long editorials published by the Chicago Tribune (August 19 to 26, 1979). Describing the CBE as "in a bind" the paper insists on the urgency of a solution. The Tribune's position is clear as it states:

...gradually, the original purposes of the 1954 Brown decision became inverted. Instead of helping the country become color blind, the courts began to make racial identity the overriding consideration in placing individuals in public schools. This disturbed many opponents of discrimination, including James S. Coleman.... (August 21, 1979)

In subsequent statements, the paper expresses "two very real concerns": "school integration will most certainly increase racial tension and speed the loss of whites in the public schools and in the city," and "racial integration in itself will not result in improvement in the academic achievement of minority children...."

Consequently, it states: "There are powerful, deeply felt reasons for opposing compulsory integration that go far beyond simple racism. Good neighborhood schools have a strong attraction for a racial and ethnic groups...." As a solution, the Tribune advocates new and existing programs "based on new neurological research about how the brain learns" and consisting basically of better pre-school learning processes, "unlike compulsory integration, early learning programs are not politically controversial." After backing the CBE's own Access to Excellence desegregation plan, the Tribune again reminds the city that litigation is undesirable: "Based on the experience of other cities, Chicago would almost certainly lose such a suit on desegregation, being found guilty of discriminatory acts by the Board of Education...."

Among the elements that should go into a "settlement" between CBE and OCR, the Tribune includes: "The percentage of whites should not be lowered to historic tipping points, so that resegregation occurs; this will be difficult in Chicago, with only 19 percent white enrollment this fall." Elsewhere, the paper had identified as "tipping point" 50 percent non-minority or less.

In response to the CBE requests, OCR, on August 30, 1979, submitted a document called "Criteria for an Acceptable Chicago Desegregation Plan," accompanied by a "Chicago School Desegregation: Feasibility Study." The criteria included a definition of desegregation - the same as expressed in the April 1979 memorandum - safeguard of existing desegregated sites as well as bilingual programs, elimination of overcrowding in such a way as to foster desegregation, and enrichment programs to

overcome effects of past discrimination among others. The feasibility study established a set of seven Pupil Attendance Zones. Except for Zone 7 (where virtually all the pupils are minorities and desegregation would be impossible), the Pupil Attendance Zones are the basis for creating pairings and clusters of schools. The pupils within these pairs or clusters would attend a specific school according to age or grade, to achieve maximum desegregation. A total of 114,000 pupils would be required to transfer within clusters or pairs, with bus rides 30-40 minutes long. Forty percent of the schools would remain segregated and would be entitled to Milliken II relief.

The reaction to the OCR plan was strongly negative in some of the Chicago press: "Disappointing and amateurish. Indeed, good for nothing except to discredit the source....This study is doomed to remain what it is - a pedantic and theoretical exercise....OCR shows little or no interest in the impact of desegregation measures on education. Its approach is preoccupied with the racial mix, indifferent to teaching and learning," was the editorial comment of the Chicago Tribune, September 2, 1979. And on the same day, the Sun-Times, titling its editorial "School Plan - or Prod?" states: "That massive busing plan concocted by federal officials for Chicago school children must be an attempt to jar local leaders into action....We can't believe there was any other purpose behind the proposal to transport 114,000 children...solely to ensure that no school in Chicago is more than 50 per cent white...." Columnists repeat this view (see Mike Royko, Chicago Sun-Times, September 9, 1979). Hispanic leaders on Saturday, September 1, 1979, held a press conference (Sun-Times and Chicago Tribune, September 2, 1979), complaining that the HEW plan ignored their needs, and was put together in consultation with the Chicago Urban League and Operation PUSH, but without checking with Hispanic representatives.

On the other hand, the Chicago Defender, on September 13, 1979, editorializes: "You would have thought the Martians had landed in Chicago from the screams of panic over the school busing plan proposed by...OCR....We do not believe OCR's busing plan, as proposed, is practical. But neither is Access /to Excellence/. So let's meet somewhere in the middle or come up with a reasonable alternative. But let's get serious."

On September 12, 1979, Chicago School Superintendent, Dr. Joseph P. Hannon presents to the CBE his own plan, "Access to Excellence: Further Recommendations for Equalizing Educational Opportunities." The Board of Education receives the plan, indicates it has had no time to study it, and directs the Superintendent to send it to HEW on an "informational basis," and to request an extension of the September 15, 1979 deadline.



HEW rejects this extension, as it would not allow enough time to grant a waiver in time for utilization of ESAA funds for fiscal year 1979 (such waiver must be communicated to Congress 15 days in advance, and this schedule would not permit action by HEW before the end of the fiscal year).

The Chicago Sun-Times considers the Hannon plan "constructive" (editorial, September 14, 1979), and later on (September 19, 1979 editorial) encourages the CBE to accept it. The Chicago Tribune adopts a similar editorial policy. On September 19, 1979, the School Board in Chicago formally adopts the plan, and submits it to OCR and HEW. The Hannon plan, as indicated in its title, is an expansion of the Access to Excellence plan approved by the CBE in 1978 and in operation for the school year 1978-1979. It increases the number of full-time programs, in contrast with the majority of part-time programs espoused in the original plan. It introduces an element of compulsory transportation: schools will no longer be overcrowded; where overcrowding exists, pupils will be given an option of transferring to other schools (within a set of newly established non-administrative "desegregation regions") of their choice. If not enough pupils voluntarily transfer, students designated by lottery will be transferred to uncrowded schools in such a way as to foster desegregation.

In addition, the Hannon plan includes some administrative measures - reduction of the existing 27 sub-districts to newly created 20, closing of school buildings and removal of mobile units, etc. It also proposes a series of new programs for an expanded Access to Excellence: magnet high schools, region magnet elementary schools, region clusters, region exchange magnet programs, primary developmental centers, individualized instruction centers, technical skills centers, etc.

The "Recommendations" are purposefully unspecific "to allow for additional staff and community participation in the development of the plan." There is no explicit coordination between this document and on-going programs proposed under the original Access to Excellence the previous year. For 1979-1980, an increase in full-time programs is emphasized, while at the same time insisting on the appropriateness of preferring part-time programs to encourage integration.

On September 20, 1979, a group of about 30 representatives of Asian organizations tells Superintendent Hannon that the CBE plan, as well as the OCR feasibility study, ignores the needs of Asian pupils. (Sun-Times, September 21, 1979, p. 42)



After the CBE's approval and submission of Dr. Hannon's plan to OCR, the papers continue to editorialize in its support: "It's Mrs. Harris' /HEW Secretary/ turn now," is the title of the Chicago Tribune editorial, on September 21, 1979. In the text, the editorial concludes: "If Mrs. Harris insists, however, on mandatory busing on the scale envisioned by the HEW study...everyone would lose."

The Hannon plan was presented officially to HEW at a meeting in Washington with the Secretary of HEW, attended by the CBE School Superintendent and members of his staff. At the meeting, the Secretary indicated that the plan was insufficient (HEW's Press Release, September 21, 1979). The Chicago Tribune editorializes under the title "Mrs. Harris' Lost Opportunity," on September 26, 1979: "Dr. Hannon's proposals have been well received in all significant quarters - except HEW," and further on "If HEW were as interested in learning as it is in playing with quotas, it would encourage the Chicago approach."

On September 26, 1979, OCR's Director, Mr. David Tatel, in a six-page letter, officially rejects the Chicago plan as inadequate, and lists six reasons:

- The plan affects too few students.
- The plan does not accept HEW's definition of desegregated schools, therefore will not decrease segregation levels.
- There are no assurances that desegregation will occur under the plan.
- Information supplied is insufficient about the programs.
- There is no provision for increasing desegregation in the proposed "sending" schools, as there is in the "receiving" schools.
- The plan lacks the specificity necessary to determine the amount of desegregation that will be accomplished.

OCR also sets a new deadline, October 17, 1979, for CBE to present an adequate plan. If such plan is not submitted, HEW announces, it will refer the case to the Justice Department for prosecution.

The Chicago Tribune's editorial on September 28, 1979 comments on the OCR response to the Hannon Plan, calling it "Prosecution, not Compromise," and describing the OCR letter as "not a contribution to a compromise-seeking dialog, but a prosecutor's brief." According to the editorialist, "Mr. Tatel's letter takes nothing into account except racial quotas in individual schools." The Sun-Times, on September 30, 1979, takes an even harder editorial line: "No court has found Chicago schools guilty of illegal segregation. No court has even considered the issue. So far, 'illegal' has meant what David Tatel says it means. And remedies for becoming 'legal' have meant what David Tatel says they mean."



This is the current situation in the Chicago public schools. The coming months, with the stated deadlines, will call for crucial decisions. The CBE will have to consider its stand on a desegregation program, and HEW must decide on October 17, 1979 if such a program is acceptable. If HEW finds that no desegregation plan proposed by Chicago is acceptable, and decides to refer the case to DOJ, then DOJ will negotiate with CBE for sixty days to secure an acceptable plan. In the absence of such a plan, litigation may be initiated in U.S. District Court.

Theresa F. Cummings

Theresa F. Cummings, Chairperson
Illinois Advisory Committee

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