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# Desegregation

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In its landmark 1954 decision *Brown v. Board of Education*, the U.S. Supreme Court unanimously outlawed segregation and declared that racially separate schools are inherently unequal. This ruling overturned the high court's previous decision in *Plessy v. Ferguson*, which had allowed state-imposed segregation, calling such schools "separate but equal."

Lower courts applying the *Brown* decision issued desegregation orders to school districts across the country. Districts that had maintained historically all-black and all-white schools were ordered to open the doors to all comers. In some districts, desegregation meant redrawing school-boundary lines; in others, it meant busing students--usually black students--to outlying districts.

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But more than four decades after *Brown*, its historic premise is being questioned by many educators and desegregation experts. They argue that other factors are more important than racial balance; that trying to desegregate schools in overwhelmingly segregated environments is a waste of energy; that schools are desegregated enough; and that perhaps separate can be equal after all.

The Supreme Court ruled again in 1990 on the issue in *Board of Education of Oklahoma City v. Dowell*, making it easier for districts to be declared "unitary," or released from desegregation orders. In that case, the justices ruled that a school district may be freed from court supervision once it eliminates the vestiges of desegregation "to the extent practicable." The court attempted in 1992 to further define "practicable," in *Freeman v. Pitts*. In that case, the court ruled that districts can be declared unitary "before full compliance has been achieved in every area of school operations." Among other factors, a district must demonstrate a "good-faith commitment" to the desegregation program. Districts and courts alike began to distinguish between "de jure" segregation--segregation actually caused

## From the Archives

"Lengthy Trial in Charlotte Desegregation Lawsuit Winds Down,"  
June 23, 1999.

"Wisconsin Plan To End Milwaukee Busing Advances,"  
June 16, 1999.

"Economic School Desegregation,"  
March 31, 1999.

"Teachers Propose Integrating Schools by Socioeconomic Status,"  
Dec. 2, 1998.

"Legal Issues Complicate Efforts To Integrate School Staffs,"  
June 24, 1998.

"NAACP Wrestles With Evolving Views on Desegregation,"  
Aug. 6, 1997.

"Without Court Orders,

## Glossary

affirmative action  
busing

## Related Organizations

Institute for Justice  
Mexican American Legal Defense and Educational Fund  
NAACP (National Association for the Advancement of Colored People)  
National Urban League

League  
National  
Association for  
Neighborhood  
Schools

segregation--segregation actually caused by government action--and "de facto" segregation, caused by such things as housing patterns. One is still illegal; the other is increasingly considered just a fact of life.

"Without Court Orders,  
Schools Work To Pursue  
Diversity,"  
April 30, 1997.

Under the new, eased restrictions, school districts across the country are coming to terms with the end of court desegregation orders that for years influenced, or even dictated, many of their decisions about education policy. Many are relieved to see an end to expensive judicial intrusion. They are saying good riddance to such things as labyrinthine busing maps and mandates that they feel took precedence over common sense.

But critics, including many civil-rights activists, say this shift marks a step backward. They argue that as the nation becomes more multicultural, integration is more important than ever. Many studies suggest that far from being a relic of the past, school segregation has gotten worse in the 1980s and 1990s, now stretching to encompass Latinos and suburban minority students as well as inner-city African Americans.

Magnet schools, those with enrollments open to students outside regular school boundaries, have popped up in urban districts as one particularly popular means toward desegregation. These schools offer specialized programs, such as language-immersion programs or science academies, that attract white students from suburban schools.

But the energy seems to have gone out of the school-integration movement. The public is increasingly focusing attention on the instances where well-intentioned policies appear to have gone too far. Several schools, like Boston Latin High School and Lowell High School in San Francisco, are fighting high-profile race-based assignments in the courts. Plaintiffs in these cases argue that quotas limiting the number of minority students--in order to attract white students, and thereby achieve racial balance--actually exclude the very students that desegregation was intended to help.

One recent court decision in the spirit of *Brown v. Board of Education* came just this August, however, as a divided Connecticut Supreme Court ordered state officials to begin the desegregation of the Hartford schools, where 95 percent of the city's 25,000 students are black or Hispanic. In deciding the case known as *Sheff v. O'Neill*, the court ruled 4-3 that the state is responsible for reducing racial imbalance in its schools, regardless of what led schools to become segregated. State officials are now trying to figure out how to comply.

## On the Web

*Brown v. Board of Education*. Text of the landmark 1954 U.S. Supreme Court decision. It states that the "separate but equal" doctrine adopted in *Plessy v. Ferguson* "has no place in the field of public education."

The National Association for Neighborhood Schools, Inc., an organization against racial control of public school assignment,

provides information on the status of busing and neighborhood schools around the country.

Read "**Recent Changes In School Degregation,**" an April 1998 essay examining the major trends and changes that are taking place in school desegregation in the 1990s, from the [ERIC Clearinghouse on Urban Education](#).

**The Changing Face of Racial Isolation and Desegregation in Urban Schools.** This 1993 digest from the [ERIC Clearinghouse on Urban Education](#) focuses on several current issues in school desegregation that stem from recent changes in demography and policy, and research.

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