

# After Brown: The Challenge to Attain an Equal Unitary Education System

By Jessica Shulsen

*Among citizens and educational reformers a central belief exists that the nation's public schools are failing. One reality underlying this perception is that while school administrators and political leaders no longer create a separate school system by law (de jure), a de facto dual system still operates—inferior inner-city schools largely for minority children and superior suburban schools for white children. This paper examines reasons for the dual system, as well as recent Supreme Court decisions holding that school boards are not responsible for desegregating public schools that are virtually one race due to de facto causes. The ability of magnet schools to alleviate the dual system is explored.*

## INTRODUCTION

In the 2000 presidential election, one of the most controversial issues was not abortion or gay rights, but education. Each candidate declared that he had a solution to the nation's "failing" public school system, and each called his opponent's solutions radical, risky or elitist. Before one explains why education has caused such uproar, one must answer the question why the system needs to be fixed in the first place. For that, one must understand what has happened in the public school system over the past several decades.

The failing schools to which many are referring are inner-city schools. Although, most would argue that *Brown* ended a dual school system in America forty-five years ago, these schools are still plagued by problems stemming from segregation and poverty. Over the past few decades inner-city schools have become overwhelmingly African-American or Latino while the suburban public schools have stayed predominately white. In fact, segregation has quietly been creating a dual system in America's public schools (Orfield et al. 1996, 53).

Two major factors have helped to increase segregation. The first is political changes that can be seen through the Supreme Court's role in desegregating public schools. The second is high residential segregation and changes in the nation's demographics. The combination of these factors has created two separate and unequal school systems.

The nation cannot produce tolerant and responsible citizens when it denies an adequate education to one group. Minority children lacking a quality education will not have access to institutions necessary to succeed in life. An ade-

quate education can prepare children for college and higher-paying jobs, thus bringing them out of a world of poverty.

## THE SUPREME COURT'S ROLE IN PUBLIC SCHOOL DESEGREGATION

The U.S. Supreme Court has played a complex and sometimes conflicting role in eliminating discrimination and upholding civil liberties. The desegregation of public schools was no exception. One can see the rise and decline of the movement for integration through their decisions. The Court had a long history of being a hindrance to eliminating discrimination. It was after all, the institution that confirmed the separate-but-equal doctrine.

However, the tide of the court began to change in the late 1930s. A 1938 case foreshadowed what would eventually happen to the separate-but-equal doctrine. *Gaines v. Canada* dealt with a Missouri law, which paid for a black student to attend a law school out of the state. The Court stated that the law violated equal protection. In other words, a black student had a right to attend law school in his home state (Fisher 1999, 880).

Following World War II, the Court became an even greater protector of individual rights. After World War II the United States was an ever more mobile society, consequently making segregation more and more impractical. African-American soldiers were returning home from fighting alongside whites. President Truman integrated the armed forces in the late 1940s (Fisher 1999, 875). Though black soldiers fought in World War II, at home class revisions remained. The second change brought by the war was the United States emergence as a world leader. The U.S. could not fight communism when its own people were segregated. Also, there were the horrors of Nazi Germany that preached a doctrine of

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a master race (Fisher 1999, 875). The country's mobility and pressure to live up to its ideals slowly started to erode the separate-but-equal doctrine. This erosion can be seen in the Supreme Court's decisions regarding education.

African-Americans began to chip away at the doctrine by beginning with higher education. In 1950 Texas had an all-white law school and an all-black law school. The Supreme Court found that the black law school was not equal to the white. A state could not operate a dual system if they were unequal (Fisher 1999, 874). Another important decision in 1950 was *McLaurin v. Oklahoma*. In this case, Oklahoma had one law school, but they separated the black students. In fact, black students were not allowed to even sit in the same room as the white students while hearing a lecture. The Court found that this violated equal protection because the students were not treated the same (Fisher 1999, 875).

Four years later, the separate-but-equal doctrine in education received its final blow. On May 17, 1954 Chief Justice Earl Warren declared, "separate educational facilities are inherently unequal" (Cozzen 1999, 1). *Brown v. Board of Education* forced America's public school system to desegregate "with all deliberate speed." However, eliminating segregation did not occur through a single decision. Wiping away years of legalized segregation required the cooperation of Congress and the president. The African-American community was well aware that its members needed support from all three branches of government. Through groups such as the National Association for the Advancement of Colored People (NAACP), they applied pressure on the President and Congress.

The *Brown* decision by no means meant that the public was ready to obey it. On the contrary, most segregated school districts did everything in their power to resist. The resistance to the ruling included defying court orders, as Governor Orval Faubus of Arkansas did in Little Rock. In 1957, President Eisenhower sent in armed troops to allow black students to enter Central High School. When he addressed the public about his actions, he noted what harm the confrontation had done to America's reputation as a world leader. "Our enemies are gloating over this incident," he said (Fisher 1999, 877). The President's bold action illustrated that the Court finally had his support for enforcement.

The Supreme Court also gained the support of Congress in 1957. That year Congress passed the first civil rights act since 1875. The legislation created a commission to investigate discrimination. Then in 1960, it strengthened the commission and existing laws on obstruction of court orders (Fisher 1999, 877). Congress passed the most far-reaching civil rights legislation since Reconstruction with the Civil Rights Act of 1964, banning discrimination in not only education, but every arena of public life. Its Title IV provided that desegregation in education be enforced in accordance with *Brown*. Title VI suspended funds in federally assisted programs if they continued to segregate, while Title VII banned employment discrimination in interstate commerce on the

basis of "race, color, religion, sex or national origin." It also created the Equal Employment Opportunity Commission to enforce the law (Fisher 1999, 877-878). Title VI became more significant with the passage of Secondary Education Act of 1965, which provided substantial grants to school districts. Now states were forced to choose what they wanted more: segregated schools or federal money (Fisher 1999, 878).

By 1964 the Supreme Court could declare with confidence that there "has been entirely too much deliberation and not enough speed" in desegregating schools, because it now had the backing of Congress and the President (*Griffin v. School Board* 1964, 877). This marked a turning point. Thereafter the Court actively intervened to ensure integration, something it could not do until it had such support. Still, things moved very slowly. But the Court could change its focus from segregation to integration and that is exactly what started to happen.

### A CHANGING COURT AGENDA: FROM DESEGREGATION TO INTEGRATION

In 1968, the Supreme Court took another step to accelerate desegregation with *Green v. County School Board*. After the *Brown* decision, New Kent County, Virginia, like many other counties, refused to desegregate. Instead, the school board relied upon Virginia statutes, which were enacted to counter the *Brown* decision. In 1965, an injunctive relief suit was filed, the Board responded by developing a "freedom of choice" plan to desegregate. The plan permitted students to annually choose between the schools, and those not choosing were assigned to the school they had previously attended. After three years of administering this plan, the result was no white student had chosen to attend the all-black school and 85 percent of all black students in the district were still attending the all-black school (*Green v. County School Board of New Kent County* 1968).

In its decision the liberal, activist Supreme Court made it clear that it no longer wished to hear simply that schools were trying to desegregate; it wanted results. Justice Brennan wrote, that desegregation was not enough; rather integration was needed at once (Fisher 1999, 878). The Court held that it is a school board's burden to develop a realistic plan that would work. A plan that could not produce "prompt and effective disestablishment of a dual system is intolerable" (*Green v. County School Board of New Kent County* 1968). Second, the Court held that it is the district court's responsibility to assess the effectiveness of the plan while weighing in other alternatives that could be more feasible or effective. In conclusion, the New Kent plan was unacceptable because it had not ended the dual school system; rather it had functioned only to burden the students and their parents with the responsibility that *Brown* had placed upon the school board (*Green v. County School Board of New Kent County* 1968).

Yet by 1971, there still had been little progress in desegregating public schools. Charlotte-Mecklenburg school sys-

tem had over 84,000 students in 107 schools during the 1968-69 school year. Of those students 24,000 were African-American and of those students 14,000 attended schools that were at least 99 percent black (*Swann v. Charlotte-Mecklenburg Board of Education* 1971). James Swann and several other black students challenged the school board's desegregation plan. The district court found the school board's plan unacceptable and hired an expert to devise a desegregation plan, approved in 1970 by the district court for elementary through high schools. However, the Court of Appeals did not approve the plan for elementary students, declaring that it would be too much of a burden on the students and faculty (*Swann v. Charlotte-Mecklenburg Board of Education* 1971). The case then reached the Supreme Court.

The Supreme Court's decision proved to be the most far-reaching step toward integrating the public school system, marking a shift in the Court's focus. The justices were now asking, "How do we achieve greater racial balance in public schools?" The Court held that its objective was to eliminate "all vestiges of state-imposed segregation" in public schools (*Swann v. Charlotte-Mecklenburg Board of Education* 1971). With this ruling, the Court laid out remedies available to district courts to achieve more racially balanced schools. First, racial quotas could be used, not that every school was to be a near perfect reflection of the racial composition of the community. Rather as a starting point in shaping a solution (*Swann v. Charlotte-Mecklenburg Board of Education* 1971). Second, district courts could alter school district zones. Noncontiguous zones are permissible, but such zones should be evaluated in light of the objectives the zone is to achieve. Before this decision, local school boards would draw the district zones. Third, and by far the most controversial remedy, was busing. The Justices felt that assigning children to the nearest school would not get rid of the dual school system. Therefore, district courts could require bus transportation to other schools. The Court held that the travel time should not be so great that it would impede the health of the children or interfere with the education process (*Swann v. Charlotte-Mecklenburg Board of Education* 1971). In addition, when the Court permitted the use of busing, it superseded all the states' anti-busing laws (Fisher 1999, 878).

### THE PROBLEMS OF ADDRESSING DE JURE SEGREGATION

Until the Swann decision, most of the resistance to desegregation came from the South. It was considered a Southern problem; no one in the North or West seemed to notice that more and more blacks were living in the inner city and attending almost all black schools (Fisher 1999, 878). Southern segregation was *de jure* (by law), but in the rest of the country segregation was *de facto* (due to residential patterns) (Fisher 1999, 878). As it would turn out, the North would be affected the most by the busing policy.

Some criticized this ruling, particularly the transportation provision, on the grounds that it clashed with the Civil Rights Act of 1964. The Act defined desegregation "as the assignment of students to public schools without regard to their race, color, religion, or national origin" (Fisher 1999, 878). Yet, the courts took into account race when developing and implementing desegregation plans. The Act also stated that federal courts are not "empowered to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils." The Court avoided this possible conflict by contending that the law pertained to *de facto* and not *de jure* segregation. However, many justices found that it did not matter whether the segregation was *de jure* or *de facto*. Instead, they found where a segregated school existed there was "prima facie" evidence of a constitutional violation by the district (Fisher 1999, 879). Prima facie literally translates to "at first sight," in other words, it is a fact presumed to be true unless disproved by contrary evidence (Fisher 1999, 1243). However, the Court did not keep this outlook for long. Within a few years, the Court began to withdraw its support of desegregation.

By 1974, Republican President Nixon had appointed four justices (Goldman 1996a). The Court was beginning to move in a conservative direction. If congressional restrictions and harsh public opposition to busing are added, one realizes that forced busing days were numbered. The first strike against the remedy came in *Milliken v. Bradley* (decided in 1974), only three years after *Swann*.

Several parents of black students in Detroit, Michigan filed a suit alleging that the Detroit Board of Education had created and perpetuated school segregation through its policies (*Milliken* 1995). The district court agreed and ordered Detroit to devise a plan for desegregation that included eighty-five outlying school districts, which would mean busing the students. The Court issued such an order because Detroit-only plans would not achieve desegregation. Detroit itself was predominately African-American while the suburbs were predominately white. The District Court wrote, "school district lines are simply matters of political convenience and may not be used to deny constitutional rights" (*Milliken* 1995). The U.S. Court of Appeals agreed, but the Supreme Court did not.

A divided 5-to-4 Supreme Court ruled that the district court's remedy was "wholly impermissible" and did not coincide with *Brown* (Goldman 1996a). A federal court cannot devise a multi-district plan without evidence that the surrounding districts did not operate a unitary school system. An isolated instance of "possible segregative effect" did not justify a broad metropolitan-wide remedy. Further, there was no evidence that the district boundaries were established to perpetuate segregation (*Milliken* 1995). The Supreme Court also emphasized the importance of local control. If such multi-district plans were permitted, district courts would become a "school superintendent," something judges are unqualified to do (*Milliken* 1995).

This case marks a retreat by the Supreme Court on educational segregation. The decision greatly limited the possibility of any lasting city/suburban desegregation, at a time when fewer and fewer whites were living in the city, while minorities were becoming concentrated in central cities (Orfield et al. 1996, 3). This case opened the door for increased *de facto* segregation in public schools. Justice Thurgood Marshall states it best in his dissent:

Desegregation is not and was never expected to be an easy task.... But just as inconvenience of some cannot be allowed to stand in the way of the rights of others, so public opposition, no matter how strident, cannot be permitted to divert this Court from the enforcement of the constitutional principles at issue in this case. Today's holding, I fear, is more a reflection of a perceived public mood that we have gone far enough in enforcing the Constitution's guarantee of equal justice than it is the product of neutral principles of law (Fisher 1999, 898).

Unfortunately, Justice Marshall was correct. *Swann* was the last major initiative to foster desegregation in the education system. From this point on, the Court began to narrow its previous decisions, particularly *Swann*.

The most important decisions limiting desegregation came in the 1990s. By the late 1980s, three Reagan appointees and one Bush appointee had created a conservative majority. That majority was solidified in 1991 with the appointment of Clarence Thomas (Goldman 1996a). This majority would decide *Board of Education of Oklahoma City v. Dowell* in 1991.

This case actually began in the early 1970s. The district court in Oklahoma City, holding that the school board had not effectively removed *de jure* segregation, imposed a desegregation plan. It appeared to be successful, as indicated by the district's achieving unitary status in 1977 (*Board of Education of Oklahoma City v. Dowell* 1991). However, in 1984 the school board adopted a new plan, which made a number of schools one race, on the grounds of alleviating the burdens of busing young black children. The parents of some children protested, maintaining that the school district never achieved unitary status. Yet, the district court denied the motion to reopen the case, noting that the 1972 desegregation injunction was terminated in 1977 (*Board of Education of Oklahoma City v. Dowell* 1991).

The Tenth Circuit Court of Appeals reversed, holding in 1986 that while the 1977 order finding the district unitary was binding on all parties involved, nothing in that order indicated that the 1972 injunction itself was terminated. The district court was, therefore, required to hear the parents' complaints against the new student assignment plan (*Board of Education of Oklahoma City v. Dowell* 1991).

A year later, the district court held that the old plan was no longer feasible and that the board had complied in good faith since the original 1972 injunction. Furthermore the plan did not intentionally segregate; therefore it was permissible. Once again, the Court of Appeals disagreed with the district court. In 1989, it reversed the lower court's decision by

relying on *United States v. Swift & Co.*, which deals with the "proper application of federal law on injunctive remedies." Employing the so called "Swift test," the higher court held that "a desegregation decree remains in effect until a school district can show 'grievous wrong evoked by new and unforeseen conditions[,] and 'dramatic changes in conditions unforeseen at the time of the decree that...impose extreme and unexpectedly oppressive hardships on the obligator'" (*Board of Education of Oklahoma City v. Dowell* 1991). A few years later the case came before the U.S. Supreme Court.

The Court upheld (5-3) the district court. The Court of Appeals test "for dissolving a desegregation decree is more stringent than is required either by this Court... or by the Equal Protection Clause of the Fourteenth Amendment" (*Board of Education of Oklahoma City v. Dowell* 1991), and the test would "improperly condemn a school district to judicial tutelage for the indefinite future" (*Board of Education of Oklahoma City v. Dowell* 1991). The Oklahoma City school board had complied with the equal protection clause, and it was unlikely the board would go back to discriminating against black students (*Board of Education of Oklahoma City v. Dowell* 1991). In essence, a school board that has complied with desegregation orders for several years could return to *de facto* segregated neighborhood schools.

The Court made it easier for school boards to be considered in compliance with a desegregation order in 1992. *Freeman v. Pitts* dealt with a desegregation order for the school board of DeKalb County, Georgia. A district court relinquished partial control on the grounds that the school board briefly achieved unitary status and that subsequent racial imbalances were due to demographic changes. It found that the board still needed to work on faculty assignments and resource allocation (*Freeman v. Pitts* 1992). The Court of Appeals overruled the decision on the grounds that the school board must meet all factors of a unitary system. It went on to say that the board could not disregard its constitutional duties by citing demographic shifts (*Freeman v. Pitts* 1992). In other words, *de facto* segregation did not excuse such duties.

The Supreme Court, on the other hand, had a different opinion of *de facto* segregation. It held that a district court could relinquish control even if not all of the factors of a unitary school system had been met. It would be far too rigid if schools had to meet all of the so-called *Green* factors. Finally, "racial balance is not to be achieved for its own sake but is to be pursued only when there is a causal link between an imbalance and the constitutional violation" (*Freeman v. Pitts* 1992). The Court was telling the lower courts that segregation is to be remedied only if it is *de jure* and even the courts' options are limited.

#### UNDERLYING CAUSES OF SCHOOL SEGREGATION: RESIDENTIAL SEGREGATION

The Supreme Court's decisions regarding segregation are only part of the complex challenge of achieving racially integrated public schools. The second element that must be examined

is residential segregation. This type of segregation is highly important because school zones are drawn using local boundaries. If a neighborhood is segregated, then the local school will be segregated. For example, Detroit is so racially isolated that researchers refer to it as "hypersegregated" (Massey 1993, 83, 221). As was the case in 1974, there is no evidence that the surrounding suburban districts operated a dual system. There cannot be evidence of a dual system when there is no one to discriminate against in the school district. In sum, it is impossible for city schools to desegregate when the neighborhoods are virtually one race. This underlying cause of school segregation has been impacted by dramatic changes in American society, namely the Civil Rights movement. Yet, residential segregation has persisted. The years between 1945 and 1970 marked a time of extensive suburban expansion. Many blacks could not join this exodus because of discrimination in the workforce and housing policies. Employment discrimination kept many out of higher paying jobs that would allow them to leave the city. Housing discrimination kept most African-Americans in certain areas of the city (Massey 1993, 61). Then along with the movement to desegregate schools came the cry to desegregate in all other areas of life. As mentioned earlier, the Civil Rights Act of 1964 banned racial discrimination in employment. The Fair Housing Act of 1968 prohibited discrimination in housing. The courts also prohibited states from building public housing projects in exclusively black neighborhoods (Massey 1993, 83). It initially appeared that these measures and changes in public attitude were working to desegregate many metropolitan cities.

However, despite the initial decline, residential segregation remains relatively high and has changed very little since the 1970s. The decline has actually been very small, from 0.70 in 1970 to 0.66 in 1980. In fact, many scholars consider the decline insignificant (Jargowsky 1996, 140). They point out that many cities still have racial segregation indexes well above 60, which is the threshold for hypersegregation (Musterd 1998, 49). They also note that the 1990 census shows that five of eighteen northern metropolitan areas had a higher index than in 1980 (Massey 1993, 221).

For many reasons segregation remains high in metropolitan areas. One reason is the structural changes in the economy. The shift from manufacturing industries to service oriented industries, along with the relocation of plants overseas or to other cheap labor sites, has caused heavy job losses in the higher-paying manufacturing sector. In turn, this has helped intensify the pattern of minorities in concentrated areas, particularly in Northern cities such as Chicago and Detroit (Musterd 1998, 52-3). At the same time, companies also began locating in the suburbs, which further reduced employment opportunities for segregated minorities (Jarowsky 144).

A second reason is policies of banks and insurance companies. These agencies are reluctant to loan money to minorities who may wish to leave the inner city. In the past, minority neighborhoods were labeled as "high risk" or as having

"questionable environmental factors" (Massey 1993, 105). Unfortunately, there is evidence that these stereotypes still exist. Studies still consistently show that black or mixed neighborhoods receive less federally insured loans, less private credit, fewer home improvement loans, and less mortgage money than whites with similar socioeconomic status (Musterd 1998, 106). The late 1980s and early 1990s have shown little change. In 1991, the *New York Times* reported that Federal Reserve data indicated substantial racial disparities in loan rejection rates, which could not be explained by income (Massey 1993, 108). These practices are a major hindrance to minority mobility.

A third factor is discrimination in housing. Government actions can sometimes cause discrimination. In Chicago, for instance, urban "renewal" projects ruined many viable affordable housing neighborhoods. The government then built high-rise public housing projects alongside the city's major expressway for the displaced individuals. Local governments are reluctant to build affordable housing developments, because the projects would not bring as much tax revenue as more affluent development (Musterd 1998, 52). There are also more direct forms of discrimination in housing. In 1988, the U.S. Department Housing and Urban Development (HUD) did a study to determine the extent of discrimination in housing. When John Yinger analyzed the study's results, he found housing was systematically made more available to whites in 45 percent of transactions in rental markets and 34 percent in sales (Massey 1993, 102). Yinger also found a substantial amount of "racial steering" or the guiding of African-American clientele to all black or mixed neighborhoods (Massey 103). The HUD study also measured the severity of housing discrimination or how often blacks are shown, recommended, and invited to see a unit compared to qualified white clients. It found that among advertised rentals, the likelihood whites would be shown a unit that blacks would not be shown was 65 percent (Massey 1993, 104). Discrimination in housing was still prevalent in the 1990s. In February 1997, the Fair Housing Council of Greater Washington D.C. released a report that found that minority apartment seekers experience discrimination more than two out of every five times they tried to rent a unit in the Washington area (Turner 1999, C03). Housing discrimination did not disappear with the Fair Housing Act of 1968, nor is it going away any time in the near future. Coupled with bank and insurance policies and the changing structure of the economy, housing discrimination limits the housing options of minority groups, thus keeping them in the inner city.

One might argue that minority groups prefer to live in a segregated neighborhood. However little evidence supports such a claim. On the contrary, evidence suggests blacks would prefer to live in a mixed neighborhood. The 1976 Detroit Area Survey found that 63 percent of African-American respondents chose a neighborhood half-white and half-black as most desirable (Massey 1993, 89-90). Along with the factors for residential segregation mentioned in the previous

paragraphs, white attitudes also play a role in segregation. A 1980 survey found that 40 percent of whites would be willing to support a law, which states "a homeowner cannot refuse to sell to someone because of their race or skin color" (Massey 1993, 92). It is ironic that 60 percent of white people would refuse to support a law that has been on the books for over a decade. Even more telling are the results of the Detroit Area Survey of white respondents. One-fourth of whites responded that they would be unwilling to enter a neighborhood with a black composition of eight percent and 73 percent of respondents would refuse to live in a neighborhood that was 36 percent African-American (Massey 1993, 93). These attitudes only compound the problems of segregation.

The combination of high residential segregation, the Supreme Court's retreat from its commitment to desegregation, and changes in the population has led to increased segregation in public schools. One may immediately cite "white flight"- whites fleeing the city for the suburbs- as a contributing factor of minority inner city schools and white suburban schools, but that is only part of the change in demographics. While the United States was busily dismantling desegregation plans, most failed to notice that minority enrollment was increasing while white enrollment was decreasing. Public and private enrollment in elementary and secondary schools reached an all time high in 1998 with 52.7 million children. Enrollment is expected to increase 11 percent by 2008 (U.S. Department of Education 1999). This increase reflects changes in minority birthrates and immigration, rather than changes in the demographics of the white population. White student enrollment decreased 14 percent between 1972 and 1992 (Orfield et al. 1996, 62) and the Department of Education expects that trend to continue. In the next twenty years, it projects an 11 percent decrease in enrollment (U.S. Department of Education 1999). African-American enrollment in public schools has gradually increased three percent from 1972 to 1992 (Orfield et al. 1996, 62). The Department of Education expects that gradual increase to continue over the next two decades (U.S. Department of Education 1999).

If the white enrollment is dropping and black in enrollment is slowly increasing, one may ask where the substantial increase in enrollment is coming from. The answer lies in a group that is far too often overlooked. Latino student enrollment has been increasing since 1970 (U.S. Department of Education 1999). Between 1972 to 1992 Latino enrollment has increased 89 percent (Orfield et al. 1996, 62). Within the next twenty years the Department of Education projects Hispanic enrollment to increase 60 percent for children aged fourteen to seventeen and 47 percent for children aged five to thirteen (U.S. Department of Education 1999). This has major repercussions for the American public school system. In 1996, 36 percent of students enrolled in public schools were considered part of a minority group, a 12 percent increase since 1972. That percentage is projected to soar in the next few decades (U.S. Department of Education 1996). Inner city

schools will be affected the most by the expected increase. In 1996 black students accounted for one out of every three students who lived in central cities, which is about the same percentage since 1970. Hispanics, on the other hand, went from accounting for one out of every ten in 1972 to one out of every four in 1996 (U.S. Department of Education 1999). In other words, Hispanics increased from 10.8 percent of students in inner-city schools in 1972 to 25 percent in 1996. They will soon be the largest minority group in public schools (U.S. Department of Education 1999). Thus, inner city Latinos are becoming more segregated from whites than African-Americans are (Orfield et al. 1996, xiii). The increasing number of minority students, the Supreme Court's reluctance to integrate schools that are de facto segregated, and intense residential segregation have made inferior and separate schools inevitable.

### THE MODERN DUAL SCHOOL SYSTEM: INNER CITY V. SUBURBAN SCHOOLS

The face of the American public school system is changing. This new face is one of a de facto separate-and-unequal school system that consists of inner city and suburban schools. Just as the de jure separate-but-equal school system was not truly equal, the de facto segregated school system is not equal. Inner city schools are plagued with poverty because the local communities are usually poor. In fact, neighborhood poverty has increased since 1970 (Jargowsky 1996, 143).

Median family income made no real gains in the 1970s, then a small increase in the 1980s, but it dropped between 1989 and 1993. In 1993, median family income for whites was \$39,300, for African-Americans \$24,542, and for Hispanics \$23,654. Today both African-Americans and Hispanics make 60 percent of the median white family income. In addition, Hispanic and black children are more than twice as likely as white children to live in poverty (U.S. Department of Education 1999). Having less money to tax means less tax revenue, and thus less money for local schools because the local government finances on average 44 percent of the local school's budget (Linn 1998, 1). Therefore, inner city schools receive significantly less money than suburban schools. Moreover, inner city schools have more students. Data from the U.S. Department of Education shows that for the 1993-94 school year the average inner city school size was 1,083 compared to 973 students in suburban schools (Choy 1997, 13-4). Inner city schools often face budget crises as well as difficulty finding qualified principals and teachers. Generally, teachers often avoid teaching in high poverty, inner city schools not because they do not wish to help, but rather they are assailed with a host of problems that they cannot solve.

Factors such as family income, family structure, and parent's level of education also have a profound influence on a child's educational opportunities (U.S. Department of Education 1996). This places minority students in inner city

schools at a greater disadvantage because most come from poor families where the parent has little education. For example, in Washington, DC almost half the black adults lack a high school diploma and unemployment is nearly four times greater in the highly segregated southwest region of the district than in the rest of the Washington area (Turner 1999).

These outside factors take their toll in every aspect of inner city schools. Intense segregation and poverty are well connected with low academic achievement. Inner city schools have both higher and earlier drop out rates. In Philadelphia, for example, the drop out rate is four times higher in the city than in the surrounding suburbs. In Los Angeles, e.g., 55 percent of blacks drop out by the tenth grade, but the white suburban drop out rate is significantly lower (Orfield et al. 1996, 66-7).

Inner city students also score much lower on standardized tests than their suburban counterparts. The National Assessment of Educational Progress found that 19 percent of disadvantaged inner city students had "adept" reading skills, but in suburban schools 50 to 55 percent of the students had "adept" skills. In math the difference in scores is even starker. In Chicago, the average suburban school had 35 to 40 percent of its students in the top quartile on nationally normed math tests. Chicago's inner city schools had a high of 22 percent for third graders and a high of 8 percent for tenth graders (Orfield et al. 1996, 65). It is difficult to decide which figure is more frightening, the gulf between suburban and inner city schools or the 14 percent drop from the third to tenth grades in the inner city schools. When comparing elementary schools, one finds that only 23 percent of students in low-income minority schools scored above the national median. However, 74 percent of suburban students scored above the national median (Orfield et al. 1996, 65). These tests scores make it evident that inner city students are not challenged or stimulated as much as their suburban counterparts. They are not given the same opportunity to succeed; rather, they are doomed to fail in such a school system.

One may argue that segregated inner city school children's lower performance on standardized tests does not mean that they are receiving an unequal education or fewer opportunities. But one needs only to examine the curriculum and teachers to know that these students are receiving an inferior education. These students do not receive preparation for college.

Inner city schools have trouble finding qualified teachers. For instance, 40 percent of inner city school principals have difficulty finding qualified science teachers, while only 15 percent of suburban principals have that problem (Orfield et al. 1996, 69). Suburban schools offer higher pay and mostly do not have the problems associated with poverty. For example, 16 percent of teachers at white affluent suburban schools said they did not have all the materials they needed to teach, compared to 59 percent of those in higher poverty, inner city schools. As a result of this and other problems, better-qualified teachers work in suburban schools, rather than inner city schools (Orfield et al. 1996, 68).

When inner city schools do find more qualified teachers to teach higher-level classes, they do not have enough students who are prepared to take such courses. Thus, courses are either discontinued or "watered down" with unprepared students. It is not surprising that suburban high schools offer three times as many high-ability or advanced placement courses (Orfield et al. 1996, 68). In addition, schools plagued by poverty have to spend most of their money on remedial courses, teaching students in other languages, and combating outside problems associated with poverty such as crime, violence, and homelessness (Orfield et al. 1996, 67).

There are few differences in elementary school curricula, but by middle school the inequalities between the two systems begin to emerge. Suburban middle schools are more than twice as likely to teach algebra and foreign languages (Orfield et al. 1996, 68). Both courses are necessary for adequate college preparation. Also, UCLA researcher Jeannie Oaks has found that 59 percent of predominately minority math and science classes are general level courses while 85 percent of predominately white classes are advanced or higher-ability courses (Orfield et al. 1996, 69).

Segregated inner city schools are thus inferior in terms of their resources, the level of competition their students receive, quality or preparedness of their teachers, and in the curricula they offer (Orfield et al. 1996, 64-71). Jim Crow may be dead, but segregation and inequality still reign in the American public school system. When this nation offers its poor and minority people an inferior education, it is only perpetuating a violent cycle of joblessness, poverty, crime, and destitution. This cycle will only grow in severity as public schools enroll more and more poor minority students. This cycle can be broken through an equal and adequate education for all. An African-American or Latino student does not gain some marvelous benefit from sitting next to a white student, rather he gains access to the institutions and opportunities that were denied to him in a completely segregated school, such as adequate preparation for college (Orfield et al. 1996, xv). A college education would allow him to escape a life of poverty. This nation cannot raise tolerant responsible citizens, if it gives only some of its people a quality education.

### SEARCHING FOR SOLUTIONS: FROM VOUCHERS TO MAGNET SCHOOLS

Now that one knows what has been happening in America's public school system and why it needs to be fixed, one can examine the solutions. The solution that has thrust education onto the political center stage is vouchers. School vouchers are government grants to parents to send their children to private schools (Moe 1995, 1). They are proposed as the save all solution to failing inner city schools. In Cleveland, Ohio, "the city's voucher program allowed four thousand children to escape some of the worst public schools and instead attend private or parochial schools" (New Republic 1999, 11). The key word is "escape," that is exactly what vouchers are.

Vouchers are not a solution to the problems that plague inner city schools.

On the surface vouchers may appear to be a cure-all for poor minority students, but in fact, this individualistic approach would harm the very people that it is intended to help. It would take money away from already financially strapped inner city schools. Their federal funds would go to private schools in the form of government grants to the children fortunate enough to “escape.” Inner city schools cannot be expected to improve by “competition” when money is being taken away from them and given to their competitors. Vouchers may bring more diversity into private schools in the beginning, but once such a program is available to families of all income levels, the private school may choose to take middle class white students. Higher income families offer more potential for revenue and private schools are not held to the same enrollment standards as public schools. Unlike their public counterpart, they can pick and choose which students they wish to take.

Moreover, suspicion remains that advocates have more universal plans. They would like to extend vouchers to the middle class. Milwaukee mayor John Norquist said that he wants to phase out the income requirement on Milwaukee’s voucher program. He finds that limiting the program to the inner city poor is unfair to middle class families (“Vouchers” 1998). Plans to expand the voucher program give the first glimpse of the advocates’ overarching motive. Most of the strongest supporters of vouchers come from the religious right wing of the Republican Party. Twenty-one percent of private schools are nonsectarian and 32 percent are Catholic schools while the remaining 47 percent are other religious schools, which are predominately Protestant (Edmund 1999, 13). From 1984 to 1991 enrollment dropped 9 percent in private schools (Orfield et al. 1996, 62). In other words, a voucher program would be very beneficial to private religious schools.

The solution for America’s dual school system is more complex than an easy political one-liner. It requires combating the inequalities between inner city and suburban schools. It requires giving minority students the same educational opportunities; in other words, giving them access to a college education or higher paying jobs. That is not to say that mandatory policies are the only way to achieve an equal unitary educational system. On the contrary, coercive measures may achieve desegregation, but they are unable to alter attitudes and perceptions.

One promising voluntary option to bring about a unitary and more equal education system is magnet schools. These schools first emerged in the 1970s as policymakers began to look for voluntary alternatives to coercive measures such as mandatory reassignment and forced busing. These alternative schools offer specialized curricular themes or special instructional approaches as well as additional resources and funding. These schools were to act as magnets in attracting students from the nearby neighborhoods in order to ensure a racially balanced student population (Henig 1994, 107).

Unlike vouchers, magnets bring much needed resources into poor inner city schools while at the same time achieving a district’s goals to desegregate. They offer a valid solution to the nation’s current dual educational system, although they cannot remain in their 1970s format. Instead, magnet schools must suit the needs and challenges students in the twenty-first century face. However, before one expounds upon possible changes in magnet schools, one must examine how magnets currently achieve integration and improve inner city schools.

Magnet schools are able to integrate more effectively than many court ordered desegregation plans, because the courts refrain from holding districts responsible for segregation that exists between the city and the suburb. As was discussed earlier, there is often little evidence that the suburbs operated under any sort of *de jure* segregated schools. As a result, mandatory reassignments between inner city and suburban schools are impermissible. Thus, efforts to create a unitary education system become very difficult. Magnet schools help circumvent these difficulties by attracting suburbanites to inner city schools. In fact, researcher Mary Haywood Metz argues that the proliferation of these schools is due in large part to the lower courts confirming them as a viable method of desegregation (Metz 1986, 26-7).

Substantial evidence demonstrates that magnet schools improve interracial exposure. But, exposure rates can vary greatly depending upon demographics. In 1997 the Citizens’ Commission on Civil Rights found that magnets offered more interracial exposure than traditional public schools. In St. Louis, which has one of the largest magnet programs in the country, the Commission found that although African Americans accounted for 78 percent of the student population, they comprised 58 percent of magnet enrollments. In Cincinnati 62 percent of African American students were enrolled in magnet schools while 70 percent were attending traditional public schools. Both of these cities were operating under intra and inter-district voluntary plans. The enrollments demonstrate that both cities were able to increase the number of whites attending inner city schools, thus increasing the contact African American and white students experienced on a day-to-day basis (Fuller 1999, 27).

Researchers Bruce Fuller and Richard Elmore found further evidence of interracial exposure in 1994. Their research showed that the ethnic composition of magnet programs varied depending on the ethnic composition of the district. In predominately minority districts, the percentage of minority students in magnet programs was lower than their percent in the district. In districts where a majority of the students were white the opposite was true (Fuller 1996, 166-67). Another study conducted by Claire Smrekar and Ellen Goldring found that in two large districts in St. Louis between half and 60 percent of students were enrolled in the alternative schools (Viadero 1999). Considering the strong evidence in support of interracial exposure, it is difficult to claim that magnets do not aid in desegregating public schools.

The defining and most attractive attribute of magnet

schools is that they provide more resources than non-magnets. Magnets are a practical way to bring those with greater political power and influence, namely middle class whites, into poverty stricken neighborhood schools. If a middle class white child is enrolled in an inner city magnet school, his or her parents have a vested interest in the school as well as the surrounding community. These parents can use their political leverage to bring about changes that those with fewer political resources could not bring about.

Additional financial resources enable administrators to hire better teachers. In fact, research finds that magnet teachers are more qualified, enjoy more autonomy, and have greater access to resources than non-magnet schools. They are also more likely to have advanced degrees (Fuller 1999, 29). Teachers at magnet schools report more adequate instructional resources and assistance. In particular, magnet teachers indicate greater access to professional support staff such as counselors and specialists (Smrekar and Goldring 1999, 89).

Unlike inner city schools, magnets have little difficulty in finding qualified teachers. Magnet school principals are allowed to actively advertise for and recruit new teachers with the specific knowledge and skills needed for program themes. These needs also allow principals to be far more selective. Experience and commitment are given preference over mere seniority, not the case in most typical public schools (Fuller and Elmore 1996, 165-66).

Like suburban schools, magnet programs can offer better pay and a better working environment than inner city schools. In 1994, Researchers Claire Smrekar and Ellen Goldring studied two elementary magnet schools in Cincinnati to gain a better idea of how magnet environments differed from typical public schools. Mathematics and Science Academy enrolled 575 students in kindergarten through sixth grade. The school was located in a predominately white working class neighborhood, and 83 percent of the students were bused. Student population was 51 percent African American and 49 percent white, and 70 percent of students came from low-income families (Smrekar and Goldring 1999, 90). Greenwood Paideia, the other school studied, was located in a racially mixed, middle class neighborhood. Its racial composition was 52 percent African American and 48 percent white and 95 percent of the students were bused (Smrekar and Goldring 1999, 91). Teachers at both schools repeatedly compared their magnet working environments with their experiences at poorly funded inner city and minority neighborhood schools. Definitions of quality in magnet schools were measured in relation to the inner city schools, at which they had previously taught. Many of these elementary school teachers conceded that the magnet curriculum was largely standardized and traditional, but they also noted that magnet schools did not have the outside distractions such as violence that inner city schools had. Instead, these magnets had "a librarian in every school and a computer in every classroom....The magnets provide enough books for entire classroom of students and the desks, chairs, and windows are not broken." Another teacher expressed joy

at not having "roaches climbing over my walls and not being called a bitch" (Smrekar and Goldring 1999, 91-3).

Further, students at magnet schools have demonstrated higher achievement levels than their peers in non-magnet schools. In order to prove the causality of magnet schools and higher achievement, various studies have used statistical techniques to control for other factors such as family characteristics and students' pre-magnet test scores, which have been shown to predict current achievement levels (Fuller 1999, 28; Rossell 1990, 120). Studies conducted in Austin, Dallas, and San Diego in 1989 found that magnet schools have "a positive effect on student achievement." More specifically, the study reported that magnet students in Austin had "significantly" higher scores in science and math in grades 9-11. In San Diego magnet students were found to have far greater writing skills, although their critical thinking skills were deemed comparable to non-magnet students. These studies concluded that magnet schools' "smaller classes, increased time on task in the extended day, better programs, coupled with more parental involvement" increased student achievement (Rossell 1990, 121-122). More recent studies also indicate that magnets increase the level of student achievement. A 1997 study conducted in St. Louis found that magnet students had higher scores on the state's assessment tests in mathematics, reading, science, and social studies than students in neighborhood schools. Another study conducted in 1996 in San Antonio concluded that that students in magnet programs scored substantially higher on math and reading assessment than students in non-magnet schools (Fuller 1999, 30-31).

Nevertheless, serious problems exist with current magnet programs. Researcher Christine Rossell documented that significant racial and social-economic stratifications can be linked to magnet themes. She notes that the most popular magnets were the gifted and talented programs located in white neighborhoods. The least popular magnets were the basic skills programs located in integrated or minority neighborhoods. By locating the gifted and talented schools on the outskirts of the city, white higher-income parents are able to stay fairly close to their neighborhood, keeping the more prestigious magnet predominately white. She states, "whites will transfer to minority schools only if the districts place additional funds and a special curriculum there" (Rossell 1990, 130-34, 145). Researchers have also found some middle class and higher working class families would rather be on long waiting lists to certain magnet schools, where their children would be with the children of the highest social class and achievement level possible, than attend a conventional school (Metz 1986, 208). These findings are an indication that magnets sometimes stray from their goal of integration. It appears that the more important goal for some of these schools is pleasing those with more political resources through thematic schools designed to meet their particular interests.

The "creaming off" of higher-income students can also be attributed to the transportation options available to disad-

vantaged students. Transportation subsidies are most often used to facilitate enrollment. They are widely available for elementary schools, with nearly five out of six districts providing full or partial subsidies to students. However, they offer fewer subsidies for middle and high school students. This, of course, creates a substantial barrier for those who wish to attend magnet schools outside their district, especially for low-income students (Fuller and Elmore 1996, 169-70).

Even when public transportation is provided for magnet students, many parents are leery about using it because of the safety concerns and the length of time required to ride the bus each day. In the case studies conducted in Cincinnati and St. Louis, minority parents are much more likely to report that transportation is a crucial issue in considering which school to attend. White parents, on the other hand, reported transportation to be of little concern. This is because they usually attend magnet schools that are close to their neighborhoods (Smrekar and Goldring 1999, 32-33).

Aside from the creaming effect, funding is the greatest criticism magnet schools face. When magnets first emerged as an alternative to mandatory measures in cities such as Cincinnati, under Senator John Glenn's leadership, Congress amended the Emergency School Assistance Act in 1976 to help fund magnet schools (Fuller and Elmore 1996, 7, 155). Then in 1984, as a result of the substantial increases in magnet schools, Congress created the Magnet Schools Assistance Program (MSAP) (Fuller 1999, 26). MSAP provides two-year grants to magnet school programs that desegregate and discourage isolation. The program is crucial to the creation and expansion of magnet schools, because there are considerable starting costs (Smrekar and Goldring 1999, 7-8).

In 1994 the MSAP was re-evaluated under President Clinton's order to review all race-conscious policies in all government agencies (Hendrie 1998a). Congress added new provisions designed to promote more racial integration, which became part of the Elementary and Secondary Education Act. The magnet schools were now to explain exactly how their programs increased interaction among students of different social and racial backgrounds. The new provisions also favor grant applicants "who intend to select students through random methods, such as lotteries" (Schmidt 1994). MSAP continues to be the primary source of funding, providing 138 districts nationwide with \$955 million between 1984 and 1994. Some states, such as California, provide magnet schools with state desegregation funds (Fuller 1999, 26).

However, critics maintain that programs such as the MSAP are costly acts that mispend substantial sums of money with little results (Schmidt 1994). One cannot deny that magnet schools cost more than conventional public schools. This is especially true when magnet programs are first instigated. For example, in 1976 St. Louis' average per pupil expenditures for magnet schools were roughly double those for the city's regular schools. In 1986, Yonkers estimated its magnet school renovation and new construction at 11.6 million dollars, not including transportation costs. Yet propo-

nents, such as Rossell, argue that it is only the up-front costs that are significantly more than traditional schools expenditures (Rossell 1990, 200-201). Once the programs are established, the expenditures are quite similar to conventional schools. Districts that receive MSAP funds spend about 10 percent more per student than non-magnet districts. On average, magnets spend \$200 more per student than traditional public schools (Fuller 1999, 27).

However, parents and students appear to be willing to pay the costs of magnet schools. In November 1986 the Dayton public school system wished to dismantle one of the music magnet programs. A task force was formed to determine the feasibility of such an action. A group of about two hundred parents whose children attended the music magnet program quickly organized. The task force estimated the extra cost of the program to be \$245,000, but the parents argued that the figure included standard operating costs. Furthermore, the only extra cost was for private music lessons, and the parents contributed a fee to reduce this cost. The parents succeeded in keeping the magnet school. A year later Dayton applied for aid to establish 25 magnet schools (Watras 1997, 273-274). Dayton residents are not the only ones who have decided the benefits of magnet schools far out weigh the costs of implementing the programs.

Critics also lament the cost of transportation required for most magnet schools. Proponents of magnet schools admit that transportation costs are higher, but they contend that the voluntary plans make the issue more complex. In a mandatory policy a single bus can take several children to a designated school. Voluntary magnet programs, on the other hand, make bus routes complicated because the children are widely dispersed throughout the city. Often the use of small buses, vans, and even taxis replace a traditional busing policy. It is not surprising that these alternative modes of transportation cost more. In fact, the cost is usually too great for the magnet schools, and parents must shoulder the burden. Nevertheless, this is a burden most parents are willing to bear (Rossell 1990, 138-144).

Magnet schools are not the perfect solution to the dual system that exists between inner city schools and suburban schools. Given the complexity of the problem, there cannot be a completely effective simple solution. Nonetheless, magnets do demonstrate tremendous potential in easing the inequalities between under-funded, inner city minority schools and wealthier, predominately white suburban schools. Undesirable byproducts of magnets schools, such as "creaming" and pockets of isolated same race schools, can be virtually eliminated by altering the way magnets function. Although most magnet programs are located in minority neighborhoods, the more popular magnets need to be located there in order to get more white parents to transfer. Higher levels of integration would be the result of such action (Rossell 1990, 144-145).

The expansion of magnet schools is a worthwhile goal, but they face serious challenges in the future. The greatest

obstacle these schools face is in the courts. Once again, the judicial branch plays an extensive and complex role in the effort to create a unitary education system. The controversy surrounding magnets centers upon their admissions policies. About one third of magnet schools use some type of admissions criteria to determine who will attend. Some use test scores, recommendations from teachers, interviews, and sometimes race as a factor (Fuller and Elmore 1996, 168). When magnet schools began emerging in cities across the country, race was a paramount consideration in admission policies. Today many districts still consider the impact that certain transfers will have on the racial balance in the various schools. However, a series of lawsuits are challenging magnet administrators' authority to consider race in the admissions process (Hendrie 1998b).

One of the most important lawsuits involving this issue is *Montgomery County Public Schools v. Eisenberg* 1999. In June 1999, the U.S. Court of Appeals for the 4th Circuit reversed the Montgomery County, Maryland district court's decision. The district court judge held that the school board could deny Jacob Eisenberg's request for a transfer because of the implications it would have on the racial balance at his school. Eisenberg was white and wished to transfer from his predominantly African-American school to a mathematics and science magnet school (Walsh 2000).

As evident from the earlier discussion of the Supreme Court's role in desegregation, the justices have become increasingly wary of any procedure that considers race. Furthermore, the Court has held that school districts are not responsible for segregation caused by outside factors such as residential segregation. Montgomery County had never been under any court order to desegregate, nor was it found that the county intentionally attempted to segregate its schools, which meant the county was a unitary system. As a legally unitary system, "racial classification, regardless of purported motivation, is presumptively invalid and can be upheld only on extraordinary justification" (*Montgomery v. Eisenberg* 1999).

The Appeals Court found that the transfer policy did not meet the strict scrutiny guidelines used to determine the constitutionality of a race-based policy. In fact, the Appeals Court described the transfer policy as "simply too pernicious to permit any but the most exact connection between justification and classification." The opinion also stated that the district was merely racially balancing its school, and "[s]uch nonremedial racial balancing is unconstitutional" (*Montgomery v. Eisenberg* 1999). In sum, the Court of Appeals ruled that Jacob Eisenberg was unfairly denied admission to a magnet school based solely upon his race.

The county then appealed the case to the U.S. Supreme Court. However, in March 2000 the Court declined to consider the case, despite the pleas from education leaders. They would like the Court to provide them clear guidance "on how they may use race, together with other factors, in granting or denying transfers, or devising overall student assignment plans, or admitting students to magnet schools or special

academies" (Walsh 2000). This ruling conflicts with other federal rulings as well as rulings from higher state courts (Hendrie 1998b).

The decision has left many magnet districts scrambling to reevaluate their admissions policies, and left many frustrated by the legal uncertainty surrounding the issue (Hendrie 1998b). As attorney Maree Sneed, who has worked extensively on desegregation issues stated, "Thirty years ago, school districts were getting sued for not promoting diverse learning environments. Now they're getting sued for actually doing what they were originally sued for not doing" (Hendrie 1998b). Another school administrator commented, "You've got to reduce racial isolation without taking race into account. That is so strange. We're sort of in the twilight zone" (Hendrie 1998b).

Magnets initially provided a legitimate way to circumvent the Supreme Court's decisions, which limited voluntary efforts to desegregate when segregation was due to *de facto* circumstances such as residential segregation. However, their ability to achieve lasting city/suburb integration is now being challenged. A possible way out of the legal entanglement is to establish attendance zone magnets in minority neighborhoods with a lottery system. This would ensure that a large portion of minority students could still benefit from magnet programs.

The underlying question in the debate over segregation and school reform is whether the government should allow race conscious policies to redress past injustices and in a sense regulate race relations in America. The courts have answered yes, but under strict guidelines. More and more those guidelines are being challenged. The lawsuits are in some aspects a testament of how well magnets are able to attract white middle class suburbanites. Many of these parents believe that it is unfair to consider race when making admission decisions. They find that the school board and the government in general do not have the right to regulate race relations. These parents are only seeking a higher quality education for their children.

Nevertheless magnet schools show promise in achieving the goals of integration and improving the quality of inner city schools, while at the same time heeding the legal restrictions placed upon desegregation. Although many magnet schools may not be exceptional, they are the most feasible alternative. One may argue that if the objective is to improve inner city minority schools, then more resources should be funneled into these schools, rather than focusing on integration. However, those who take such a stance do not understand that integration is the best way to improve public schools. Tactics to funnel more money into inner city schools, such as equalization of school funding, are highly contested and impractical. Those with greater political power use their influence in the form of lobbying and lawsuits to challenge such alternatives to school funding.

Magnet schools, on the other hand, attract those with greater financial and political resources to inner city schools. Unlike equalization of funding alternatives, which threaten

to harm wealthier middle class suburbanites, magnets offer to benefit them as well as lower-income inner city residents. The added funding and resources in magnet schools prompts many white middle class suburbanites to transfer to predominately minority schools. These parents bring with them greater financial and political power, which in turn, helps the school secure more resources. Added resources may take the form of more qualified teachers and a safer learning environment. These additional resources help to improve student achievement levels. In short, the added financial and political resources provide a quality education for magnet students, particularly for those who would otherwise attend ill-funded inner city schools. Also, an integrated education promises to teach greater tolerance and respect for those who are different, creating one hopes a more peaceful society.

As Chief Justice Earl Warren penned forty-five years ago in *Brown*, “separate educational facilities are inherently unequal.” He also noted, “It is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education” (Fisher 886). This is especially true today, not because there are more minority children, but because an education is a necessity to succeed in today’s technology/service driven economy. Inner city students cannot succeed in schools that are inferior in resources, performance, and preparation for higher education. This is a problem that will not go away by ignoring it or offering temporary relief. However, magnet schools have existed for over three decades and with some adjustments, can make significant strides in dismantling the inequalities between inner city and suburban schools, thus providing minority children in inner city schools with a quality education to break the vicious cycle of unemployment, poverty, crime and violence.

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