

Post-Brown School Reforms for Black Children

Are They New Remedies to “The Remedy”?

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ABSTRACT: This article critiques post-*Brown* educational reforms for Black children by examining what effects post-*Brown* educational reform efforts had on Black children. To frame the discussion, post-*Brown* is defined as the broad ideology that desegregation was supposed to improve education for Black children. This analysis explores how and why *Brown* came about. Next, post-*Brown* educational reforms and their impact on Black children are examined. These post-*Brown* reforms include charter schools, voucher programs, magnet schools, homeschooling, and special education programs.



The economic foundation of America was built on Black slavery as a staple and standard practice, as Blacks were legally prohibited from being educated (J. D. Anderson, 1988; Williams, 2007). Even after passage of the Thirteenth Amendment in 1865, which abolished slavery, Black people continued to suffer mistreatment, violence, and death when they sought education and other basic civil liberties (Litwack, 1998). The 1896 U.S. Supreme Court decision in *Plessy v. Ferguson* codified racial segregation in education and society at large by allowing the states to use the “separate but equal” document in *Plessy* to enforce by law separate facilities for Blacks and Whites.

In 1954, the Supreme Court in *Brown v. Board of Education* decision ended to “separate but equal” edict. But it was promptly undercut by *Brown II*, in 1955, when the Court ordered that public schools needed to desegregate “with all deliberate speed,” which encouraged recalcitrance by the opposition. The period of aggressive school desegregation began in 1969, when the Court stated that “the time for all deliberate speed has run out” (*Alexander v. Holmes*). However, court-ordered desegregation ended in 2007, when the Court barred the use of race to desegregate schools (*Parents Involved v. Seattle*, 2007). Efforts to school desegregation since the 1954 *Brown v. Board of Education* case have been uneven, and they declined when White families left highly populated Black communities (Clotfelter, 2004). Nonetheless, several school reforms have been launched to improve education of Black children.

Over the past 60 years, researchers (e.g., Blanchett, Mumford & Beachum, 2005; Brown, 1994; Ladson-Billings, 2004) have assessed the status of post-*Brown* student achievement for Black children with mixed results. In some ways, school desegregation has improved the plight for educational equity,

but in other ways, inequities persist and continue to diminish educational opportunities for Black children. In 2014, many questions about the benefits of *Brown* still prevail, with some suggesting that problems facing the education of Black children today are a by-product of court-ordered school desegregation (Horsford & McKenzie, 2008). Nonetheless, to what extent did the *Brown* decision aid in improving education for Black children?

To move forward, there is a need to answer the following question: What effects have post-*Brown* educational reform efforts had on Black children? To answer this question, Derrick Bell's (1980) interest convergence model is useful in analyzing how and why *Brown* came about and what impact did the educational reforms have on Black children. The reforms include charter schools, voucher programs, magnet schools-gifted programs, homeschooling, and special education programs.

Interest Convergence and "Remedies" of Racial Inequality

It would be helpful to know how and why America changed course from legalized discrimination to desegregation. *Brown* highlights what is good about America, after years of racist ideology and abuse of Black Americans. In a broad sense, *Brown* symbolizes our country righting its wrong. But it was through the relentless efforts of civil rights organizations that justice prevailed in *Brown* and Black children were no longer subjected to legally segregated schools. The Supreme Court appeared to have taken the correct and moral course. At closer examination, the interest convergence theory and the more recent critical race theory are similar.

Interest convergence occurs when minorities seek equality and the majority group concedes some of its privilege only when it benefits the majority group in some way (Bell, 1980). Whites may agree in the abstract that Blacks are citizens and are entitled to constitutional protection against racial discrimination, but only a few are willing to recognize that racial segregation can be remedied effectively without altering the status of Whites. In the case of over 300 years of racial inequity of Blacks, Whites were not prepared to take ownership of past indiscretions or offer personal sacrifice to correct this status quo, and desegregation was accepted when Whites had something to gain from it.

Brown aided America in escaping the global sense of condemnation for its treatment of its Black citizens. There are reasons that may explain why America may have allowed *Brown* to be implemented. First, segregation and discrimination harmed its international reputation when its main premise is that "all men are created equal." Second, Black soldiers who returned from fighting the World Wars were in some sense owed equality by virtue of their fight for their country. Black veterans were growing increasingly impatient with the complete disregard for their contribution. Finally, the South's

economy was in transition from farming to a more industrial base, and there was no longer a need a large Black workforce on farms.

In an effort to correct global negative perceptions of America, the removal of legal barriers to desegregation proved valuable (Bell, 1980). Desegregation remedies were outward manifestations of unspoken judicial conclusions that remedies, if granted, will secure or at least not harm societal interests deemed important by the courts. In other words, racial desegregation plans provided the appearance that past racial indiscretions were being addressed but not at the detriment to Whites.

Following *Brown*, desegregation was met with strong resistance by some Whites: As schools became legally desegregated, White families engaged in “White flight,” where families either physically moved to locations where few or no Blacks lived or they enrolled their children in private schools (Wolfe, 2003). But African Americans have not fared well in getting a high-quality education for their children since *Brown*. Despite efforts to desegregate schools, 60 years after *Brown*, American schools remain segregated (Frankenberg & Orfield, 2012). Second, Black students consistently lag behind White students on academic achievement tests (S. Anderson, Medrich, & Fowler, 2007), and the achievement gap continues (Ladson-Billings, 2006). While tests are the most significant indicator of student achievement; this achievement gap is also related to graduation rates and placement in advanced placement and honors courses, which affect college admissions rates.

Post-*Brown* desegregation was supposed to be a remedy to fix the long-standing inferior education for Blacks. Researchers who have analyzed the results of desegregation concluded that the results have not always gone as the desegregation ideology intended, and educational reform programs are new “racial remedies” to fix the problem and execution of *Brown*.

The Political and Economic Context of Black Student Achievement

Today, educators are seeking other ways to improve Black students’ achievement (Brown, 2005; Dantley, 2005). Since the *Brown* decision, several school reforms (or remedies) have been tried to improve Black students’ achievement. These reforms have often taken on a political tone, where schools currently mirror the economic, political, and social status of urban politics (Blanchett et al., 2005). Now, partisan political interest elects lawmakers and appoints judges (Brown, 1994). Educational reforms are typically framed as important regardless of whether the outcome is positive or negative. Education is never exempt from political influence.

Social challenges in public schools call for economic resources to support needed change (Blanchett et. al., 2005). In the public forum, politics and ideology usually are in conflict with economic needs. Those with power determine how funding will be spent and at whose expense. The economic and political

implications are related to providing education; new remedies come at a cost. Urban schools are consistently underfunded, and these underfunded reforms continue to be promoted as ways to invoke positive academic outcomes for Black students. What follows is a brief historical context and implementation for some of the post-*Brown* educational reforms, followed by their impact on Black children. The school reforms are as follows: charter schools, voucher programs, magnet schools, homeschooling, and special education programs.

Charter Schools

From state to state, the definition of a charter school varies. Charter schools are often confused with voucher school programs. The difference is that charter schools are public, while vouchers are provided to parents who may send their children to another public school or a private school. This means that the voucher schools are not always held to the same accountability as regular public schools or public charters. Charter schools as public schools that operate with freedom from many local and state regulations that apply to traditional public schools. Charter schools allow important stakeholders the latitude to provide more innovative solutions to achieve their goals. Chartering entities include local, state, or other organizations that are supposed to monitor their quality while holding them accountable for academic results and responsible fiscal practices (U.S. Department of Education, n.d.).

In 2013, 2.3 million students were enrolled in 6,100 public charter schools (National Institute for Educational Statistics, 2013). The inception of charter schools began in the 1990s. In 1991, Minnesota enacted the first charter school legislation (Lubienski & Weitzel, 2010). In the earlier years, proponents of charter schools felt that they created options with fewer regulations that would serve as healthy competition with regular public schools.

In some ways, the charter school movement is a smaller part of a broader government deregulation agenda. In recent years, this movement has coincided with the federal No Child Left Behind Act of 2001 and the American Recovery and Reinvestment Act of 2009. The administration of President Barack Obama supported the expansion of charter schools for their perceived increased innovation. However, researchers have not found differences between charter schools curriculum and traditional public school curriculum or academic outcomes between the two (Lubienski & Weitzel, 2010).

Charter School Results and Outcomes for Black Children

As a remedy to poor public schooling, charter schools raise a couple of important observations. The first irony is that an unintended consequence of charter schools is that most students of color who attend charter schools do so with students of their same race (Frankenberg & Lee, 2003). Second, data

are inconclusive and incomplete as to how well charter schools actually serve students. After decades of experimenting with charter schools, achievement appears stagnant; large gaps remain between groups; and Americans schools have declined in international rankings (Lubienski & Weitzel, 2010). In some instances, Black students from a disadvantaged background have performed better than their noncharter peers, but in other instances they have performed worse (Gleason, Clark, Clark Tuttle, & Dwoyer, 2010). Overall, there is no difference in performance (Dickman, 2013).

Overall, the charter school remedy has not yielded a significant impact on student achievement for Black students. Many charter schools are specifically designed to serve Black students, but their average achievement is no better in charter schools than in regular public schools (Carnoy, Jacobsen, Mishel, & Rothstein, 2005). In general, methodology aimed at determining charter school effectiveness is problematic when comparing public schools (Carnoy et al., 2005). Charter school enrollment (2013) is more selective via either lottery or self-enrollment, whereas public schools must enroll all students without limitation. However, there are some successful charter schools. For example, from 2006 to 2009, cohorts of sixth to eighth graders in KIPP charter schools lost 40% of their Black male students, in contrast with traditional schools that lost only 11% of their Black male students (Miron, Urschel, & Saxton, 2011). While academic achievement may have exceeded district performance, the loss of Black males diminishes these results.

From the perspective of parents, they have opportunities to enroll their children in what they feel are more effective programs, and charter schools may be a valid offering. However, if data do not demonstrate that Black children are excelling, the charter school remedy falls flat, and Black students are not being served well.

Voucher Programs

Many definitions of voucher programs exist. In this article, the voucher program means that students and their families are offered subsidies from public funds that may be used toward attendance at a private school. In some cases, families may be able to take advantage of various tax credits based on private school tuition. In the early 1990s, the inception of the school voucher programs began with the Milwaukee (Wisconsin) Parental Choice Program, Cleveland (Ohio) Scholarship Fund, and in Washington, D.C., as well as with school choice options in Florida. Other privately funded voucher program options were offered in New York City and Dayton, Ohio. During the 2012–2013 school year, \$963 million was spent on various forms of voucher education that served approximately 245,000 children in 32 programs nationwide (Glenn & Swindler, 2013). Given the large public funding component, school vouchers could arguably be one of the most contested school reforms.

Philosophically, two distinct camps spar regarding private school options through public funding. Some proponents of school vouchers see it as a mechanism for empowerment of traditionally marginalized or disenfranchised populations who consistently underperform on academic accountability measures (Van Dunk & Dickman, 2003). Parents are interested in the voucher program as an option to academic concerns that they see in public schools. In their view, school vouchers offer a viable alternative for serious students and families who want future success despite economic challenges (Viteritti, 2001). On the same side of the issue are supporters from private foundations who see vouchers as a way to incorporate standards of private industry into public education using public funding in private schools.

On the other side of the argument, public schools, districts, teachers unions, community leaders, and average taxpayers do not like funding intended to support the “public good” diverted to privatize education (Van Dunk & Dickman, 2003). In their view, vouchers could destroy the capacity of the public school to provide a quality education for all.

Vouchers and Black Children

Black children find themselves again in the middle of this debate. It is difficult to actually determine how voucher programs actually affect student achievement. There are varied versions of what school choice accountability should be. To some extent, parents lack the ability to hold these schools accountable. It is difficult to determine the effectiveness of a private or religious school because they are not subject to the same high-stakes testing measures or teacher qualifications, curriculum graduation rates, or retention of other publicly funded schools (Van Dunk & Dickman, 2003). While some empirical data may exist demonstrating some positive effects of school choice programs, most data show little evidence (Portales & Vasquez Heilig, 2012). The lack of clear measurable academic results causes concern to the tax-paying public. In the absence of effective accountability in voucher programs, vouchers may not be an improvement over public schools. Vouchers may not help poor children while using public funds (Van Dunk & Dickman, 2003).

Research reveals that there is no higher achievement performance of students who attend private schools through voucher programs in comparison to those who attend public schools. For example, in Milwaukee, voucher schools are more similar to the Milwaukee Public Schools than different in racial composition of student body, per-pupil spending, and performance on state standardized tests, and there is a lack of data in determining student achievement (Dickman, 2013).

To extend the case of irony with voucher programs, a movement to expand their benefits to more middle-class White families is currently in play. There is an increase in inequality; the middle class has also been destabilized, resulting in political opposition to redistribution of resources to the poor (Scott, 2013).

During the terms of presidents George W. Bush and Barack Obama, an unprecedented economic upheaval has been encountered in America. The impact has been felt across class and race. Middle-class Whites have sought political ways to increase their economic opportunities. A successful example of interest convergence for support of programs such as school choice can be witnessed in the state of Wisconsin, led by conservative governor Scott Walker.

In the 2013–2014 school year, an expanded version of the Milwaukee choice program offered expansion to the program intended for children from poor families in Milwaukee. The per-pupil cost was raised, and income restrictions were lessened to include more middle-class families (Wisconsin Department of Public Instruction, 2013). In sum, some resources intended to increase student achievement for the poor Blacks will be used to support middle-class White children. This agreement represents a clear interest convergence.

Magnet Schools

The magnet school movement began in the 1970s as a means to keep parents in the public schools by using a voluntary desegregation mechanism (Blank, Levine, & Steel, 1996). Magnet schools are public schools that offer innovative curriculum, additional resources, and flexibility. They are typically placed in racially segregated low-income areas. Magnet school programming consists of everything from humanities, the sciences and mathematics, arts, and Montessori educational programming. Regardless of location, magnet schools are a draw for more middle-class families. These innovations added to neighborhood schools, thus improving climate for students who lived in the neighborhood. The federal government, through the Emergency School Assistance Act and the Magnet School Assistance Program, has financially supported magnet schools. When the federal Magnet Schools Program was authorized in 1985, its intent was to reduce, eliminate, or prevent minority group isolation and provide instruction that would strengthen students' knowledge and skills (U.S. Department of Education, n.d.).

Magnet School and Black Children

Black and Hispanic students who attend magnet schools are in a more racially and economically diverse environment compared to students who attend regular or charter schools (Siegel-Hawley & Frankenberg, 2011). But while the intent of magnet schools was to mitigate racial isolation for students of color and promote integration, their focus has been to provide school choice options to parents with children in the public schools (U.S. Department of Education, n.d.).

Several studies (Blank, 1989; Gamoran, 1996) have indicated that student achievement is higher in magnet schools, but this higher achievement often comes at the expense of students enrolled in regular public schools within

the school district. Given that magnet schools are designed to attract a more racially and economically student group, it tends to pull resources and student talent from the general student population in the district. While there is higher student achievement for magnet schools, the real impact of extracting specific children from the public school population is not known (Gamoran, 1996). Magnet schools have academic standards for admission, which suggest that they tend to have a smaller minority enrollment.

Homeschooling

Homeschooling is accepted in all 50 states, with state requirements varying. All states consider homeschooling as a legitimate option for meeting compulsory education requirements. In 2009, 1.5 million students were homeschooled (National Center for Educational Statistics, n.d.). The percentage of homeschooled students almost doubled from 1999 to 2007, going from 1.7% of all students to 2.9% of all students in 2007.

Key reasons cited for families choosing homeschooling include concern for school environment and moral or religious reasons. Most families who choose homeschooling for their children are White (Knowles, Marlow, & Muchmore, 1992). To some extent, homeschooling emerged from a Judeo-Christian tradition where, prior to structured schooling, the home was the center of education. Similar to the other reforms discussed here, homeschooling increased in the post-*Brown* area.

During the late 1960s and early 1970s, momentum grew surrounding the homeschooling movement. The notion was that real education takes place among people: adults and children. In 1972, *Wisconsin v. Yoder* provided a significant case that enabled the Amish parents to homeschool their children after the eighth grade. Instead of providing clear parameters regarding the question of homeschooling, it set off more questions regarding compulsory education and who has the ultimate right to decide.

Remedy Results and Outcomes for Black Children

Homeschooled Black children appear to experience substantially higher student achievement than their nonhomeschooled peers (Kunjufu, 2013). Black children who are homeschooled are scoring at the 82% in reading and 77% in math. This is 30% to 40% above their counterparts being taught in school. There is a 30% racial gap in schools, but there is no racial gap in reading if taught in the home and only a 5% gap in math (Kunjufu, 2013). But given that there are many challenges in educating Black children (Kunjufu, 2013), homeschooling could be the catalyst for Black empowerment curricula for the few middle-class families who can afford to homeschool their children. While the prospects of homeschooling may sound appealing for Black fami-

lies, to what extent can Black families economically afford it as a viable educational option? It appears that many students who are homeschooled, 89% come from a two-parent home. In 2012, single Black females made up 46.3% of Black families while making an average income of \$25,594 (Blackdemographics.com, n.d.). While the desire to homeschool may be present, Black families may be at a significant disadvantage to do so.

Special Education

According to the Individuals with Disabilities Education Act of 2004, special education “means specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability.” A multitude of modifications and accommodations are offered to students identified for special needs to accommodate learning, emotional, and physical disabilities. Currently, 13% of public school students have been identified for special education (National Center for Educational Statistics, 2013).

For students with special needs and their families, the *Brown* decision should have been an answered prayer for more equitable services. Prior to the *Brown*, states were allowed to set their individual accountability measures for service to students with special needs (Blanchett et al., 2005). Varied accountability brought sporadic services and, in some cases, no services. Prior to *Brown*, it is estimated that only half of the 4 million African American students with disabilities were being served (Losen & Orfield, 2002). African American students with special needs were shuffled into already subpar, segregated, and underfunded classrooms with few resources to meet their disability.

The *Brown* decision actually made possible further legislation for all students with special needs (Blanchett et al., 2005). Many advocates sought ways to provide specialized education that met the needs of students with disabilities. After a series of challenges to schooling for students with disabilities, the 1975 Education for All Handicapped Children was enacted, modified by the 1990 Individuals With Disabilities Education Act. For African American parents, this meant that their children could get access to integrated schools, where children with disabilities were going to be afforded free and appropriate public education in the least restrictive environment (Blanchett et al., 2005).

Post-*Brown*, African American students have been overrepresented in and often inappropriately assigned to special education to continue the legacy of segregation in practice (Harry & Anderson, 1994). This overrepresentation perpetuates this legacy by allowing special education to create programmatic and classroom arrangements that jeopardize the life chances of African American students (Patton, 1998). In the case of special education and African American students, particularly males, there seems to be an overall prejudice

against Black students. This process is biased against African American male students, from their first experiences in regular education through their disproportionate placement in special education programs (Harry & Anderson, 1994). Also, sociocultural factors influenced teachers' decisions in making special education referrals (Drame, 2002). African American students from low socioeconomic statuses were more likely to be referred for special education services for negative academic behavior, especially when combined with behavioral difficulties.

Special Education Remedies Results and Outcomes for Black Children

Given this post-*Brown* overrepresentation of Black children in special education, a number of court cases were brought to challenge the disproportionately high African American assignment to special education (e.g., *Johnson v. San Francisco Unified School District*, 1971; *Larry P. v. Riles*, 1979). Nonetheless, this overrepresentation persists. The National Association for the Education of African American Children With Learning Differences (n.d.) reported that in 2008, while Black children made up 15% of students in public education, they were overrepresented 21% in specific learning disabilities, 29% in emotionally disturbed students, and 31% in the mentally retarded. These data demonstrate a wide disproportionate placement of Black students in special education. What does this mean for Black student achievement? We know that 22% of students with disability labels do not complete high school, whereas only 9% of students without labels fail to complete high school (Frattura & Capper, 2007). The overrepresentation of African American students in special education leads to even fewer opportunities for successful completion of a high school diploma.

Conclusion

Based on the examination of the educational reforms or remedies discussed here, in answering the question, what effects have post-*Brown* educational reform efforts had on Black children; where the academic achievement for Black children seems to be bleak even 60 years after *Brown*. Only speculation can tell what might have happened if desegregation had not occurred. America should honor the lives and unmeasurable sacrifice that were given from those who fought and stayed the course so that all could have legalized desegregation. At the same time, much of what has occurred subsequent to *Brown* has only further drawn attention to racial disparities in America.

In some ways, picking apart the success and failures of post-*Brown* remedies draws us further from the issue of race, which fails to be directly addressed in America. As the achievement gap persists, Ladson-Billings (2006) urged us to reframe the achievement gap by using the term "education debt." America has accumulated a debt against people of color based on years of inequitable

resources, inferior education, and exclusion from the civil participation in voting and governance. States and school districts have consistently allowed smaller per-pupil costs to be spent on students of color in poor communities versus their White peers in more affluent areas.

From a civic perspective, as recent as 2013, Black citizens have been concerned with civil rights in education and other arenas. For example, in a 5–4 pivotal decision on June 25, 2013, the U.S. Supreme Court struck down an important component of the 1968 Voters Rights Act (*Shelby County v. Holder*, 2013). Some Southern states that had been egregiously negligent in preventing Black voting were no longer required to report changes in voting procedures to the federal government. The decision claimed that these federal requirements were no longer needed because the erroneous practices were no longer prevalent. To Bell's (1980) point, White Americans no longer feel that these mandates are needed to protect Black citizens, and they see no reason to have them in place. Therefore, no interest convergence exists, and the protections are eroded. Another example of civil rights violations includes the current legalization of "stop and frisk" policies aimed mostly at young African American men.

These racial discrepancies contribute to educational, social, and economic disparities for Black students in the contemporary context. The long-standing America racial ills could be corrected either by a moral imperative or through mutual or convergent interests (Bell, 1980). To date, we have opted to address the disparities by the latter course of action. Since the desegregation remedy yielded undistinguished results for Black children, new remedies have been applied but only to the extent that White America can tolerate them. As Bell (1980) suggested in the interest convergence theory, change can come only to the extent to which White America can tolerate it. But, hopefully, the interest of the two communities will merge to support greater educational opportunities for all Americans (Brown, 1994). As demonstrated by the educational reforms discussed here, student achievement for Black students have not been affected in significant ways. Until a moral imperative is enacted or a true interest convergence is found, it is unlikely that there will be great strides in traditional measures of improved academic achievement for Black students.

Tangible remedies are tied to the amount of economic and human resources appropriated, and per-pupil allocations are inequitable based on property income. Unless we determine more equitable ways to fund schools, moving small resources modestly will provide only superficial remedies that may not have a lasting impact on Black student achievement.

By examining Black students' achievement via educational reform efforts, the answers raise more questions about to what extent the country will go to remedy the chronic illness of racism. To date, many reforms have been more of a temporary fix to long-standing racist practices. Until we choose to provide the intense ongoing treatment needed to address the debt accumulated

by years of inequitable treatment of Blacks, the impact of *Brown* will continue to yield lackluster advancement for Black children. **IJER**

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