

**DIVISION OF
DEVELOPMENT AND
PARTNERSHIP**

890176



Minnesota Department of Education

R E P O R T

Desegregation Policy Analysis
January 19, 1988
To The Members,
State Board of Education
and
Dr. Ruth E. Randall,
Commissioner of Education

Equal Educational Opportunities Section
Minnesota Department of Education

TABLE OF CONTENTS

	<u>Page</u>
INTRODUCTION	1 - 3
PREFACE	4 - 5
PART ONE The status of local and national desegregation efforts to determine whether schools which have desegregated or are under court order to desegregate are effectively meeting the educational needs of their pupils.	6 - 19
PART TWO Examination of the Minnesota State Board of Education Rule on desegregation in light of changing demographics in Minnesota.	20 - 33
PART THREE Findings and Recommendations to the State Board of Education for potential future action.	34 - 72
PART FOUR Summary/Recommendations	73 - 74
REFERENCES	75
APPENDICES	76 - 88

DESEGREGATION POLICY ANALYSIS
INTRODUCTION

The Minnesota State Board of Education in the late 1960's and early 1970's, adopted strong standards for having public schools desegregated. Its policies on equal educational opportunity and rule on desegregation remain the cornerstone for integrated education. Now that desegregation policies have been in place for nearly fifteen years, a number of issues have been raised regarding its effect, namely student achievement.

This paper will provide an analysis of school desegregation policy in Minnesota. After the Introduction, Part I examines the status of local and national desegregation efforts to determine whether schools which have desegregated or are under court order to desegregate are effectively meeting the educational needs of their pupils. Part II examines the Minnesota State Board of Education rule on desegregation in light of changing demographics in Minnesota. Part III sets forth the findings and recommendations to the State Board of Education for potential future action.

Minnesota Department of Education staff utilized the following activities in completing this assignment:

- 1) personal interviews with school board members, administrators, faculty, and community members from Duluth, Minneapolis, and St. Paul were conducted;
- 2) on-site visits were made to Milwaukee, St. Louis and Detroit;
- 3) Dr. Gary Orfield, University of Chicago, and Dr. Charles Vergon, University of Michigan, two nationally known experts on desegregation, provided technical assistance to Department staff;
- 4) an on-site visit was made to the Program Education Opportunity Center at the University of Michigan. This is a Regional Center providing support

assistance to midwestern states on desegregation. They provided to staff the historical and current status of desegregation across the United States; and,

5) the literature on desegregation was studied extensively by Department staff.

Reform-minded citizens and those who believe our schools are not keeping pace with our foreign neighbors have argued that student achievement must meet every test of any educational policy. Emerging from these groups are those who believe that schools who are under strong desegregation standards are not providing quality education and whose students are not achieving acceptable outcomes. Perhaps a brief look back will be helpful to policy makers as they consider future educational policy.

Christopher Jencks in 1972 said, "the case for or against desegregation should not be argued on terms of academic achievement. If we want a segregated society, we should have segregated schools. If we want a desegregated society, we should have desegregated schools."¹

Certainly, this point of view was not new as numerous social scientists and educational researchers have written extensively about it since *Brown v. Board of Education* in 1954. Chief Justice Earl Warren writing for the U.S. Supreme Court at that time noted: "Today, education is perhaps the most important function of state and local governments.... It is the very foundation of good citizenship.... It is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education."³

1. Christopher Jencks et al., *Inequality* (New York: Basic Books, 1972), p. 106
2. *Brown v. Board of Education*, 347 U.S. 483 (1954).

Braddock, Crain, and McPartland who have conducted extensive research on black student achievement said: "A major goal of public education in the U.S. has always been to facilitate the assimilation of minorities.... Yet, the debate over the merits of school desegregation has virtually ignored the goal of assimilation, focusing instead on such narrow issues as whether achievement test scores rise or fall after desegregation. The evidence suggests that the test scores of minority students rise after desegregation, but this is not the real test of the value of desegregating the schools. The real test is whether desegregation enables minorities to join other Americans in becoming well-educated, economically successful, and socially well adjusted adults."³

There is no attempt on the part of staff in this activity to diminish the importance of student achievement. On the contrary it should be a goal of all quality education programs. This paper will focus on the premise that keeping Minnesota schools desegregated will not only be in the best interests of all students, but future generations will be the beneficiaries of an integrated society.

3. Jomills Henry Braddock II, Robert L. Crain, and James M. McPartland, "A Long-Term View of School Desegregation: Some Recent Studies of Graduates as Adults, December 1984.

PREFACE

This report is divided into three major sections and responds to the following questions:

Part One: The status of local and national desegregation efforts to determine whether schools which have desegregated or are under court order to desegregate are effectively meeting the educational needs of their pupils.

What do some of the research studies show are the results of desegregation/integration?

What is the current status of student achievement in school districts which have been desegregating/integrating?

For what type of activity or inactivity have the courts found to be the basis for finding states to have liability in school segregation/desegregation?

Which school districts in the United States have been recently ordered by federal courts to desegregate their schools and what distinguishes the remedial responsibilities required by the courts?

Part Two: Examination of the Minnesota State Board of Education Rule on desegregation in light of changing demographics in Minnesota.

What does the State Board of Education Rule 3535, Equality of Education Opportunity, School Desegregation, require of Minnesota school districts?

What positions has the State Board of Education taken to provide equal educational opportunity? Are these positions sufficient for further implementation of recommendations regarding desegregation/integration processes?

What areas need to be addressed so that Minnesota public schools may maintain desegregated schools; promote integrated education; and institutionalize multicultural, gender-fair curriculum?

Part Three: Findings and Recommendations to the State Board of Education for potential future action.

Does the State have financial responsibility to support desegregation/integration programs when the State requires desegregation of schools?

What areas need to be immediately addressed to respond to districts needing intradistrict assistance?

How should the State Board and the Department address the changing demographics of urban districts?

What long-term efforts does the State need to make to alleviate the effects of segregation in society and the resulting consequences for Minnesota public schools?

Does the State Board of Education rule 3535, requiring school districts to desegregate and develop comprehensive integration plans, need to be changed?

What recommendations does the State Board need to consider to define and further support desegregation/integration efforts and the provision of equal educational opportunity in the Minnesota public schools?

Part Four: Summary/Recommendations

PART ONE

The status of local and national desegregation efforts to determine whether schools which have desegregated or are under court order to desegregate are effectively meeting the educational needs of their pupils.

What do some of the research studies show are the results of desegregation/integration efforts?

The studies* of Braddock (1980, high school); Braddock and McPartland (1982, elementary/secondary); Braddock, McPartland, and Trent (1984, high school and college); Crain and Weisman (1972, elementary/secondary); Braddock and McPartland (1983, high school follow-up); Green (1981, 1982 high school and college, ten-year follow-up); Crain (1984a, elementary/secondary); Crain (1984b, inner city/suburb); Pearce (1980, 14 communities, school segregation indices); Pearce, Crain and Farley (1984, 25 large cities, change in segregation indices) indicate the following:

- (1) the evidence suggests that the test scores of minority students rise after desegregation;
- (2) desegregation of schools leads to desegregation in later life-in college, in social situations, and on the job;
- (3) the most dysfunctional aspect of racial segregation is its tendency to become self-perpetuating - gives birth to and nurtures a form of avoidance learning and maintains separation;
- (4) minority students from majority - white high schools are more likely to enroll at majority - white four year colleges;
- (5) students from desegregated elementary/secondary schools are more likely to work in desegregated firms; Blacks from predominantly white colleges are also more likely to work in desegregated firms;
- (6) minority students from desegregated elementary (secondary schools are more likely to have white social contacts, live in integrated neighborhoods;
- (7) central cities where schools are desegregated have more desegregation in housing;
- (8) communities with community-wide school desegregation plan have less "racial steering" by the real estate industry;
- (9) members of minority groups who have been educated in segregated schools will generally move into segregated niches in adult society;
- (10) members of minority groups, if they have had no childhood experience with whites, will tend to avoid dealing with whites as adults;
- (11) minority males who had graduated from segregated schools perceived more racism, both in college and in business settings, than did males who had graduated from desegregated schools;
- (12) attending desegregated schools improves the attitudes of both minority and whites toward future interracial situations.

*Jomils H. Braddock, Robert L. Crain, and James M. McPartland. "A Long-Term View of School Desegregation..." Phi Delta Kappan, December 1984, pgs. 259-264.

A major goal of public education in the United States has always been to facilitate the ability of all students as citizens to live and function productively in a pluralistic society. School desegregation may be the most significant example of a national policy using educational reform to achieve this end.

The discussion of the objectives of school desegregation has often ignored that major goal and focused on issues as to whether test scores or student achievement rise or fall after desegregation. Although most research suggests that test scores of minority students rise after desegregation (Orfield, 1987). This outcome is not what society needs to value in desegregating schools.

Schools do more than teach academic skills. They also socialize students to become a part of a pluralistic, adult society. Braddock, Crain, and McPartland state that "...U.S. society cannot avoid the pain of decisions about school desegregation simply by improving the quality of segregated schools. Desegregation puts majorities and minorities together so that they can learn to co-exist with one another not so that they can learn to read." (Phi Delta Kappan, December 1984, p. 250).

Minority parents who grew up in segregated schools are reluctant to send their children to desegregated schools. Individuals, having experienced prejudice and discrimination, have learned to avoid and to withdraw from interracial situations that might cause them pain or indignity.

The studies show strong and consistent effects. Persons practice avoidance if they have had no cross-cultural experience because they sometimes experience rejection and/or hostility. It is likely, too, that the same mechanism that produces prejudice among whites from segregated backgrounds will produce prejudice among minorities who have had no contact with whites.

The argument that separate-but-equal is as good for society as integrated-and-equal is wrong, at least it is where schools are concerned. The studies indicate that segregation in elementary and secondary schools leads to segregation in adult life. Segregation is harmful because most minority group members must find their ways into desegregated institutions if they are to achieve success as adults. There is considerable evidence that school desegregation is a necessary step to insure equality of economic opportunity to minorities in our society.

The schools are the place in which we socialize the next generation of citizens. The research findings suggest that we cannot afford segregated schools if this country is genuinely committed to providing equality of opportunity to every citizen.

What is the current status of student achievement in school districts which have been desegregating/integrating?

There has been and continues to be an extremely consistent and powerful relationship between race, poverty, and performance. This was evidenced by Congress in its studies of equal educational opportunities. It was evidence and supporting cause for the Supreme Court to rule that separate --- is not equal.

We have known that racial composition of schools is closely related to low socio-economic levels and that low socio-economic levels are closely related to student achievement.

The injustices of our society which have been addressed by the federal courts was the extraordinary level of racial segregation in education. Minority students (Hispanic, Asian, Black, and Native American) found themselves concentrated in educational systems inferior to those offered to Caucasian students.

Efforts to improve equal educational opportunities and student achievement for minority students have encompassed (1) school desegregation, (2) school financial reform, and (3) compensatory education programs. Each has been a strategy to improve the climate of the school environment in which minority students could become successful learners.

The findings by researchers on changes in achievement following desegregation conclude that minority student achievement will improve and white student achievement will be unchanged or may show improvement. Other studies show that desegregation/integration when properly applied can eliminate one-third of the academic gap of minority students by the time of graduation.

The most recent studies by Dr. Gary Orfield, July 1987 indicate that the consistent relationship between race, poverty, and performance still exist. He concludes that the only predominantly minority schools that are comparable to suburban achievement averages are city magnet schools which require tests, grade requirements and other standards as a pre-requisite to student selection. Orfield further states that minority students in segregated buildings find themselves overwhelmingly concentrated in schools that do not offer stimulation, or levels

of preparation similar to those offered to the majority of white students. This results in lower achievement, high dropout rate, lack of job training and declining college attendance for many minority students.

In order to continue to narrow rather than widen the achievement gap, researchers strongly support policies of early continuous desegregation/integration that place students from at risk families into schools that emphasize multicultural education, basic skills, analytical problem solving skills, and social skills.

Reports from Minnesota school districts with approved comprehensive desegregation/integration plans indicate that the educational programs ensure an integrated environment; that the mission to challenge all students to reach their highest intellectual potential is enhanced in all schools and for all students in all grade levels. Magnet and alternative programs developed as part of school desegregation plans have substantially improved instruction in the affected school districts. Achievement of students as measured by standardized achievement tests has been improving.

A progress report on student achievement is provided by the three districts: Duluth, Minneapolis, and St. Paul.

Duluth:

The Duluth Public Schools began reporting achievement data by race for desegregation target schools in 1984.

The average California Achievement Test scores in the desegregation target schools as a group have been generally good since before the availability of desegregation funding, and they continue to be so. Only at one school has there been a consistent pattern of average scores below the national median, and that pattern still exists. Subtest scores have gone up at some grade levels and at some schools and down in others over the past three years, as is to be expected when monitoring relatively small groups. With the possible exception of the one junior high school, there is no clear pattern of either rising or falling C.A.T. scores. The average scores improved from the first year of grade 7 testing (1985) to the second year (1986).

Minority students score significantly lower on all subtests of the C.A.T. than do white students. This pattern continues. However, while the average norm-referenced C.A.T. scores of Caucasian students have not improved appreciably from fall to fall, the average scores of minority students have improved slightly. That is, majority students on average seem to be progressing at the same rate at the national norm group, while minority students on average seem to be advancing slightly relative to the norm group.

***Report of Desegregation Evaluation Subcommittee to Desegregation Advisory Committee, June 1987.**

***Minneapolis:**

The Minneapolis Public Schools began reporting test results by race a number of years ago. This method of reporting showed that there were large discrepancies in achievement by ethnic group. Although there are still differences in achievement on the Benchmark tests by racial group, the two lowest achieving groups (Indian and Black students) have made significant gains since the inception of the Benchmark Testing Program. The following statements are indicative of these gains:

- . For Indian students, the 1987 passing rates were higher than the 1986 passing rates on 15 of the 23 Benchmark tests, and the passing rates for Indian students increased at least five percentage points on nine of the tests.
- . For Black students, the 1987 passing rates were higher than the 1986 passing rates on 16 of the 23 Benchmark tests, and the passing rates for Black students increased at least five percentage points on nine of the tests.
- . For White students, the 1987 passing rates were higher than the 1986 passing rates on 14 of the 23 Benchmark tests, and the passing rates for White students increased at least five percentage points on one test.

The following significant changes in passing rates are worth noting:

- . The passing rate for Indian students has increased --
 - In Grade 2 reading - from 71 percent in 1985 to 83 percent in 1987.
 - In Grade 9 mathematics - from 69 percent in 1985 to 83 percent in 1987.
 - In Grade 3 writing - from 58 percent in 1986 to 69 percent in 1987.
 - In Grade 5 writing - from 73 percent in 1986 to 84 percent in 1987.
 - In Grade 9 writing - from 71 percent in 1986 to 80 percent in 1987.
- . The passing rate for Black students has increased --
 - In Grade 2 reading - from 65 percent in 1985 to 78 percent in 1987.
 - In Grade 9 mathematics - from 58 percent in 1985 to 72 percent in 1987.
 - In Grade 3 writing - from 63 percent in 1986 to 71 percent in 1987.
 - In Grade 7 writing - from 71 percent in 1986 to 80 percent in 1987.

***Summary of 1987 Benchmark Test results, Curriculum Department, Office of Guidance and Assessment Services.**

***St. Paul:**

Since the fall of 1985, St. Paul has produced reports which allow district staff and the public to monitor how well their schools are serving all children. Specifically, the "Annual District Test Report" contains standardized test scores for the district and each separate school. These scores are disaggregated to provide separate indicators of group performance for St. Paul students who fall into each of the four quartiles of the national population. Additionally, the school profiles publication, "The St. Paul Public Schools," reports test score data disaggregated by neighborhood income level.

Data from these reports show that programs in the St. Paul Public Schools are improving the achievement levels of students who have historically not been well served by the nation's public schools. For example, in the 1985-86 standardized testing, 33 percent of St. Paul students achieved in the bottom quarter of the national population on composite achievement. The district wants their program to reduce the number of students who score at these low levels. The 1986-87 data reveal that they did, indeed, reduce the percentage to 31.

The test data disaggregated by income-level reveals similar improvement for students from low-income neighborhoods. The table below summarized this improvement.

PERCENT OF STUDENTS FROM LOW-INCOME NEIGHBORHOODS WHO SCORE
ABOVE THE NATIONAL AVERAGE

	Reading		Mathematics		Language	
	85-86	86-87	85-86	86-87	85-86	86-87
Grades 2-6 Combined	32%	34%	33%	35%	32%	38%
Grades 7-11 Combined	26%	29%	35%	38%	28%	32%

In the above table, the district examined data which show the percentage of students scoring above the national average. As opposed to the earlier data for students scoring in the bottom quarter, in this case they want to increase the percentages. The data indicate that they have begun movement in this direction with improvements ranging from 2% to 6%.

Beginning in the 1987-88 school year, the district will implement the recent Board decision which approved the reporting of standardized test scores disaggregated by racial/ethnic group. The district projects that the first report of disaggregated scores will be available by April 1, 1988.

***District Testing Program Report Results - school year 1986-87, Department of Research Evaluation and Testing.**

For what type of activity or inactivity have the courts found to be a basis for finding states to have liability in school segregation/desegregation?

The most recent, formidable resource to provide response to this question is provided by David Tatel, Maree Sneed, Kevin Lanigan, and Steven Routh in their writing The Responsibility of State Officials to Desegregate Urban Public Schools Under the United States Constitution, November 1986. In their draft of this writing, these findings are presented under the title of "State Conduct as a Basis for a Federal Court Finding of Liability Against State Defendants".

A summary is presented here.

"There is no single test that can be applied in all situations to determine whether a government policy or action was undertaken with discriminatory intent. The Supreme Court has made clear, however, that to establish such intent, a plaintiff need not demonstrate that government officials acted with a subjective motivation to injure or disadvantage minority persons. Instead, it is enough that plaintiffs show that race is a significant factor considered by the defendant or that the defendant's conduct has a natural and foreseeable consequence of causing educational segregation." (pgs. 6-7)

"State conduct that impedes local efforts to desegregate or which otherwise makes desegregation more difficult may constitute an additional constitutional violation, even if that conduct is undertaken for nondiscriminatory reasons." (p. 8)

"Several courts also have predicated state liability on findings that predominantly minority school districts were excluded from reorganization or consolidation plans that included other school districts or governmental units." (p. 10)

"State-supported student transfers may also establish a basis for a finding of state liability." (p. 11)

"A state may be liable even for segregative conduct, committed primarily at the local level...liability may be found if state officials have knowledge of intentional segregation by local officials, but have failed to take action to halt such segregation or have intentionally supported the local segregation through, for instance, continued provision of regular state funding. (pgs. 12-13)

"...state liability for segregation of the schools may be based on actions not directly related to its public education policies. ...the Supreme Court on a number of occasions has recognized the interrelated nature of school and housing segregation...plaintiffs may demonstrate such a 'connection' either by showing that school officials have acted in concert with housing officials to create or perpetuate residential segregation, or by showing that government officials have engaged in independent acts of housing and school discrimination with the result that discriminatory housing practices contributed to or exacerbated the segregation of schools." (p. 14)

"...in Evans v. Buchanan, the district court ruled that state legislation providing for the reimbursement of parents of private and parochial students for part of their school transportation costs had the effect of assisting 'white children residing in Wilmington to attend non-public schools in the suburbs and vice-versa'". (p. 12)

"...a state cannot avoid responsibility for the cumulative effects of discriminatory governmental functions of state government among its many branches and divisions". (p. 15)

Which school districts in the United States have recently been ordered by courts to desegregate their schools and what distinguishes the remedial responsibilities required by the courts?

Desegregation activities have a significant impact on the administration and maintenance of American public schools. Some school systems have been held in litigation for well over ten years. There are over 200 school districts under court-ordered desegregation mandates. A number of other districts have voluntary plans in operation.

The courts have not been consistent in championing racial desegregation and integration as they were in the latter 1960s and early 1970s. The Supreme Court has not rendered a desegregation decision since 1982. However, lower courts have been active in addressing challenges to school desegregation plans in all areas of the country.

The most recent and most controversial issues in desegregation relate to the judicial authority to order interdistrict solutions. Many cities have an increasing minority population. The nation's twenty-five largest school districts have more students of color than they do caucasian students. In 1974 the Supreme Court states that cross-district solutions could be ordered only when there was evidence of intentional segregation with interdistrict impact, *Milliken v. Bradley*, 418 U.S. 717, (1974).

Metropolitan remedies in Detroit, Houston, Kansas City, and Cincinnati have been rejected. However, county and city school district mergers have been ordered by the courts in Wilmington and Louisville, *Evans v. Buchana*, 416 F. Supp. 328, (1976). Consolidation among the Little Rock district and two rural districts was ordered to achieve county-wide desegregation, *Little Rock School District v. Pulaski County Special School District No. 1*, (1984). This decision has been appealed.

In Indianapolis, St. Louis, and Milwaukee, pupil transfers between districts have been implemented although district mergers were not required. A one-way busing plan for the Indianapolis metropolitan areas has been ordered, under which 5000 minority students are bused to six suburban school districts, *United States v. Board of School Commissioners*, 637 F. 2d 1101, (1980). The St. Louis City School Board and 23 surrounding suburban districts agreed to implement a

voluntary desegregation plan, *Liddel v. Board of Education of St. Louis*, 567 F. Supp. 1037, (1983). Each suburban school district must accept inner-city minority transfers up to 15% of its total enrollment. If the districts fail to meet this goal in five years, the plaintiffs have the option of reopening court action. Milwaukee and 24 suburbs are involved in a metropolitan desegregation plan to increase a two-way exchange of students, *Board of School Directors of the City of Milwaukee v. Earl*, (1984). The plan ensures state funding for the transfer program and for remedial and compensatory education programs. In addition, it would implement a minority teacher recruitment program and set up housing integration and dropout prevention measures for children in housing projects.

Other states in which urban desegregation plans brought integration results include Nevada, Oklahoma, Rhode Island and Colorado. States achieving substantial integration with very large black populations have been North Carolina and Florida.

The Supreme Court in 1971 sanctioned the use of including pupil transportation remedies to eliminate dual school systems. Although the federal courts have maintained that the reassignment of students beyond their neighborhood schools is justified to desegregate schools, limitations to judicial authority to impose busing plans continue to be proposed. Plans have included remedial programs, counseling and career guidance, and bilingual/bicultural education to overcome the effects of prior racial isolation. Magnet schools offering specialized programs and curriculum alternatives have been used to attract students to integrated schools. Magnet schools and other efforts to improve the quality of instruction have become important components to desegregation plans implemented in Detroit, Cincinnati, Houston, Baton Rouge, Chicago, and Nashville.

Substantial costs are necessary with desegregation litigation and the resulting remedial plans to be implemented by the district(s). In the St. Louis case, the court determined that an increase in taxes could be ordered if revenue to implement the desegregation plan by other means failed. A federal judge has nearly doubled Kansas City's property tax to fund a massive school desegregation plan. Judge Russell Clark has imposed a 1.5 percent surcharge on the incomes of people working within the city school district, *Jerkins v. State of Missouri*, 593 F. Supp. 1485, (1984). In Boston and Cleveland, the courts took

over the school district's financial management to ensure the implementation of the desegregation activities, *Reed v. Rhodes*, 422 F. Supp. 708, (1976). In some cases the school districts have claimed that the state is responsible for the school segregation and should be directed to share the costs of implementing any remedial plans. In 1977 the Supreme Court ruled that the State of Michigan was required to underwrite half the cost of inservice training, guidance and counseling services, and community relations programs included in the desegregation plan for Detroit, *Milliken v. Bradley*, 433 U.S. 267, (1977). Several other courts have required states to share desegregation expenses based on evidence that state action has perpetuated the segregated conditions, e.g., *Kansas City, Indianapolis*.

Judicial involvement in desegregation litigation may be coming to an end for some districts. Columbus, Ohio was released from court control in 1985. Boston's litigation, after over 400 court orders spanning 12 years, is being completed. Houston signed a federal court settlement designed to end 28 years of desegregation litigation. Cincinnati, the NAACP, and the State of Ohio reached a settlement intended to end 10 years of desegregation litigation, *Bronson v. Board of Education of Cincinnati*.

Since the *Brown* decision, *Brown v. Board of Education v. Topeka*, in 1954, the dual school systems have been progressively dismantled but total desegregation has not been accomplished in the United States. Trends are difficult to identify. School desegregation will continue to provide litigation in the attempt to fulfill the 1954 Supreme Court decision.

It is suggested that further information regarding this area may be obtained through the Report by the National School Desegregation Project to the Joint Center for Political Studies - School Segregation in the 1980s, Trends in the States and Metropolitan Areas written by Gary Orfield with Franklin Monfort and Rosemary George; and Trends in School Desegregation Litigation and the Financing of Remedial Decrees by Charles B. Vergon.

PART TWO

Examination of the Minnesota State Board of Education Rule
on desegregation in light of changing demographics in
Minnesota.

What does the State Board of Education Rule 3535, Equality of Education Opportunity, School Desegregation, require of Minnesota school districts?

The State Board Rule (see Appendix) defines segregation in a Minnesota school district in this manner:

"Segregation occurs in a public school district when the minority composition of the pupils in any school building exceeds the minority racial composition of the student population of the entire district, for the grade levels served by that school building, by more than 15 percent."

Every Minnesota school board is required to submit annually a report showing the number of students enrolled which belong to each race or each of the schools under its jurisdiction. If the data indicate that segregation exists, notification to the district is made. A local board must prepare a comprehensive plan to eliminate the segregation and file a copy of the plan with the Commissioner within 90 days.

The contents of the comprehensive desegregation plan is outlined in 3535.0900 and includes the following:

- an explicit commitment by the local board to fulfill the requirements
- a detailed description of the specific actions to be taken showing the intended effect of each action proposed
- a timetable showing dates of initial implementation and completion
- evidence that broad community participation and involvement was secured
- specific affirmative proposals to ensure that the integration process provides an effective learning environment for all children.

The plan is to include narrative description of changes in staffing patterns of the school district, curriculum changes to meet the needs of students, any anticipated building or remodeling programs, present and projected attendance patterns, staff preparation or projected in-service training programs. The plan is to project the racial composition of each school which may be expected upon completion of the plan.

All decisions by local boards concerning selection of sites for new schools and additions to existing facilities shall be taken into account, and give maximum effect to, the requirements of eliminating and preventing racial as

well as socio-economic segregation in schools (3535.1100). Burdens occasioned by desegregation shall be shared by all and not disproportionately by pupils and parents of minority group students.

After a plan has been approved by the Commissioner, the local board shall submit to the Commissioner when requested, information deemed necessary.

Any school district aggrieved by a decision required by the Commissioner by the rule (3535.0200 to 3535.2200) may serve a written request on the State Board of Education within 30 days of any such decision to appear before the board. Following such an appearance the board may in writing support, modify, or reject the Commissioner's decision (3535.2000). The penalty for noncompliance with 3535 shall be the reduction of state aids pursuant to Minnesota Statutes 124.15.

The outline of the State board's Rule indicates that the intention of the Rule was to not only seek the continuing desegregation of schools but also a high quality of education after desegregation. No plan of desegregation may be approved by the Commissioner unless there is a comprehensive plan. The details of that comprehensive plan are described in 3535.0900.

Other concerns of the State board became segments of the Rule. These included: the desegregation methods to be used; the approval of school sites; burdens of desegregation were not to be carried only by minority students; and grouping and classification of students were not to re-segregate students in classrooms or programs.

The State Board sought, through its Rule, the continuing desegregation of schools which were segregated and, the continuing integration of students in desegregated educational environments. An outline of the Rule follows:

**AN OUTLINE OF THE STATE BOARD RULE 3535
REQUIRING DESEGREGATION AND INTEGRATION PLANS**

.0200 Definitions

Equal Educational Opportunity
Minority group students
Segregation

.0300 Policy

Rule designed to implement State Board Policy:
**"Educational Leadership Role for Department of
Education in Providing Equal Educational Oppor-
tunity" (1970)**

.0400 Local Boards, Penalty

Submit racial composition
Submit comprehensive plan
Reduction of state aids (124.15)

.0500 Submission of Data

Submission of data by November 15: local board
15 days allowed beyond notification of non-
compliance

Report submitted by local board - clerk of local
board shall certify accuracy

Methods - may be sight count or any other method
determined by board to be accurate

.0600 Submission of Plan

Determination of segregation from data: 30
days for notification

Local board: 90 days to respond with compre-
hensive plan

Commissioner: 15 days provided if no plan is
submitted

.0700 Standards

Variance from a submitted comprehensive plan may be
allowed for educational reasons (State Board)

.0800 Transportation Time

Commissioner may determine standard if more than 1 hour

.0900 Comprehensive Plan Contents

- commitment of local board
- detailed description of specific actions and intended effect
- time table
- broad community participation
- proposals to ensure effective learning environment
- description of staffing patterns
- curriculum changes
- anticipated building or remodeling programs
- present and projected attendance patterns
- in-service training programs
- effect on racial composition of each school
- implementation not to exceed two years

.1000 Desegregation Methods

.1100 New School Sites Approval

.1200 Equity

Desegregation burdens not borne disproportionately

.1300 Pupil Grouping/Classification

No practice allowed which results in segregation

.1400 Continuing Review by Local Board

No resegregation in any school or classroom

Submission of amendments to plan

.1500 Acceptance or Rejection of Plans and Amendments by Commissioner

Plan will eliminate segregation

Implementation will not exceed two years

Transportation not restricted to minority students

Approval notification within 30 days by Commissioner

.1600 Rejection Notification

Reasons for rejection

Revisions necessary

45 days allowed for revised plan

.1700 Notification of Failure

Failure: no plan
plan fails to contain revisions
plan fails Rule requirements

Notification of Action to be taken (.1400: aids)

.1800 Submission of Information

Commissioner may request information on implementation of
plan anytime

Failure to submit information: noncompliance (15 days allowed
for compliance)

.1900 Implementation: examination

Reasonable time determined by Commissioner to correct
discrepancy in schedule and progress

.2000 Appearance before Board

Any district aggrieved by a decision required by Commissioner
in this Rule may serve a written request on State Board

Appearance at next regular meeting

Board may support, modify or reject Commissioner's decision

Stays reduction of state aids

.2100 Notices

Guided by 124.15 subd. 3

Notices sent to superintendent and clerk

All laws required of district to be provided by Commissioner.

What positions has the State Board of Education taken to provide equal educational opportunity? Are these positions sufficient for further implementation of recommendations regarding desegregation/integration processes?

In 1967, the State Board adopted a Policy Statement on Racial Balance (See Appendix A). In fiscal year 1969 the Minnesota Department of Education submitted a proposal to the United States Office of Education to fund a technical assistance program on problems of school desegregation under the provisions of Title IV Section 403 of Public Law 88-352 The Civil Rights Act of 1964. Two of the objectives of this proposal were:

- (1) To implement the Civil Rights Act of 1964, The Minnesota State Act Against Discrimination, and such other federal and state legislation which assures equal educational opportunities for all students in Minnesota;
- (2) To assist local educational agencies and the Minnesota Department of Education in the development of policies and programs which provide for desegregation of students and staff.

In February of 1969 the Equal Educational Opportunities staff requested and received permission from the Commissioner of Education to re-write the 1967 policy statement on Racial Balance. The Commissioner appointed a 15 person committee to assist the staff in this effort. The redrafted document was submitted to the Board on July 14, 1969, as proposed policy and guidelines. Because of a provision to withhold federal funds for noncompliance the Board did not adopt the proposed document because it felt it did not have legal authority to withhold federal funds.

The Equal Educational Opportunities director was instructed to check with the U.S. Justice Department and our Assistant to the Attorney General to determine the board's authority to withhold federal funds. They were advised to inquire into the possibility of withholding state aid from school districts for noncompliance. This inquiry indicates that Minnesota laws had provisions for withholding or reducing state aids for noncompliance with Board regulations. The Equal Educational Opportunities staff was advised by the Assistant to the Attorney General to draft proposed regulations. The staff and the committee with the assistance of the Attorney General's office drafted proposed regulations which were accepted by the Board in October 1969 for a public hearing in November 1969. The public hearings were held on November 15,

1969. Because of the negative reaction to the proposed regulations at the public hearing the Board refused to adopt them, instead it appointed a ("blue ribbon") task force consisting of 67 persons to re-study and possibly broaden the concept of the proposed regulations. This task force was instructed to make its report to the Board within four months. From this report the Board developed and adopted Guidelines on School Desegregation in December 1970. Since no school district had fully complied with the provisions of the Guidelines after two years of operation the Board began to consider the adoption of the guidelines as regulations.

The State Board of Education was relying on the following sections of Minnesota Laws relating to Minnesota Public Schools for its authority to establish regulations on equality of educational opportunity and school desegregation.

(1) Section 121.11 State Board, Subdivision 7 and 12, which gives the Board respectively general supervision over educational agencies and power to make and enforce administrative rules and regulations consistent with this code, (2) Section 124.66 Purpose of School Aid, states in part, state aid shall be for the following purposes: (1) To assist in providing equal educational opportunities for all the school children of the State; --- and, The Minnesota State Act Against Discrimination as amended through May 1, 1969, Section 363.03, Subdivision 5, which reads in part, "It is an unfair discriminatory practice:

- (1) To discriminate in any manner in the full utilization of any educational institution, or services rendered thereby to any individual because of race, color, creed, religion, or national origin.
- (2) To exclude, expel, limit, or otherwise discriminate against an individual seeking admission as a student, or an individual enrolled as a student because of race, color, creed, religion, or national origin."

The Board relied heavily upon the courts' interpretation of the provisions of the 14th Amendment to the U.S. Constitution. In *Brown vs. Board of Education* the U.S. Supreme Court stated that,

"Today, education is perhaps the most important function

of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. ---It is the very foundation of good citizenship. Today it is the principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.

We come to the question presented: Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other "tangible" factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does. ---

We conclude that in the field of public education the doctrine of "separate but equal" has no place. Separate educational facilities are inherently unequal."

In *Swann vs. Charlotte-Mecklenburg* 402 U.S. 1 (1971) the court said,

"Our objective in dealing with the issues presented by these cases is to see that school authorities exclude no pupil of a racial minority from any school, directly or indirectly, on account of race; it does not and cannot embrace all the problems of racial prejudice, even when those problems contribute to disproportionate racial concentrations in some schools."

The court went on in this same case to state its holding on racial balance.

"If we were to read the holding of the district court to require, as a matter of substantive constitutional right, any particular degree of racial balance that approach would be disapproved and we would be obliged to reverse. The constitutional command to desegregate schools does not mean that every school in every community must always reflect the racial composition of the school system as a whole."

The Board has noted that the court also held that limited use of mathematical ratios are permissible. In *Swann* the court stated,

"We see therefore that the use made of mathematical ratios was no more than a starting point in the process of shaping a remedy, rather than an inflexible requirement. --- As we said in Green, a school authority's remedial plan or a district court's remedial decree is to be judged by its effectiveness. Awareness of the racial composition of the whole school system is likely to be a useful starting point in shaping a remedy to correct constitutional violations."

On the issue of one race school within a district the court said,

"In some circumstances certain schools may remain all or largely of one race until new schools can be provided or neighborhood patterns change. Schools all or predominately of one race in a district of mixed population will require close scrutiny to determine that school assignments are not part of state enforced segregation. --- School authorities should make every effort to achieve the greatest possible degree of actual desegregation and will thus necessarily be concerned with the elimination of one race schools. --- In a system with a history of segregation the need for remedial criteria of sufficient specificity to assure a school's authority's compliance with its constitutional duty warrants a presumption against schools that are substantially disproportionate in their racial composition."

In light of the state and federal laws relating to equal educational opportunity on a non-discriminatory basis and the Supreme Court's interpretation of the 14th Amendment, the Board felt that it had a legal and moral duty to provide leadership in this area.

The State of Minnesota, the State Board of Education (Board) and the Minnesota Department of Education (MDE) have a history of, as well as a continued commitment to, the elimination of racial separation of students in public schools, school desegregation, and integrated education. The following compilation of State Board of Education Policies, Rules and State Laws is evidence and demonstration of that leadership.

Policies and Rules Adopted by the State Board of Education

1. January 1967 the Board unanimously adopted the "Policy Statement on Racial Imbalance and Discrimination in Public Schools". (Appendix A)
2. November 1970, the Board adopted the "Policy Statement on the Leadership Role of the State Board of Education and the State Department of Education on Providing Equality of Educational Opportunity". (Appendix B)
3. December 1970, the Board adopted Guidelines Relating to Equal Educational Opportunity, School Desegregation, Intra-Cultural and Inter-Cultural Education. (Appendix)
4. The Board procedures for implementing its policy relative to racial separation of pupils in public schools is detailed in its rule Chapter 3535 relating to Equality of Educational Opportunity and School Desegregation. The rule defines segregation as follows: "Segregation occurs in a public school district when the minority composition of the pupils in any school building exceeds the racial composition of the student population of the entire district, for the grade levels served by that building, by more than 15 percent". This rule does allow a variance from this 15 percentage point standard if the local board can justify an educational reason for a variance to the State Board of Education. The variance may not cause any school building to exceed 50 percent minority enrollment. Educational reasons are specified in the rule. Penalty for noncompliance is the withholding of state aids. For further information on the procedures used to assure that districts are in compliance with policies relative to racial separation, see Appendix.
5. February 1977, the Board adopted Prohibition Practices in Education, Chapter 3535.2300. This rule provides direction and authority for the agency's on-site compliance review which is administered under the supervision of the Equal Education Opportunities Program Director. (Appendix)

State Laws

1. Minnesota Statute 127.08 Improper Classification of Pupils, states in part: "No district shall classify its pupils with reference to race, color, social position, or nationality, nor separate its pupils into different schools or departments upon any such grounds". Penalty for violation is the withholding of state aids.
2. The 1975 State Legislature amended Minnesota Statute Sec. 125.15 directing the Board to adopt rules which direct school districts to file with the Commissioner of Education, assurances of compliance with State and Federal laws prohibiting discrimination, and which specify the information required be submitted in support of assurances (for Board action see #5 above).

Policy Statement: Commitment to Equal Opportunity

On November 9, 1970, the Minnesota State Board of Education adopted a policy statement which committed it to a leadership role in providing equal educational opportunity for all students in the public schools of Minnesota.

The statement said in part, "Racial prejudice and class separation, basic causes of educational inequities are no less pronounced in our school system than elsewhere in our society. No challenge is more urgent to the leadership role of the State Board of Education and the State Department of Education than the necessity of assuring the fullest possible education for all students, regardless of their racial, cultural or socio-economic backgrounds".

The conduct of the State of Minnesota, the State Board of Education, and the Minnesota Department of Education through the adoption of state statutes, board rules, policies, and guidelines has demonstrated an affirmative stance in removing discrimination from public education. Implementation of those laws and policies has been aggressively carried out through technical assistance, on-site review, notifications of noncompliance to school districts, the provision of special funding and appropriations.

What areas need to be addressed for Minnesota public schools to maintain desegregated schools; promote integrated education; and institutionalize multicultural, gender-fair curriculum?

As indicated in response to previous questions, the Department staff have found the State Board to be affirmative in its positions of desegregation/integration, quality cross-cultural instruction, and the provision of multicultural, gender-fair curriculum.

The statement adopted by the State Board (November 1970) titled Policy Statement on Educational Leadership Role for Department of Education and Board of Education in Providing Equal Educational Opportunity is cited by the State Board in its Rule 3535, as a basic philosophical statement and cause for adopting the desegregation/integration Rule. It is a strong, affirmative statement.

That Policy addresses the following areas:

- a. curriculum provisions
- b. instructional materials
- c. teacher training
- d. school administration
- e. legislative proposals.

These areas, in response to the question, need to be affirmed and strengthened.

Minnesota public schools exist to help children and young people learn. Additionally, schools are socializing agents which communicate to their pupils what facts and practices are endorsed in a particular society. Education in America is considered to be the purveyor of the model of democracy to be maintained in the adult society.

One of the major tenets of this society is the underlying principle of equity. It is because of this principle that as citizens we expect the realization of equal opportunity.

However, it is the fact that many persons in our society who represent cultural/ linguistic or racial diversity are excluded from equal access to the opportunities our society provides. Education which recognizes the dignity of human beings - affirming differences and similarities - leads our country much closer to practicing equality of opportunity.

PART THREE

Findings and Recommendations to the State Board of Education
for potential future action.

Does the state have responsibility to support desegregation/integration when the state requires desegregation of schools.

In recent years, a growing number of court decisions have ordered states to fund the process of desegregating school systems. The remedies for desegregating are requiring substantial resources as well as greater competency in developing and coordinating comprehensive plans.

It is clear that the State Board has been affirmative in its' policies, guidelines, and rules regarding equal educational opportunity. Conduct of the State Board and the Department have not impeded local efforts to desegregate or made desegregation difficult to determine or alleviate.

Financial responsibility in Minnesota is being determined presently on the basis of additional assistance to districts already desegregating their schools. The action taken by the legislature to support Minneapolis, St. Paul and Duluth was possible because those cities are implementing integration programs which are approved by the Commissioner and reviewed by Department staff. The Commissioner properly notifies a district if there is identified need for modification or remedial work to be completed in the integration process.

The question of state financial responsibility has, in most cases, been decided by federal court order, (e.g., Nashville, Wilmington, Cleveland, Buffalo, Chicago, Dallas, Indianapolis). In Minnesota, this question will be more fully answered at the time when an individual district implementing a comprehensive integrated school program can no longer effectively retain desegregated schools within the legal boundaries of the district. St. Paul and Minneapolis continually demonstrate increases in their minority student enrollment patterns.

In St. Louis, the Board of Education filed a desegregation suit against the state and 23 suburban districts, Liddel v. Board of Education, (1980). The litigation was stayed for five years with the agreement of voluntary interdistrict desegregation work between city and suburban schools. The courts required the state to fund one-half of the total cost of the city desegregation costs and fully responsible for costs covering: interdistrict transfers, cost of transportation, interdistrict magnet schools, and district incentive payments. The state's share of these activities, ordered by the courts, cost over \$90 million in FY'87.

Courts have also ordered states to assume financial responsibility in Kansas City, Milwaukee, and Chicago. The cause, as determined by the courts in finding states liable, has usually fallen in the broad area of state avoidance or state resistance to assuming financial responsibility for alleviating conditions or improving the educational remediation of segregation.

Minnesota has been affirmative in its desegregation activity. The State Board and the Department have put into place the following:

- (a) a definitive desegregation rule requiring districts to desegregate schools,
- (b) a desegregation rule that requires a comprehensive plan to integrate students and staff with attention to:
 - (1) student assignment
 - (2) extra-curricular activities
 - (3) special education
 - (4) student discipline
 - (5) curriculum
- (c) procedures for department-initiated on-site compliance reviews,
- (d) ability to terminate state funding if compliance is not obtained by the Commissioner,
- (e) Department staff who provide technical assistance and consultation regarding desegregation/integration programs and procedures.

Courts have found states to be financially liable when the state has not been affirmative in its desegregation/integration efforts with local districts. Minnesota must continue to demonstrate leadership and responsibility in seeking solutions to the desegregation of schools. One area of leadership and responsibility may be demonstrated by financial support by the state for those districts which are implementing comprehensive desegregation/integration plans approved by the Commissioner.

What areas need to be immediately addressed to respond to districts needing intradistrict integration assistance?

The districts presently affected by the State Board of Education Rule are Minneapolis, St. Paul, and Duluth. During the past year, all three districts suggested to the State Legislature that there were excess costs which resulted from approved comprehensive desegregation/integration plans. Under a separate desegregation appropriations study by the Department, a report will be made to the State Board of Education as to the viability of these costs and the projected costs for FY'89. That report speaks to one area of assistance needed within the districts.

A second area of support is the technical assistance and consultation provided by staff of the Department. Members of the Equal Educational Opportunities staff and resources of the technical assistance center, Programs for Educational Opportunities, at the University of Michigan, are available to the desegregating districts. These resources are federally funded.

A third area of support is in the area of support for remedial and compensatory programs.

When the federal courts have had to intervene in desegregating schools, the courts have required that the defendants share in the costs of implementing a comprehensive remedy that have included remedial and compensatory programs. The following areas have been included in those court orders: reading, counseling and career guidance, testing and tracking; cooperation with universities, business, and cultural institutions; extracurricular activities; human relations training for faculty and staff; students rights; school-community relations; student behavior programs; parent involvement programs; student testing; capital improvements to renovate existing facilities and construct new ones; "effective schools" programs to increase student achievement; general class size reductions; early childhood programs; remedial reading and communication skills programs; multicultural, gender-fair curriculum development; cross-cultural communication; and enrichment programs in math, language development, science, and art.

Department staff have indicated that Minneapolis, St. Paul, and Duluth have implemented and continue to provide leadership and instructional support in a number of these program areas. The services of these educational communities have, in part, been a direct result of developing comprehensive desegregation/integration plans. These areas of intradistrict integration work need the continuing support of the Department.

How should the State Board of Education and the Minnesota Department of Education address the changing demographics of urban districts?

All urban school districts in the United States are experiencing an increase in the number of minority students. In the twenty-five largest city school systems, the majority of students are minority. The cultural and racial diversity in our schools is increasing rapidly.

Immigration is at an all-time high. White birth-rate is at an all-time low. The majority of white adults have moved out of their child-bearing years just as Black and Hispanic Americans are moving into their child-bearing years. Demographers say, shortly after the year 2000, one out of every three Americans will be a person of color.

Within a few years our urban educators will be working with children and youth more racially and culturally diverse than at any other time in our history. As the number of minority students increases, the number of minority teachers is decreasing. It is obvious that decisions regarding desegregation/integration that are not made are going to shape the metropolitan area as well as the decisions which may be made.

Within Minnesota, the minority student population has increased in urban and suburban districts.

In 1986-87 the elementary student enrollment in Minneapolis was 44.70% minority. Minneapolis predicts that the "minority enrollment will be 50% before the end of the decade". In 1969 the minority student enrollment in St. Paul was 10%. In the fall of 1986 that enrollment had increased to 36.7%. While St. Paul's minority enrollment was increasing from 5,082 in 1969 to 11,849 in 1986, the districts total enrollment was dropping from 50,146 to 32,392 (17,754 students) in the same period of time. In 18 years, St. Paul has experienced a 35% decrease in enrollment and a 26.5% increase in minority enrollment (see Display D).

Minneapolis has experienced similar enrollment trends. Currently, the minority enrollment is between 44% and 46.5% in pre-kindergarten through 8th grades (see Display A). Duluth's minority enrollment has not seen any substantial increases.

However, the minority enrollment has held steady while the total enrollment has decreased from 15,087 in 1981 to 13,593 in 1986 (see Display C, page 44).

An expansion in St. Paul's magnet school programs has characterized that district's desegregation/integration efforts during the past three years. All schools within the district complied with the Board's Rule through the increase of the quality and variety of educational opportunities. All St. Paul schools are affected by the comprehensive desegregation plan.

The Minneapolis desegregation/integration plan seeks an equity that affects both majority and minority students in a variety of alternative programs. The K-6 grade organization is usually maintained in a paired school format (K-3, 4-6). Secondary schools have expanded comprehensive programs, open schools alternative high school programs, and magnet programs. All Minneapolis schools are affected by the comprehensive desegregation plan and are in compliance with the Board's Rule.

Duluth has monitored the following schools: Lowell, Grant, Kenwood, Nettleton, Lincoln elementary school; and Washington Junior High. In the fall of 1988, Nettleton will provide a magnet elementary program concentrating on math, science and computer education. Additional plans for the Lowell schools are currently being developed to prevent resegregation of students.

Demographics in the districts are changing. Methods of desegregating schools, commonly used since 1970 in Minnesota, may no longer be the most effective means to desegregate and integrate students in the 1990's. The creation of comprehensive plans to desegregate and integrate students brought a new era of alternative education, support services, educational choice, and voluntary movement. The expectation of quality and excellence within integrated programs became a standard to meet while maintaining a system of desegregated schools. Urban districts are facing the problem of how to incorporate educational programs and approaches for the at-risk student into overall frameworks to achieve educational excellence, or what some have called the "trade-off between excellence and equality".

Currently Minneapolis, St. Paul, and Duluth are able to be in compliance with the State Board Rule. Minneapolis and St. Paul face serious desegregation/integration problems. Duluth is not pressed for immediate solutions to the same problem. It is obvious that a determination must be made as to the present and future methods of maintaining desegregated schools if urban districts are not allowed to maintain racially identifiable programs and/or buildings.

If the minority student enrollment increases within the next year as expected by the districts, it will be necessary to plan for a wider response by the education community to the responsibility of desegregation: or; face the legal and social consequences of schools resegregating in our urban areas.

The urban districts indicate that "extending the desegregation plan to a wider geographical area would result in more uniform support for all public schools in the area. Once such a plan was made operational, greater predictability, stability, and choice might also be available for parents".

The following pages illustrate the student enrollments of St. Paul, Minneapolis, Duluth, and selected suburban districts. District enrollment totals and elementary (K-6) enrollment totals for the 1986-87 school years are listed separately.

1986-87 ENROLLMENT DATA OF URBAN & SELECTED SUBURBAN
DISTRICTS (by district totals)*
1986-1987

<u>District</u>	<u>Total Minority</u>	<u>White</u>	<u>Total Enrollment</u>	<u>Minority %</u>
Bloomington	839	11,316	12,155	6.42
Brooklyn Center	149	1,227	1,376	10.82
Columbia Heights	236	3,350	3,586	6.58
Duluth	868	12,650	13,518	6.42
Edina	243	5,396	5,639	4.30
Fridley	139	2,579	2,718	5.11
Hopkins	392	6,316	6,708	5.84
Inver Grove	155	3,490	3,645	4.25
Minneapolis	16,859	22,713	39,572	42.60
No. St. Paul/Maplewood	331	8,028	8,359	3.95
Richfield	425	4,078	4,503	9.43
Robbinsdale	1,172	13,193	14,366	8.16
Roseville	523	5,918	6,441	8.11
St. Anthony/New Brighton	84	903	987	8.51
St. Louis Park	365	3,813	4,178	8.73
St. Paul	11,801	20,339	32,140	36.71
South St. Paul	136	2,820	2,956	4.60
South Washington Co.	417	9,254	9,671	4.31
West St. Paul	205	3,998	4,203	4.87

*1986 MINCRIS

**ELEMENTARY (K-6)*
1986 - 1987**

<u>District</u>	<u>Elementary Minority</u>	<u>Elementary White</u>	<u>Total Elem.</u>	<u>Minority %</u>
Bloomington	523	5,301	5,824	8.90
Brooklyn Center	87	626	713	12.20
Columbia Heights	106	1,610	1,716	6.55
Duluth	546	6,886	7,432	7.35
Edina	100	2,373	2,473	4.04
Fridley	87	1,104	1,191	7.30
Hopkins	240	3,197	3,437	6.98
Inver Grove	100	1,689	1,789	5.92
Minneapolis	9,985	12,335	22,320	44.70
No. St. Paul/Maplewood	193	4,310	4,503	4.28
Richfield	242	1,575	1,817	13.31
Robbinsdale	427	6,109	6,536	6.53
Roseville	293	2,919	3,212	9.12
St. Anthony/New Brighton	34	433	467	7.28
St. Louis Park	146	1,705	1,851	7.88
St. Paul	6,537	11,018	17,555	37.23
South St. Paul	102	1,299	1,401	7.84
South Washington Co.	238	5,171	5,409	4.40
West St. Paul	145	1,915	2,060	7.03

***1986 MINCRIS**

SUMMARY
FIVE YEAR ENROLLMENT*

St. Paul

<u>Year</u>	<u>Enrollment</u>	<u>Total Minority</u>	<u>Percent Minority</u>
1986	32,392	11,849	36.58
1985	31,516	10,770	34
1984	30,691	10,185	33
1983	30,654	9,804	32
1982	31,276	9,738	31.1

Minneapolis

1986	39,572	16,859	42.6
1985	39,417	15,947	40.45
1984	38,427	14,594	37.97
1983	37,748	13,550	35.89
1982	38,301	13,576	35.4

Duluth

1986	14,512	947	6.5
1985	14,284	915	6.4
1984	14,053	803	5.7
1983	14,119	883	6.2
1982	14,311	788	5.5

*Minnesota Civil Rights Information System (MINCRIS)

MINNEAPOLIS PUBLIC SCHOOLS*
REPORT OF THE ANNUAL SIGHT COUNT OF PUPILS

<u>GRADES</u>	<u>TOTAL ENROLLMENT</u>	<u>MINORITY ENROLLMENT</u>	<u>PERCENT MINORITY</u>	<u>MAX. MINORITY** PERCENT ALLOWED</u>
Pre K-1	8,125	3,629	44.66	59.66
K-2	11,322	5,053	44.63	59.63
K-3	14,409	6,392	44.36	59.36
K-4	17,112	7,602	44.42	59.42
K-6	22,382	9,990	44.63	59.63
K-8	27,589	12,415	45.00	60.00
1-4	13,283	5,962	44.88	59.88
3-6	11,060	4,937	44.64	59.64
4-6	7,973	3,598	45.13	60.13
7-8	5,207	2,425	46.57	61.57
9-12	11,923	4,357	36.54	51.54
District [K-12]	39,512	16,772	42.45	57.45

*Student Information & Office Services, Mpls.

**Maximum percentage allowed for the grade structure indicated (10-14-86)

ST. PAUL PUBLIC SCHOOLS*
REPORT OF THE ANNUAL SIGHT COUNT OF PUPILS

<u>GRADE RANGES</u>	<u>TOTAL ENROLLMENT</u>	<u>TOTAL MINORITY</u>	<u>PERCENT MINORITY</u>	<u>ALLOWABLE** PERCENT</u>
K	3,073	1,117	36.35	51.35
K-3	11,003	4,052	36.83	51.83
1-3	7,930	2,935	37.01	52.01
2-3	4,990	1,824	36.55	51.55
4-6	6,659	2,513	37.74	52.74
1-6	14,589	5,448	37.34	52.34
K-6	17,662	6,565	37.17	52.17
K-8	22,237	8,421	37.87	52.87
K-12	31,830	11,705	36.77	51.77
7-8	4,575	1,856	40.57	55.57
9-12	9,593	3,288	34.27	49.27
7-12	14,168	5,140	36.28	51.28
P-12	32,392	11,849	36.58	51.58

*Planning and Database Management, Student Accounting, St. Paul

**Maximum percentage allowed for the grade structure indicated (10-28-86)

DULUTH PUBLIC SCHOOLS
MINORITY COUNTS* FROM 1981-82 to 1986-87

<u>Information</u> <u>Item</u>	<u>YEAR</u> <u>1981-82</u>	<u>YEAR</u> <u>1982-83</u>	<u>YEAR</u> <u>1983-84</u>	<u>YEAR</u> <u>1984-85</u>	<u>YEAR</u> <u>1985-86</u>	<u>YEAR</u> <u>1986-87</u>
K-6 Minority Count	465	443	447	405	520	517
K-6 Enrollment	7,475	6,971	6,940	6,765	7,214	7,326
K-6 % Minority	6.22%	6.35%	6.44%	5.99%	7.21%	7.06%
K-6 Critical Level	21.22%	21.25%	21.44%	20.99%	22.21%	22.06%

7-9 Minority Count	151	139	167	157	151	173
7-9 Enrollment	3,590	3,454	3,329	3,250	3,061	2,919
7-9 % Minority	4.21%	4.02%	5.02%	4.83%	4.94%	5.93%
7-9 Critical Level	19.21%	19.02%	20.02%	19.83%	19.94%	20.93%

10-12 Minority Count	195	152	159	143	150	136
10-12 Enrollment	4,022	3,659	3,463	3,443	3,318	3,348
10-12 % Minority	4.85%	4.15%	4.60%	4.16%	4.52%	4.06%
10-12 Critical Level	19.85%	19.15%	19.60%	19.16%	19.52%	19.06%

K-12 Minority Count	811	734	773	705	821	826
K-12 Enrollment	15,087	14,084	13,732	13,458	14,593	13,593
K-12 % Minority	5.38%	5.21%	5.63%	5.24%	6.04%	6.08%
K-12 Critical Level	20.38%	20.21%	20.63%	20.24%	21.04%	21.08%

Critical Level = Minority Percentage + 15%

***Duluth Public Schools**

What long term efforts does the State need to make to alleviate the effects of segregation in society and the resulting consequences for Minnesota public schools?

The unquestioned establishment of the State through its Legislature, State Board of Education, and Department of Education for the responsibility of providing equal educational opportunity for students is in the best interest of students, parents, communities and state government. Fulfilling that responsibility to students is not an authority that the State wishes to give to the Federal courts, especially the responsibility of desegregating schools.

It is advisable that the State begin to examine the operational and educational effects upon schools that segregation in the larger society impose. The desegregation problems of the urban school district will not be alleviated until other vestiges of segregation in society are reduced or eliminated.

It is of priority that the State create or assign an agency the responsibility of providing planning and direction of alleviating the effects of segregation in society and its impact on the desegregation/integration efforts of public schools.

It seems apparent from recent court orders that the State will not be freed from the risks of litigation until leadership and direction are provided in this area. The State should not limit its desegregation efforts to the urban schools. It has the power and capability to review the organizational structure of education in any given area, e.g., efficiency, quality of education, finances, etc. The State also has the power to address the organization of schools to promote desegregation/integration and greater access to improved educational opportunities.

Does the State Board of Education Rule 3535, requiring school districts to desegregate and develop comprehensive integration plans, need to be changed?

The experience of the Department's staff in the enforcement of the Rule since 1973 indicates that the Rule effectively desegregates schools (school districts) and provides the foundation for implementing integrated educational processes through comprehensive district plans. The administrations and school boards of those Minnesota districts required to desegregate schools and provide comprehensive integration plans have provided the leadership and commitment to fulfill the requirements of the Rule. They currently administer approved comprehensive plans.

The options for the State Board to change its' Rule are well-defined:

Option 1: Change the definition of a segregated school within the Rule to allow increasing numbers of minority students within a building within a school district.

Consequence: This action and position would open the State Board to the charge of permitting the racial isolation of minority students and the resegregation of schools.

The disadvantages of isolating students by race has been addressed in this report. Schools have non-mandated responsibility and societal expectations that schools will socialize students toward a healthy citizenship and ability to contribute to a cohesive rather than a divisive society.

Option 2: Strengthen the inclusiveness of the Rule by addressing the educational disadvantages of majority students isolation in public schools.

Consequence This action would provide for the remedial educational reforms necessary when students are educated in mono-racial/cultural schools or programs when educational systems have unalterable student enrollments.

Option 3: Withdraw the Rule completely and allow school districts to administer and maintain their own desegregated systems without state mandates requiring such action.

Consequence: The assurance of compliance with Title VI, certified by the State Board assures the federal government that those with whom the Department arranges to provide services or benefits will do so without discrimination on the basis of race, color, or natural origin.

Withdrawal of the Rule does not relieve the State Board of legal obligation or responsibility to any of its' subrecipients.

Option 4: Broaden the educational reasons that the Commissioner may consider in receiving requests from a desegregating district for a variance from their approved comprehensive plan (3535.0700).

Consequence: Educational variances, while providing services, may unintentionally produce greater isolation of students. Limited English Proficiency (LEP) classes are isolated but only until a student or students are mainstreamed into classes. LEP does not serve only one minority population.

The Rule now states that a variance, also, may not cause any school building to exceed 50 percent minority enrollment.

Option 5: Do not change the Rule.

Consequence: The State Board will need to be affirmative in its actions and policy to support districts affected by the Rule. Urban districts will continue to desegregate schools and integrate student enrollments but will face the growing administrative task of maintaining those conditions. Extensive planning and financial support will be necessary.

What recommendations does the State Board of Education need to consider to define and further support desegregation/integration for Minnesota schools?

The recommendations of the staff are in three categories: **RULE, POLICY, and LEGISLATIVE.**

RULE

It is recommended that the State Board not make any changes in Chapter 3535, Equality of Education Opportunity, School Desegregation, and Prohibition of Discrimination Practices.

The experience of Department staff in the enforcement of the Rule since 1973, indicates that the Rule effectively desegregates schools (school districts). The staff has provided technical assistance to all three districts now affected by the Rule. Integrated education is being provided by those districts as they have implemented comprehensive desegregation plans required by the Rule. Both of these observations have been verified by interviews with administration and instructional staff of the districts.

The Rule provides for equal access, equal opportunity, and equal support. More opportunities in the educational system are experienced by a minority student than that student would have experienced without the Rule. Because of the extensive and comprehensive planning required of districts, more educational alternatives and options are available to all students in a desegregating district.

In the future, the State Board may wish to address the issue of the isolation of "majority" students in Minnesota school districts. The present Rule addresses desegregation and avoiding the educational disadvantage or results of isolating "minority" students. Although movement of "majority" students may not be required in most districts, remedial or compensatory educational programs addressing cross-cultural understanding and communication, pluralistic society, human rights, and equity, may be necessary for students in all Minnesota districts.

POLICY

- (1) It is recommended that the State Board adopt a policy statement regarding integrated education. A draft of that statement - **Proposed Policy on Quality Integrated Education** (Display G, page 57) has been provided in this report. The policy provides a philosophical base and educational premise for recommended legislative action.

- (2) It is recommended that the State Board adopt the proposed revisions to the Board's position adopted in November 1970 titled - **Policy Statement on Educational Leadership Role for Department of Education and Board of Education in Providing Equal Educational Opportunity**. A draft of the Statement with the proposed revisions has been prepared (Display H, pages 58 through 66).

This Policy Statement became a foundation for the State Board in 1973 to adopt the Board's Rule on school desegregation. That Rule, Chapter 3535, states in section .0300 Policy the following:

...The rules which follow are designed to implement the policy of the State Board of Education as set forth in "Educational Leadership Role for the Department of Education and Board of Education in Providing Equal Educational Opportunity, 'November 9, 1970'".

The policy addresses the leadership role of the Board and Department in the following areas:

- a. curriculum
- b. instructional materials
- c. teacher training
- d. school administration
- e. legislative proposals

Recommendations were adopted by the State Board in 1970 as part of the Policy Statement (pages 58 through 66). The recommendations were directed to the leadership and staff of the Department. Four areas are addressed in the recommendations:

- establishment of state-wide policy
- translation of policy to local educational agencies
- equipping and supporting teachers
- policy into practice

The recommendations are appropriate and continue to address current needs in providing equal educational opportunities for all students.

LEGISLATIVE

The legislative category is divided into three areas: **intra-district;** **inter-district;** and **metropolitan.**

(1) Intra-district

It is recommended by the staff that the State Board approve the continued funding by the State of expenditures attributable to desegregation efforts made by school districts as required by Board Rule in comprehensive plans approved by the Commissioner.

The action on this recommendation will be provided by the Board in response to the Desegregation Cost Analysis Study.

(2) Inter-district

(a) It is recommended that the State board support the Department in seeking appropriations from the Legislature to provide for Inter-district Planning Incentives (Display I, page 67). It is the strong recommendation of the staff that interdistrict, cooperative planning for providing integrated educational systems, programs, and staffing be encouraged and financed by the State.

The appropriation would provide the means by which districts could cooperatively plan with desegregating districts, common educational experiences for students and staff on a voluntary basis.

(b) It is recommended by staff that the Board allow or make provisions for districts with comprehensive desegregation plans, approved by the Commissioner, to incorporate voluntary, interdistrict desegregation/integration components, which are cooperatively planned with neighboring districts, as components of a district's plan.

(3) Metropolitan

(a) It is recommended by staff that the State Board not seek legislatively-mandated action to desegregate schools through a metropolitan plan. The staff encourages the Board to: retain its' Rule requiring desegregation of schools; seek voluntary, cooperative interdistrict planning for integrated education; and support

state-funded initiatives for districts involved in integrated education planning.

The history of interdistrict cooperation is varied and rich in the tradition of Minnesota education.

- (b) It is recommended by staff that the State Board seek assistance from the Legislature and recommend to that body that they create or assign to council or agency the task of addressing the segregation in society which continually burdens the schools of the urban areas. The planning for and availability of housing, public transportation, employment, medical services, etc., contribute to the larger issue - segregation in society - which schools cannot be expected to eliminate but are expected not to replicate within their student enrollments.

The patterns of segregation in society need to be addressed by legislative action.

INDIAN EDUCATION AND DESEGREGATION

The Comprehensive Statewide Plan for Indian Education, approved by the State Board of Education, calls for an analysis of the relationships of Desegregation Rule to Indian Education. Particular attention has been given to:

- (1) the development of a limited variance under existing desegregating rules to enable the establishment of urban Indian magnet schools and/or Indian related education programs;
- (2) the possible requirement that school districts long range plans for Indian education be developed and incorporated with a school district's overall desegregation plan;
- (3) that rules concerning community and parent involvement in the development of desegregation plans include specific involvement of Indian parents and representatives of organized Indian education parent advisory committees; and
- (4) stronger efforts should be made to assure accuracy of Indian sight counts.

While many of the remedies stated above may be challenging and provocative for local school districts, it does not necessarily require changes in the current desegregation rule. However, there appears to be sentiment from the Indian community that the desegregation is used as an impediment for developing Indian education programs/activities sought by Indian parents. It appears these issues must be examined in a context that will allow for additional input from the Indian community.

It is recommended that the two committees (Indian Education and special Population) of the State Board of Education, conduct a joint meeting to determine what action is needed. Possible activities could include:

- (1) Hold Indian Education/desegregation hearings in Minneapolis, St. Paul and Duluth;
- (2) Request MDE to schedule meetings in Minneapolis, St. Paul and Duluth so that the Indian community has an opportunity to offer comments/recommendations on Indian Education/desegregation; and
- (3) Direct the MDE to develop plans that address items 1-4 above.

This is not a definitive list of possible actions; however, it does provide the Board with some possible alternatives.

PRELIMINARY REPORT

DESEGREGATION POLICY ANALYSIS AND AMERICAN INDIAN EDUCATION

INTRODUCTION

Among the goals of the Indian Education Section's Workplan is a goal which addresses the concern for equity. The goal asserts that the Indian Education Section enables American Indians to have greater access to educational opportunities within the State of Minnesota so that equality of educational opportunity and the unique political-legal status of American Indians is not diminished. The section not only seeks to improve the educational status and situation of American Indians, but also seeks to enable American Indians to have greater access to educational opportunity given the array and provision of opportunities and services available uniquely and exclusively to American Indian learners. The section is also required to fulfill its equity goal through working cooperatively with the Equal Educational Opportunities Section, the Monitoring Section and other sections relevant to American Indian equity concerns. The section is required to implement a procedure and process adopted by the State Board for responding to Indian related discrimination complaints, review school district desegregation plans affecting American Indians, participate to the extent possible on compliance reviews, consult on the provision of desegregation assistance in school districts with Indian student enrollments, and to maintain an evaluation and monitoring system for Indian education.

Outside of these goals and activities, the Indian Education Section is responsible to implement a planning agenda affecting the desegregation rule of the Minnesota State Board relevant to the interests of Indian education. The ideas spelled out within the Comprehensive Statewide Plan for Indian education as well as the activities within the Indian Education Section's Workplan do not in and of themselves suggest or request that the desegregation rule be changed, but that school districts design and improve desegregation plans so that Indian education can flourish and that the department's role in reviewing, approving, and monitoring compliance of desegregation plans be reflective of the State Board's policy statement on Indian education and the needs of Indian learners.

THE STATE BOARD RULES ON DESEGREGATION

A preliminary analysis of the desegregation rule as it affects American Indian education suggests that the following issues need to be considered.

Equal Educational Opportunity (3535.0200)

The definition of equal education opportunity within the State Board rules does not incorporate the meaning of equal educational opportunity as defined within MS 126.45 to 126.55 The American Indian Language and Culture Act.

The State Board rule defines equal educational opportunity as "the provision of educational processes where each child of school age residing within a school district has equal access to the educational programs of the district essential to his needs and abilities regardless of racial or socio-economic background." The American Indian Language and Culture Act, MS 126.46, declares that "The legislature finds that a more adequate education is needed for American Indian pupils in the State of Minnesota. Therefore, pursuant to the policy of the State to ensure equal educational opportunity to every individual it is the purpose of Section's 126.45 to 126.55 to provide for the establishment of American Indian Language Culture Education Programs. The programs allowable and the specific requirements of the programs provide a significant statutory foundation upon which to interpret and implement the desegregation rule of the Minnesota State Board. Interpretation of the State Board's rule on equal educational opportunity has focussed almost exclusively on "equal access... regardless of racial or socio-economic background" without reference to the essential and central component of the definition "essential to his (a student's) needs and abilities."

Two issues affecting the definition of Equal Education opportunity as it relates to the education of American Indians are in need of more study. The first issue concerns the impact of desegregation plans which hinder or block an Indian student's access to education opportunities particularly when such opportunities were created by Federal and State statutes. The second issue affects the nature and availability of options for American Indian students within school districts where the curriculum and instructional environment reflect the needs and learning styles of non-Indians. It may not be possible to promote equal education opportunity if there are no options available for unique learners. The American Indian Language and Culture Act requires that programs be developed to meet the needs of American Indians but does not deny access of non-Indians to such programs. The race and background of a student is not a truly regardless situation affecting only access to available opportunities. It affects also the construction and availability of options as well.

Submission of Data (3535.0500)

State Board rules require that each local board shall submit a report showing the number of students enrolled which belong to each race for each of the schools under each jurisdiction. The information required to be submitted may be based upon sight count or any other method determined by the local board to be accurate.

Federal and State Indian education programs have very specific eligibility requirements for the participation of American Indians based upon the students status as an American Indian. Because of the requirements of these programs, school districts are required to maintain documentation on the identity of American Indian students. The primary document is the 506 Form used for purposes of the Indian Education Act of 1972. This form contains the information necessary to identify the student as an American Indian and is signed by the student's parent. Because the Indian Education Act of 1972 defines an Indian student as a person who is at least a descendant in the first or second degree of a member of an American Indian Tribe and because this definition is inclusive of all other definitions, the signed 506 Form is used to identify students for other programs as well.

It is fair to say that no other group of students within the public schools has this type of documentation nor does there exist a more accurate source of documentation signed by parents concerning the identity of their children. This documentation does not currently relate to sight count information.

The State Board rule nonetheless requires, above all, that the method for counting students be accurate. Student counts based upon 506 Forms instead of "sight-counts" can cause some school buildings within a district to be out of compliance relative to desegregation. School districts have asserted that sight counts are to be used for compliance purposes and 506 Forms are to be used for Indian education programs. In other words, a form of documentation specifically known to be inaccurate has been used for compliance purposes.

Indirectly, such a policy asserts that certain Indians, those not recognized on sight as being Indians, by these doing the counting, are not to be counted for compliance purposes. At the focus of the issue is the definition of American Indian and the meaning of the definition to desegregation.

Standards for Developing the Plan (3535.0700)

State Board rule states that...

The 15 percentage points requirement of part 3535.0200, subpart 4 shall be used as the standard for local school boards in the process of developing plans to remove racial segregation in the district. The commissioner shall approve school desegregation plans that vary from the standard by up to an additional 15 percentage points if the local board can justify an educational reason for a variance to the state board from the comprehensive school desegregation plan submitted. If the variance is approved by the commissioner, it may result in a school building exceeding 50 percent minority enrollment if necessary.

An educational reason shall include the effect on bicultural and bilingual programs, making magnet schools available to minorities, effectiveness of school pairing programs, and other educational programs that should result in a better education for the children involved. In determining whether the educational reason put forth by the district justifies the variance, the State Board of Education shall determine whether other alternatives are educationally and economically available to the district such that the variance is not needed.

This particular rule has not incorporated the effect on American Indian education programs and other programs that should result in a better education of American Indian children, as a possible reason for a variance. The Comprehensive Statewide Plan proposes this idea.

Contents of the Comprehensive Plan (3535.0900)

Among the requirements of a desegregation plan, is the requirement that a plan shall contain "evidence that broad community participation and involvement was secured in the planning and development of the plan." This participation requirement has a very specific meaning given the existence of American Indian education advisory committees organized under State and Federal Statutes. The American Indian Language and Culture Committee organized within a school district provides Indian parents an opportunity not only to express their views concerning all aspects of the

American Indian Language and Culture Education Programs, but also the educational needs of American Indian children residing within the school district's boundaries. Given this charge and the existence of significant need assessments and data gathered from Indian parents relative to State and Federal Indian education programs, "community participation and involvement" takes on unique meaning for the development of a desegregation plan considering the needs and involvement of American Indians.

There exist other areas of analysis within the desegregation rule regarding American Indian education. The proceeding has been offered only to suggest the need for significant study of the rule reflective of existing statutes uniquely affecting the education of American Indians as is the agenda adopted by the Minnesota State Board and the Minnesota Indian Affairs Council.

Statewide Plan For Indian Education/Desegregation

The Statewide Plan for Indian Education, which was adopted by the Minnesota State Board of Education, and endorsed by the Minnesota Indian Affairs Council, proposed a number of ideas for the improvement of Indian education, which concerned the desegregation rules of the State Board. These included the development of the limited variance concept under existing desegregation rules to enable the establishment of urban Indian magnet schools, and Indian related education programs. Such an initiative would not seek to change the desegregation rules, but allow for the development of a concept allowable under the rule, whereby certain school or program options would be granted a variance if a compelling education purpose could be documented. The current public policy thrust regarding Indian education, its political-legal heritage, and the educational needs of certain American Indian students may represent such a compelling purpose.

A second idea includes a possible requirement that school district long range plans for Indian education (a separate legislative proposal) be developed and incorporated within a school district's overall desegregation plan. This initiative stems from the belief that given the overriding need for racial balance in urban school districts, there are any number of possible plans which may accomplish this objective. Given this overall objective, consideration must be given the type of plan that would be most congruent with meeting the educational needs of American Indian students. This could be accomplished by requiring a school district to develop a plan for improving the educational needs of American Indians through specialized programs and incorporating such a plan into the district's desegregation plan.

A third idea would require that rules concerning community and parent involvement in the development of desegregation plans include the required specific involvement of Indian parents and representatives of organized Indian education parent advisory committees established by Federal and State statutes. For example, the American Indian Language and Culture Act requires that Indian parent advisory committee organized according to the statute advise a school district broadly about the needs of American Indian students. There is a need to formalize the relationship between Indian education programs and school district planning, through the involvement of parent committees.

The State Board of Education reaffirms in 1988 its' commitment to quality integrated education, with the adoption of the following policy.

Proposed Policy on Quality Integrated Education

Quality integrated education is necessary for the survival of an open democratic society. All education in the State of Minnesota when provided the opportunity, must be quality integrated education. Quality integrated education goes beyond what has been traditionally accepted. In quality integrated education the social and emotional development of the student is as important as learning academic and vocational skills.

Quality integrated education is an inter-personal human experience, a human experience between peoples. Quality integrated education is the sharing of self-affirming educational experience with pupils and school personnel from a variety of ethnic, religious, social and economic backgrounds. Curriculum and materials must grow from and relate to the experience of the total community. Quality integrated education includes mastering the basic skills on which all subsequent learning is predicated. Quality integrated education, building from the basic skills, offers a variety of career choices and equips the student with marketable skills in a growing pluralistic society.

To this end, the State Board of Education directs school districts to initiate new programs and to reconstruct established curricula whenever necessary to move toward quality integrated education programs. These programs of quality integrated education requires that in all the courses of study, art, music, literature, science, history, etc., all schools must draw on the contributions of all racial, religious, social and ethnic groups so that all students come quickly to the realization that civilization is the product of many. The studies and activities in which the student engages must emphasize the individual child so that each develops a confidence and understanding of himself/herself and an appreciation for others.

Proposed Revision

STATE OF MINNESOTA
BOARD OF EDUCATION
POLICY STATEMENT ON EDUCATIONAL LEADERSHIP ROLE FOR
DEPARTMENT OF EDUCATION AND BOARD OF EDUCATION
IN PROVIDING EQUAL EDUCATIONAL OPPORTUNITY

The Minnesota State Board of Education and the Minnesota Department of Education are committed to the constitutional mandate of providing equal educational opportunities to all students in the public schools of Minnesota. Inequities in educational opportunity are multi-dimensional and to overcome them the resources of local, state and federal agencies must be developed and coordinated. Racial prejudice and class separation, basic causes of educational inequities, are no less pronounced in our school systems than elsewhere in our society. No challenge is more urgent to the leadership role of the State Board of Education and the State Department of Education than the necessity of assuring the fullest possible education for all students, regardless of their racial, cultural or socio-economic backgrounds. The State Board of Education and the State Department of Education propose to develop new policies and new designs of a program for equal educational opportunity for all students commensurate with today's challenges.

Public education must be philosophically committed to the respect for cultural and racial plurality as a significant value in our American way of life. Such a commitment in theory must be accompanied by an even greater commitment in practice. The respect and appreciation for pluralistic diversity, which ~~our~~ cultural and racial groups represent **is-not-emerging.**

within the United States, is not emerging.

Our society will not survive unless it can adapt to change. Nor can any element in our society hope to survive alone. Therefore, it is imperative that state and local education agencies recognize and accept their responsibility as potent change agents. Schools must create an atmosphere for learning which is devoid

of all prejudice, discrimination and separatism. Knowledge of the complex causes and consequences of prejudice and discrimination must supplant existing myths and misconceptions. The stability of our nation depends, in large measure, on the understanding and respect which is derived from a common educational experience among diverse racial and/or socio-economic groups.

Recognizing that propitious changes must occur in **the** relationships **of-man-to**
all human
man if the destiny contemplated in the Bill of Rights and the Constitution of this nation is ever to be attained, the State Board of Education directs the State Department of Education to assume greater leadership in the following areas bearing upon the intertwined themes of equal educational opportunity and improved **human**
cross-cultural
relations:

- a. **Curriculum-provision**
Multicultural, gender-fair curriculum provision
- b. Instructional materials
- c. Teacher training
- d. School administration
- e. Legislative proposals

Curriculum-provisions must be made at all levels and through all disciplines
Multicultural, gender-fair curriculum provisions
including the sciences and the humanities, for satisfactory experiences in working with and learning about people of all cultural and racial groups. Social studies must exercise a vital leadership role. Students need to analyze today's current problems and their possible solutions. Curriculum materials must be presented in a realistic, objective manner without any attempt at distortion and/or omission. Emphasis should be placed on the pattern of participation of all **ethnic** and
racial

cultural groups and not primarily on the contributions of individuals whose **ethnic**
racial
identity may have been irrelevant to their achievement. In most cases this should be done as an integral part of the studies rather than as a separate but parallel course. Whenever specific situations and circumstances warrant, electives may need to be initiated.

Suitable instructional materials must be provided for our teachers. Publishing companies must be kept apprised of current, pressing needs and must **redouble**
increase
their efforts to meet these demands. The **State** Department of Education will assume
Minnesota
an active leadership role in the preparation of guidelines for the selection of **curriculum-materials-in-minority-heritage**. In every instance, materials multicultural, gender-fair curriculum materials. will be sought which will enlighten and not further omit, clarify and not further obscure.

Since racial and cultural prejudice is determined and perpetuated by complex interactions of social and psychological factors, eliminating prejudice requires a variety of interrelated approaches in education. The purpose of any program to reduce racial and cultural hostilities is to dissolve the barriers which prevent contacts between members of various groups. Any organization whose stated goal is to reduce racial hostility must work for and support structural and educational changes which provide for **contact** among **groups**.
interaction all groups.

Teachers must be closely attuned to the changing character of society and must learn to "think anew" and "act anew". Any effective approach to teaching and the understanding of people must begin with an intensive, realistic analysis of teachers' stereotypic ideas and misconceptions. Teachers must be fully knowledgeable about

The State Board of Education recognizes that legislation which changes the socio-cultural structure in favor of increasing opportunities for equal status contacts helps to reduce racial and **ethnie** prejudices. Legislation eliminating de-jure or de-facto segregation exemplifies efforts which can restructure the social environment and permit increased contact with members of racial and **ethnie** groups.

Physical proximity permits personal knowledge and experience of others. It is therefore necessary for reducing racial prejudice but proximity alone is not always possible nor sufficient and can only be considered a first, crucial step. School desegregation/integration must be viewed as a process of developing positive attitudes between members of **majority-and-minority** groups.

Improving race relations will depend largely upon the educational progress of our schools in developing positive attitudes. The heart of such educational processes will not only be the concept of racial and cultural pluralism but also the experience of it. This concept recognizes that differences, whether they be defined in terms of race, class, **ethnieity**, or personality, be recognized, appreciated and accepted, not eliminated. Eliminating or not providing for differences is an open manifestation of hostility.

With the accelerated rate of change in society, with increased inquiry into the origins of social skills, and with increased alienation of many segments of the population, the public educational system must be recognized as the focus for changing attitudes. The public school offers an opportunity for changes to occur because it is an institution which permits the development of positive attitudes between individuals at a time in their lives when they are not thoroughly inculcated with preconcep-

tions and misconceptions of generations which have preceded them. The public school must be a positive intervening agent in the life of an individual and present a meaningful code of attitudes and behavior. The public school with its commitment to communicating the ideals of American democracy has an established historical and philosophical precedent for developing positive **human-relations**.
cross-cultural

The public schools must plan and work under this unwritten mandate from our general society that students be prepared to contribute toward the building of a cohesive **society**. Operating from this philosophic vantage point, the State Board of Education and pluralistic society.
tion directs the following recommendations to the leadership and staff of the Minnesota Department of Education.

RECOMMENDATIONS

TO ESTABLISH STATE-WIDE POLICY:

1. The Minnesota State Board of Education restates its commitment to integration in Minnesota schools and reinforces this commitment by supporting new **curricular** multicultural, gender-fair educational programs about and for racial and cultural **minorities**.
groups
2. The Minnesota State Board of Education directs all divisions of the **State** Minnesota Department of Education to review federally funded project proposals to assure that racial and cultural **minorities** programs receive high priority that:
group
 - a. improve student achievement and performance;
 - b. increase positive cross-cultural communication and interaction;
 - c. provide equitable/fair discipline policies, procedures, and practices;
 - d. student leadership and critical thinking skills.
3. The Minnesota **State** Department of Education shall conduct workshops and seminars to discuss this policy with local board of education, administrators, teachers, students, parents, and other representatives of community groups.

The purpose of these sessions will be to promote understandings of the needs and responsibilities for developing ~~curricular-programs~~.
multicultural, gender-fair educational programs.

TO TRANSLATE STATE-WIDE POLICY TO LOCAL EDUCATIONAL AGENCIES:

1. The Minnesota State Board of Education shall develop and disseminate guidelines and ~~minority-heritage~~ resource materials to be used in programs in kindergarten through high school classes in ~~the~~ schools throughout the State.
all
2. The Minnesota ~~State~~ Department of Education shall seek legislatively appropriated funds to:
 - a. establish pilot projects in each region of the State to develop and test innovative learning experiences and teaching strategies that promote multicultural, gender-fair educational programs ~~may~~ be ~~dupliated~~ in other parts of Minnesota;
to replicated
 - b. develop new instructional ~~audio-visual~~ programs ~~about-the-life-and~~ ~~history-of-minorities~~.
multimedia promoting multicultural gender-fair curriculum materials.

TO SUPPORT THE LOCAL EDUCATIONAL AGENCIES:

1. The Minnesota ~~State~~ Department of Education shall develop criteria to be used to evaluate and select instructional materials capable of improving ~~human~~ relations.
cross-cultural
2. The Minnesota ~~State~~ Department of Education shall review periodic reports from local school systems to insure that these criteria are being used and met.
3. The Minnesota Department of Education shall exercise leadership in this area of study by working with publishing and film-making companies and informing them of the criteria used to select instructional materials.
4. The ~~State~~ Department of Education shall seek legislation to: continue and expand upon ~~the-human-relations~~ training program currently provided for
Minnesota
cross-cultural

teachers; provide transportation aids for all students living more than one mile from their assigned school; install pilot projects to test innovative/cross-cultural learning experience and teaching strategies; encourage the development of **inter-cultural** education centers; provide incentive grants
 multicultural, gender-fair
 for school districts engaged in **desegregation** efforts.
 desegregation/integration

TO EQUIP AND SUPPORT TEACHERS TO FOLLOW THIS POLICY:

1. The Minnesota State Board of Education urges ~~the-Professions-Development Section-of~~ the **State** Department of Education to translate these recommenda-
 Minnesota
 tions into activities broadening college and university teacher education programs.
2. The Minnesota **State** Department of Education shall work with state colleges and universities to train teachers and administrators to meet the special requirements of racial and cultural **minorities** programs.
 group
3. The Minnesota **State** Department of Education, cooperatively with local educational agencies, shall develop and implement plans for broad and intensive in-service training programs in **inter-group** relations which place special em-
 cross-cultural
 phasis on deeper understanding of self and others and that are directed toward positive attitudinal and behavioral changes of administrators, teachers, and students.
4. ~~The-Minnesota-State-Department-of-Education-shall-develop-regulations requiring-programs-and-courses-in-human-relations-that-provide-an understanding-of-cultural-and-racial-groups-prior-to-teacher-certification-~~

TO INSURE THAT THIS POLICY BECOMES PRACTICE:

1. The Minnesota **State** Department of Education shall encourage local educational

agencies to develop and further implement voluntary, cooperative plans and procedures for **desegregation** of staff and students.
continuing integration

2. The Minnesota **State** Department of Education shall perfect guidelines for the use of federal and state funds to assure that discriminatory practices are not used in employing personnel, selecting materials, and determining school populations.
3. The Minnesota **State** Department of Education shall assign a staff liaison officer to assist the State Legislature in developing and improving programs affecting racial and cultural **minorities**.
groups
4. The Minnesota State Board of Education directs the Commissioner of Education to implement these recommendations and to submit to the Board an annual report concerning state-wide activities in **racial-and-cultural-minority** programs.
multicultural, gender-fair education

The Minnesota State Board of Education pledges its continued leadership to provide programs and resources necessary for equal educational opportunity **for-all-students** .
and equity for all Minnesota students.

INTEGRATED EDUCATION ALTERNATIVES
through interdistrict cooperative planning

Goal : To maintain desegregated public schools and provide students with alternative, integrated educational settings within the metropolitan area.

Objectives: To plan through suburban and urban interdistrict cooperation, a mutual program of integrated instruction so that students will be better prepared to participate in a culturally diverse society.

To provide transitional and developmental activities to support integrated education planning so that staff, students, and community leadership are prepared to participate.

Paired District Grants

Grants to be made available to a suburban district to plan the implementation of an integrated education alternative with an urban district at an existing, new, or neutral site.

Grant awards of up to \$50,000 for the participating suburban district will be provided during FY'89.

\$500,000

Multidistrict Grants

Grants to be made available to each of the suburban districts in a multi-district approach to planning an integrated education alternative with an urban district at an existing, new, or neutral site.

Grants awards of up to \$75,000 for each participating suburban district will be provided during FY'89.

\$1,275,000

Developmental/Foundation Grants

Grants to be made available to suburban districts which enter into negotiations or arrangements with an urban district to plan an integrated education alternative.

These grants will be used for staff development, curriculum development, school board orientation, parent/community orientation, student leadership/service activities, teacher exchanges, student exchanges, inter-district meetings, consultant services, and other activities which are supportive of the implementation of an integrated education alternative.

Grants of up to \$33,000 for the participating suburban district will be available during FY'89.

\$667,000

Integrated Education Alternatives
Page Two

MDE Staffing

Professional	1 FTE	55,000	
Clerical	1 FTE	25,000	
Travel, indirect meetings, costs, materials		<u>38,000</u>	
			118,000

Urban District Staffing

Professional	6 FTE	330,000	
Clerical	2 FTE	50,000	
Travel, Committee, Inservice Activities, Operations		<u>60,000</u>	
			<u>440,000</u>
GRAND TOTAL-FY'89			<u>3,000,000</u>

Management

During FY'89, grant recipients will provide the Commissioner with preliminary plans for the integrated education alternative program. Those preliminary plans shall include: grade organization, instruction specialization, potential student enrollment, staffing, administration, potential site, transportation, operating costs, etc.

Projected preliminary budgets will be provided with a designation of costs considered to be an overburden to the participating districts. The preliminary reports of these projected costs will be provided to the Department by January 31, 1989.

PART FOUR

Summary/Recommendations

SUMMARY STATEMENT

This paper has suggested a cautious approach to solving an emerging educational challenge. Solutions are needed to keep our large urban schools desegregated. Time is on our side. This analysis, with recommendations, has attempted to direct our thinking toward solutions. If we plan carefully, cooperatively, and diligently, Minnesota may well set the pace for developing integrated quality education programs for its citizens.

LEGISLATION

1. It is recommended that the Board support intradistrict desegregation/integration funding for St. Paul, Minneapolis and Duluth.
2. It is recommended that the State Board of Education request \$3,000,000 from the 1988 State Legislature for interdistrict planning and development between suburban and urban school districts to provide voluntary integrated education alternatives. This does not preclude the development of options that might be considered for Indian Education. The State Board will review integrated education alternative plans submitted during 1988-89.
3. It is recommended that the Board seek assistance from the Legislature to address segregation in society and recommend to that body that they assign to a council or agency the task of studying segregation in housing, employment, transportation, services, etc., which burdens the schools of urban areas.

STATE BOARD

1. It is recommended that the Board not make any substantive changes in Board Rule 3535 but consider technical and gender language corrections in the future.
2. Ted Suss is directed to arrange for hearings in Duluth, Minneapolis, and St. Paul regarding Indian Education/desegregation. Invitations will be sent to Indian Tribal Councils of Minnesota.

FUTURE CONSIDERATIONS

1. The State Board directs the Special Populations Committee to study and report back on:
 - a. proposed Policy Statement on Quality Integrated Education;
 - b. proposed revisions on the State Board of Education's position paper entitled Policy Statement on Educational Leadership Role for Department of Education and Board of Education in Providing Equal Educational Opportunity;
 - c. whether a commission should be appointed to advise the Commissioner with regard to funding and development of integrated education alternatives;
 - d. determine how public education will deal with the socio-economic status of students/families and its impact on learning and segregating students in public schools.

REFERENCES

Trends in School Desegregation Litigation and the Financing of Remedial
Decrees

Charles B. Vergon, Associate Director, Educational Equity
Assistance Center, University of Michigan 1985

School Segregation in the 1980s
Trends in the States and Metropolitan Areas

Gary Orfield with Franklin Monfort and Rosemary
George 1987

The Responsibility of State Officials to Desegregate Urban Public
Schools Under the United States Constitutions

David S. Tatel, Maree F. Sneed, Kevin J. Lanigan,
and Steven J. Routh November, 1986

"State Housing Policy and Urban School Segregation"

Gary Orfield, Education Commission of the
States 1983

"Housing Patterns and Desegregation Policy", Effective School
Desegregation: Equity, Quality and Feasibility

Gary Orfield; W. Hawley, ed., 1981

"How Desegregation Orders May Improve Minority Academic Achievement";
Harvard Civil Rights - Civil Liberties Law Review V16n3, 1982

Robert L. Crain, Rita E. Mahard

"Old and New Ideas About School Desegregation"; Harvard Univ.; prepared
for KEDS Desegregation Assistance Center

Charles V. Willie 1984

"A Long Term View of School Desegregation: Some Recent Studies of
Graduates as Adults"; J.H. Braddock and others; Phi Delta Kappan,
V66n 4. December 1984

APPENDICES

STATE OF MINNESOTA
Department of Education

Code IX-B-445
January 1967

POLICY ON RACIAL IMBALANCE AND DISCRIMINATION IN PUBLIC SCHOOLS

It is hereby declared to be the policy of the State Board of Education to encourage and assist each school board in the State of Minnesota toward achievement of racial balance in each school building of the district wherein it has been determined that racial imbalance exists. It is recognized that racial imbalance can be educationally harmful to both white and nonwhite children as it encourages prejudice and presents an inaccurate picture of life as pupils prepare to live and work in a multi-racial community, nation, and world.

Racial imbalance exists in a school building when the number of nonwhite pupils enrolled is substantial. When this condition exists in any school building it is incumbent upon the school board to take all reasonable steps to make adjustments in enrollment thereby fulfilling its obligation to provide equally available educational opportunities and programs to all young people in the school district.

Steps such as the following should be considered in correcting racial imbalance:

1. Encouraging pupils in racially imbalanced schools to enroll in other schools of the district as space and staff permit.
2. Adjusting school attendance area boundaries to promote a racial balance in each school.
3. Strategically locating new buildings to provide racial balance.
4. Matching or combining schools to achieve an appropriate racial balance.
5. Revising feeder patterns for junior or senior high schools with racial imbalance.

Compensatory education for children in imbalanced schools should be provided while implementation of racial balance is being accomplished.

Each school board should develop affirmative personnel recruiting policies and review the present personnel practices to make certain that no barrier, real or implied, precludes equal employment opportunities for all in the schools regardless of race, creed, or national origin. Members of racial minority groups should be encouraged to apply for positions in the public schools.

The instructional program in all schools should provide recognition of the contributions made by all racial and cultural groups to our nation's growth and developments.

Preparation programs for teachers and administrators should be planned to assist in developing an understanding of and sensitivity to the problems of minority groups.

In the furtherance of this policy, an advisory committee to the State Board of Education shall be created that is representative of race and ethnic groups and others who are interested in and can contribute to finding solutions to problems of intergroup and interpersonal relations.

STATE OF MINNESOTA
BOARD OF EDUCATION GUIDELINES
RELATING TO EQUALITY OF EDUCATIONAL OPPORTUNITY
AND QUALITY INTER-CULTURAL EDUCATION

The State Board of Education recognizes its duty to assist and encourage the provision of inter-cultural education by local districts.

Quality inter-cultural education is not present in all the public schools in Minnesota. Our country bases its education largely on the culture, tradition, and values inherited from Western Europe; it has not fully incorporated the contributions of other groups of people who make up the many societies we call America. Minority group students must be offered the opportunity to know their heritage and appreciate its uniqueness through inter-cultural education. Similarly all students, as well as learning about the history and achievements of their own group cultures, must be offered the perspective which comes with learning about other people and other races through inter-cultural education. With the mobility of students it is particularly pertinent at this time that the schools prepare students to live and function in a multi-racial society. To this end, the State Board of Education urges school districts to initiate new programs and to reconstruct established curriculum whenever necessary to meet these educational needs.

The State Board of Education recognizes its duty to aid in the provision of inter-cultural education in Minnesota public schools and therefore adopts these Guidelines, the purpose of which is to provide guidance and assistance to each school district in the development and implementation of inter-cultural education programs.

The Guidelines which follow are designed to implement the Policy Statement on Educational Leadership Role for Department of Education and Board of Education in Providing Equal Educational Opportunity, November 9, 1970. Although provisions contained in Sections 1 through 8 are not rules or regulations they do constitute a procedure for voluntary cooperation among the State Board of Education, local school district, and members of the community in providing inter-cultural education for all children. This Board urges cooperation of all school boards in the state in the implementation of these Guidelines by following the procedures and standards set forth herein.

SECTION 1. DEFINITIONS

The following words and phrases shall have the meaning ascribed to them:

- a. The term "Minority Group Students" is defined as students who are Black-American, American-Indian, Spanish surnamed American, Oriental American. The term "Spanish surnamed American" includes persons of Mexican, Puerto Rican, Cuban, or Spanish origin or ancestry.
- b. "Inter-Cultural Education" is defined as that educational process in a school district, or schools therein, from early childhood through adult education, by which all individuals gain knowledge, respect, and appreciation for the language patterns, history, heritage, culture, values and contributions to mankind of minority groups, with special emphasis on Black-Americans, Spanish surnamed Americans, American-Indians and Orientals, so as to enable all individuals to live better in a pluralistic society.

- c. "Inter-Cultural Education Plan" is defined as a written plan which includes the local goals of the Inter-Cultural Education Program, the rationale, the identified needs, the program narrative, objectives and procedures for achieving objectives, the operating plan with activities and timetable to attain objectives, the methods and materials to be used or are being used, and evaluation methods and procedures. (See model in Handbook to Assist Local Boards of Education, School Administrators, Inter-Cultural Education Advisory Committees in the Development of Quality Inter-Cultural Education, Spring 1973.)

SECTION 2. DUTIES OF THE LOCAL BOARD

- a. The State Board of Education requests that each local Board of Education adopt an inter-cultural education plan and proceed to implement it. Paramount to the success of such a plan is the appointment of an advisory committee.

SECTION 3. ESTABLISHMENT OF ADVISORY COMMITTEE

- a. Such a committee should include at least one representative from each minority group, if one or more such groups reside within the district, the remainder of the committee to be selected from the majority community, and students attending the public schools in the district. If the school district has no minority groups then the committee should consist of representatives of the majority community, but should be advised by representatives of minority group(s) in the development of the program.

SECTION 4. DUTIES OF THE ADVISORY COMMITTEE

Ideally, an advisory committee should counsel the local board of education, administration and staff on a continuing basis in the development, implementation, and evaluation of the inter-cultural education program. The advisory committee should report at least quarterly to the local board of education their work in review, study, planning, methods of implementation, and evaluation in the areas of inter-cultural education, to include but not be limited to the following areas:

- a. Curriculum Materials (Kindergarten through Adult Education)
- b. Human Relations Program
- c. In-Service Training for Teachers and Administrators
- d. Direct Student Experiences (Study, Work, Extra Curricular)
- e. Individual Study Units
- f. Recruitment of Minority Staff Personnel
- g. Cultural Resource Center
- h. Use of Community Resources
- i. Audio-Visual Aids

SECTION 5. SUBMISSION OF DATA, PLANS AND PROGRAMS

The State Board of Education requests local school boards to submit on October 1 of each year after 1973, a report to the Commissioner indicating progress in adopting and implementing intercultural education plans.

SECTION 6. CONTENTS OF PLAN

A successful plan should deal with local goals of the intercultural education program and should give attention to the items listed and set forth in the handbook noted above. A reasonable period for implementing an intercultural education program is two years.

SECTION 7. CULTURAL CENTER FOR MINORITY GROUPS

The State Board of Education further recommends that schools districts establish cultural centers to serve the following functions:

- a. To be a depository for the collection and cataloging of materials appropriate to the development of inter-cultural education programs.
- b. To collect and establish community resources to provide enrichment and knowledge of the various cultures existing within our society. This phase of the program will include a listing of people who, because of their skills or knowledge regarding cultural backgrounds can be used in the school curriculum or in the adult education program.
- c. To provide materials and resources of the center to various civic organizations and governmental units for educational purposes.
- d. To establish exchange programs with other local, state and national centers, including private and governmental museums already established.
- e. To develop community programs for students, parents and community.

SECTION 8. FAILURE TO COMPLY

If a local Board of Education fails to conform to these guidelines in any significant respect, the Commissioner shall notify such local board and the State Board of Education accompanying his report to the State Board with his recommendations.

STATE BOARD OF EDUCATION

EQUAL OPPORTUNITY IN SCHOOLS

RULES RELATING TO EQUALITY OF EDUCATIONAL OPPORTUNITY AND SCHOOL
DESEGREGATION

3535.0200 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 3535.0200 to 3535.2200, the following words and phrases shall have the meaning ascribed to them.

Subp. 2. **Equal educational opportunity.** "Equal educational opportunity" is defined as the provision of educational processes where each child of school age residing within a school district has equal access to the educational programs of the district essential to his needs and abilities regardless of racial or socioeconomic background.

Subp. 3. **Minority group students.** The term "minority group students" is defined as students who are Black-American, American-Indian, Spanish surnamed American, or Oriental Americans. The term "Spanish surnamed American" includes persons of Mexican, Puerto Rican, or Spanish origin or ancestry.

Subp. 4. **Segregation.** Segregation occurs in a public school district when the minority composition of the pupils in any school building exceeds the minority racial composition of the student population of the entire district, for the grade levels served by that school building, by more than 15 percent.

MS s 121.11 subs 7,12; 124.14

3535.0300 POLICY.

The State Board of Education recognizes many causes for inequality in educational opportunity, among which is racial segregation. The State Board of Education agrees with the United States Senate Report of the Select Committee on Equal Educational Opportunities that, "the evidence, taken as a whole, strongly supports the value of integrated education, sensitively conducted, in improving academic achievement of disadvantaged children, and in increasing mutual understanding among students from all backgrounds."

The State Board of Education recognizes its duty to aid in the elimination of racial segregation in Minnesota public schools and therefore adopts these rules, the purpose of which is to direct and assist each school district in the identification of and the elimination of racial segregation which may exist in the public schools within the district. The rules which follow are designed to implement the policy of the State Board of Education as set forth in "Educational Leadership Role for Department of Education and Board of Education in Providing Equal Educational Opportunity," November 9, 1970.

MS s 121.11 subs 7,12; 124.14

3535.0400 DUTIES OF LOCAL BOARDS, PENALTY FOR FAILURE TO COMPLY.

Each local board shall, in accordance with parts 3535.0200 to 3535.2200, submit data to the commissioner on the racial composition of each of the schools within its jurisdiction.

Each local board shall, if segregation is found to exist in

any of its schools submit to the commissioner a comprehensive plan for the elimination of such segregation that will meet the requirements of parts 3535.0200 to 3535.2200; submit information to the commissioner on the progress of implementation of any comprehensive plan which has been approved; and implement in accordance with its schedule a comprehensive plan which has been approved. The penalty for noncompliance with parts 3535.0200 to 3535.2200 shall be the reduction of state aids pursuant to Minnesota Statutes 1971, section 124.15.

MS s 121.11 subs 7,12; 124.14

3535.0500 SUBMISSION OF DATA.

Subpart 1. **Compliance.** Each local board shall submit to the commissioner by November 15 of each year such data as are required by subpart 2 of this part. If a local board fails to submit such data by November 15 annually, the commissioner shall notify the board of noncompliance. A reasonable time of 15 days shall be allowed for compliance.

Subp. 2. **Report.** Each local board shall submit a report showing the number of students enrolled which belong to each race for each of the schools under its jurisdiction. The information required to be submitted may be based upon sight count or any other method determined by the local board to be accurate. The clerk of the local board of education shall certify the accuracy of the report.

MS s 121.11 subs 7,12; 124.14

3535.0600 SUBMISSION OF PLAN.

The commissioner shall examine the data which are submitted pursuant to part 3535.0500. Whenever the commissioner finds from the examination of such data that segregation exists in any public school, he shall in writing within 30 days after receipt of data notify the local board having jurisdiction over said school that such finding has been made. The commissioner may after data has been submitted and examined, pursuant to parts 3535.0500 and 3535.0600 determine from additional data received at any subsequent time that a condition of segregation exists and request action to correct the situation. Any local board receiving notification of the existence of segregation shall forthwith prepare a comprehensive plan to eliminate such segregation and shall file a copy of such plan with the commissioner within 90 days after the receipt of the notification.

If the local board fails to submit a plan within 90 days, the commissioner shall notify the local board of noncompliance. A reasonable time of 15 days shall be allowed for compliance.

MS s 121.11 subs 7,12; 124.14

3535.0700 STANDARDS FOR DEVELOPING THE PLAN.

The 15 percentage points requirement of part 3535.0200, subpart 4 shall be used as the standard for local school boards in the process of developing plans to remove racial segregation in the district. The commissioner shall approve school desegregation plans that vary from the standard by up to an additional 15 percentage points if the local board can justify an educational reason for a variance to the state board from the comprehensive school desegregation plan submitted. If the variance is approved by the commissioner, it may result in a school building exceeding 50 percent minority enrollment if necessary.

An educational reason shall include the effect on bicultural and bilingual programs, making magnet schools available to minorities, effectiveness of school pairing programs, and other educational programs that should result in a better education for the children involved. In determining whether the educational reason put forth by the district justifies the variance, the State Board of Education shall determine whether other alternatives are educationally and economically available to the district such that the variance is not needed.

MS s 121.11 subds 7,12; 124.14

L 1984 c 463 art 7 s 49,53 subd 2

3535.0800 TRANSPORTATION TIME STANDARD.

If to alleviate the isolation of minority group students, required transportation time would exceed more than one hour trip per day, then a standard may be determined by the commissioner based on the data presented by the district for each such school within the district.

MS s 121.11 subds 7,12; 124.14

3535.0900 CONTENTS OF THE COMPREHENSIVE PLAN.

The comprehensive plan, submitted pursuant to part 3535.0600, shall contain a detailed description of the actions to be taken by the local board to eliminate segregation. Each plan shall contain: an explicit commitment by the local board to fulfill the requirements of these rules; a detailed description of the specific actions to be taken to correct racial segregation of students and faculty, showing the intended effect of each action proposed with respect to the entire plan, and each specific action proposed in the plan; a time table showing dates of initial implementation and completion; evidence that broad community participation and involvement was secured in the planning and development of the plan; and specific affirmative proposals to ensure that the integration process provides an effective learning environment for all children based upon mutual cultural and personal respect. The plan shall also include a narrative description of changes in the staffing patterns of the school district, curriculum changes to meet the needs of students in a desegregated environment, any anticipated building or remodeling programs, present and projected attendance patterns, staff preparation or projected in-service training programs. The implementation period shall not exceed two years. The plan shall specify the effect which each proposed action will have on the racial composition of each school within the district and shall include projections of the racial composition of each school within the district which may be expected upon completion of the plan.

MS s 121.11 subds 7,12; 124.14

3535.1000 METHODS TO CONSIDER IN THE FORMULATION OF THE PLAN.

In the formulation of plans to eliminate and prevent racial segregation in schools, local boards shall consider and employ methods that are educationally sound and administratively and economically feasible. Such methods may include but are not limited to: school pairings and groupings; grade reorganization; alteration of school attendance zones and boundaries; pupil reassignments and such optional transfers as are consistent with these requirements; establishment of educational parks and plazas; rearrangements of school feeder patterns; voluntary metropolitan or inter-district cooperative

plans; specialized or "magnet" schools, differentiated curricular or other program offerings at schools serving children predominately of different racial groups at the same grade level; reassignments of faculty, staff, and other personnel, affirmative recruitment, hiring, and assignment practices to ensure that each system's personnel corps, as well as the faculty, staff, and other personnel at all attendance centers within systems, become and remain broadly representative racially.

MS s 121.11 subds 7,12; 124.14

3535.1100 CONSIDERATION OF DESEGREGATION WHEN PLANNING NEW SCHOOL SITES.

All decisions by local boards concerning selection of sites for new schools and additions to existing facilities shall take into account, and give maximum effect to, the requirements of eliminating and preventing racial as well as socioeconomic segregation in schools. The commissioner will not approve sites for new school building construction or plans for addition to existing buildings when such approval will perpetuate or increase racial segregation.

MS s 121.11 subds 7,12; 124.14

3535.1200 CONSIDERATION OF EQUITY IN DEVELOPING THE PLAN.

All plans to effect school desegregation and integration shall be equitable and nondiscriminatory. Within the constraints imposed by feasibility and educational soundness, inconvenience, or burdens occasioned by desegregation shall be shared by all and not borne disproportionately by pupils and parents of minority group students.

MS s 121.11 subds 7,12; 124.14

3535.1300 NO USE OF PUPIL GROUPING OR CLASSIFICATION.

Local board shall not adopt or maintain pupil grouping or classification practices, such as tracking, which result in racial segregation of pupils within a given school.

MS s 121.11 subds 7,12; 124.14

3535.1400 CONTINUAL REVIEW BY THE LOCAL BOARD.

All plans shall be subject to continuing review and evaluation by the local boards and shall provide that amendments to improve their effectiveness shall be adopted and implemented on a continuing basis; provided, however, that the implementation of any proposed amendment which would result in resegregation of any school or classroom, shall not take effect until after it has been reviewed by the commissioner of education in the manner provided with respect to plans in part 3535.1500. Submissions of proposed amendments shall be accompanied by materials setting forth the reasons underlying the proposals and their projected effects upon racial composition of all affected schools and classrooms.

MS s 121.11 subds 7,12; 124.14

3535.1500 REVIEW OF THE PLAN BY THE COMMISSIONER.

The commissioner shall review any plan or amendment submitted under these provisions and shall determine whether it

complies with the requirements of these rules. If the commissioner determines that the plan will eliminate segregation in the schools of the district submitting the plan, and that the dates for implementation of the plan will not exceed two years, and that any proposed transportation to achieve desegregation is not restricted to minority students, he shall approve the plan and notify the State Board of Education and the local board within 30 days. The commissioner may provide to the local board of education such technical assistance and services as requested by the local board and deemed necessary by the commissioner in order to implement the plan. If the commissioner finds that the plan will not eliminate segregation in the schools of the district submitting the plan, or that the dates for implementation will exceed two years or that any transportation to achieve desegregation is restricted to minority students, he shall reject the plan.

MS s 121.11 subds 7,12; 124.14

3535.1600 NOTIFICATION OF REJECTION OF THE PLAN.

The commissioner shall notify the local board of the rejection of the plan within 30 days. The notice shall specify the reasons for the rejection of the plan, the revisions necessary to make the plan satisfactory, and a period of 45 days in which the local board shall submit a revised plan.

MS s 121.11 subds 7,12; 124.14

3535.1700 NOTIFICATION OF FAILURE TO COMPLY.

If no revised plan is received within 45 days, or if the revised plan fails to contain the revisions specified by the commissioner, or if the plan fails to meet the requirements of parts 3535.0200 to 3535.2200 the commissioner shall notify the local board of action to be taken pursuant to part 3535.0400.

MS s 121.11 subds 7,12; 124.14

3535.1800 SUBMISSION OF INFORMATION ON IMPLEMENTATION OF PLAN.

If a local board has submitted a plan which has been approved by the commissioner, the local board shall submit to the commissioner at such times as he shall request, such information as he deems necessary concerning the implementation of the plan. If the local board fails to submit such information, the commissioner shall notify the local board of the noncompliance. A reasonable time of 15 days shall be allowed for correction of noncompliance.

MS s 121.11 subds 7,12; 124.14

3535.1900 IMPLEMENTATION OF THE PLAN.

The commissioner shall examine the information requested to part 3535.1800. If he determines that there is any discrepancy between the schedule in the plan as approved and the progress which has been achieved in the implementation of the plan, he shall notify the local board of noncompliance. A reasonable time, which shall be determined by the commissioner according to the nature of the discrepancy, shall be allowed for correction of the discrepancy.

MS s 121.11 subds 7,12; 124.14

3535.2000 APPEARANCE BEFORE THE STATE BOARD.

Any school district aggrieved by a decision required by the commissioner by parts 3535.0200 to 3535.2200 may serve a written request on the State Board of Education within 30 days of any such decision to appear before said board.

The appearance shall be made at the next regular state board meeting following receipt of such request. Following such appearance the board may in writing support, modify, or reject the commissioner's decision. Any such notice served by a school district shall stay any proceeding pursuant to Minnesota Statutes 1971, section 124.15 to reduce state aids for noncompliance with parts 3535.0200 to 3535.2200 until a determination by the board.

MS s 121.11 subds 7,12; 124.14

3535.2100 NOTICES.

Any notice to a local board which is required by these rules shall be written and shall be sent by certified mail, to the superintendent, and to the clerk of the local board of the district at their respective business addresses. For the purpose of parts 3535.0200 to 3535.2200, the business address of the clerk of the local board is deemed to be the main administrative office of the district.

The content of any notice of noncompliance shall be such as is specified in Minnesota Statutes 1971, section 124.15, subdivision 3. The reasonable time for correction of noncompliance shall be such as specified in parts 3535.0200 to 3535.2200.

MS s 121.11 subds 7,12; 124.14

3535.2200 NO DISTRICT EXEMPT FROM PART 3535.0500.

At no time shall any local board be exempt from the reporting requirements of part 3535.0500.

MS s 121.11 subds 7,12; 124.14

PROHIBITION OF DISCRIMINATORY PRACTICES IN EDUCATION

3535.2300 POLICY.

The policy of the State Board of Education is to assure compliance with state and federal law prohibiting discrimination because of age, race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, or disability, and to promote the elimination of these discriminatory practices in public schools and public educational agencies under its general supervision.

MS s 124.15 subd 2a

3535.2400 DUTIES OF LOCAL BOARDS, PENALTY FOR FAILURE TO COMPLY.

Each local board shall submit to the commissioner such data as specified in part 3535.2500 for purposes of determining that the educational program is meeting provisions of state and federal law prohibiting discrimination on the grounds listed in part 3535.2300.

Each local board shall comply with all state and federal law prohibiting discrimination on the grounds listed in part 3535.2300.

Each local board shall direct the superintendent to coordinate, implement, and report to the local board the district's efforts to comply with parts 3535.2300 to 3535.2900.

Each local school board shall, pursuant to Title IX of the Educational Amendments of 1972 (Public Law Number 92-318), disseminate on a continuing basis its policy of nondiscrimination on the basis of sex.

The penalty for noncompliance with parts 3535.2300 to 3535.2900 shall be the reduction of state aids pursuant to Minnesota Statutes, section 124.15.

MS s 124.15 subd 2a

3535.2500 COMPLIANCE REPORTS AND SUBMISSION OF DATA.

Annually, on November 15, each school board shall submit to the commissioner a statement of compliance with state and federal law prohibiting discrimination on the grounds specified in part 3535.2300 and, in support of that statement, shall complete the form contained in part 3535.9920, and submit a report as required by Code of Federal Regulations, title 29, section 1602.41 (EEO-5 report), showing the number of certificated and noncertificated personnel employed which belong to each race and sex for each of the schools under its jurisdiction.

The statement of compliance required by Minnesota Statutes, section 124.15, subdivision 2a, shall be specified in part 3535.9910.

The form to be completed in support of the assurance statement shall be as specified in part 3535.9920.

MS s 124.15 subd 2a

3535.2600 NOTICES.

The content of any notice of noncompliance shall be such as is specified in Minnesota Statutes, section 124.15, subdivision 3.

Any notice to a local board which is required by parts 3535.2300 to 3535.2900 shall be written and shall be sent by certified mail to the superintendent and to the clerk of the local board of the district at their respective business addresses. For the purposes of parts 3535.2300 to 3535.2900 the business address of the clerk of the local board is deemed to be the main administrative office of the district.

The commissioner shall provide to each school district in the state of Minnesota the documents specified in part 3535.9920, number 1, and shall update the material as needed to insure compliance.

MS s 124.15 subd 2a

3535.2700 APPEAL OF COMMISSIONER'S DETERMINATION.

Any school district aggrieved by a decision required of the commissioner under parts 3535.2300 to 3535.2900 may dispute that decision pursuant to Minnesota Statutes, section 124.15, subdivision 4.

MS s 124.15 subd 2a

3535.2800 DUTIES OF THE COMMISSIONER

Upon receipt of the school board's assurance of compliance and the supporting data, the commissioner shall:

A. In order to determine whether special state aid shall be withheld, process the data and forward it to the commissioner of human rights, pursuant to Minnesota Statutes, section 124.15, subdivision 5a.

B. In order to determine whether a violation of federal laws prohibiting discrimination has occurred: within 90 days of the receipt of the data, the commissioner of education shall review it to determine whether a school district is in compliance with federal law prohibiting discrimination; if, after review of the data, it appears to the commissioner that a violation of federal law exists, he shall make a prompt investigation; and if the investigation indicates noncompliance with federal law, the commissioner shall inform the school district. If the noncompliance cannot be resolved by informal means, the commissioner may proceed to suspend or terminate federal assistance.

MS s 124.15 subd 2a

3535.2900 EXEMPTIONS.

No district shall be exempt from parts 3535.2300 to 3535.2900.

MS s 124.15 subd 2a