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**Defining Racial Equity in Chicago's Segregated Schools:  
The Complicated Legacy of Desegregation Reform for  
Urban Education Policy**

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The bold strategies of urban education reform over the past twenty years appear to most scholars and commentators as an abrupt political revolution, breaking from the established status quo of public education governance by embracing privatization, school choice, and the test-based accountability of schools and educators. Focusing on the high-profile case of the Chicago Public Schools, this paper interrogates this historical narrative by investigating less explicit moments of policy innovation that preceded the contemporary period of sweeping legislative reform. In Chicago, and across the nation, certain programs and policy reforms currently associated with school choice were first established in the name of racial desegregation. This institutional and discursive analysis of Chicago's Student Desegregation Plan of the 1980's asks how the initial expansion of choice-oriented programs both anticipates the policy logics and framework of contemporary neoliberal reform and paves the political path for Chicago's early adoption of this neoliberal reform framework. Against the widely held notion that contemporary reform departs from older notions of racial equity embedded in desegregation reform, this study draws on archival sources representing multiple public voices and competing state actors to complicate the issue of school desegregation, revealing a contested space where divergent motivations and conflicting frameworks struggle to influence the course of reform. I find that the use of choice-oriented programs in the context of Chicago's last major desegregation initiative reflects an implicit shift to a new definition of educational equity, one that eschews the court-ordered obligation to redress the institutional harms of segregated schooling and frames equity not in relation to racial and geographic patterns of inequality but instead in terms of equal access to necessarily unequal public school options.

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Since the late 1990's, urban school reformers at all levels of the U.S. government have increasingly coalesced around a new policy reform model. The watchwords of "accountability," especially for teachers and schools, and "school choice," primarily involving public school options, have ascended to the level of popular common sense. This shift in the political mainstream occurred in an apparently seamless and abrupt fashion as reform leaders clamored for an unequivocal rejection of the public education status quo. The new momentum for legislative action and private sector involvement emerged in the wake of growing debates over the quality of U.S. public education that began in the 1980's, but the subsequent arrival of a new reform movement was sudden and its new toolkit for reform surprisingly coherent.

This paper draws on the seminal case of the Chicago Public Schools to investigate the historical conditions that made possible this purported break from the status quo of urban public schooling. I will argue that, while the rhetoric and political alignments of the 1990's solidified a neoliberal turn in U.S. education policy, the institutional foundations and political common sense that facilitated this turn have their roots in fundamentally racial struggles over post-Civil Rights Era education policymaking. Corresponding to popular narratives surrounding urban education reform, scholars adopt a historical periodization of education policy that distinguishes recent trends from the categorical, equity-oriented interventions of the 1960's and 1970's that targeted minorities, the poor, mentally disabled, and other underserved groups. Challenging this perspective, I offer a historical analysis of policy change that establishes new historical links between the policy instruments of post-Civil Rights

student desegregation reform and the evolution of a contemporary neoliberal reform agenda based on public school choice and school accountability. By interrogating the development of novel policy approaches in response to multiple and contradictory pressures to racially desegregate Chicago's public schools, this analysis situates now familiar trends in education policy within the openly racial conflicts over the meaning and pursuit of educational equity that preceded the recent ascendance of an apparent neoliberal consensus.

This historical study centers on an easily overlooked desegregation initiative enacted by the Chicago Public Schools district during the early 1980's and premised on the combination of the voluntary reassignment of students to racially mixed schools alongside targeted aid and programming for those schools that would remain segregated. During the 1980's, urban districts compelled to address ongoing racial segregation increasingly relied on voluntary desegregation strategies such as magnet schools and voluntary transfer programs—policy strategies that prefigured and helped set the stage for school choice reforms that would soon become mainstream (Cocoran & Levin, 2011; Henig, 1994; Wells & Crain, 2005). This paper argues that education reform efforts waged under the umbrella of school desegregation in 1980's Chicago included interventions that mirrored voluntary desegregation programs, yet were, in some cases, divorced from the purpose of racial desegregation, both in rationale and in practice. In this context of racial political struggle over educational inequality and internal battles between multiple and changing state actors, this study locates and analyzes an important space of policy innovation, where choice-oriented policies were expanded to represent new reform strategies and serve new purposes. By uncovering

the policy legacies that lent a specific institutional form and growing political viability to an ascendant neoliberal reform agenda, this line of inquiry pursues links between currently hegemonic understandings of educational equity and the more openly contested acts of state symbolic violence against race-based protest of the post-Civil Rights period.

This study draws on various archival materials surrounding the design and early implementation of Chicago's 1982 Student Desegregation Plan, including policy documents, administrative records, transcripts from public hearings, and evaluation reports of public agencies and watchdog groups. I also rely on historical research covering an earlier period conducted as part of a larger study on struggles over school reform following the peak of Civil Rights protests in Chicago. I will first describe the interrelated controversies in 1960's and 1970's Chicago surrounding school desegregation and, more broadly, *educational equity reform*, understood as policy efforts to achieve a more fair and just distribution of educational resources and capacities across a structurally unequal society. Second, I will situate Chicago's multi-faceted desegregation reform initiative of the 1980's within a destabilizing moment for the Chicago Public Schools that challenged the district's official stance on race and educational inequality. Finally, I conduct a discursive and institutional analysis of the the reform plan and its implementation, asking how, in this new state of struggle, lingering conflicts over the proper role and approach of state agencies in ameliorating chronic educational inequalities were framed and addressed. The investigation draws on archival documents to narrate the crafting and implementation of a new and ambitious desegregation initiative during the 1980's, highlighting internal conflicts and

implicit logics within the discourse and practice of desegregation reform. I argue that the Chicago Public Schools developed and expanded the policy strategies of earlier voluntary desegregation initiatives to supplement and ultimately supplant more direct interventions into the deficiencies of segregated black and Latino schools. In contrast to prevailing narratives of an abrupt political and ideological rupture, located roughly during the 1990's, that led to the neoliberal turn in school reform, this study identifies, in this easily overlooked historical moment, an earlier period of policy innovation that prefigured the popular embrace of public school choice as well as the more punitive approach to "accountability" that together help frame the discourse of urban school reform today.

### **Continuity and Change in the Contemporary History of Urban School Reform.**

Today, the Chicago Public Schools (CPS) system is a national model for school choice reform, encouraging parents and students to seek admission at a variety of public school options within the citywide school district. The traditional system of neighborhood schools is still intact, assigning each school-aged person in Chicago to a local school based on their residential address, but a complex system of special school options and transfer opportunities provides each family with a range of potential alternatives. As the patchwork of neighborhood schools and other school types continues to change, the number of students who attend a school other than their assigned neighborhood option continues to climb. Today, about 40% of elementary school students and 66% of high school students opt out of their neighborhood school, and the numbers are especially high for black students (Lutton, 2014).

The CPS Office of Access and Enrollment manages the district's system of school applications and student assignment procedures. The application and placement process for elementary school students is known as the "Options for Knowledge" program. It includes 344 traditional neighborhood schools and 133 schools of choice that largely admit students by application from across the city.<sup>1</sup> At the secondary level, only about one quarter of the nearly two hundred high schools are traditional neighborhood schools that must admit students in their attendance zone regardless of space. The remaining high schools form a patchwork of magnet schools, career academies (vocational schools), privately-run charter schools, selective enrollment schools, and other specialized application-based schools. Under the Open Enrollment program, even neighborhood schools, provided that space is available, must accept students from beyond their respective attendance areas. Together, these programs represent the ascendance of the public school choice movement that began to sweep the nation in the 1990's.

Before the rhetoric and policy agenda of "school choice" became mainstream, however, Chicago's public school system had already adopted the seeds of these policy reforms, albeit for different reasons. The Options for Knowledge program was originally enacted to promote racial desegregation, encouraging students to transfer to special schools and within-school programs where their presence would improve the demographic balance of white students relative to students of color. At the same time, the gradual move to Open Enrollment began as increasingly liberal student assignment

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<sup>1</sup> The majority of the schools of choice, including district-run magnet schools and privately-operated charter schools, select students by lottery although even these relatively open schools might impose specific restrictions or preferences based on residential location or a test score threshold. The lottery process for magnet schools is tailored, when possible, to promote socio-economic diversity.



rules encouraged students to choose schools where they would contribute to balancing the racial composition of the student body.

These policy instruments were largely developed during the 1970's and widely institutionalized during the 1980's with the implementation of a citywide desegregation initiative adopted at the behest of the federal government. While the original impetus of desegregation would lose political momentum by the 1990's, many of the specific policies and school programs at the heart of this plan were expanded and built-upon by subsequent Chicago Public Schools administrations for reasons that had nothing to do with—and perhaps worked against—the original goal of racial integration. By 1994 over half of Chicago public high school students attended a school other than their assigned neighborhood school, and one study shows that this selective migration led to significant sorting of students by achievement level into separate high schools and no measurable impact on racial desegregation (Cullen, Jacob, & Levitt, 2000). The means and scope for expanding the practice of school choice continued to evolve after 1994, but before school system leaders began speaking in terms of the city's "portfolio of school options," the practice of shopping around for the right public school had become normal for a large share of Chicago's families.

This apparent continuity in student assignment policies calls into question popular narratives of the rise of school choice as the ascendance of a fringe right-wing initiative, which only began to gain traction in the political mainstream during the 1990's. Diane Ravitch (2011) chronicles the dual rise of a nationwide, conservative-led education reform agenda that combined school choice with new standardized test-based accountability measures that threaten to punish students, teachers, and schools

when they fail to meet benchmark scores. Parallel accounts of an end-of-century neoliberal turn attribute school choice and a corresponding package of market-driven reforms to the recent emergence of a network of private-sector actors, including corporate philanthropists, education nonprofits, for-profit school management organizations, and policy advocacy groups (Scott, 2009; Scott & DiMartino, 2009; Lipman, 2013). Both conservative political insiders and private sector reform advocates are often cast as extremists, eager to dismantle the institutional norms of public education that were previously taken for granted. Many of these reform advocates adopt the rhetoric of radical change themselves, condemning the record of U.S. public schooling and calling for aggressive change.

Another group of scholars identifies a roughly coterminous shift in the assumptions and objectives of education policymakers with respect to the rise of state-driven school and teacher accountability mechanisms, driven by an unprecedented expansion of standardized testing (Carnoy, Elmore, & Siskin, 2003; McDermott, 2011; Mehta, 2013a). In his recent work on the topic, Harvard School of Education professor Jal Mehta (2013a; 2013b) describes a “paradigm shift” in American education policy during the 1980’s, setting the stage for a new set of debates and reform efforts surrounding newly defined challenges. Like Ravitch, Mehta’s historical account centers around the 1983 *Nation at Risk* report, produced by the Reagan Administration, which raised alarming concerns over the quality of public education in the United States. Mehta’s work tracks the increasing involvement of state and federal legislators and traces the work of policy experts in crafting new reform proposals premised on government-defined educational standards and enforceable accountability measures.

For Mehta, a new paradigm was in place by the early 1990's, as many states established new accountability regimes to track and enforce the performance of their local districts and schools.

The subsequent course of this reform movement, however, was still difficult to anticipate at this stage, as competing notions of "accountability" and divergent approaches to the definition and use of "standards" vied for control over the new legislative momentum surrounding public education. Many of the expert ideas and theories of change that coalesced around this new political rhetoric were marginalized during the early 2000's when a more politicized and managerial approach was increasingly enshrined in law. The original push to use sophisticated testing and educational expertise to define high standards and guide local reform efforts was quickly sidelined as reformers opted for the punitive use of streamlined performance metrics, combining local responsibility for school improvement with the centralized authority to impose routinized managerial practices, constraining the work of educators in disadvantaged schools.

Similarly, the primary advocates and underlying ideology behind the school choice movement bore little resemblance to the policy initiatives that would come to define school choice reform in the 21<sup>st</sup> century. Since Milton Friedman, the architects of the school choice agenda premised their ideas on the benefits of the private sector and the free market over public provision. The end goal of the movement was the abolishment of public education providers in favor of government vouchers to be spent at private primary and secondary schools. As Jeffrey Henig (1994) shows, the Reagan Administration was compelled to move past politically unpopular voucher proposals and,

in their place, embrace a kind of public school choice, based on the magnet school model. The magnet school, alongside other choice programs created to promote racial desegregation across racially segregated urban neighborhoods, was repurposed to foster competition between differentiated schools and increase individual choice and initiative in line with the values of the school choice movement.

Given the complicated trajectories of “school choice” and “school accountability” as frameworks for education policy reform, the circumstances of their rise and manifestation extend far beyond the ideological projects and schools of thought that first branded these slogans. To what extent was this neoliberal turn more like a gradual assemblage of right-wing and other salient policy strategies into a politically viable paradigm for reform? While the new paradigm was first articulated in the 1990’s and later solidified as a leading national agenda during the 2000’s, this paper takes a broader historical perspective on its development, arguing that the institutional conditions that helped shape this new agenda emerged out of the education policy struggles of the post-Civil Rights era. In Chicago, the hierarchical differentiation of public schools embodied in the magnet school model and the centralized yet streamlined control of individual schools via test-based accountability reflected policy decisions and institutional changes ushered in under the rubric of racial desegregation. Departing from research that contrasts equity-oriented voluntary desegregation policies from the unregulated, stratification-inducing school choice initiatives that have taken their place, this paper goes beneath the nominal purpose of Chicago’s desegregation reforms to consider the institutional and political legacies of desegregation-in-practice with all its internal contradictions and unspoken assumptions. Ultimately, this analysis

expands the narrative of Chicago's contemporary experimentation with education policy reform, establishing forgotten links between the neoliberal government of urban education and the symbolic struggles over racial segregation and school inequality of an earlier era. This historical analysis, therefore, speaks to both the current political acquiescence to neoliberal education reform and to the ongoing fight for quality, community-oriented public schooling, relating these challenges to the increasingly routine and unnoticed symbolic violence of the post-Civil Rights Era racial state.

As a national leader and early adopter of popular urban education policies, the case of the Chicago Public Schools has important nationwide implications for the history of neoliberal education reform. Before the 2002 federal No Child Left Behind Act encouraged policy conformity among local districts and state governments across the country, Chicago instituted a series of high-profile reform initiatives that captured national attention. While an earlier era of reform during the 70's and 80's, including student desegregation initiatives, sought to make the existing system more equitable and compliant with the law, the Chicago Public Schools have more recently, starting with a major state reform act in 1988, embarked on subsequent structural reform efforts that fundamentally changed the governance and priorities of public schooling in the city. The 1995 Chicago School Reform Act set in motion the establishment of a new performance rating system for Chicago's schools that immediately placed over one hundred schools on probation, initiating a series of punitive measures for educators. The school system's new leaders began a renewed effort to differentiate schools and promote choice among students of all ages. This new and more conscious embrace of public school choice gave way in the following decade to the proliferation of privately-

run charter schools and corresponding waves of school closures targeting traditional neighborhood schools, especially in segregated black areas of the city.

Pauline Lipman, a leading authority and critic of Chicago's neoliberal education reforms, highlights the surprisingly widespread appeal of unprecedented state interventions, carried out by central state actors with immediate and sweeping ramifications for local public schooling (Lipman, 2013). Alongside other critical education scholars (Apple & Pedroni, 2005; Pedroni, 2007), Lipman draws on Antonio Gramsci to understand the "good sense" of neoliberal policy logics, describing the pragmatic appeal of initiatives that punish schools and teachers for chronic academic failure and offer increased choices in place of improved neighborhood schools (also see Pattillo, 2007: 99-101). This study seeks to provide historical insight into this seductive influence of neoliberal reason by investigating the early formation of neoliberal policy forms in a historical context where these logics were still prominently contested. I analyze the politics of policy discourses surrounding student desegregation and racial equity to locate the motivation and functioning of emergent policy strategies within a post-Civil Rights symbolic struggle over educational inequality. I also draw on institutionalist theories of the political effects of public policy to interrogate how the policy interventions enacted under the name of desegregation informed subsequent political dynamics of legislative reform and structural policy change. Together, this approach takes seriously the role of policy design and implementation as an exercise in state symbolic violence, suppressing alternative perspectives and helping to forge, at the level of everyday political and social life, the basis for new forms of government.

## **The Complicated Legacy of School Desegregation in Chicago**

The landmark *Brown v. Board of Education* Supreme Court ruling of 1954 is a defining moment of racial progress in this country, but, in the decades following its passage, the implementation of this decision was fraught with controversy, political conflict, and unintended consequences. The application of *Brown* outside the American South presented particular challenges for the fight against racial injustice in education. The meaning and history of “segregation” is very different in many northern and western urban centers, and this equivocal meaning was at the heart of many local struggles over the necessary and appropriate state response to the problem of segregated public schooling.

In Chicago, black protest against school segregation began during the Great Depression, about a decade after a pattern of segregated black neighborhoods and schools took shape, in response to the apparent and devastating disinvestment of public funds from black schools (Homel, 1984; Neckerman, 2007). During the early 1960’s, in the wake of the *Brown* decision and during a national campaign against school segregation, black Chicago’s fight against school segregation reached an unprecedented level of organized, citywide mobilization. Local grassroots groups and, in many cases, major racial advocacy organizations framed the problem of segregation in terms of the substandard quality of black schools. In other words, the black movement against segregated schooling in Chicago was always a fight against separate *and* unequal public education, a fight that placed blame and responsibility for the poor conditions in segregated schools at the feet of city and school system leaders.

Invoking the language of the *Brown* case, a growing number of public officials, major media outlets, and liberal civic organizations in 1960's Chicago embraced the call for racially integrated schooling while simultaneously rejecting accusations that patterns of segregation and apparent racial disparities in educational outcomes resulted directly from state malpractice or negligence toward schools serving black students. In 1954, Supreme Court justices removed the question of tangibly unequal educational provisions from the legal issue of segregation in a careful effort to unanimously refute the premise that schooling could be 'separate but equal' (Scott, 1997: Chapter 7). When, in 1963, a settlement of the *Webb v. Chicago Board of Education* school segregation lawsuit forced the Board to report on the extent of segregated schooling in the city and commit to addressing the problem, the Board resolutions, administrative reports, and expert analyses that followed consistently maintained this distinction between, on the one hand, the problem of the racially imbalanced student composition of schools and, on the other, more concrete concerns regarding the quality of education at segregated schools, deflecting accusations of deliberate discrimination against predominantly black schools.

**Table 1: Timeline - Desegregation Reform in the Chicago Public Schools**

1963	First major boycott of the Chicago Public Schools
1963	Plaintiffs settle with Board in <i>Webb v. Chicago Board of Education</i> school segregation lawsuit
1964	Hauser Panel on Chicago school segregation publishes report confirming widespread racial segregation
1967	Superintendent Redmond's desegregation plan approved by Board
1978	Superintendent Hannon's Access to Excellence desegregation plan approved by Board



1979	Default and financial collapse of the Chicago Public Schools
1980	Federal Department of Justice files suit against Chicago Board of Education, parties reach Consent Decree
1982	Chicago Board of Education approves final draft of Student Desegregation Plan, begins full implementation
1988	Chicago School Reform Act, decentralizing school governance
1995	Second Chicago School Reform Act, restructuring school governance
2009	Federal judge ends the Consent Decree

As a result, the Chicago Public Schools' subsequent desegregation initiatives received mixed responses from black residents and advocacy groups, who criticized the logic and design of the specific desegregation plans proposed by the school system. During the 1960's and 1970's, major desegregation initiatives and more specific Board decisions motivated, at least in part, by desegregation were consistently challenged by prominent and numerous black public voices, including both those who opposed the goal of racial integration and those who advocated an alternative or more forceful approach to desegregation. Despite coalescing around an anti-school segregation movement in the early sixties, black Chicagoans, alongside the city's growing Latino communities, were increasingly ambivalent and divided over desegregation as the district instituted largely voluntary transfer-based desegregation schemes in the late 1970's and 1980's (e.g. Chicago Urban League, 1978; District 16, 1977; see Hess, 1984).

During a 1980 public hearing on desegregation (Chicago Board, 1980), one PTA leader summed up a recurring critique voiced by the attendees:

"If you really want to talk about a truly equitable busing program, you must at some point start busing into our neighborhoods quality programs that will attract other groups into our areas. You must bus in the latest books and language programs, special reading and math programs and the personnel and materials to make these programs successful" (17).

As this quote illustrates, black challenges to desegregation reform seized on the growing disjuncture between racial desegregation and the fundamental demand for quality public schooling that animated the black anti-segregation movement from its inception. The state-sanctioned discourse of school desegregation, developed in direct response to popular black accusations of racially separate *and* unequal schooling, maintained a careful boundary between, on the one hand, race relations and the negative symbolism of racial separation versus, on the other hand, issues of unequal resources and unequal treatment. Racial separation, while having a psychological effect fostering inequality and discord, was not directly tied to any racial discrimination or unequal educational provisions across the races.

Parallel to this dominant discourse of desegregation was a needs-based, categorical strategy for alleviating academic disparities—a strategy premised not on repairing the race-based harms of segregation but on remediating the poverty-based deficiencies of public school students and families. In Chicago, a comprehensive study of the public schools conducted by University of Chicago Professor of Education Robert Havighurst (1964) attributed disparities to growing numbers of impoverished migrants from the south—black and white—supporting an account that was widely shared across white Chicago despite available evidence to the contrary (Neckerman, 2007).

Havighurst's study promoted compensatory educational programming, designed to help public schools adapt to their increasingly disadvantaged clientele. A year later, Congress passed legislation in line with the new momentum behind compensatory education, providing financial aid targeting schools and school districts serving large proportions of low-income families. A federal government-sponsored study in 1966 produced a nationally representative dataset used to support the underlying assumption that the economic background of students, rather than the unequal resources or capacity of public schools, accounted for unequal academic outcomes (Coleman, 1966; Jencks, 1972). Although a group of black education scholars would call into question this perspective by studying "Effective Schools" that model success in high-poverty, racially segregated urban contexts, the poverty-based account of academic disparities prevailed nationally throughout the 1970's and held its sway in the Chicago Public Schools until a series of local and national events reopened the question of race and educational inequality at the start of the 1980's.

### ***A new approach to desegregation? CPS under pressure in the 1980's***

In 1979, external forces brought fundamental changes to the Chicago Public Schools, creating a new opportunity to define and accomplish racial equity reform in the 1980's. The school system was operating under a secret deficit, making it increasingly vulnerable to default, and the Department of Health, Education, and Welfare was developing a case against the active role of the school system in maintaining and worsening instances of racial segregation. Before the close of the decade, the federal government had sent a letter, including a report itemizing instances of wrongdoing, threatening to take legal action against the district, and the financial community

downgraded the school system's creditworthiness, sending it into default and financial crisis (Danns, 2014; Shipps, 2006). In 1980, a newly constituted public school system, restructured according to the terms of a State government bail out, reached an agreement with the federal Department of Justice to pursue a more comprehensive effort to redress the racial segregation of its schools.

During this period of flux, Chicago was uniquely poised to cooperate with the federal government and make plans for a more serious reform effort that might appeal to popular concerns and redress historical injustices. A new Board was appointed that, for the first time, featured a minority of white members—only three out of eleven—and blacks as the most well-represented racial group. Drew Days III, Associate Secretary for Civil Rights at the Department of Justice, took special interest in the Chicago case, working to secure local cooperation as an alternative to contentious and drawn out litigation. The same day the federal government filed its lawsuit, the parties signed a Consent Decree, committing the Chicago Public Schools to pursue “maximum practicable” desegregation as well as “Compensatory Programs in Schools Remaining Segregated” (Danns, 2014; U.S.A. v. Board, 1980: Section 2.2).

This call for compensatory programs marked a departure from the prevailing approach to “compensatory” reform, premised on targeted resources and programming to compensate for the *economic* disadvantage of children from poor homes and neighborhoods. Beginning with the mid-1970's Supreme Court ruling on racial desegregation in Detroit's public schools, desegregation court orders in several major cities included provisions to redistribute public school funding to schools that would remain segregated, compensating for the negative impact of racial segregation where

racial desegregation was deemed impractical (Eaton, Feldman, & Kirby, 1996). Chicago's Consent Decree with the Department of Justice, struck to avoid the process of litigation and the adjudication of state responsibility, simply stipulated that, "to assure...a system-wide remedy" in a district with a small number of white students living on the geographic perimeter of the city, the schools that would inevitably remain segregated should receive programs "to alleviate the effects of both past and ongoing segregation" (Section 2.2). In a context where popular black claims surrounding the nature and effects of racial segregation had long since been denied, this document did little to define these harms or prescribe appropriate means to improve segregated schools. In a good faith effort to enforce this provision, however, the Board commissioned prominent Effective Schools researcher and Civil Rights activist Robert L. Green to draft educational components of the desegregation plan intended to satisfy this broad mandate.

Together, these circumstances marked a potential rupture from the policy prerogatives of the 1970's, signaling a new potential for policy innovation and increased administrative capacity to support local school operations and programming. Unfortunately, these circumstances were not permanent, and the actual fulfillment of the Consent Decree would be carried out without a majority black Board of Education, without the same leadership at the Department of Justice, and without the consultants who helped draft the plan. Drew Days III became faculty at Yale Law School after Reagan took office in 1981, and two of the five black Board members who helped negotiate the Consent Decree were quickly replaced by Mayor Jane Byrne to appease the white backlash to desegregation (Danns, 2014). Robert Green and his team

completed the task of authoring an educational improvement plan that addressed the concerns of low-performing segregated schools, but, as I argue below, the spirit of these recommendations were undermined by their limited and inconsistent implementation.

In reality, the potential for change represented by Chicago's Student Desegregation Plan would face the conservative resistance of bureaucrats, law makers, and civic leaders still swayed by the entrenched ideas of the past. While the mandate for reform departed from the policy paradigm of preceding years, school officials could still interpret the demands and appropriate expectations of the Consent Decree, defining the proper extent and means to redress the harms of segregation. As a result, the articulation and enactment of the new desegregation plan was itself a battleground for the ongoing struggle to define racial equity reform and frame expectations for school improvement. Below I argue that the making of desegregation reform in 1980's Chicago at once continued to naturalize racial disparities associated with the history of segregation and institutionalized a new framework for managing these inequalities, a framework that attempted to extend the methods of voluntary desegregation in a manner that would also offer a remedy for segregated schools.

### **Chicago's Student Desegregation Plan: Competing Visions for Reform**

To satisfy the Consent Decree, the Chicago Board of Education settled on a two-part plan designed to improve the quality of education in the district and sustain a substantial number of desegregated school sites, especially where white students were already enrolled. Like past desegregation initiatives, the Student Desegregation Plan

relied primarily on voluntary mechanisms for moving students to different schools, but more direct measures such as school attendance boundary changes and the clustering of schools in single attendance areas were also utilized (Danns, 2014). Chicago made immediate progress toward its conservative desegregation goals, expanding voluntary transfer programs and increasing the ratio of students of color in predominantly white schools above the new 30% threshold. These changes aroused vitriolic protest from affected white communities and were covered closely in the press. While much social commentary and scholarship has covered such political clashes over student desegregation, less is known about the manner in which the desegregation reform agenda dealt with questions of the quality and equality of educational offerings across racially divided communities.

The Student Desegregation Plan comprised two parts—a first part devoted to student desegregation entitled the Student Assignment Plan, and a second part, the Recommendations on Educational Components, which devoted special attention to the majority of Chicago’s schools that would remain segregated even after the white minority of Chicago public school students were enrolled in desegregated schools. Tapped by the Board to develop the educational recommendations of the plan, Robert Green oversaw the public hearings surrounding the new desegregation initiative and cited popular black demands for school improvement as an impetus for his Educational Components, which focused on improving instruction and administration for the high-poverty, racially segregated schools where low levels of academic achievement were common.

On paper, Green's recommendations represent a stark contrast from the official position of the Chicago Public Schools during the 1970's. The document implies a strong interpretation of the Consent Decree in which alleviating the effects of segregation requires a series of interventions at all levels of the system. Green called on the Board to pass a resolution prioritizing racially segregated and academically deficient schools and creating new administrative units to diagnose, monitor, and address the instructional and learning environment needs at these struggling schools. The Chicago Public Schools was now expected to administer an intensive school improvement program for a select but growing group of elementary schools in accordance with the Effective Schools model. These and other education recommendations together reflect a vision for comprehensive school improvement that at once raises educational expectations for impoverished and racially isolated communities and places a new burden on the public school system to enforce these expectations by committing resources to meeting this challenge and producing data to monitor its successes and failures.

In practice, however, the degree of resources and attention devoted to these educational recommendations fell far short of Green's recommendations. Key elements of this plan were underfunded and, in some cases, ignored. Both parties to the Consent Decree—the federal government and the Chicago Board of Education—were accused of shirking their obligation to compensate for the harms of segregation as the Board called on the uncooperative Reagan Administration to share the heavy financial burden of the Effective Schools Program (Shoenberger, 1990).



Nonetheless, the desegregation initiative did entail some significant effort to improve educational offerings in segregated black and brown schools, and uncovering the extent and nature of this effort requires a close reading of the different aspects of the plan and evidence of its implementation. Alongside the partial enactment of Green's educational interventions, the educational programs developed to promote voluntary desegregation were at times expanded, deliberately or not, to serve the secondary purpose of improving opportunities in schools that would remain segregated. The rest of this paper traces the unfolding of these multiple and, at times, ambivalent provisions to understand the ultimate approach that this reform plan would represent and the lasting policy changes it would accomplish.

### ***Compensation for segregated schools: Failing to honor the Consent Decree***

Enshrined in the text of the Student Desegregation Plan was a new official interpretation of educational inequality in Chicago. By adopting Green's recommendations for addressing educational needs in the school district, the Chicago Board of Education ostensibly acknowledged a strong interpretation of the state's newfound responsibility to correct the harms of segregation. And yet, regarding the articulation of this responsibility in the Consent Decree itself, the devil lay in the details. The two parties agreed that the government would now take responsibility but no specific governing body or level of government was specified. Instead, the federal government and local school system shared responsibility "to find and provide every available form of financial resources" (U.S.A. v. Board, 1980) in support of the desegregation plan, including both the student assignment measures and the

educational components. This ambiguous statement of financial responsibility for an expansive and costly set of initiatives predictably led to conflict, and the educational initiatives targeting low-achieving, segregated schools were at the center of this dispute.

In the 1981-82 school year, the Chicago Public Schools began implementing the compensatory educational programming prescribed in Green's plan and continued rolling out the desegregation programs detailed in the Student Assignment Plan. Over the first five years, about half of the approximately 310 million dollars spent on Chicago's desegregation initiative went to the Student Assignment Plan, and the larger share of this half paid for transportation costs and was reimbursed by the State of Illinois. The other half of desegregation funds, covering the cost of compensatory programming for segregated schools, was concentrated on a group of completely segregated—referred to as “racially isolated”—schools designated for the Effective Schools Program (Chicago Panel, 1987). During this five-year period, the majority of the schools in the system—around 380 in a roughly 600 school district—served less than 15% white students and were thus deemed eligible for these compensatory funds. Given this large number of “racially identifiable” schools and the intensive nature of the prescribed interventions, the Student Desegregation Plan's provisions for segregated schools demanded a major financial commitment, yet no particular administrative body or mechanism was designated as the funding source.

A legal battle quickly ensued over the federal government's responsibility to fund the desegregation initiative. Over the first five years, the Chicago Board of Education's litigation efforts yielded mixed results and resulted in federal legislation providing a one-time appropriation of 22 million dollars for the 1983-84 school year. With these funds,

the Board proceeded with the planned expansion of the Effective Schools Program (ESP) from 45 schools to a 107. Even with this increase in spending, however, the expansion went underfunded and the Board was required to provide a reduced level of programming at designated ESP schools. The ultimate goal of introducing the ESP to 207 racially isolated schools was soon abandoned (Shoenberger, 1990: 323). The wide disparity in achievement between these racially isolated schools and their racially mixed counterparts persisted, and, by the end of the decade, the Chicago Public Schools had earned national notoriety for the conditions of public schooling in its black and Latino communities.

Beyond this general gloss, the extent to which the Effective Schools Program and associated educational interventions were implemented is difficult to glean from the administrative reporting and outside monitoring of the desegregation initiative. A survey of administrative reports on desegregation efforts produced by the district and the independent Monitoring Commission set up by the Board reveal very little information about the specific interventions attempted and accomplished at each school. No outcome measures associated with such interventions are provided. The district's Annual Desegregation Review offers some detail with respect to the educational programs instituted under the Student Assignment Plan, and school-level data describes the impact on the racial composition of schools, but the nature or success of educational interventions in segregated schools went unaccounted. The plan called for a "comprehensive and detailed evaluation model" for schools in the Effective Schools Program, intended to prescribe "detailed procedures and steps to ensure compliance" (Green, 1981: 101). As late as 1994, however, the Monitoring Commission lamented

the absence of statistical indicators or data available to evaluate the operation of ESP (Monitoring Commission, 1994: 8).

From the beginning, the impetus for enforcing compliance with the Consent Decree and desegregation plan centered around the student desegregation objectives. Initial approval of the overall desegregation plan by the court hinged solely on its assessment of student assignment provisions, ignoring the legal requirement that the plan include schools that remain segregated, and subsequent federal government evaluations of the plan's implementation shared this myopic focus (Shoenberger, 1990: 323, 326). Given the emphasis on desegregation, the Student Assignment Plan received more support and scrutiny, marginalizing the half of the initiative dedicated to schools that would not be desegregated. Nevertheless, among the provisions of the Student Assignment Plan designed to promote voluntary desegregation, specific policy instruments were included to impact educational offerings in segregated schools— instruments developed according to a very different strategy than the one articulated by Robert Green.

### ***New applications and overlapping objectives for voluntary desegregation***

During the 1970's, Chicago and cities across the country had success promoting desegregation through the Magnet School, a new type of school that offered academic programming focused around a particular academic or occupational field, often including enriched curricula and instructional practices to promote high achievement. Magnet schools, still common in urban school districts today, are open to students throughout a district, often selecting applicants partially or entirely on their academic

performance, especially at the high school level. In Chicago, magnet schools and smaller magnet programs within normal neighborhood schools were effective in attracting a racial mix of students and appealing to white students during a period of white flight from the city and its public schools. By overhauling the educational programming and hiring new staff, this reform strategy invested new resources in an effort to attract families, particularly white families, to racially diverse public schools. Academic selectivity, combined with the subtle selectivity of enrolling black families willing and able to endure daily commutes and social challenges, also added to the appeal of these privileged programs.

The Student Assignment Plan, largely implemented during the early 1980's, built upon this basic model, developing numerous new magnet-style programs and expanding the purpose of these interventions beyond the scope of student desegregation. In what appears as a compromise to critics accusing voluntary desegregation policies of neglecting segregated communities, this desegregation initiative expanded the new school programs and student transfer provisions beyond the scope of potential racial mixing. The plan contained provisions for magnet-style schools, called Community Academies, that would serve traditional neighborhood attendance zones in segregated black and Latino neighborhoods. In some cases, the same programs designed to achieve racially diverse enrollments were offered, intentionally or not, in contexts where desegregation would not occur. Of the approximately thirty Magnet Schools operating during the mid-1980's, five served less than the required 15% white students. Six Scholastic Academies, functioning like magnet programs but providing a more traditional, basic skills curriculum, were

introduced by the Student Assignment Plan, but one was permitted to enroll more than 85% students of color so as not to “limit educational opportunities for minority children” (Byrd, 1987: xii). A seventh Scholastic Academy was added in the 1985-86 school year to serve this same purpose. The same year, the number of Community Academies was increased from 15 to 21. Finally, the Plan called for Compensatory Specialty Programs to operate within segregated schools and mirror the kinds of programming offered by magnet programs in desegregated schools.

The Student Assignment Plan never dedicates a discussion to its approach and rationale for addressing the problems in low-income, segregated urban schools. Instead, the program models deployed to promote desegregation are simply assumed to be appropriate for and beneficial in segregated schools also. On the surface, this assumption defies expectations. If, as the the Student Assignment Plan states, “All the methods are based on the premise that voluntary movement of students will result from the creation of exceptional educational offerings,” at sites “that can accommodate the programs,” then the same educational programming relied upon for this desegregation strategy might be ineffective in a disorganized and low-performing school (Chicago Board, 1981).

Nonetheless, as the Plan asserts in passing,

“A major focus of these new programs is to provide new desegregation impact....

At the same time, however, these programs respond to Section 2.2 of the

Consent Decree by providing educational measures for compensatory purposes where certain schools remain racially identifiable” (208).

Curiously, the six purposes outlined for these same programs, listed in the passage immediately following the above quote, do not include this issue of compensation for the harms of segregation. Five of the six purposes directly relate to promoting desegregation and preventing flight from the district—purposes that might more readily be achieved with “exceptional educational offerings” serving racially mixed student bodies. This ambivalent discourse—sliding seamlessly from desegregation interventions to the development of stronger segregated schools—characterizes this document as well as subsequent reports on the Student Desegregation Plan, but a closer reading suggests an underlying justification for relying on voluntary desegregation methods to achieve these divergent goals.

Despite the criticism, voluntary desegregation programs enjoyed significant participation among black families in Chicago, who, despite a unique range of socio-economic diversity, generally lived in neighborhoods served by low performing, if not disorderly and dysfunctional, public schools. If neighborhood schools were left to deteriorate, a parent’s only good option would be to transfer to a different public school or to pay for private school. Since the Chicago Board of Education first denounced racial segregation in the city’s schools in 1963, public officials have not only backed voluntary—in place of mandatory—desegregation methods but also promoted the liberalization of student assignment policies as a good in itself. The school system’s 1978 Access to Excellence initiative was premised on the educational benefits of choice and access, and this rhetoric found a new application in the Student Assignment Plan. According to the fourth in the document’s list of six purposes for magnet-style programs, the programs are meant “to expand the range and scope of educational choices

available, particularly to students in racially isolated and predominantly minority schools” (208). Programs that foster racial desegregation can achieve this purpose by drawing students of color away from segregated schools, but other schools and within-school programs that are themselves segregated might also serve this purpose by providing unique educational offerings, by admitting students from across the city without regard to residential location, or both. Many of the programs implemented under this initiative were designed to do just this without regard to the larger goal of racial desegregation. Others were intended to foster desegregation but could be deemed successful in this respect even when they fall short of their racial composition objectives (210).

This commitment to expanding the number and kind of public school options for students might also explain the decision to expand existing transfer programs, originally designed to permit moves that would enhance desegregation, adding a provision allowing students of color to move from schools with less than 50% white students to any school that is predominantly non-white and not expected to desegregate. Put simply, the Plan sought to permit student choice across neighborhood schools as far as possible without undermining its desegregation mandate.

Still, one might ask why this plan combines this broader issue of promoting options with its primary purpose of desegregating the schools. The architects of the Student Assignment Plan were likely sensitive to criticisms that its approach would merely concentrate resources and elite academic programming in already privileged schools serving white neighborhoods as well as citywide enrollment schools that disproportionately enroll whites. Voluntary desegregation measures typically hinged on appealing to white as well as middle- to upper-income families who have the ability to



leave the public school district, and this initiative was no different. Thus, the inclusion of segregated communities in the programming designed for desegregation was perhaps simply intended to make the plan more palatable to its black and Latino critics.

Regardless of the authors' intentions, however, voluntary desegregation strategies continued to fill a vacuum as Chicago's new effort to strengthen its most vulnerable schools never appeared to gain much traction. To what extent did the Student Assignment Plan not just offer a complement to educational components of the plan but actually provide a substitute for more costly and challenging school improvement efforts?

### ***The institutional legacy of desegregation reform***

The Chicago Public Schools operated under its legal desegregation agreement until a federal judge ended the decree in 2009, but by this time the specific policy provisions once relied upon to desegregate Chicago's schools were largely forsaken. The primary consequence of the judge's decision was the district's switch from racial quotas to a socio-economic status metric for determining admission to selective magnet schools. Nationally, racial segregation has actually increased in urban school districts since 1990, reversing the accomplishments of desegregation efforts, and school choice policies are often implicated in this re-segregation (Frankenberg, Siegel-Hawley, & Wang, 2010; Saporito, 2003). As demonstrated above, however, Chicago's Student Desegregation Plan did much more than desegregate schools, and the question of its lasting significance for public school policy is much more complex than commonly considered.

Green's part of the plan recommended permanent changes in the administrative structure and school evaluation procedures at different levels of the school administration, but the partial and short-lived implementation effort left little chance that any of the plan's goals would be realized. The fragmented and underfunded version of the Effective Schools Program instituted during the mid-1980's was ultimately curtailed with the passage of the 1988 Chicago School Reform Act, which decentralized the governance of Chicago's schools to the school-site level. The act rapidly diminished the size and capacity of the central administration, laying off large numbers of employees (Shipps, 2006), which undermined desegregation-related programming (e.g. Monitoring Commission, 1994: 7, 8). Following the 1988 reform, Congress finally committed substantial funds to compensatory aid for segregated schools, but the prescribed purpose of these funds shifted with the new changes in school governance. The money went to a new school improvement program—known as Creating A New Approach to Learning, or CANAL—while the Effective Schools Program was dramatically downsized. The CANAL program, tailored to the newly decentralized management of public schools, operated at the level of individual schools and did not address issues of administrative capacity, centralized instructional support, and school program evaluation outlined in Green's plan.

Contrasting with the uneven funding and unaccountable implementation of Green's education recommendations, the educational programming associated with the Student Assignment Plan were consistently well-funded. Magnet schools, serving academically selected students, and desegregated schools, largely serving majority white and middle-income neighborhoods, did not present the same challenges as the

low-performing segregated schools, yet the educational interventions in these schools were backed by comparable if not favorable funding. The majority of segregated schools received the same level of financial aid as normal desegregated schools, and the select segregated schools participating in the ambitious Effective Schools Program did not benefit from the same concentration of resources dedicated to the new magnet schools and other special schools created under the Student Assignment Plan.

**Table 2: Desegregation spending, per school, by school type, 1985-1986**

Community Academies	\$183,000
Magnet Schools	\$157,000
Chicago Effective Schools Program Schools	\$121,000
**Level 2 Racially Identifiable Schools	\$65,000
*Other Racially Identifiable Schools	\$58,000
Integrated/Desegregated Schools	\$57,000

\*Racially Identifiable Schools include those serving less than 15% white students.

\*\*Level 2 designates a subset of Racially Identifiable schools targeted for additional support.

Source: Department of Equal Educational Opportunity Programs, 1986.

In stark contrast to the explicit goal of an equalized educational playing field articulated in the Consent Decree and the text of the Desegregation Plan, the legacy of the Student Assignment Plan was the institutionalization of a new racial hierarchy of public schooling based on explicit programmatic categories and the increasing socio-economic and academic stratification of the city’s public school students. By 1985, long time education columnist with the *Chicago Tribune* Casey Banas could pinpoint the emergence of “an elementary school caste system” with three tiers—magnet schools, other desegregated schools, and the remaining segregated schools serving black and brown student bodies (Banas, 1985). In almost all magnet elementary schools, eighth

graders scored at or above college norms, and the same was true for a majority of desegregated schools. On average, these magnet schools outperformed desegregated schools, and desegregated schools boasted higher scores than segregated schools in each subject across all elementary grade levels. Magnet schools benefitted from an often highly competitive student selection process and many racially mixed schools featured new Options for Knowledge programs that would attract students from outside the school's attendance zone and favor racial groups needed to ensure school-wide racial balance. Thus, unlike the old public education hierarchy under strict racial segregation, the upper tiers of the Chicago's public schools not only served the city's white population but were also open to select black and brown students without absolute geographic restrictions.

For many black families, the open competition for admission into these privileged strata of public schools meant a new outlet for ongoing frustration with the state of neighborhood public schools. The city's Student Desegregation Plan differed from other voluntary desegregation plans—and even from its own expressed intentions—inasmuch as it embraced this promise of increased black and brown access to successful schools, even where these successful schools would remain segregated. Extending the inherently limited benefits of voluntary desegregation beyond the scope of schools serving a partially white student body, the Student Assignment Plan established magnet schools and other specialty schools that would be practically or officially exempt from desegregation quotas, Community Academies that brought magnet-style programming into segregated neighborhood schools, and magnet programs within segregated schools that had little chance of attracting white students. Furthermore, before the

district began phasing in district-wide open enrollment, most black students were permitted to choose an alternative neighborhood school, as long as their transfer decision did not threaten to upset the racial balance of the receiving school. Without invoking the still narrowly defined slogan of “school choice,” Chicago’s desegregation initiative promoted an increase in the variety and net quality of school options as an alternative both to substantial racial integration and to sustained investment in the improvement of segregated neighborhood schools.

At the high school level, Chicago’s desegregation reforms fostered a wide chasm between a few high-performing, academically selective schools at the top and the almost uniform academic failure of the city’s numerous neighborhood high schools. Building on a pattern that had begun in the 1970’s, some high schools that were technically open to students from across the city but exclusively attracted students of color developed a reputation for relative academic excellence compared to the city’s neighborhood high schools. Vocational high schools, in particular, increasingly came to serve academically successful students from the city’s black and Latino neighborhoods (Cullen, Jacob, & Leavitt, 2000). Beyond the disproportionately white students competing for the small number of seats in the city’s elite high schools, the urgency to compete for preferred and privileged public schools progressively spread to black and brown communities as they became internally stratified across an increasingly diverse landscape of segregated schools.

## **Redefining Educational Equity in an Era of Neoliberal Government**

Much has been written about Chicago's tortuous contemporary history of school reform, including a series of significant reform efforts that contributed to Chicago's neoliberal experiment in educational governance. As the prevailing historical perspective on the neoliberal turn would have it, the major events and developments since 1988 that continue to shape public education in Chicago have little explicit relation to school desegregation, yet the legacy of early 1980's policy innovations, occurring between the lines of desegregation plans and without public scrutiny, appear to live on amidst successive efforts to remake the school system. This analysis of multiple texts and institutional outcomes associated with Chicago's Student Desegregation Plan reveals the internal logics of policy reform that, without widespread acknowledgment or clear articulation, slowly became entrenched in the public institutions and political expectations of the city.

By juxtaposing the expansion of choice-oriented programs with the parallel, poorly executed effort to remedy failing schools, this paper focuses on distinct but overlapping policy strategies as a potential site of conflict and change. The voluntary desegregation initiatives of the 1960's and 1970's that initiated this drift toward school choice were always enacted as an implicit substitute for the kind of school desegregation articulated in popular black protest—desegregation intended to equalize resources and instruction in a system that prioritizes white children over black and brown. In other words, voluntary desegregation represented racial equity reform that did not confront the legacy of underserved, disorganized public schools in segregated black and Latino neighborhoods of Chicago. By the late 1970's, voluntary

desegregation reforms were under attack for not only neglecting racially marginal communities but also offering an elitist approach to reform that disproportionately privileged the relatively small percentage of white public school students in Chicago. The Consent Decree and Robert Green's "Educational Components" of the desegregation plan challenged this desegregation framework, compelling the school system to address the problems of ghetto schools as part of its solution to racial segregation.

The expansion of choice-oriented programs under Chicago's desegregation initiative marked a new logic of reform that treats these policy instruments as not merely tools to promote racial integration or to improve access to enriched courses for students in racially isolated areas. For the first time, these policy instruments could also be used to address the core educational problem of racial segregation and ghetto schooling. If some schools are doomed to fail due to the impoverished, culturally deprived populations they serve, then an increased stratification of school types and student enrollments could at least spare some relatively high-achieving students from the poverty-ridden, remedial schools of the ghetto. For the next generation of neoliberal reformers, urban school failure *could* be attributed to bad government, but for these critics, centralized government is always bad and, thus, failing schools have no one to blame to but themselves. The only solution was a deliberate devolution of educational responsibility—and accountability for failure—to competing individual schools. As the federal Secretary of Education declared Chicago's schools "worst in the nation" in 1987, the notion of an inept school system and an incapacitated central administration were widely accepted as natural and unending. From this perspective, the failure of Green's

educational remedy was inevitable, even if, considering the lack of consistent funding and absence of outside monitoring or political pressure in support of implementation, the apparent ineptitude of the public sector merely reflected the lack of political will and resources devoted to public services for racially marginal communities.

Since this desegregation plan was enacted, Chicago has steadily marched toward both test-based, school-site accountability and the diversification and liberalization of school choices. This paper seeks to expand the historical scope of this neoliberal turn by linking the politics of student desegregation both to the abandonment of more direct state-driven interventions into the problems of educational ghettoization and to the growing support for public school alternatives to neighborhood schools serving black and brown youth that have been left to deteriorate. As this approach was increasingly institutionalized in the city's school system and taken for granted in the educational strategies of students and parents, apparently radical structural reform proposals, invoking the logics inscribed in desegregation policy, benefitted from widespread practical appeal. If the current neoliberal hegemony in urban education reform appears particularly seductive and destructive, the historical perspective offered in this paper suggests that its power in part derives from the suppression of the counter-narratives and controversies of Civil Rights Era race-based activism. Presenting its reform proposals as practical and necessary solutions to otherwise intractable social problems, the violence of neoliberal government disguises itself, posing a new challenge for ongoing struggles for educational justice. To counter contemporary forms of educational oppression, we must revisit the history of symbolic violence and political suppression perpetrated under the name of "school desegregation," when the fight to



claim and proclaim the oppression of structural racism was short-circuited by the now deeply entrenched notion of equity embedded in neoliberal reform.

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