

School Segregation in Queens, New York: From Andrew Jackson to Law Government

by Michael Pezone

Law, Government and Community Service Campus Magnet High School was created in 1994 as one of four thematic mini-schools in a building that previously housed one large high school. The building itself was constructed during the 1930s with WPA New Deal funding. The original school, Andrew Jackson High School, was one of over a dozen new schools built at the time to cope with overcrowding as demographics changed and populations increased in different areas of New York City. At its formal dedication in September 1937, Mayor Fiorello LaGuardia was presented with keys to the building and delivered an address in which he expressed paternal pride in the school and thanked Secretary Ickes and President Roosevelt for federal funds. "When I see one of these magnificent buildings," LaGuardia said, "it makes up for the heartaches one has to go through to get one of these projects." Jackson High School opened in May 1937, with plans to accommodate as many as 4,000 students. Its original co-educational population of students were almost entirely White, consisting mostly of Roman Catholics of Irish, German, and Italian ancestry and of Jewish families who relocated to the area from Brooklyn.

In the 1960s, the ethnic make-up of Jackson's student population swiftly changed following an influx of African Americans and Caribbean Americans with resultant "White flight" from the area. In 1967, with the Black student population exceeding 50%, the State Education Department ordered the New York City Board of Education to rezone high school attendance areas in the borough in order to address rising racial imbalances and to prevent Jackson from becoming a "de fact segregated Negro school." When plans went forward to ensure racial balance at Jackson that involved busing of students, White parents and other groups filed law suits to block the transfer of 260 White students to Jackson, alleging that rezoning "merely for the purpose of correcting ethnic imbalance" violated Constitutional rights. The NAACP issued a statement supporting the rezoning plan while White parents and students defied the integration order.

While conflict continued at Jackson, including racial tension, fights, vandalism, and fires, the suits

dragged their way through the courts. In April 1971, the New York City Board of Education recommended scrapping the rezoning plans because they might create more "problem schools" like Jackson, which now had the largest percentage of Black and Latino students in the borough of Queens, about 70%. When a lower court ordered the Board of Education to redraw high school boundaries to correct the racial imbalances at Jackson, the Board appealed the ruling in State Appellate Court.

Racial Segregation

By 1976, Jackson had a virtually all Black and Latino student population while the overall minority population in the borough was 44%. The New York City Board of Education asked the State Education Commissioner to reconsider a recent integration order because it would drive Whites away and lead to elimination of other racially balanced schools in the city. When the State Commissioner suggested plans to bus students from an adjoining suburban county, Republicans from that county declared vehement opposition. The Commissioner soon backed away from his order, now stating that he had received new information indicating that movement of students and changes in attendance zones would adversely affect other schools.

The case opened in April 1977 in Federal District Court in Brooklyn, where the State Commissioner defended the segregation of Jackson as necessary to retain integration in other schools. In his testimony, Dr. Kenneth B. Clark, the only Black member of the New York State Board of Regents, charged that Regents board members were hostile to integration and responsible for the failure of Jackson High School. Clark stated that there had been pressure from lawmakers to get the integration order rescinded, and that the Regents had "subjected the Commissioner to an inquisition" that "included repeated mention that he served at the pleasure of the board."

Federal Judge Dooling declared that conditions at Jackson represented "segregation in its most pitiful form" and that the students at Jackson were being "destroyed" for the sake of integration elsewhere. In its

testimony, the NAACP charged the Chancellor and local school officials with “intentionally creating a dual system of education” that is segregated by race.

Supreme Court Ruling

Following a June 1977 U.S. Supreme Court ruling in a separate case that said a court could ignore district lines if school districts were found to have intentionally promoted segregation, Judge Dooling suggested that a solution might be found by busing students to and from the adjacent suburban county. In response, political leaders there vowed to create a “united front” to fight any cross-county busing.

Commenting on the conflict in New York City and elsewhere, the U.S. Commission on Civil Rights Report in 1977 stated that, “the boundaries between cities and suburbs have become not merely political dividing lines but barriers that separate people by race and class.” Civil rights activists claimed the barriers between Jackson’s borough and the adjacent suburb were artificial and designed to separate poor and minority from affluent and White students. They referred to the battle surrounding Jackson High School as the “second great school integration battle.” Meanwhile, White parents refused to enroll their students in predominantly Black schools and some even listed themselves as Black and sent their children to heavily White schools.

On May 17, 1978, Judge Dooling ordered the Board of Education to come up with a plan within forty-five days to integrate Jackson, but found no intentional discrimination and ruled out cross-county busing. Civil rights advocates expressed disappointment. Although the Chancellor stated he was “gratified” by the decision, he stated that the Board of Education would ask the city’s Corporation Counsel to file an appeal. The Chancellor stated that transfer of White students to Jackson would upset the racial balance in other borough schools. “I can’t keep mixing the white chips with the black chips if they keep taking away the white chips,” he stated.

The U.S. Court of Appeals for the Second Circuit in Manhattan agreed to hear the case and in April 1979, reversed the district court ruling on the basis that the segregation was not the result of intentional discrimination by governmental actions. The court stated, “de facto segregation alone cannot support a court order mandating affirmative action.” It was noted by observers that for the first time a high court ruled

that a school system could consider White flight when it created integration plans.

New, Smaller, Schools

Less than six years after this ruling, the Chancellor named seventy-two public high schools whose academic performance placed them in the bottom 10% of schools. Jackson was included on the list. On August 11, 1986, the Chancellor announced plans to turn around the five worst schools in the city, schools with the highest dropout rates and lowest reading scores. Jackson was named as one of the five. The plan, which the Chancellor described as resembling a “military operation,” would involve the creation of mini-schools with new, more competent teachers. It was not until the early 1990s that the city carried out this plan. By the 1991-92 school year, only 31.2% of Jackson students graduated in four years compared to 42.9% citywide.

According to Board of Education President Gressner, the new schools would “provide safe and caring environments in which all students can be known well” and set the direction for effective school reform in New York City. Following a failed plan to create a school-within-a-school in Jackson in 1993, the Board decided to use the building to house four magnet mini-schools. The following year Jackson was closed and the four new thematic schools were created. They were Humanities, Math, Science, and Technology, Business, and Law and Government.

According to teachers who were present at its opening, concerted efforts were made to make Law Government a creative place with longer teaching periods, curricular flexibility, purchase of quality teaching materials, and more time for teachers to collaborate. Such efforts were typical of many new, more personalized, experimental schools created at that time. After over fourteen years of operation, it may be asked: did such efforts endure and did the mini-school experiment “turn around” one of the five worst city high schools, as the Chancellor had promised? One of the mini-schools, not Law Government, has already been targeted by the New York City Department of Education for closing.

Law Government

Information about the performance of Law Government can be found in its “New York State Report Card.” The New York State Education Department issues a Report Card for every public school in the state that provides enrollment,

demographic, dropout, graduation rate, and other data, including information on the school's status under State and federal accountability systems. The Education Department described the School Report Card system as an important feature in its effort to raise learning standards. Information about Law Government also is available at the New York City Board of Education web site where statistics and other information are published about the performance of every public school in the city.

New York State compares the performance of New York City schools by categorizing schools into groups labeled "Similar Schools." Law Government is categorized in a typical or mid-range Similar Schools group. According to the State, schools in a particular group serve similar students and possess similar resources. Schools are placed into low (lowest quartile), typical (mid-range), and high (highest quartile) groups. Groups are created based on grade levels in the school as well as rates of student poverty and limited English proficiency. Poverty levels are determined by the percentage of students in each school who participate in the free-lunch program. According to its State Report Card for 2008-2009, 231 of Law Government students or 44% are listed as eligible for free lunch and 57 students or 11% are eligible for reduced-price lunch. Unfortunately, not all students who are eligible apply for the program. At Law Government, due to low number of lunch program applicants, campaigns have been conducted in recent years to encourage students and their families to apply in order to help the school become eligible for Title I funding. As a result, the school will finally receive Title I Part A funding as of the 2009-2010 school year.

The State rates students in an incoming cohort based on their scores on State assessments in English language arts, mathematics, and science at the elementary and middle school level. Students are assigned a rating from 1 (lowest) to 4 (highest) on each assessment. The performance level descriptors are described as follows: Level 1 student performance does not demonstrate understanding of the content expected

in the subject and grade level. Level 2 demonstrates a partial understanding. Level 3 and 4 demonstrate understanding and thorough understanding respectively. According to Law Government's Comprehensive Education Plan (CEP), "More than 60% of our incoming freshmen enter high school at Level 1 & 2 literacy competency based on NYS Performance Tests for Middle School." In addition, the CEP notes that the "percentage of ninth grade students who do not accumulate 10+ credits towards promotion after one year of high school is below the city average."

No matter how numbers are finessed, it is impossible to ignore the fact that at the start of each year over the past fourteen years approximately two hundred freshmen typically enter Law Government while only about forty-five to seventy graduate four years later. This amounts to a real graduation rate of approximately between 25 to 35%. This is about the same rate at which students graduated from Jackson in 1991-1992, just prior to its closing.

The inability of the mini-school experiment to effect real change in the condition of the school and student performance was revealed by journalist Clara Hemphill. She visited the building in 2003 and noted continuing safety issues. She witnessed two fights and was struck by the fact that students are forced to pass through metal detectors each morning resulting in lines that at a times are "impossibly long." Promising curricular innovations that were instituted early in the school's history have been abandoned, she claimed, because of scheduling difficulties and lack of buy-in on the part of some teachers. Except for a few notable exceptions, most teachers rely on chalk-and-talk and don't engage students.

Although smaller, the mini-schools in the building have retained the structure and bureaucracy of larger schools. Hemphill quoted Michelle Fine, who described such schools as "big schools in drag," with no real change in the style of teaching nor in the relationships between students and teachers or between teachers and administrators.