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Equity in Education (Consent Decree Aftermath 2009)

A Non-published Position Paper

By Rev. Jerome Chambers, President-Champaign County Branch NAACP

The NAACP spearheaded the fight to have public school segregation declared illegal by the U.S. Supreme Court more than 50 years ago and strongly condemns any plan that re-segregates public schools and retreats from the legacy of Brown v. Board of Education. However, after the *Fifty-Fourth Anniversary of Brown v. the Board of Education in Topeka*, surprisingly the call for equity or fairness has yet to be realized in the local sense of the idea, and has become the challenge of the “consent decree” whose sand in the educational hour-glass will soon be history.

The overall goal of the NAACP National Education Department is to ensure that all students have access to an equal and high-quality public education by eliminating all education related racial and ethnic disparities. Yet, in the interest of this landmark event, the United States Supreme Court is poised to hear a major school desegregation case which could erode the legal foundation for both affirmative action and school integration plans which use race as a factor to create racially equitable enrollment plans.

In 2001, Congress passed the No Child Left Behind Act (NCLB) to address the racial disparities in education. As it relates to the consent decree filed years ago we have come to grips with this awesome challenge by becoming more sensitive to the educational needs of today’s youth, and especially our unborn generations.

MEMBERSHIP IS POWER!

Some fifty-two years ago, the Supreme Court made clear that integration was central and critical to open and high quality education for all. Despite this valiant and forward-thinking position taken by the court, our nation has seen numerous challenges to its 1954 decision over the years. In fact, the Seattle and Louisville cases are the latest in the pattern of attacks on *Brown v. Board* in particular and civil rights in general. The voluntary integration plans implemented by the school districts in Seattle and Louisville are indicative of a sincere desire of well-meaning individuals who want the best for their children, their community, and their nation. If Seattle, Louisville, and the many, many other communities around the country are able to foster a reality where people learn to coexist in a mutually respectful and supportive fashion, they will effectively move America even closer to becoming a more perfect union.

B.F. Skinner, in *Beyond Freedom and Dignity* (1971), asked this question, “Was putting a man on the moon actually easier than improving education in our public schools?” The State of Illinois is one of five who participated in equity hearings. The other states were Colorado, Kentucky, Louisiana and Virginia. These participants were to collect testimony for the final NAACP *Brown v. Board* Equity Commission’s national report that was released during the month of May 2005. The argument of the *consent degree* in question was to enforce certain sensitivities to equity in education, not to create a vacuum in dialog, which proved to stalemate intended progress by both plaintiff and defendants of this process.

The NAACP Call for Action recently called on states to develop a five-year plan to reduce education-related racial disparities by fifty percent. Each state was provided with a web-based template to integrate the elements described in the Call for Action, into measurable and quantifiable indicators and milestones designed to reduce racial disparities and close the achievement gap. To date, twenty-three states have submitted equity plans to the NAACP, ten states refused to submit plans, and seventeen states never responded to the NAACP request. The Champaign County NAACP has attempted to be an advocate in continual dialog with the Champaign Unit 4 School District in its attempt to maintain the integrity of its administration, and that the implementation of the strategies consistent with the agreed to policies will remain in the interest of all children and not just those identified as minorities.

The 14th Amendment allows the use of race as a factor when there is “a compelling interest narrowly tailored with strict scrutiny.” Decades of research have established the educational benefits that accrue to children of different races and cultural backgrounds when they are educated together. It is imperative that the Supreme Court will find that the use of race as a factor in creating equitable school enrollment bolsters equal protection under the law rather than denying it. Equity is not unconstitutional. We must both insure and assure all parties involved that the “settlement agreement” in this case will meet the highest standards attainable for the education of Champaign’s youth. This case may have come to an end as far as the “consent decree” is concerned, but it will be long remembered as a true test of the conscience of equity in education.

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