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Speedy resolution elusive in school **desegregation** cases

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When the federal judge declared in 1994 that the Dallas public schools no longer discriminated against black children, Glenn Linden finally had an ending for his book.

The Southern Methodist University professor had been watching the Dallas schools struggle with **desegregation** for years, and wrote a book chronicling the city's experience with busing, magnet schools and race relations.

But he didn't get the neat ending he hoped for.

"What the judge said in 1994 was "The district is **unitary**, and in three years, it's over," " Linden recalled. "Well, we got to 1997, and it still wasn't over. Here it is 1998, and it's still not over.

"I think it will be over soon, but who knows?"

What Linden has learned, and what so many parents and educators around the nation are learning, is that federal **desegregation** orders that have dictated school policy for decades often do not end neatly or quickly - even when it appears the end is within sight.

Such is the case in Hillsborough, where officials have been working for several years to end a federal **desegregation** order.

It was November 1995 when U.S. District Judge Elizabeth Kovachevich shocked everyone by prodding the school district and the NAACP Legal Defense Fund to do their best to answer the question: Has the Hillsborough school district eliminated all vestiges of segregation?

In 1996, Kovachevich's question was played out in a court hearing involving expert witnesses, reams of statistics and testimony by school board members and school officials.

It has been about a year since U.S. Magistrate Elizabeth Jenkins answered the question with a recommendation that the district be released from the court order. The final ruling is now up to Kovachevich. She is still deciding.

In Pinellas County, U.S. District Judge Steven Merryday has set the stage for

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an end to the federal oversight of a 34-year-old case.

If oversight in Pinellas ends, the School Board has said it will end busing for **desegregation**. But that doesn't mean all busing would end. About 42 percent - or 45,851 - of Pinellas students in pre-kindergarten through 12th grade are bused to school. But only 14 percent of them, or 6,419, are bused to meet race ratios; the majority ride for other reasons, such as distance or hazardous walking conditions.

On Thursday, the school district is expected to turn over a lengthy report it hopes will provide some of the evidence that the Pinellas schools have achieved **unitary** status - the legal term for successful **desegregation**.

But if parents expect that to lead to a speedy resolution - a decisive rap of the judge's gavel followed by historic changes in the schools - they could be in for disappointment.

"There's no telling how long this will take; it could be anything from one to six years," Pinellas Superintendent Howard Hinesley said. "It all depends on what the court does, what the plaintiffs do, what plan we come up with."

Busing could drive on

From Cleveland to Dallas to Indianapolis to Norfolk, Va., parents and educators are finding their way out of frustrating but familiar **desegregation** plans, and into something new.

It was the court that shook up the **Indianapolis** public **schools'** **desegregation** order - not unlike the way it happened in Pinellas and Hillsborough.

The **Indianapolis** public **schools** operated under a federal **desegregation** order for 17 years. Then last year the court suddenly called on the district to come up with a plan to end the case.

In just a few months, the **Indianapolis schools** came up with a plan that would ensure black children eventually will not have to be bused out of **Indianapolis** to suburban **schools** miles away. In June, the judge officially declared the **Indianapolis schools to be unitary**.

Here's the catch: The plan will take at least 13 years to phase in.

"To expect any radical changes in the coming year, or even in the very near future, is just not realistic," said Alfred Lindseth, an Atlanta lawyer who has worked with school districts in **desegregation** cases around the nation. "The process takes a long time."

A "clustered choice"

More and more districts are coming up with plans attempting to maintain racial diversity in the schools even without the court forcing them to do so.

The Christina School District in Delaware was declared **unitary** in 1995. That marked the end of a court case that dated back to 1954. But it changed little.

"There was a consensus in the community that we still wanted to maintain racial diversity in the schools," said John Holton, spokesman for the Christina

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schools. The district opened six new magnet schools.

"We are completely free of the court order; now we're doing it on our own," Holton said.

In Pinellas, the School Board is considering a post-court order plan called "clustered choice" that would end the current system of busing for **desegregation**.

The proposal divides the county into five zones. It would allow up to 70 percent of the students at each school to come from the immediate neighborhood, leaving three out of 10 seats for other students who apply through a random selection process. That provides an opportunity for schools to remain racially diverse, but also opens the door to the possibility of all-white or all-black schools.

There will be three public hearings on the plan Sept. 22, 23 and 24. The School Board is expected to vote in October, in time to turn the plan over to Merryday before the end of the year. The board's attorney, John Bowen, has said a post-busing plan may help convince the judge that the board can be trusted to operate fairly without his oversight.

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