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DEPARTMENT OF PUBLIC INSTRUCTION

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STATE BOARD OF EDUCATION

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END OF AN ERA

Delaware has entered a new era of education with the elimination of its dual system of education.

A period of dramatic change, the most dramatic since the establishment of the state system of schools in 1921, began in Delaware, February 9, 1965. This change has affected every school district in Kent and Sussex Counties and several districts in New Castle County. The immediate effects of change center in schools established and maintained for Negro pupils under the dual system of education, but educational reasons for the discontinuance of certain small schools will be felt in all districts without regard to race.

The past is truly only prologue in this change. All of Delaware's educational history becomes only a beginning point for such a major reorganization, re-establishing organizational structure and composition of Delaware's school system. The reorganization was stimulated by a resolution of the State Board of Education, adopted on February 9, 1965.

A series of historic events and actions led up to the February 9, 1965 action. In 1954, the Supreme Court of the United States ruled that separate but equal schools were not equal when the separation was determined on the basis of race. This opinion mandated that schools must be desegregated.

In 1957, the State of Delaware experienced its first major court test of this opinion in the case of *Evans vs. Buchanan*. In 1959, a proposed plan of integration was submitted to the State Board of Education and was approved by Judge Layton with certain modifications (172F. SUPP. 508, 173F. SUPP. 891). Again in June, 1961, Wright, Chief Judge in the United States District Court for the District of Delaware, handed down an additional opinion in the case of *Evans vs. Buchanan* in civil action #1816 and #1822. This decision said that all Delaware schools must be open to all pupils regardless of race, and had the effect of setting aside any grade by grade, twelve-year desegregation program.

The opinion said, in part (B), "... the present Delaware school system is a crazy-quilt pattern of districts and laws governing education," and referred to the need for total school reorganization and a possible need for legislation to remedy the situation. The opinion further suggested, after a reference to actions that might be taken, that "in many respects, it will serve as the laboratory in which part B will be conceived and reduced to practice. It may also, in some areas, actually result in the ultimate goal of a wholly integrated system."

The resolution the State Board of Education adopted on February 9, 1965, carried out some of the challenges of both parts A and B of the court opinion. Particularly important are those words,

"reduced to practice." This is, in fact, a resolution to bring about a change in practice in Delaware Schools.

Because of the historic significance of this resolution, it is presented here in full, as amended.

RESOLUTION

WHEREAS, the State Board of Education is charged with the general control and supervision of the public schools of the State and has imposed upon it the statutory mandate to "maintain a uniform, equal, and effective system of public schools throughout the State"; and

WHEREAS, the present school system of the State provides separate schools for Negro pupils and perpetuates many districts which do not provide the children therein with an educational background sufficient to meet the demands of the day; and

WHEREAS, the Supreme Court of the United States has ruled that a segregated public school system is violative of the Fourteenth Amendment of the United States Constitution, and both the United States District Court for the District of Delaware and the United States State Court of Appeals for the Third Circuit have ruled specifically that the public school system of the State of Delaware does not meet statutory requirements in this area; and

WHEREAS, the State Board of Education continues to support the proposal made in 1960 for a complete revision of the School Law, which proposal was submitted to the United States District Court for the District of Delaware as a requisite to compliance with the mandate of the United States Court of Appeals for the Third Circuit; and

WHEREAS, the United States District Court for the District of Delaware in *Evans v. Buchanan* has ruled that "state legislative action cannot be a prerequisite to the effectuation of the constitutional rights in question"; and

WHEREAS, the effectuation of an academically sound and economically efficient system of public education will require some revision of the existing school district structure within the State:

NOW THEREFORE, BE IT RESOLVED;

1. The State Board of Education cannot and will not support those aspects of the existing public school system which result in the education of the children of the State upon a segregated basis. In accordance with this policy the State Board of Education will no longer support the segregated school districts listed below after the phase-out dates specified.
2. In connection with the termination of support by the State Board of Education of these

End of an Era

designated school districts, the Board recommends that such school districts voluntarily cease operations as soon as practicable prior to the applicable phase-out date. The Board recommends that such districts enter into immediate negotiations with the integrated school districts in which their pupils reside to provide for the orderly absorption of pupils and efficient use of staff and physical facilities, in which effort the State Board will fully cooperate and provide all technical assistance possible.

3. The State Board of Education will recommend to the 123rd General Assembly legislation designed to cause the absorption of each Negro school district by the integrated school district in which it is geographically situated. Should such legislation be promptly enacted, the State Board will effect the merger of Negro and integrated districts prior to the phase-out date set forth below for those Negro districts which have not voluntarily ceased operations and made appropriate arrangements for their pupils and the use of their facilities.
4. Absent the voluntary cessation of operations by the Negro districts and their absorption by the appropriate integrated school districts prior to the designated phase-out dates, the State Board of Education will terminate its support of all Negro school districts as they do not meet minimum academic standards, have adequate physical facilities, or provide pupils with an education equal to and uniform with that generally available throughout the State.

(a) Prior to the commencement of the school year beginning in the fall of 1965 (the phase-out date), the following school districts are directed to close their schools:

Concord #216	Sussex County
Delmar #212½	Sussex County
Drawbridge #197	Sussex County
Ellendale #195	Sussex County
Fork Branch #145	Kent County
Greenwood #222	Sussex County
Iron Hill #112	New Castle County
Kenton #140	Kent County
Lincoln #194	Sussex County
Milton #196-Slaughter Neck #193	Sussex County
Mount Olive #155	Kent County
Nassau #198	Sussex County
Owens Corner #213	Sussex County
Rabbit's Ferry #201	Sussex County
Union #158	Kent County
Viola #156	Kent County
Wm. Henry Comprehensive H.S.-Grades 7 & 8	Kent County

(b) Prior to the commencement of the school year beginning in the fall of 1966 (the phase-

out date), the following school districts are directed to close their schools:

Bridgeville #220	Sussex County
Frankford #206	Sussex County
Millsboro #204	Sussex County
Rehoboth #200	Sussex County
Selbyville #210	Sussex County
Middletown #120	New Castle County

(c) Prior to the specified phase-out dates, the following school districts are directed to close their schools:

<i>District</i>	<i>Phase-out Date (School year beginning the fall of)</i>
Wm. Henry Comprehensive H.S. #133 Grades 10 to 12	September, 1967
W. C. Jason Comprehensive H.S. #192	September, 1970

(d) Following the phase-out dates set forth above, the State Board of Education will withdraw its support of the schools specified in the following manner: The Board will not approve budget item disbursements for such schools after their phase-out dates or approve the construction of additional facilities by Negro districts following the date of this resolution.

(e) Since all Negro districts are superimposed upon integrated districts, all Negro pupils are residents of both the integrated district and the Negro district. The State Board of Education will not transfer pupils, who previously attended a Negro school which has been closed, to an integrated school. All children of school age in the State are required to attend school, and to attend the district in which they reside. Therefore, each integrated school district must be prepared to accept all Negro children of school age residing in the district following the phase-out date specified above for the Negro schools previously attended by such children.

5. Beginning with the date of this resolution the State Board of Education will no longer approve additional facilities for integrated school districts in which is located a segregated facility that is not being used to capacity, where such facility could be effectively utilized by the integrated district.

Approved by the State Board of Education
February 9, 1965

A further stimulant for action by the State Board was the passage of the historic Civil Rights Act by the Congress of the United States. The President of the United States signed this act in early July, 1964. Since the passage of this act, Delaware school districts have been occupied in preparing statements and plans, demonstrating that schools are desegregated where faculty and students are concerned.

End of an Era

Each school district is required to demonstrate to the United States Government that it is in compliance with the Civil Rights Act of 1964, particularly Title VI of that act.

The actions summarized in the remainder of this chapter grow out of both the resolution and the new federal law, but are centered primarily on the execution of the State Board Resolution.

Table I shows that sixty-one school districts, including ninety-five school buildings, 37,957 pupils, and 1,732 teachers were immediately affected by the Resolution. These districts are included, for the most part, in lower Delaware, and extend from the Gunning Bedford, Jr. and Middletown School Districts on the north to the southern border of the State. The DeLaWarr School District, several miles north of the canal and not included in the geographic area under discussion, took major action as a result of the Civil Rights Act of 1964 but was not immediately involved in the prescriptions of the State Board Resolution and is therefore not included in Table I. Twenty-four of the districts listed in Table I are referred to directly in the Resolution because they were districts dedicated exclusively to the education of Negro children, and were to be dissolved as a result of that Resolution. The Table further shows that, in terms of numbers, Kent County, Delaware was the most affected by the Resolution, with more than 18,000 pupils being concerned.

The Table demonstrates that, in the geographic area described, twenty-three percent of the students and seventeen percent of the faculty members were Negro and were therefore most intimately affected by the action of February 9, 1965, and the subsequent implementation of that Resolution.

The program for compliance by the State of Delaware includes the regular, systematic phase-out of all Negro schools. Thus far the plans described in the State Board Resolution of February 9, 1965, have been carried out in advance of the scheduled dates.

The original plan called for the discontinuance of sixteen Negro school districts and their one- and two-room frame school houses. This portion of the phase-out, to be accomplished prior to the commencement of school in September, 1965, was finished by June 30, 1965, by resolution action of each of the school districts involved.

In these schools, thirty-one teachers were displaced of which twenty-one were eligible for employment and sought other positions. Several of the remainder were on Emergency or Provisional Certificates, therefore not eligible for regular Certificates or employment, and several chose to retire because of their qualifications for pension. As of June 30, 1965, the State Department of Public Instruction anticipated that all eligible persons would be properly reassigned in teaching positions prior to the opening of school in

September, 1965, since only three teachers were not under contract on the closing date of the fiscal year. As of August 27, 1965, all of the eligible teachers had been placed.

Events between February 9, 1965, and June 30, 1965, indicate that closing dates for other schools may be advanced. Bridgeville 220 School District has already become a part of the Bridgeville School District 90, one year ahead of schedule. The Rehoboth School District 200 will be phased out, and responsibility for students, faculty, and plant will be assumed by the Rehoboth Special School District. The closing date for Wm. W. M. Henry Comprehensive School District 133 in Dover, Kent County, probably will be moved from 1967 to 1966; and the closing date for W. C. Jason Comprehensive High School District 192 in Georgetown, Sussex County, may be moved to 1967 several years in advance of the stipulated 1970 deadline.

Nearly all of the one- two- and three-room school buildings referred to in the resolution will be abandoned as public school plants. The school in Rehoboth is a substantial brick structure completed within the past several years and probably will be used by the Rehoboth Special School District. The other inadequate frame structures will be disposed of by proper state authorities, and no longer retained as state school board property.

These buildings were, for the most part, constructed about 1920 after a survey and personal expenditure on the part of Mr. Pierre S. duPont. They originally provided for the education of Negro children in the communities where they lived, and at that time represented the first real effort to provide education for Negroes in Delaware.

The three comprehensive high schools at Middletown, Dover, and Georgetown, were established in the early 1950's, and, except for a small high school at Delaware State College, marked the first provision for high school education for Negroes outside the City of Wilmington.

Teachers involved in one- two- and three-teacher schools numbered thirty-one. Teachers involved in the secondary schools, in the Wm. Henry High School, and the Redding Comprehensive High School numbered seventeen. Teachers at the Bridgeville and Rehoboth Negro installations numbered fifteen. A total of sixty-three teachers were involved in these "phase-out schools," including Henry High and Redding.

Because the pace of desegregation in school districts throughout the State is more rapid than anticipated, more than sixty-three Negro teachers will be employed in desegregated situations at the opening of school in September, 1966. Estimates are as high as seventy to seventy-five persons.

(Continued on page 21)

End of an Era

Beyond actions prescribed by the "phase-out" program, other major shifts in school district reorganization have grown out of the combined stimuli of the February 9 Resolution and the Civil Rights Act of 1964.

These changes will no doubt affect at least 112 Negro teachers who, in 1964-65, taught in Negro schools under both Negro and desegregated school district organizations.

In addition to the changes shown in the statistics above, nineteen teachers will be involved from Dunleith School in the DeLaWarr School District, twenty at Booker T. Washington School in Dover, nine at Caesar Rodney Special District Star Hill School, five in Harrington West Elementary School, and six in the Thomas D. Clayton School of the Smyrna Special School District. Additional shifts of personnel, not immediately affected by the reassignment of any school building, will bring to at least 120 the total number of teachers reassigned in desegregated schools.

Two types of situations occurred: one where a school district was disbanded and merged, and another in special school districts where school buildings were reassigned. Two plans of reorganization were proposed.

The geographic reassignment plan was not particularly popular in most districts, nor would it have fit within the design of either the State Board resolution or the Civil Rights Act of 1964. In the Dover Special School District, a geographic

realignment of elementary school pupils resulted in the successful reassignment of Booker T. Washington School pupils. That school, occupied by more than 500 Negro pupils, was opened in September, 1965, as a predominantly white school.

The other plan, adopted in most districts, is known in educational circles as the "Princeton Plan," otherwise known as a unitary plan as opposed to the geographic plan. Under this administrative organization, all of the pupils of a given grade or grades are assigned to one particular school house in the district, without reference to geography. This becomes the exclusive school house for that particular grade or grades.

The State Board of Education, the State Superintendent of Public Instruction, and members of the State Department of Public Instruction staff intend that the Civil Rights Act of 1964 and the State Board Resolution of February 9, 1965, as well as all of the other decisions, resolutions, and laws relative to this problem will be carried out on or ahead of schedule.

The opening of school in September of 1965 left only remnants of a dual system of schools in Delaware; the remnant school districts are: Middletown 120 (Redding), Wm. Henry District 133, Jason District 192, Frankford 206, Millsboro 204, and Selbyville 210. As of June 30, 1966, the only remnant of this dual system of schools will be the Jason Comprehensive High School at Georgetown, and this probably will disappear as a separate entity by 1967.