

By: Senator(s) Fillingane

To: Rules

SENATE CONCURRENT RESOLUTION NO. 538

1 A CONCURRENT RESOLUTION URGING THE UNITED STATES OFFICE OF
2 EDUCATION AND DIRECTING THE STATE BOARD OF EDUCATION TO ASSIST
3 MISSISSIPPI PUBLIC SCHOOL DISTRICTS TO END FEDERAL COURT
4 SUPERVISION OF SCHOOLS AND TO IMPLEMENT PUPIL PLACEMENT PLANS
5 WHICH WILL NOT REQUIRE COURT-ORDERED DESEGREGATION BUSING.

6 WHEREAS, Section 37-15-35, Mississippi Code of 1972, states
7 as follows:

8 "37-15-35. No person shall be assigned to or by, or
9 restricted from or to, any group, area, school,
10 institution or other political subdivision of the State
11 of Mississippi on the account of race, color, or
12 national origin. There shall be no governmentally
13 enforced segregation by race, color or national origin
14 and there shall be no governmentally enforced
15 integration by reason of race, color or national
16 origin."; and

17 WHEREAS, "desegregation busing" is the practice of remedying
18 past racial discrimination in American public schools by busing
19 children to specific schools in an effort to counteract
20 discriminatory school construction and district assignments.
21 Proponents of such plans argue that with the schools integrated,
22 minority students would have equal access to equipment, facilities
23 and resources that the cities' white students had, thus giving all
24 students in the city equal educational opportunities. They also
25 point out that the United States Supreme Court had found that
26 separate but equal schools are inherently unequal; and

27 WHEREAS, opponents of desegregation busing claim that
28 children were being bused to schools in dangerous neighborhoods,

29 compromising their education and personal safety. Many also
30 criticized the implementation of the policies, claiming that
31 children were often bused from integrated schools less integrated
32 schools. The increased average distance of students from their
33 schools also contributed to the reduced ability of students to
34 participate in extracurricular activities and parents to volunteer
35 for school functions, although parent volunteering percentages
36 were historically low in city schools. Radical busing plans could
37 place enormous stresses on students and their parents, i.e., the
38 transporting of children to very distant neighborhoods, the
39 last-minute transfer of high school seniors who would not be able
40 to graduate with their class, and the sometimes annual redrawing
41 of school district lines to attain racial balance. Such stresses
42 led white middle-class families in some communities in Mississippi
43 to desert the public schools and create a network of private
44 schools; and

45 WHEREAS, busing is also claimed to have accelerated a trend
46 of middle-class relocation to the suburbs of metropolitan areas,
47 although, again, this claim has little in the way of empirical
48 evidence. Many opponents of forced busing claimed the existence
49 of "white flight" based on the court decisions setting aside
50 racially discriminatory practices in public school systems. Some
51 opponents of busing also claim that busing exacerbated both
52 economic and racial segregation, forcing cities to divide
53 themselves along explicitly racial lines. They content that the
54 "white flight" to the suburbs exacerbated by busing has
55 permanently eroded the tax base of major metropolitan areas,
56 impairing the metropolitan areas' abilities to offer programs
57 aimed at improving the plight of the ethnic minorities whom busing
58 was allegedly supposed to benefit; and

59 WHEREAS, the national trend during the 1990s and 2000s is the
60 effort to overcome past discriminatory practices without student
61 reassignment where some districts modified their pupil placement

62 plans, under the supervision of the courts, to provide attractive
63 programs in "magnet schools," build new school buildings and
64 reconfigure older buildings to overcome years of discriminatory
65 practices in the construction, furnishing and maintenance of
66 public schools. After years of court supervision of schools,
67 busing programs were tapered during the 1990s as courts across the
68 national released districts from orders under old lawsuits. The
69 population of most cities affected by forced busing continues to
70 decline and many anchor cities are now among the poorest cities in
71 their respective metropolitan area, reflecting the continuation of
72 their status prior to court-ordered integration. Busing continues
73 in the Boston area, the best known historical example of
74 desegregation busing, where a program called *Controlled Choice*,
75 allowing any student to go to a school outside his or her own
76 neighborhood as long as the move is conducive to achieving racial
77 balance; and

78 WHEREAS, ironically, today school buses are still used in
79 most of the school districts formerly under court order, but this
80 is much more due to reduced walking zone distances, concern for
81 pupil safety, and a wider choice of programs and locations for
82 many students than requiring a pupil to ride to a school when a
83 closer one was within walking distance. In an era where many
84 families have working parents, the school bus is seen as a safe
85 and protected way to and from school, whether the trip is to the
86 closest school or another; and

87 WHEREAS, there are numerous examples of Mississippi public
88 school districts which have successfully petitioned the federal
89 court to end court ordered busing and supervision and allow the
90 local school board to implement pupil assignment, construction and
91 neighborhood school policies consistent with federal court
92 standards with input from the local citizens:

93 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF
94 MISSISSIPPI, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN, That

95 we do hereby urge the United States Office of Education and direct
96 the Mississippi State Board of Education to take all necessary
97 action to assist Mississippi public school districts to petition
98 the appropriated federal courts to end court supervision of the
99 schools in the district and to end court ordered desegregation
100 orders, thereby enabling the local school board to implement pupil
101 assignment, school construction, neighborhood school, school
102 employment and school transportation policies which are consistent
103 with federal court standards and consistent with input of the
104 local residents.

105 BE IT FURTHER RESOLVED, That this resolution be certified by
106 the Secretary of the Senate and the Clerk of the House of
107 Representatives to the United States Secretary of Education and
108 the State Superintendent of Education, forwarded to members of
109 Mississippi's congressional delegation and made available to
110 members of the Capitol Press Corps.