

failure. Still others point to the disproportionately large number of black students who have been subjected to disciplinary actions, and to the continued lagging of black scores on standard tests, as evidence that, despite busing, the public schools of northern New Castle County have not eradicated some important vestiges of discrimination.

In July, 1993, Judge Murray Schwartz ordered the State Board and the Coalition to try to reach a settlement, and four months later, after negotiations stalled, Judge Schwartz played a major role in breaking the impasse. In fact, Judge Schwartz became so involved that he felt it necessary to remove himself as the judge of the Delaware busing case. As a result of Judge Schwartz's prodding, on November 28 the parties agreed to a Consent Order. This is the Order that has been submitted for approval by the State Legislature and by the four school boards of northern New Castle County.

The Consent Order runs to 63 pages, and the language is an amalgam of legalese, educatoresese, and social science. There is talk about "minority enrollment ratios," "school parameters," and "culturally-sensitive performance based assessment systems." The News Journal has published comprehensible summaries, but the significance of the report cannot be understood apart from its jargon. Therefore, I have quoted from the Consent Order, especially the language that the Order has borrowed from the area of progressive education.

A. The first substantial section of the Consent Order stipulates that upon approval of the Order by the local District Court, "there will exist Unitary Status in the Districts." The court will then cease the supervision it has exercised over public education in northern New Castle County since 1978, and will retain only such jurisdiction as is necessary to enforce the Consent Order. Between the years 1998 and 2000 all judicial supervision over the local schools will cease.

Governor Thomas R. Carper has summarized the advantage of this provision. It will "result in an immediate declaration of unitary status for the four school districts [currently] under court supervision." "It will return full control of our schools to the State Board of Education and the local districts. It will put in place educational programs to address the needs of all of Delaware's children." It will lay to rest an issue that "has divided us as a community . . . for too long."

B. The next section of the Order provides that through 1998 the local school districts will have to monitor the racial makeup of their student bodies, so that all groups are represented within 20 percent of their districtwide average in at least 75 percent of the schools.