

IV

Conclusions

The Consent Order is now before the State Legislature and the four school districts of northern New Castle County. The question is, should they approve the Order? On December 1, State Representative Bill Oberlee, the chairman of the legislature's Desegregation Committee, asked for my assessment of the Order. One day later, after I had just read the Order for the first time, I told a News Journal columnist that I thought the Order probably was "good even though it is bad."

I explained that although some aspects of the Order were problematical, there were important compensating advantages. The Order would have a life of only four years, and it secured unitary status for the school districts of northern New Castle County. The alternative was to petition the District Court for a declaration of unitary status -- an approach that would take at least two years and might cost as much as \$1 million. I thought was better to save the expense of litigation and endure the Consent Order for four years.

Over the course of the next few days, several influential Delawareans came to similar conclusions. Governor Carper stated his "firm conviction that this agreement is in the best interests of our state." Wilmington Mayor James H. Sills expressed satisfaction with the Consent Order. So did Coalition leaders Arthur W. Boswell and Jea P. Street, State Board president Paul Fine, and Judge Murray Schwartz. The lead headline in Sunday News Journal for December 5 proclaimed: "At Last, A Meeting of Minds on Desegregation." An editorial declared that "the educational programs detailed in the agreement are good for all children. Those that deal directly with the educational problems of poor, minority children represent a legitimate response to the problems those children have."

As the worthies reached their consensus, I had second thoughts. In complying with Representative Oberlee's request for an assessment of the Order -- that is, in preparing this report -- I came to the conclusion that State Legislature should insist on certain modifications before it approves the Order.

- 1) The legislature should begin by scrapping the provision that sanctions a lower passing score for blacks and Hispanics who take the teachers' certification exam. As it stands, this proposal amounts to a form of the so-called "race norming" that the Civil Rights Act of 1991 made illegal.
- 2) The legislature should also challenge the policy of giving minority students special