

ABSTRACT

Black Americans and the School-Choice Controversy

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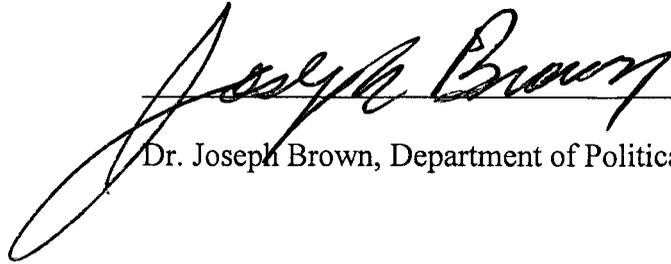
“The right to choose” has become one of the most contested phrases in discussions about education reform. Educators, advocates, elected officials, and parents are found on both sides of the debate. In today’s society, school choice can be defined as “publicly funded voucher programs that provide public funds for students to attend private, parochial and charter schools. These schools have significant autonomy with respect to governance, budget, personnel, and curriculum programming”(Stulberg 15). School choice proponents believe that by giving parents the ability to opt out of the public school system, they are giving them an invaluable opportunity to rescue their students from failing school systems. Opponents, however, contend that school choice supporters are simply “pawns” playing into a capitalistic agenda.

Minority students, specifically African Americans, are affected the most by these policies. Despite the fact that school choice is usually a part of a “conservative” agenda and African Americans tend to support “left-leaning policies,” there is an over-whelming number of Black students looking for a way out of the public school system. And, many Black elected officials are supporting their efforts. Working hand in hand with

Republicans and Democrats are working hand in hand in State Legislatures as well as Congress crafting school choice initiatives. So, what is causing these bi-partisan efforts? It is evident everyone has not become party to the free-market theories of Milton Friedman, yet the idea of giving students the “right to choose” is gaining a strong bipartisan appeal. It can be reasoned that groups are using the same means to accomplish different ends.

For example, many blacks have become disillusioned with America’s piteous attempts to bring about social justice for their communities. They are ready to take matters into their own hands, and school choice is the means to their end. In the following pages, I will examine 1) the impact of Jim Crow segregation on the educational experiences of African Americans, 2) the pre-Brown v. Board of Education experiences of Blacks, 3) Post-Brown and the Desegregation of Public Schools, 4) the emergence of the school voucher movement, and 5) the adoption of school choice by the New Orleans, LA school district. This comprehensive view of the educational experiences of Black America will help to explain why its voice is so prominent in the school choice debate.

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BLACK AMERICANS IN THE SCHOOL CHOICE CONTROVERSY

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CHAPTER ONE

Jim Crow Segregation and the Educational Experiences of African Americans

July 4, 1776 marked the day the United States of America celebrated its independence. The thirteen colonies were free from the political and economic grip of Great Britain. The era of tyrannical reign was over, and America would be the exemplar egalitarian society. In its Declaration of Independence, America vowed, “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable Rights that among these are Life, Liberty and the pursuit of Happiness.” When Thomas Jefferson wrote these words, however, every state in the “Land of the Free” practiced slavery. The first US census was conducted in 1790, and it recorded that 697,681 out of the 760,000 African Americans in the nation were in bondage (Kluger 15). This suggests that roughly ninety-one percent of the Black population lacked access to educational institutions.

Seventy-six years later on its cherished anniversary, cannons sounded once again in celebration of America’s freedom. Fredrick Douglass, a former slave and zealous abolitionist, was asked by the City of Rochester, NY to give the celebratory address. His speech, however, was not woven together with euphemisms, appeasements, or feelings of ambivalence. He clearly delineated the dichotomy between American ideals and the American way of life. “Whether we turn to the declarations of the past, or to the professions of the present, the conduct of the nation seems equally hideous and revolting. America is false to the past, false to the present, and solemnly binds herself to be false to

the future,” Douglass exclaimed (Kluger 20). In his opinion, the Fourth of July made a mockery of the Negro’s existence. Because the only self-evident truths for the black person born into America’s slave system was that he had no legal standing, he had no privacy, he had no education, and he would be subject to endless injustices and indignities (Kluger 28).

It would be inaccurate to suggest that everyone supported this nefarious institution. A few delegates of the Constitutional Convention espoused for its abolition (Kluger 32). Despite their efforts, the Constitutional Convention of 1787 would not answer the question of slavery. Southerners would not sign onto a document that threatened their way of life, and the Constitution could not be ratified without their signatures. Through a series of “compromises,” the Federal government was able to ratify the Constitution without even explicitly writing the word “slave”. These compromises left the practice of slavery for future legislators to debate, but they also inadvertently institutionalized white supremacy and black inferiority into the inner workings of America’s framework (Kluger 34).

For example, under the three-fifths compromise, every five black persons counted as three free white persons. Under this system, a black person was not even fully human. He was just property, so he definitely was not worth an education. In 1740, South Carolina was the first state to criminalize the education of Negroes. “Be it enacted, that all and every person and persons whatsoever, who shall hereafter teach or cause any slave or slaves to be taught to write, or shall use or employ any slave as a scribe, in any manner of writing whatsoever, hereafter taught to write, every such person or persons shall, for every such offense, forfeit the sum of one hundred pounds, current money” (“Acts against

the Education of Slaves South Carolina, 1740 and Virginia, 1819”). Soon after, Georgia and Virginia followed this lead and established similar laws. These acts were written in light of a few slave revolts such as the Stone Revolt and Nat Turner’s Rebellion.

Education is an equalizer; it can dismantle class systems and structural racism. The white community, therefore, fought to keep the black man ignorant of his own condition. An educated slave could pose a threat to the institution of slavery.

Nevertheless, some slaves still found creative ways to become literate. In her book, *Self-Taught African American Education in Slavery and Freedom*, Heather Andrea Williams explains some of the subversive mechanisms slaves created to become literate. For example, some slaves became literate through the development of “pit schools”(Williams). These schools were literally pits dug far from the Master’s watchful eye, and blacks would cram into these holes eager to learn (Williams). Others would steal spelling books and beg their literate friends or family members to surreptitiously teach them. These strategies show how many slaves had an intense desire to become literate, but their undercover literacy campaigns were just nominal. Slavery handicapped generations of African Americans. The Union’s victory in the Civil War *freed* four million African Americans, but was the black man really free? He lacked land. He lacked money. He lacked an education. He did not have any resources to improve his condition.

In 1866, Congress formed the U.S. Bureau of Refugees, Abandoned Lands, and Freedman. The Bureau was commissioned to relieve physical suffering, to oversee the beginning of free labor, to administer the buying and selling of land, to establish schools, to administer justice, and to finance all of the proscribed activities ("Freedmen’s Bureau"). The establishment of black public schools, however, was the Bureau's most

successful achievement. Over 4,000 schools were established across the South, and by the close of 1865, 90,000 black students attended these schools ("Freedmen's Bureau."). For the first time, the Southern states had a universal state supported system of education. In total, the federal government spent five million dollars to educate African Americans. It was, nevertheless, a small pittance in comparison to the damage that was already done. But, it was widely welcomed by the black community. "As I have stated, it was a whole race trying to go to school. Few were too young, and none too old, to make the attempt to learn"(Washington 20). Unfortunately, the Bureau was not unchallenged. The Southern Democrats abhorred its efforts, and President Johnson felt it was too overreaching. The Bureau's life was short lived, and when it was dead it was even harder for blacks to find funds to finance their education. When the Bureau officially ended in 1872, roughly 79.9 percent of the black population was still illiterate ("Freedmen's Bureau.").

Two prominent African- American intellectuals emerged with dueling philosophies on how to improve the Black man's condition. Booker T. Washington, a former slave and founder of the Tuskegee University favored industrial education. He believed blacks should work to make themselves "indispensable members" of society (Dubois 160). He called for Blacks to give up "the fight for political power, insistence on civil rights, and the higher education of Negro youth" (Dubois 169). In his opinion, rallying for suffrage and fighting for Civil rights was not an efficient use of time.

The agitator was W.E.B. Dubois, and his philosophy called for liberal education. He believed Blacks should educate themselves like the white community because equality with the whites was a necessity. In a critique of Booker T. Washington's politics, Du Bois stated, "His Doctrine has tended to make the whites, North and South, shift the

burden of the Negro problem to the Negro's shoulders and stand aside as critical and rather pessimistic spectators; when in fact the burden belongs to the nation, and the hands of none of us are clean if we bend not our energies to righting these great wrongs"(Du Bois 172). Despite their views, the white power structure would decide the fate of the Black community's education.

The Presidential Election of 1876, one of the closest elections in the nation's history, marked the end of federal government protection and support for African American. To secure his seat in the Oval Office, Rutherford B. Hays made a deal with the Southern Democrats that was as deadly as the three-fifths compromise ("Reconstruction"). Hays promised to remove the federal troops from the south, if the Southern Democrats would vote in his favor. Desperate to regain political power, Southern Democrats accepted. Known as the "Redeemers," they sought out to restore white supremacy ("Reconstruction.").

Southern state legislatures relentlessly worked to strip Blacks of the political power and civil rights they gained during Reconstruction. Despite the passage of the Thirteenth, Fourteenth, and Fifteenth Amendment, Blacks were still worthless to the Southern whites. Prejudicial systems and tactics were employed to re-enslave the black community. Poll taxes and literacy tests blocked suffrage, all-white juries skewed the legal system, and inequity in education was one of the biggest impediments placed on African American progress.

Determined to undermine black schools, state officials severely underfunded these institutions. As stated before, they did not believe blacks were entitled to an education. The inequality between public schools for white and schools for blacks was

blatant, and the Supreme Court's decision in *Plessey v. Ferguson*, made matters worse.

In an effort to challenge Louisiana's Separate Car Act, Homer Plessey, a black man, sat in the "white section" of a New Orleans street car (Cobb). It was expected that Plessey would be arrested, but no one could have predicted how detrimental this case would be to the fight for social justice. With this case, the Supreme Court legalized the "separate but equal doctrine." (Cobb). Now, states had the constitutional right to racially segregate all public facilities, and no sector of the government would be left untouched from the 'separate but equal' paradigm.

The condition of black schools during segregation was appalling. Black children sat in over-crowded, filthy one-room schoolhouses without desks, indoor plumbing and heat. They were, however, given leaky roofs, second-hand books, and undertrained teachers. What's more, black children had shortened schools years. These policies were established so the children could help tend the farms (Cobb). Like their ancestors that came before them, black children were not given an equal opportunity for success. And, the black community was fully aware of the disadvantages placed on their children. Nevertheless, America would not revisit the question of segregation until 1954.

In 1930, Charles Hamilton Houston, Dean of Howard Law School, commenced the prodigious crusade that would dismantle the separate but equal doctrine (Brown). And, this campaign was not designed for the faint of heart. Under Houston's philosophy, if separate was equal, educational provisions for White students and Black students had to be the same. With this logic, Houston was confident that the segregated schools would be too expensive to operate (Brown). Fifty-eight years had passed since the court had handed down the opinion in *Plessey v. Ferguson*, and *Brown v. Board of Education*

would finally force the court to repeal its erroneous decision. *Brown v. Board*, however, was not only one case. The NAACP's Legal Defense Fund began to chip away at the racist institution through a series of cases using a two-prong approach, and Thurgood Marshall, Houston's student, led the fight. For the first part of the plan, the plaintiff attorneys pursued a "low-threat" desegregation plan (Brown). This attack was aligned with Houston's logic. The south could not financially uphold a true "separate-equal" social structure, so the NAACP hoped this would end Jim Crow laws. Next, the NAACP planned to desegregate higher education. This was because desegregating institutions of higher education was also less threatening than tampering with the public K-12 schools. Once the NAACP had won a number of successful cases in the Higher Education arena, the foundation was ready to begin the fight in the public education realm (Brown).

When Marshall coordinated the legal attack, he had to make sure he was selecting the "right" cases to present before the court (Brown). In all, Marshall brought five companion cases under the formal title, *Brown v. Board of Education* to the Supreme Court. These cases came from school districts in Kansas, South Carolina, Delaware, Virginia, and the District of Columbia, and each case showed a different perspective of racial segregation in public schools (Brown). One of the most defining and convicting aspects of the Legal Defense Fund's argument was the social science research results from Kenneth Clark's doll experiment (Brown). Clark's work showed that black children thought black dolls were inferior to white dolls, and all this work pressed the Supreme Court to deliver a verdict that was long overdue.

Chief Justice Earl Warren wrote the opinion of the Court. He stated, "To separate them from others of similar age and qualifications solely because of their race generates a

feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone"("Brown v. Board of Education of Topeka ET. A"). The court confirmed that "separate" was inherently not "equal".

To prove this claim, the court heavily relied on the Due Process clause of the Fourteenth Amendment. The Fourteenth Amendment guarantees certain rights for citizens of the United States. Section one of this amendment states, "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." It also allows the Federal government to step in and correct state legislation that seeks to infringe on a citizen's due process. Therefore, the main legal question of *Brown v. Board* was whether segregation deprived the plaintiffs of equal protection of the laws under the Fourteenth Amendment ("Brown v. Board of Education of Topeka ET. AL.")

The lower courts ruled that the local schools had not violated this amendment, because the students were given "substantially equal facilities, even though these facilities were separate"("Brown v. Board of Education of Topeka ET. AL"). A few years earlier, the NAACP's Legal Defense Fund had brought *Sweatt v. Painter* to the Supreme Court, as a part of their plan to end segregation in the higher education arena. Heman Marion Sweatt was denied admission to the University of Texas' School of Law. He was not rejected because of merit, but because of the school's "No Negro" policy. ("Sweatt v. Painter"). Nevertheless, the school did offer him a spot in the University of Texas' Negro School of Law. Sweatt, however, refused this offer. The Negro school had

an inadequate number of professors, subpar facilities, no prestige, and a poor amount of resources in comparison to the state's flagship law school. A simple comparison of the schools proved that the institutions were not equal, and the court's reading of the Equal protection clause forced the University of Texas to grant Sweatt admittance to UT Law ("Sweatt v. Painter.").

Unlike in *Sweatt v. Painter*, the court's opinion in *Brown v. Board* did not rest on a comparison of "tangible factors." The court looked at the effects of segregation on public education ("Brown v. Board of Education of Topeka ET. AL"). The court observed the important role education played in American life, and they confirmed that it is one of the most important duties of the state and local governments to provide public education. The Supreme Court reasoned that citizens could not thrive in America without a quality education, so segregation of grade schools and high schools could not be sustained because these policies caused black children to feel inferior. Overcome by this sense of inferiority, the black children loose the motivation to learn ("Brown v. Board of Education of Topeka ET. AL."). They are denied the opportunity to reap all of the benefits of a public education, because the segregation laws "retards the educational and mental development of negro children" ("Brown v. Board of Education of Topeka ET. AL."). Therefore, the court ruled that segregation in public education denied students the equal protection of the law. Chief Justice Warren's opinion was well received by his fellow justices, with every judge voting in favor of the decision.

The court's ruling was a tremendous milestone in the Civil Rights Movement, and it would be the catalyst to other social justice reform. Nevertheless, it cannot be over-looked that it took half a century for the court to realize its mistake. The effects of

Plessey would reverberate into future decades. Millions of black children were negatively affected by its mistake, and at that moment in history, millions of black adults would subsequently never achieve the “American Dream.” America had failed another generation of African Americans (Stulberg 40).

CHAPTER TWO

Post-Brown and the Desegregation of Public Schools

There was, however, high hope that the Black experience in America's public schools would be drastically different post the Brown decision. Schools were going to be the tool to redesign America (Still failing). Change was enviable, but no one knew how it would occur. The Supreme Court's initial order for states to desegregate was poetic and just, but it lacked muscle. The court realized it needed to establish a timetable for these issues to be addressed. In *Brown v. Board of Education II*, it commanded states to end segregation "with all deliberate speed." This vague judicial pronouncement, however, did not move the needle. Prejudiced Southern State officials firmly believed this ruling was an attack on their state's rights and way of life. They were committed to curtailing the Court's decision. They interpreted "with all deliberate speed" to mean *never*.

By 1957, the desegregation measures in the Deep South were still not improving. The Southern officials stood unwavering in their principles, and some districts threatened to close down rather than integrate. Prince Edward County School Board in VA actually did. In 1959, the school board shut down the entire school system (Still Failing 33). And, it stayed closed for five years.

Noticeable change didn't come until the passage of the Civil Rights Act of 1964. This legislation allowed the federal government to withhold federal funding from districts that discriminated on the basis of race or religion (Still Failing page 35). The *de jure* segregation was over, and students theoretically had the freedom to choose the school

they wanted to attend. This legislation, however, did not do anything about the existing social pressure that came with each decision. (Still Failing 37). Students were also restricted to the schools within their neighborhoods, and since the neighborhoods were racially segregated, the schools remained racially segregated.

The Court, however, remained resilient. Determined to see an end to the “dual school systems” the Supreme Court started to hand down more forceful and demanding court orders. Landmark cases such as *Swann v. Charlotte Mecklenburg* and *Keys v. School District No. 1* called for massive busing as a tool for desegregating public schools.

In the midst of these reforms, a new movement began to form within the Black community. It was called the Black Power crusade. Contrary to the Civil Rights movement that preceded it, Black Power called for the independent development of political and social institutions for black people. One of the icons of the movement, Stokely Carmichael stated, “Now, then, in order to understand white supremacy we must dismiss the fallacious notion that white people can give anybody their freedom.” This new ideology divided the black activists into two groups, integrationists and nationalists.

Both groups longed for the uplift of the black community, but they clashed on how this was going to come about. “The biggest distinction between integrationists and nationalists was about hope: hope and faith in America and American institutions (Stulberg 27)” Integrationists still had faith in America and her institutions, such as schools. As Langston Hughes concluded in his famous poem, “America Never was America to me,” they believed America would eventually live up to her promises. The repeated failed attempts caused Nationalists to be pessimistic and distrustful of the American political process. “They believe that America was founded on White

supremacy and that White power was endemic and intractable in the United States” (Stulberg 27) Essentially, Nationalists rejected their American identity. Their view of America echoed the sentiments of Malcolm X, when he stated, “We didn’t land on Plymouth Rock; Plymouth Rock landed on us.” Nationalists, therefore, were not interested in the desegregated debacle. They had become disillusioned with America’s piteous attempts to bring about social justice for their communities. They were ready to take matters into their own hands. It was at this moment in African Americans’ education history that the debate on school choice for Black communities commenced. Fifty years later, the conversation continues.

CHAPTER THREE

The Emergence of School Choice

Our modern perception of school choice has been greatly shaped by the ideals discussed in Milton Friedman's book *Capitalism and Freedom*. A strong supporter of the free market, Friedman discussed many practical ways for this market-economy structure to be implemented in almost all aspects of society, including public education.

In his discussion of government's role in education, he explained the "neighborhood effect." This phenomenon is a product of education's altruistic benefits. "The education of my child contributes to your welfare by promoting a stable and democratic society. It is not feasible to identify the particular individuals or families benefited and so to charge for the services rendered. There is a significant "neighborhood effect" (Friedman 86). Because of this effect, Friedman explained that some government action is justified. He, however, believed America's control in education was too over-reaching. He wanted school to be denationalized, and he proposed the first school voucher system.

Under his plan, America would finance schools by providing parents with vouchers that could be used on "approved education services" (Friedman 89). For-profit and non-profit institutions would provide the education services, and the resulting benefit would be that parents would be empowered to make school selections. The government would play a minute role in this process by setting the "minimum-standards" for schools.

In Friedman's opinion, the denationalization of schools would finally give parents

the opportunity to have a say in how their money is spent. He explained this theory by drawing the distinction between schooling and education. Expensive football stadiums, marble school floors, and grandiose performing arts centers are all factors that contribute to schooling, not education. He argued that these amenities do nothing to enhance the quality of a child's education. However, there is nothing wrong with these expenditures when parents invest in them out of their own pocket. Friedman opposed how tax money was spent on these schooling, non-educational measures. "The parent who would prefer to see money used for better teachers and texts rather than coaches and corridors has no way of expressing this preference except by persuading a majority to change the mixture for all" (Friedman 94). The free market would eradicate this effect because the consumers (parents) would buy into the school they preferred. Instead of states using 100% of school funding for public schools, parents would receive this money in the form of vouchers. And, they would be able to decide which avenue—private, public, or homeschooling was best for their child (Friedman 94).

Friedman maintained that the free market approach would create competition among the schools, resulting in improved quality. Schools would be forced to make the case to parents that their programs are the best investment for their children, and this would leave no room for complacency. Schools would have to stay innovative and keep improving for parents to want to continue to buy into what they offered. Subsequently, the free market would also affect teacher quality, because teachers' salaries would be subject to market forces (Friedman 93).

"Poor teachers are grossly overpaid and good teachers grossly underpaid" (Friedman 95). In Friedman's opinion, teachers' salaries were too "uniform and ridged."

Some exceptional teachers receive the same pay as poor teachers, and pay raises are based on non-merit factors. Friedman thought this system was erroneous. Teachers did not have an incentive to improve because everyone was cast the same lot. The free market would not allow this. Like schools, teachers would have to keep perfecting their craft in order to stay viable in the market. Friedman's zeal for economic freedom heavily influenced the foundation of his school choice policies. He maintained that political freedom could not be achieved without it.

In addition to the school-voucher model, charter schools are another praised yet hated avenue for school choice. Found in the gray area between public and private models, these schools can't charge tuition, they receive funding from the state, and the admission process is purportedly unencumbered. These characteristics allow charter schools to resemble public institutions. The schools, however, retain more freedom than traditional district schools. Charter schools are free to design curriculums and hire staffs that do not have to adhere to the school districts' strict regulations or qualifications. Proponents love this structure because they believe this freedom gives them the opportunity to explore different methods of education.

Though charter students still are required to take state-standardized tests and satisfy other academic standards, opponents of charter schools do not believe these schools are held accountable to education standards. What's more, these schools are privately managed, and opponents abhor the lack of transparency these schools offer. The biggest point of contention, however, is that charter schools divert money away from public schools. Opponents cite statistics showing these schools are not any more effective than traditional schooling, so they are a waste of the states' education funds.

Nevertheless, akin to the school voucher system, charter schools are becoming an increasingly viable option for parents who are dissatisfied with public schools.

The charter school movement began in the 1980s, and there are now close to six thousand charters across the United States ("Charter Schools"). Forty-three states and the District of Columbia have authorized charter school legislation, and these schools educate close to five percent of public school students ("Charter Schools"). According to research from the Center for Education Reform, 27.8% percent of the black population has joined the movement ("Charter Schools."). There is not a definitive answer on whether school choice alternatives benefit students. Nevertheless, it is clear that many African Americans are taking advantage of the opportunities.

As stated before, Blacks in the 1970s, who supported school choice, were not really attracted by the “free-market” jargon or the innovative charter school curriculums. After decades of being told how they were going to be educated and after decades of seeing how they had been cheated, their perception of school choice opportunities slightly differed from a modern-black school choice proponent. School choice was not *just* about allaying to parents the freedom to select whichever school they believed was best for their children. School choice of the 1970s for Blacks took two forms: Community Control Schools and Independent Black Institutions (IBI). In Community Control Schools, black communities came together to create the schools their children would attend. The community had control over personnel, leadership, budget, curriculum, and programming (Stulberg 32). IBIs were akin to modern private schools. “They were African-American controlled schools that parents chose, as parents opted out of public schooling” (Stulber 32). At the heart of both models, was the consensus that traditional

public schooling could never sufficiently service African American students. These alternative forms of schooling are typically not included in today's school choice debate, but the ideology implemented in these school choice initiatives informs the current arguments.

One of the leading voices for the 1970s schools' initiatives was Haki Madhubuti. He stated, "As for Chattel people, slaves in this country we would be absolutely foolish and stupid to turn to former slave traders, not masters but former slave traders for answers, serious aid, or empathy in our struggle against them"(Black Genius 51). His words echoed the views of other nationalists, like Joan Davis Ratterary and Rhody McCoy. Akin to today's leading black proponents of school choice, they were ready to rescue black children from schools that were programmed for failure. Inequity in funding, lack of resources, and less- skilled teachers all contributed to the failure factories. But, the leaders of this day were also disgusted with what was taking place in the classroom.

Black pupils at white institutions were being taught to value literature, technology, achievements, and scientific discovery, that was not their own (Black Genius 60). In Madhubuti's opinion, these systems and structures inadvertently instilled self-hate in the black community. In his autobiography, he reminisces about a time when his mom told him to read Richard Wright's esteemed novel, *Black Boy*. He grudgingly checked out the book from the public library; he did not want to read anything that had *black* in the title. Aligned with Clark's socialized experiments, he was socialized to believe everything black was inherently bad. This novel, however, woke him up. It taught him to value and respect his skin and culture.

Saving black youth from the images, symbols, creations, and authorities of White America that taught white supremacy was one of the main driving forces for black school choice proponents of the 1970s. They believed it was illogical to allow those who were responsible for creating the problem have a hand in fixing it. In today's parlance, the discussion over school choice is still focused on saving students from particular schools. Black Nationalism, however, does not primarily motivate the rescue. The increasing achievement gap between black and white students does.

The achievement gap in education is defined as the disparity in academic performance between groups of students ("Achievement Gap"). It is measured by assessing grades, course-selection, drop out and college completion rates, and standardized test scores ("Achievement Gap"). Black students usually fall at the lower end of the performance scale. Results from the 2007 National Assessment of Educational Progress assessment show that white children had higher scores than Black students. ("Executive Summary: Achievement Gaps: How Black and White Students in Public Schools Perform in Mathematics and Reading on the National Assessment of Educational Progress"). This assessment included a reading and mathematics test, and it was administered to fourth and eight graders in every state. Evaluated on a 0-500 point scale, white students averaged at least twenty-six points higher than black students in both subjects ("Executive Summary: Achievement Gaps: How Black and White Students in Public Schools Perform in Mathematics and Reading on the National Assessment of Educational Progress"). The gap between black and white students has narrowed since the test was given in 1992. However, the gap remains alarmingly wide.

In 1990, Richard Herrnstein published a highly controversial book called *The Bell*

Curve. Through this book, Herrnstein attempted to blame the achievement gap on students' genetic makeup and natural ability ("Achievement Gaps"). Or in other words, he tried to prove that black students were inherently less intelligent than their white peers. This assumption has been largely rejected. Researchers believe the achievement gap is the result of socioeconomic factors that result into opportunity gaps. For example, children living in poverty usually have smaller vocabularies than middle class children by age three. And, only sixty-eight percent of twelfth graders in high-poverty schools graduated with a diploma in 2008, while ninety-one percent of twelfth graders from low-poverty schools received their diplomas ("Achievement Gaps"). Both scenarios show that being raised in a family with fewer educational resources results in underperformance.

So typically, children born into poverty are disadvantaged before they even step into the classroom. And, the gap only widens with disparity in education and school funding policies. African-American students living in poverty are largely concentrated in the lowest-achieving schools. "For example, in California, blacks students are six times more likely than white students to attend the bottom third of schools in the state, and Latino and poor students are nearly four times as likely as white students to attend one of the worst-performing third of the schools" ("Achievement Gaps"). These minority-majority schools spend \$733 less per pupil per year than the schools that enroll ninety percent or more white students ("Achievement Gaps"). On top of this, poor and minority students are stuck with the least effective, experienced teachers.

How are Black students supposed to succeed with almost every possible obstacle stacked up against them? Reflecting on an answer to this question, Black legislators consider the history. Over fifty years have passed since the ruling in *Brown v. Board*, and

many black students are left with the same education opportunities their ancestors had before the verdict was handed down. Schools are still segregated. Achievement gap is still wide, black students are not living up to their potential. These facts have eclipsed many black legislators' hope in traditional education policies. Opponents fear these initiatives will dismantle the public education system. Black supporters, however, question if that would be a bad thing. Black school choice supporters do not believe *equal opportunity* denotes every American citizen will have the same socioeconomic status, but equal opportunity should mean every citizen has a fair chance to compete for his or her desired status. Blacks school choice supporters do not feel their children are being given this chance under the traditional education system. They pressured for change, and their voices are being heard. Twenty-seven state legislatures have become parties to the school choice movement.

CHAPTER FOUR

The Adoption of School Choice by the New Orleans School District

Hurricane Katrina devastated New Orleans, Louisiana. Community leaders, however, viewed this dismal situation through a lens of hope. Since the catastrophic storm washed away the school system, school choice advocates, elected officials, and community leaders jumped at the opportunity to put their plan into play. The need to rebuild the schools ushered in the opportunity for reform. I will examine the reasoning and the outcome of these efforts. In this section we will look at some of the factors that pre-disposed the City of New Orleans to embrace school choice as a potential solution to its failed school system.

When the city officials first began to integrate the public school system, the white community reacted by fleeing from urban areas. This social trend is coined, “White Flight,” and New Orleans was not immune from this phenomenon (Perry). Additionally in the mid-1970s many middle-class black families also started to leave the inner city. As a result, most of inner-city public schools were populated largely by low-income and high-needs students—a trend which persisted for years.

The students were predominately high-needs, and this trend persisted for years. By 2005, African Americans made up ninety-four percent of the public schools and seventy-three percent of these students qualified for free and reduced lunch (Perry).

With an alarming child poverty rate at sixty-one percent, Orleans Parish school

board was servicing some of Louisiana's most vulnerable students (Perry). Children battling adverse situations such as chronic hunger, abuse, or poverty are highly susceptible to "toxic stress" ("Ending Child Poverty Now"). This toxic stress can have detrimental effects on children and destroy their ability to succeed in school. Lowering the chances for academic achievement, toxic stress spins the poverty cycle. Students, who are economically disadvantaged, typically drop out of school and take low-paying jobs ("Ending Child Poverty Now"). The effects of toxic stress can be mitigated, however, by adequate adult support and community interventions. Schools can play a big part in this process, by bringing resources and building meaningful relationships on school campuses. With a strong community of support, students can succeed despite the crises they face.

The Orleans Parish School board, however, was facing a few crises of its own. "In 2003, a private investigator found that the school system inappropriately provided checks to nearly 4,000 people and health insurance to 2,000 people" (Perry). Many of the recipients were fired, retired, or dead. Reports also show that over a four-year period, the district's habit of writing bad checks cost the district close to eleven million dollars. This financial mismanagement was found at all levels, even at its head. One of the former school board's president accepted \$140,000 in bribes (Perry).

Needless to say, the school board's leadership was in shambles. The parish could not even keep a stable administrative staff. From 1998-2003, there were eight different superintendents, seven payroll managers, and three head administrators in the finance department (Perry). This instability reflected in the parish's overall results. In the 2004-2005 school year, the Orleans Parish public schools ranked sixty-seventh out of the sixty-

eight Louisiana districts in standardized reading and mathematics scores (Perry). More than half of the schools were classified as “academically unacceptable,” Louisiana’s lowest performance category, and graduation rates were significantly below the state’s average. Since Louisiana was ranked the forty-ninth state according to national education standards, New Orleans was the second to lowest scoring district in the second to lowest ranked state.

Ten days into the 2005-2006 school year, on August 29, 2005, Hurricane Katrina made landfall in New Orleans. At 9:00 am, the levees breeched, and in only a few hours eighty percent of the city was under water. Several tangible and intangible things were swept away by the storm surge; the Orleans Parish school system was one of them. Of the 128 public schools, only sixteen remained after the storm (Landau). The level of destruction varied across the parish. Some schools were drowned by several feet of water and others lost rooftops. The storm, however, did not just dismantle the physical structure of the Orleans Parish School System. The organization of the school system was lost as well (Landau).

On December 30, 2005, President Bush signed the Hurricane Recovery Act. This allowed Orleans Parish schools to receive a 1.8 billion FEMA grant to rebuild the schools (Perry); the Recovery School District (RSD) would be the finished product. Students returning to Orleans Parish met several new teachers, different teaching methods, and a new type of schooling. “State-Takeover” is a familiar term used in discussions about school reform. Under this system, a state board of education assumes the responsibilities of traditional public school districts (Perry). They become accountable for the budget and central office. This has happened in Philadelphia and Detroit. Louisiana, however,

performs the same process but with a twist. Rather than seizing the entire school district, Louisiana takes control over individual schools based on performance.

The RSD, therefore, was not an entirely new concept for the Orleans region. The state legislature first created this system under the leadership of Governor Kathleen Blanco in 2003. Before Katrina struck, the state had “taken over” five schools in Orleans Parish. In the after-math of Hurricane Katrina, state legislators changed the academic criteria, making more schools eligible for takeover (Perry). Under Act Thirty-five, state legislators agreed that each elementary or secondary school with a baseline school performance below state standards and any alternative schools reported to be “in crisis”, would be named a “failing school.” And such schools would be moved under the jurisdiction of the Recovery School District. This allowed Orleans Parish to become the first charter-school district in the country. With this widespread take over, no other city in the nation has implemented a school choice program with as much depth and breadth as in New Orleans. Opponents of school choice were highly critical of this change.

As of the 2014 - 2015 academic school year, ninety-two percent of students attended a charter school (Perry). Seventy percent of these schools were under the jurisdiction of the Recovery School District. RSD is governed by a State- appointed superintendent, and the state board of elementary and secondary education oversees it (Perry). Ninety-three percent of the students under this system are black and ninety-two percent are considered economically disadvantaged. This leaves the Orleans Parish School Board with only sixteen charter schools and the last six traditional public schools to govern.

All of the schools in the RSD, however, are not on the same performance level. Some are more desired than others, and every child is not guaranteed his or her first choice. Traditionally, when white and middle-class families are not accepted by a high-performing school, they leave the RSD. And, they enroll their children into private or parochial schools. Nationally, about ten percent of students attend private or parochial schools. In New Orleans, this percentage is doubled, with twenty-five percent of students pursuing a private or parochial education (Salvali).

Under RSD student enrollment differs from traditional systems. Unlike the majority of US communities, students are not assigned to a school according to their home address. Parents are given the freedom to decide which schools to which they would like to apply. Parents in New Orleans use a centralized enrollment process called “One App.” Student placement is contingent on family preference, school enrollment priorities, and the number of available seats (Salvali). Critics contend that this system creates “the illusion of choice,” because there are only a few high-performing schools. Thena Robinson Mock, director of Ending the Schoolhouse to Jailhouse Track, stated, “A lottery system has created this college education atmosphere where parents don’t have an equitable opportunity to enroll their children in school” (Salvali). What’s more, it’s alleged that these selective schools just remove disruptive students. School choice opponents believe the success and improvement that proponents boast about is simply the result of a rigged system that restricts enrollment to well-behaved students into certain schools.

They suggest these policies are only pushing many students into the juvenile justice system. This phenomenon is called the “school-to-prison pipeline.” Unable to thrive under the charter school system’s zero-tolerance discipline policies, students are frequently expelled and sometimes even suspended for minor offenses (Salvali). Suspended and expelled children are usually left home without supervision and constructive activities, and they later find themselves wrapped into the juvenile justice system. The Southern Poverty Law Center has reprimanded the New Orleans school system for its zero tolerance policies. In 2012 they filed a federal complaint because they were seeing a disproportionate number of African Americans being arrested for minor offenses (Sweiter). Children were being handcuffed and shipped to juvenile detention centers for infractions such as throwing skittles on a school bus, yelling in the hallway, or forgetting to wear a belt (Sweiter). With these harsh policies, Orleans Parish earned the title for having the most school-based arrest in the state.

Once pushed out and expelled, students are sent to alternative schools. These alternative schools, however, are “F” rated schools, ranked by the Louisiana Department of Education. A concerned parent stated, “So what RSD is doing, is using high test scores to create the appearance of high academic performance while at the same time pushing out large numbers of harder-to-educate students. You get expelled and you go to these schools, while they market these alternative schools, or nontraditional schools, as a choice”(Salvali).

Critics also worry about the inequity that special-needs children face under this charter system. The Southern Poverty Law Center filed a lawsuit in 2012 explaining that

the charter school system was “failing to comply with their statutorily imposed duties to monitor, supervise, and remediate known problems with special education in New Orleans, and to ensure compliance with federal prohibitions against the discrimination of students with disabilities”(Salvali). The Southern Poverty Law Center believes many students are not accepted into the higher-performing schools because of their disability, so they are forced to attend schools that lack the resources to properly meet their needs.

Furthermore, RSD changed the face of New Orleans teachers. Proponents and opponents of school choice both agree that teachers play an invaluable role in a child’s education. After Hurricane Katrina, the district fired essentially all of the district’s teachers, and the collective bargaining agreement was discontinued. The majority of the teachers employed in the new charter school system are “at will” and uncertified employees; the district recruits these teachers from programs such as Teach for America, The New Teacher Project, and other non-university alternative preparation programs (Barret). Charter schools do not have to adhere to certification requirements in their hiring process, so they are free to hire, evaluate, and pay teacher as they choose. This shift changed the racial composition, qualification, and turnover rates of New Orleans parish teachers.

Before Katrina, the New Orleans teacher workforce had more black teachers than most inner-city school districts. (Barret). Seventy-two percent of New Orleans schoolteachers were black. Now, black teachers only make up forty-nine percent of the teacher workforce. The black teachers were fired, and the city welcomed an influx of white instructors (Barret). Many of these teachers did not have any local roots, and critics

believe this puts the students at a disadvantage. This is because many of the new teachers cannot make culturally relevant lessons or relate to community members.

What's more, the district let go many experienced and tenured teachers. Because of this, the number of teachers with significant experience in New Orleans has considerably dropped. Fifty-four percent of teachers in New Orleans have less than five years of experience (Barret). In addition, the percentage of certified teachers has dropped from seventy-nine percent to fifty-six percent (Barret).

This new make-up of teachers also changed the turnover rate. "The turnover rate is the percentage of teachers each year who move out of a school or group of schools from one year to the next"(Barret). In this paper, turnover rate refers to the number of teachers who have left the Louisiana public school system. Many educators look at the turnover rate to determine a school's quality, and it is often prescriptive of a school's health. For example, a high turnover rate could be a sign of low teacher experience, lack of school resources, or weak school leadership (Ronfeldt). It could also signal that a school is facing organizational challenges. Since the reforms, the annual turnover rate has doubled (Barret). Though there is little empirical evidence for the direct effect of teacher turnover on student achievement, the existing research shows a negative correlation between student achievement and high turnover rates (Ronfeldt).

Despite the new enrollment process, stricter disciplinary policies, new teacher workforce, and higher turnover rates, many people deem the Recovery School District a success. To measure this success, they look at the dramatic increase in test scores. From 1999-2013, Louisiana used the Louisiana Education Assessment Program (LEAP),

iLEAP, and the Graduate Exit Exam (GEE) to measure student achievements and school accountability. For fourth, eighth, and high school students the stakes were extremely high. Fourth and eighth graders took the LEAP, and those who failed the test had to repeat the grade, even if they had passed all of their coursework or had high teacher recommendations. High school students took the GEE, and they had to pass the English and Language Arts section and math section in order to graduate. Third-seventh graders took the iLeap, but their performance on the test did not determine if they needed to be retained or not.

By the 2013-2014 school year, Louisiana had transitioned to the End of Course Exam (EOC) and ACT for high school assessment (Perry). During the 2004-2005 school year, only thirty-five percent of students in New Orleans parish were proficient on all sections of the standardized test. This percentage increased to sixty-two percent by the 2013-2014 school year. African American students, specifically, saw drastic improvement on these high stakes test. During the 2004-2005 academic school year, the percentage of proficient African Americans was thirty-two percent, and by the 2013-2014 school year, fifty-nine percent of African American students were proficient. Significant increase was seen on all of the tests and in every grade level (Perry).

Graduation rates are another factor used to judge school performance. Though these rates are not always the best indicator as school quality can vary, many parents and policymakers use this number to prescribe a high school's health. A high school diploma is needed for college enrollment, so low graduation rates are a sign of low-performing schools. Therefore, Louisiana uses high school graduation rates to calculate a school's

performance score. In Orleans Parish, the graduation rate was fifty-four percent for the 2003-2004 school year and was seventy-three percent by the 2013-2014 school year (Perry). In addition to this, more students from New Orleans are pursuing postsecondary degrees. About sixty percent of the Class of 2014 enrolled in college both in and out the state of Louisiana in the fall of 2014 (Perry).

All in all, the students in New Orleans continue to show significant improvement on state standardized tests, the ACT, and graduation rates (*The State of Public Education in New Orleans*). And, these numbers are increasing every year. African Americans, specifically, are experiencing notable gains. In 2011, fifty-three percent of African-Americans in New Orleans passed the state's standardized tests. This was the first year that this percentage was higher than the state's African American passage rate (*The State of Public Education in New Orleans*). New Orleans, however, is still one of the lowest performing districts in the state.

CHAPTER FIVE

Act Thirty-Five and Black Politics

Thus far, this report has demonstrated that school choice initiatives were not a novel idea created in the aftermath of Hurricane Katrina. Before the storm, many black elected officials and advocates had voted against all attempts that tried to divert Orleans Parish from traditional public schooling (Newmark). In comparison to all the parishes in Louisiana, Orleans Parish was the biggest. It had the most students, and it oversaw one of the largest budgets (Newmark). Orleans Parish also homed the largest Teacher's union in the state. It was called the United Teachers of New Orleans (UTNO), and they were one of the first coalitions of teachers to win collective bargaining rights in the South. They were also the only teacher's union in Louisiana to hold this right (Newmark). This coalition was always ready to flood the state's capitol with phone calls and letters. And, this coalition helped to maintain the status quo for the public schools in Orleans Parish. What's more, fifteen percent of the Louisiana legislature represented Orleans parish. With fifteen seats in the state's House of Representatives and seven in the Senate, Orleans Parish School Board was the strongest board in the political arena (Newmark). For the longest time, the mere thought of school choice policies could not flow down the murky Mississippi River to reach New Orleans.

For example, in the 1990s the legislature attempted to hammer New Orleans with an omnibus education reform package. This proposal entailed charter schools, school accountability, and high-states testing (Henderson). The school board, teacher's union,

and city council, however, stood in solidarity. They vehemently opposed the changes and blocked all chances for reform.

Later in 2001, the University of New Orleans tried to create a charter school district. It proposed a plan that would have converted ten of New Orleans' public schools to charters, but the Orleans School Board and the formidable UTNO circumvented its efforts. The University of New Orleans could only create one charter school and disputes over teacher contracts stymied the school from opening (Henderson). The night after Hurricane Katrina, the political winds shifted. Governor Kathleen Blanco challenged Louisiana to reform its system of public education. She stated, "Tonight, I am calling on all Louisianans and all Americans to join an historic effort to build a world- class quality system of public education in New Orleans"(Henderson). Later, the Louisiana Legislature convened a special extraordinary session to do damage control; this initiated the age-old fight between Orleans Parish School board and some of the state's elected officials. New Orleans, however, came to the fight without many of its normal weapons. The strong UTNO was dismantled, and the city could not rely on local funding for schools (Henderson). Grant money from the No Child Left Behind Act solidified for reformers that public education in New Orleans was about to change course.

Louisiana's Legislative Act Thirty-five amended the Louisiana Constitution and privatized many of New Orleans' public schools. However, it was not supported by many of the African Americans in the State Legislature. Louisiana State Representative Carl N. Crane, a white democrat turned republican authored the bill. And, it purported to be a bipartisan effort. Crane had fifteen other co-authors; eleven were democrats and six

republicans. Representative Yvonne Dorsey Colomb and Representative Ann Duplessis, however, were the only African Americans who signed on to the bill. Although the democrats held the majority, HB 121 easily passed through the House with eighty-nine “yeas” and fourteen “nays.” Every “nay” vote, however, was from a member of the Louisiana Legislative Black Caucus. The Louisiana Senate saw similar results. The bill did not face much opposition. The Democrats held the majority, and the final vote was thirty-three “yeas” and four “nays.” As in the House, all of the “nay” votes were from Black Senators. Nevertheless, three Black Senators (Fields, Broome, and Duplessis) supported the measure.

Similar to the integrationists vs. nationalists, black elected officials in the 2005 Louisiana were divided. Representative Ann Duplessis quoted Malcolm X, when asked why she supported these school choice policies. She simply said, “By any means necessary”(DeBerry). The reforms in 2005 set the tone for even more school choice policies in the 2008 legislative session. Under the leadership of Republican Governor Bobby Jindal, the legislature passed Student Scholarships for Educational Excellence (Henderson). This was the state’s first voucher program, and it was written with New Orleans students in mind.

Education is power. And, one of the greatest injustices that can be committed against a people is to keep them uneducated. It is evident that prior to Hurricane Katrina, Orleans parish students were at a disadvantage. The corruption in the school board kept the members from finding ways to improve the state of public education in Orleans

Parish. With two-thirds of the district's schools being labeled "academically unacceptable," I believe it is shameful that officials were fighting to keep the status quo.

Equal opportunity does not guarantee that every student will have the same socioeconomic status, but equal opportunity does mean that every student should have the chance to fight for his or her desired status. Year after year, African American students were not being given this chance. Nevertheless, I do not believe that the new charter school system is without flaws. The school-to-prison pipeline is a harsh reality for students that cannot thrive under the charter school's zero-tolerance discipline policies. Everyone deserves a great education, even students who are harder to educate. Therefore, New Orleans public schools are still in need of reform. Regardless of which side on which you find yourself in the school choice debate, it is safe to say that these policies have at least opened up a discussion that demands everyone's attention. Education has the power to dismantle social structures and break the cycle of poverty. Until every child in America has access to a quality education, we need to continue to wrestle with these questions. Children have to live with the consequences of other people's decisions, and I do not want to see poor policy-making fail another generation of black students.

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