

INFORMATION TO USERS

This material was produced from a microfilm copy of the original document. While the most advanced technological means to photograph and reproduce this document have been used, the quality is heavily dependent upon the quality of the original submitted.

The following explanation of techniques is provided to help you understand markings or patterns which may appear on this reproduction.

1. The sign or "target" for pages apparently lacking from the document photographed is "Missing Page(s)". If it was possible to obtain the missing page(s) or section, they are spliced into the film along with adjacent pages. This may have necessitated cutting thru an image and duplicating adjacent pages to insure you complete continuity.
2. When an image on the film is obliterated with a large round black mark, it is an indication that the photographer suspected that the copy may have moved during exposure and thus cause a blurred image. You will find a good image of the page in the adjacent frame.
3. When a map, drawing or chart, etc., was part of the material being photographed the photographer followed a definite method in "sectioning" the material. It is customary to begin photoing at the upper left hand corner of a large sheet and to continue photoing from left to right in equal sections with a small overlap. If necessary, sectioning is continued again -- beginning below the first row and continuing on until complete.
4. The majority of users indicate that the textual content is of greatest value, however, a somewhat higher quality reproduction could be made from "photographs" if essential to the understanding of the dissertation. Silver prints of "photographs" may be ordered at additional charge by writing the Order Department, giving the catalog number, title, author and specific pages you wish reproduced.
5. PLEASE NOTE: Some pages may have indistinct print. Filmed as received.

Xerox University Microfilms

300 North Zeeb Road
Ann Arbor, Michigan 48106

75-23,141

FRANKLIN, Lewis Glenn, 1936-
DESEGREGATION AND THE RISE OF PRIVATE
EDUCATION.

The University of North Carolina at Greensboro,
Ed.D., 1975
Education, general

Xerox University Microfilms, Ann Arbor, Michigan 48106

DESEGREGATION AND THE RISE OF
PRIVATE EDUCATION

by

Lewis Glenn Franklin

A Dissertation Submitted to
the Faculty of the Graduate School at
The University of North Carolina at Greensboro
in Partial Fulfillment
of the Requirements for the Degree
Doctor of Education

Greensboro
1975

Approved by


Dissertation Advisor

APPROVAL PAGE

This dissertation has been approved by the following committee of the Faculty of the Graduate School of The University of North Carolina at Greensboro.

Dissertation Advisor

Joseph E. Bryson

Oral Examination
Committee Members

R. H. Nelson

Donald W. Kessell

E. M. Rallings

William Roland

April 8 1975
Date of Examination

ABSTRACT

FRANKLIN, LEWIS GLENN. Desegregation and The Rise of Private Education. (1975) Directed by: Dr. Joseph E. Bryson. Pp. 208.

This study is an attempt to investigate several aspects of private education in relation to desegregation in the nation, the eleven Southern states, and North Carolina. The history of private schools and the evolution of the Southern academies are examined along with the alternative schools which have been proposed since the Brown decision of 1954 and the initiation of forced busing. The use of busing in the past on the national level in general and in North Carolina in particular is reviewed. It is shown that since forced busing is controversial, it often obscures the fact that the busing of students did not originate with desegregation efforts. The history of court decisions and legislation which first supported and then ruled segregation in the schools as unconstitutional is treated.

An analysis of a questionnaire sent to the eleven Southern states' public school superintendents on the increase in non-public schools reveals a lack in these states of accurate and extensive information concerning private schools. This underscores the fact that there is little governmental regulation of private education in this region. North Carolina has more controls than any other state surveyed, and an in-depth study of the rise in non-public schools in this state from 1954 to 1974 is undertaken. A questionnaire sent to all non-public

schools in the state was returned by 174 of 261 schools. An evaluation of the questionnaire shows among the findings the following: there was a significant increase in the number of private schools organized since 1968 in spite of a decrease in enrollment, approximately 3 percent of the students in the reporting schools are Negro, almost no involvement exists between the non-public schools and the local public school boards of education and superintendents, and only a small number of private schools are accredited by the state and/or the Southern Association of Colleges and Schools.

ACKNOWLEDGMENTS

The author wishes to express his most sincere appreciation to his committee chairman, Dr. Joseph E. Bryson. Additional thanks are extended to the other committee members who aided in the study, Dr. Donald W. Russell, Dr. E. William Noland, Dr. Roland H. Nelson, and Dr. E. M. Rallings.

TABLE OF CONTENTS

	Page
APPROVAL PAGE	ii
ACKNOWLEDGMENTS	iii
TABLE OF CONTENTS	iv
LIST OF TABLES	vii
 CHAPTER	
I. INTRODUCTION	1
THE PROBLEM	3
IMPORTANCE OF THE STUDY	3
SCOPE OF THE STUDY	5
II. THE EVOLUTION OF THE PRIVATE SCHOOL	6
Female Education	10
Progressivism In Education	14
Country Day Schools	15
The Alternative School Movement Since The Brown Decision	17
III. FORCED BUSING AND THE RISE OF PRIVATE EDUCATION	22
Busing As It Has Been Instituted In North Carolina and The Nation	23
Opposition to Busing	27
Pro-Busing or Anti-Busing?	32
ALTERNATIVES	43
IV. MAJOR COURT DECISIONS CONCERNING SCHOOL DESEGREGATION	54
V. STATE REGULATIONS OF THE NON-PUBLIC SCHOOLS IN THE SOUTHERN STATES AND THE NATION	74
THE SOUTHERN STATES	84
Tennessee	85
Louisiana	85
Kentucky	85

CHAPTER	Page
Florida	89
Texas	89
South Carolina	93
Alabama	93
Georgia	96
Virginia	96
Mississippi	98
Other Sources of Information	98
The Overall Decrease in Non-Public School Enrollment	99
 VI. PRIVATE EDUCATION IN NORTH CAROLINA	 102
Accreditation In North Carolina	105
Standards For Non-Public Schools	105
The Situation in North Carolina	108
Non-Public School Enrollment	110
Tax Exempt Status	111
Non-Public Curricula	115
114 Non-Public Schools Offer Foreign Languages	116
Legislative Study Commission	116
Analysis of Individual Private Schools In North Carolina	118
Organization of Schools	119
Rationale For Organization	120
Administration	124
Governing and Policy-Making Boards	126
Church Affiliation	126
Students and Faculty	129
School Facilities	131
Original Construction	134
Recognition by North Carolina Department of Public Instruction	136
Recognition by the Southern Association.	138
Local Public School Board and Superintendent Involvement	138
Transportation of Students	141
Ownership of Buses	144
 VII. SUMMARY, CONCLUSIONS AND RECOMMENDATIONS ...	 146
SUMMARY	146
CONCLUSIONS	151
RECOMMENDATIONS	154
 BIBLIOGRAPHY	 155

APPENDIXES	Page
A. Letter To State Public School Superintendents ..	160
B. Letters From State Public School Superintendents	162
C. Questionnaire, State Public School Superintendents	178
D. South Carolina Private School Report	181
E. Standards For Approved Non-Public Schools Plus The Sections of The Public School Laws of North Carolina Relating to Non-Public Schools	183
F. Non-Public School Formation Report	190
G. Non-Public School Annual Report	192
H. Form 441-C	194
I. Non-Public School Curriculum	196
J. Letter To Non-Public Schools	203
K. Questionnaire, North Carolina Non-Public Schools	205
L. Letter From Texas Education Agency	209

LIST OF TABLES

Table	Page
1. Louisiana Non-Public Schools	86
2. Louisiana Non-Public School Data	87
3. Summary of Louisiana Non-Public Schools Registration	88
4. Florida Non-Public Schools	90
5. Texas Non-Public Schools	91
6. Texas Non-Public Schools - Church Affiliation	92
7. South Carolina Non-Public Schools	94
8. Alabama Non-Public Schools	95
9. Georgia Non-Public Schools	97
10. Elementary and Secondary School Enrollment In the United States, 1949-1970	100
11. Certification Level, Public Schools Classroom Teachers	103
12. Non-Public Schools - Teacher Certification	104
13. North Carolina Non-Public School Enrollment	112
14. Counties with Non-Public School Enrollments in Excess of One Thousand	113
15. Number of Non-Public Schools Organized by Year ...	121
16. Rationale for Organization of Non-Public Schools	122
17. Administration of Non-Public Schools	125
18. Schools with Policy-making Governing Boards	127
19. Non-Public Schools with Church Affiliation	128
20. Non-Public School Enrollments and Faculty Totals	130

Table	Page
21. Unapproved Schools	132
22. Types of Facilities Used by Non-Public Schools	133
23. Facilities Originally Constructed for Use as Non-Public Schools	135
24. Recognition of Non-Public Schools by the North Carolina Department of Public Instruction	137
25. Recognition of Non-Public Schools by the Southern Association	139
26. Involvement of Non-Public Schools with Local Public School Superintendents and School Systems	140
27. How Non-Public School Students are Transported to School	143
28. Buses Owned or Operated by Non-Public Schools	145

CHAPTER I

INTRODUCTION

The need for education in America is advocated differently by various groups and individuals although it is considered of utmost importance to most Americans. A general opinion of the need for education is that "education in a democratic society must equip the children of the nation to realize their potential and to participate fully in American life."¹ The majority of Americans would agree with this generalization. The dissension lies in the interpretation of "American life."

Educators all over America contend that they are placing the child first in their efforts, yet these educators differ on what the best interest of the child is. Thus we have public schools established according to the Fourteenth Amendment which provides, along with the Civil Rights Act of 1964, the opportunity of free public education for all children. The majority of Americans support public schools with their attendance, although there is growing dissatisfaction with their philosophies and policies. Sam Gompers, referring to public education eighty years ago said, "We want more school houses and less jails, more books and less arsenals, more

¹U. S. Riot Commission, Report of the National Advisory Commission on Civil Disorders (New York: Bantam Books, Inc., 1968), pp. 2-10.

learning and less riots, more constant work and less crime, more leisure and less greed, more justice and less revenge."²

Terry Herndon, National Education Association Executive Secretary, contends that so few changes have occurred in eight decades that Gompers' statement is currently relevant in its entirety. Herndon supported his opinion in the following way:

Schools still are underfinanced, while years of war have sapped our fiscal resources. Obsolete and under-equipped schools linger on, while our arsenals are reoutfitted with more sophisticated instruments of death. Gifted teachers look for work, while other people are unemployed for lack of education. Vice and crime thrive in an anxious society, while governments respond as though benign neglect might resolve injustice and accountability might make schools more humane.³

There are many religious groups who operate non-public schools according to their religious codes. Many such parochial schools have long been established, and a great number of them are recognized for their academic excellence. Their organization on the whole has not been hasty nor planned in bitterness.

Also private institutions have always had their place with aristocrats in America. Academies have been established for many decades for the elite. It was, and still is to a lesser degree, very fashionable to send one's children to a private institution. These are patronized mainly by the upper class because only they can afford the high tuition rates.

²Terry Herndon, "A New Light on the Political Scene," Today's Education, National Education Association of the United States, November, December, 1973, p. 7.

³Ibid.

Recently, in the last decade or so, another type of private institution has developed in America. These non-public schools are organized similarly to public schools. Their operation is funded by tuition and contributions and is supported basically by lower middle class whites.

I. THE PROBLEM

Private education has been with us since the earliest days of our history. However, since the Brown decision in 1954 and the Civil Rights Act in 1964, there has been a rapid increase in the numbers of a particular segment of private education - the so-called Southern academies.

The purpose of this study was to investigate the possibility that there is a direct relationship between court decisions and legislation involving desegregation, and the increase in the number of private schools.

II. IMPORTANCE OF STUDY

These are certainly times of great unrest in our public schools. This unrest has been caused by a multiplicity of factors, but primarily because of court-ordered desegregation and busing. As a result of school desegregation, many people have fled their neighborhoods and sought residence elsewhere. These people have moved to the suburbs where there are few Negroes, in order that their children might attend schools with little or no integration. This situation was not allowed to persist, however, as the courts have reached out to encompass

them once again with court ordered busing. This turn of events has caused unrest and rioting in many of our major cities. Many public schools have been closed because it was considered unsafe for them to remain open. Innumerable people feel that the proper action is to forsake public education and seek sanctuary elsewhere. Many parents are committed enough to the idea of private education that they do pay the extra costs. Today the enrollments in private schools are approximately 11 percent of the total student population.⁴

To this date there has been no comprehensive study of the private schools in North Carolina. Due to the fact that the state is limited in its authority over private education, there is very little information available anywhere, even in the government office responsible for non-public schools in North Carolina. As a result, very little has been written concerning conditions in non-public schools.

It was learned during the course of research for this study, that there is a tremendous amount of interest in private schools. However, while the interest is there, there is an almost complete dearth of facts and information concerning private education. There are those who are interested and concerned, not only because of their agreement or disagreement

⁴Otto F. Kraushaar, American Non-Public Schools, Patterns of Diversity (Baltimore: The John Hopkins University Press, 1972), p. 14.

with the philosophy or rationale for organization of non-public schools, but because they fear taxes will be increased as a result of aid to private education.

This study might be utilized by those who are seeking more factual information concerning private education. The study might be of benefit to those directly involved in private education as well.

III. SCOPE OF THE STUDY

This study is an investigation of private education at the regional and state levels. An overview of private education at the national and regional levels is presented plus an in-depth analysis of private education in North Carolina. This was accomplished through the utilization of questionnaires, a review of the appropriate literature, and research of key landmark court decisions.

Questionnaires were sent to the eleven Southern states' public school superintendents and to the headmasters or principals of the 268 private schools in North Carolina. Twenty-five of these 268 private schools are unapproved by the North Carolina Department of Public Instruction. Identical questionnaires, with separate codes, were sent to the approved and unapproved schools. This was done to facilitate comparison of the responses.

CHAPTER II

THE EVOLUTION OF THE PRIVATE SCHOOL

The earliest schools founded in our country were the results of efforts of individuals who were intensely independent. These schools were developed to give particular kinds of training or to serve some particular need the community might have. The first schools were classified as private; however, they could have been called public in that anyone who could afford the price was admitted. In fact some of them, such as the Roxbury Latin School, founded in 1645, were called public schools.⁵ Although schools were established to meet certain requirements of the day, many of them were able to change with the times and have survived to the present.

During early development, the church and school went hand in hand. Whenever a church was established, usually a school was started thereafter. This was almost invariably true of Presbyterians and to a large extent of Lutherans. Usually the preacher was the teacher; however, if he was not educated, then the person who served as lay reader became the teacher.⁶

⁵Ernest Barrett Chamberlain, Our Independent Schools (New York: American Book Company, 1944), p. 42.

⁶Charles Lee Raper, The Church and Private Schools of North Carolina (Greensboro: Joseph J. Stone, Book and Job Printer, 1898), pp. 157-58.

Looking objectively at the nature of these early schools, one would have to conclude that they were more private than public. Even though the schools were open to anyone, most people could not afford the tuition. The early Latin schools were not intended to provide a general education for all. They were intended to provide a classical curriculum for the few who could afford to pay the tuition to enter Harvard College. Those who entered could expect an education which would prepare them for public service or for the life of a well-bred gentleman.⁷

During the Colonial Period there were several kinds of schools: private, public and combinations of the two. These schools were available, for the most part, to children who lived where there was a large concentration of population. There was little or no education available to those children who lived in rural, sparsely populated areas. Even when schooling was available in these areas, it was little more than an introduction to learning.⁸

North Carolina took almost no interest in schools until the University of North Carolina was chartered on December 11, 1789, and was opened in February, 1795. At this time there was not a single public school in existence in the state.

Education was slow in coming to North Carolina primarily as a result of sparse population. In 1728, when the province

⁷Kraushaar, op. cit., p. 58.

⁸Ibid.

reverted to the Crown, there were about ten thousand people. By 1752, the number had only increased to about fifty thousand.

The population had increased by 1790 to more than 393,000. With this influx of people came new ideas on education. The Scotch-Irish Presbyterians came in large numbers and brought with them more practical ideas concerning religion and culture. The Presbyterians were leaders of intellectual and religious growth during the latter half of the eighteenth century.

An elementary education at this time was generally available even if it was rudimentary. The real problem lay with the fact that there were very few secondary schools. Those that existed were located in the more thickly settled areas. There were several choices available to the late eighteenth century boy in preparing for college. He could have a private tutor in the classics and math, attend a private or town Latin Grammar school, or he could enroll at a college such as Princeton, Columbia or Pennsylvania in what was called a preparatory department.⁹ Many of the wealthy people, particularly the Southern planters, sent their children back to England for their schooling.

Academies were established to fill the void at the secondary level. The middle class Americans began to demand schools for their children who needed practical and technical

⁹Ibid.

training to prepare them for a trade. One of the first of these academies was Benjamin Franklin's Public Academy in the city of Philadelphia.¹⁰ Franklin was one of the first to recognize that the classical curriculum of the Latin Grammar schools was not suited to the demands of the expanding and dynamic world of the eighteenth century. As Franklin saw it, there was a need for a broad general education that would be useful and would enable young people to take advantage of new opportunities available. In his "Proposals Relating to the Education of Youth in Pennsylvania and Idea of the English School," Franklin proposed a plan that would make education available through a formalized, systematic method. Franklin said:

As to their studies it would be well if they could be taught everything that is useful, and everything that is ornamental. But art is long and time is short. It is, therefore, proposed that they learn those things that are likely to be most useful and more ornamental, regard being had to the several professions for which they are intended.¹¹

The first boarding school of the academy type was established in South Byfield, Massachusetts, on March 1, 1763, and was known as the Dummer School. The school is known today as the Governor Dummer School.¹² Two graduates of the Dummer School, Samuel Phillips, Jr. and Eliphalet Pearson, founded Phillips Academy at Andover, Massachusetts in 1778. It survives

¹⁰Chamberlain, op. cit., p. 48.

¹¹Ibid.

¹²Kraushaar, op. cit., p. 62.

and today is known as Andover Academy.¹³ In 1781, John Phillips, an uncle of Samuel, founded the Phillips Exeter Academy in Exeter, New Hampshire.¹⁴

The corporate form of organization which was adopted by Andover and Exeter is still followed today by independent boarding and day schools. The schools were incorporated by the state legislatures. Control of the schools was vested in a self-perpetuating board of trustees thereby assuring permanence and stability. This proved an effective way for the state to encourage the spread of education while at the same time retaining some control.

These schools were typical of good academies, in that they were endowed to some degree and had self-perpetuating boards of trustees. The academies prospered to such an extent that by 1850 there were 6,085 with 12,260 teachers and an enrollment of 263,096 pupils.¹⁵ This prosperity continued until after the Civil War when the academies began closing or merging with public high schools.

Female Education

Education for females during the Colonial Period was considered by most to be frivolous; many felt that there was no need for an education to be a housewife. There were a few who were beginning to think otherwise, however, and schools for girls began springing up.

¹⁴Ibid.

¹⁵Chamberlain, loc. cit.

In the beginning of the nineteenth century, there was divided opinion concerning the purpose of women's education. There was very little public education, and independent schools were enrolling most of the secondary students. There was one group which wanted colleges for women just like those for men. This group was headed by Catherine Beecher. There was another faction which simply wanted to reform the seminary and change the curriculum so that it would be more substantial and beneficial to women seeking an education. The leader of this group was Emma Willard, probably the all-time champion of women's education. Until Emma Willard proposed her curriculum which she termed "solid and useful," the female seminaries were of the finishing school type, stressing dancing, good carriage, how to be seated and rise properly, diction and voice control.

In 1814, Emma Willard opened a school for girls which provided an education equal to that provided for men. This was revolutionary thinking at a time when most people, including many women, thought the woman's place was in the home. In 1821, she founded the Troy Female Seminary at Troy, New York. From the very beginning the school offered Latin, algebra, geometry, astronomy, zoology, theology, rhetoric, literature, and history.¹⁶

One of the public benefits of an education such as that advocated by Mrs. Willard was that it would equip young women for careers in teaching. Her concern for the preparation of

¹⁶Ibid., p. 70.

teachers became one of her dominant interests. She furthered this interest through lectures and writing. Many of her books were used as texts in both private and public schools. Primarily because of her influence, the female seminary became the forerunner of the "normal schools" of later times.¹⁷

At this time, public high schools were beginning to be established, and in the post-Civil War years public education really began to expand. Also, these were times of severe depressions in the 1870's and 1890's and many academies buckled under the impact of new public schools.

The private schools continued to develop, but no one type of school was dominant over the others. However, classical tradition and the goal of college were still considered of utmost importance in both public and private schools.¹⁸

Today the fact that most boarding schools are devoted to preparing for college makes for considerable uniformity among them. The independent day school, on the other hand, is truly diverse in nature because of the large number of elementary schools. Colleges and universities, for the most part, have about the same requirements for admission, thereby making it almost mandatory that boarding schools offer a curriculum that will allow graduates to meet the requirements. The elementary school, on the other hand, is not restricted by any such constraints; there is to be found among them a great diversity

¹⁷Ibid.

¹⁸Chamberlain, op. cit., p. 54.

in educational philosophy, goals and teaching methods. Also, it is much easier to organize an elementary school than a high school. It is not inconceivable that a perfectly good elementary school could be organized around one excellent teacher. It would be much more difficult to organize a secondary school in the same way because of costly laboratories, libraries and other equipment that would be necessary to provide a sound program.

The history of the modern day school can be traced to the proprietary town and church schools in the Colonial Period. From the earliest times the child's whole education was not expected to be provided by the school. It was understood that he would get the basics in the classroom and the remainder would be provided by the home, church and community.

Times changed, however, and the school was expected to play an ever increasing role. There was no misunderstanding as to the roles of church and Latin Grammar schools. The church schools were to teach children to read so that they might be able to read the Bible and to combat pauperism and destitution. The grammar schools, with their classical curriculums, were to prepare their graduates for a life of public service and for the professions. That brings us to the preparatory schools. These schools were the result of individuals who simply decided to open schools and teach whatever anyone wanted to learn. Many girls, who were not admitted to the schools for boys only,

took advantage of preparatory schools. These schools grew rapidly in number and played an important role in education during the half century preceding the Revolution.¹⁹

During the latter half of the nineteenth century, academies along with the preparatory schools began to disappear. Some of them tried to change with the times and became boarding schools. Others changed into high schools or colleges. There are a few which remain even today as public high schools under private management. The Norwich Free Academy in Norwich, Connecticut, is one, and there are others scattered over Maine, New Hampshire and Vermont. The academy at Norwich was founded in 1856, due to the fact that public education in Connecticut was in a sad state at the time. It has continued to prosper. It is governed by a self-perpetuating board of trustees and serves as the local high school for Norwich and six neighboring towns. During the 1968-69 school year, the town of Norwich paid \$727 for each enrollee and the neighboring towns paid eight hundred dollars. The academy enrolled 3,100 students during the 1968-69 school year.²⁰

Progressivism in Education

With the coming of public education, new ideas concerning the instruction of children arose. Primarily because of the theories of one man, John Dewey, those in education

¹⁹Kraushaar, op. cit., p. 75.

²⁰Ibid.

began a serious reevaluation. American public education began embracing Dewey's "progressive" methods of teaching the child, not the subject, of setting up experience as the supreme criterion, and of judging valid methods by their consequences.

Public schools were by no means by themselves in utilizing the "progressive" ideas of Dewey. Private schools were among the leaders in the movement. Lawrence Cremin's The Transformation of The School²¹ is an excellent account of how the schools, both private and public, were drawn into the movement. Cremin tells how change came about in the years following the Civil War, how intellectuals and those in the teaching profession utilized Dewey's "progressive" methods after the turn of the twentieth century, and how the movement collapsed during the 1950's because of its failure to keep pace with the continuing transformation of the American society. But, whatever the fate of progressivism, it did bring some enlightenment into the classroom by introducing a new system of education which had some relevance to the child's emotional and intellectual development.

• Country Day Schools

Just before the turn of the century, another new idea came into being; this was the country day school. The first country day school opened in 1897.²² There were very few of

²¹Alfred A. Knopf, Inc., New York: 1961.

²²Chamberlain, op. cit., p. 57.

these schools, however, before the second decade of the twentieth century. One real factor in the movement towards day schools was the overcrowding in public schools. There were many who thought that not enough individual attention was being given in public schools and that youth were being corrupted by the vices to which they were exposed in the cities. The motivating idea of the country day school was to allow an opportunity for a child to benefit from a sound, more individualized approach to education, taking advantage of the country life and fresh air to be had away from the vice-laden city. The Gilman School, in Baltimore, Maryland, was the first of this kind.²³ The idea was to utilize the best features of the boarding school, while at the same time maintaining the closeness of family ties by the students, all of them boys, remaining at home during evenings and weekends.

At the beginning of the country day school movement, one important concept was for the school to be in the country. However, as cities grew, many times the schools became enclosed by the city.

Some country day schools are still in existence. Their main effect on American education is the fact that they often have been used as a pattern for the present day Southern academy.

²³Ibid., p. 60.

The Alternative School Movement Since The Brown Decision

In Prince Edward County, Virginia, the public school system was literally closed down to avoid integration with Negroes.²⁴ In its efforts against integration, the Board of Education of Prince Edward County held to massive resistance. Rather than face a court order to desegregate public schools, citizens chose to shut them down.²⁵ On June 2, 1959, the Board of Supervisors of Prince Edward County announced that it chose not to appropriate money to operate public schools for the coming year. The following statement was issued:

The action taken today . . . has been determined upon, only, after the most careful and deliberate study over the long period of years since the schools in the county were first brought under the force of federal court decree. It is with the most profound regret that we have been compelled to take this action . . . it is the fervent hope of this board . . . that we may in due time be able to resume the operations of public schools in this county upon a basis acceptable to all the people of the county.²⁶

Schools were completely abandoned. Beginning in September, 1959, all White children began attending private schools which had been hastily set up for them. Therefore, Negroes in the county were told that if they wanted their children to go to school, their only recourse was to set up schools of their own.²⁷

²⁴Ibid.

²⁵Bob Smith, They Closed Their Schools (Chapel Hill: University of North Carolina Press, 1965), p. 102.

²⁶Ibid.

²⁷Ibid.

The Prince Edward School Foundation sponsored classes for the county's White Children.²⁸ There was very little school attendance by Negro children. There was, however, partial attendance by a few Negroes at a small number of what were referred to as "training centers." Most of the county's Negro children received no more formal education until the Prince Edward Free School Association was established in 1963.²⁹

In 1959-60, during the first year of operation, the Prince Edward School Foundation was financed solely through contributions. The following year a tuition was charged. The parents, however, were reimbursed through state and local grants. The county grant for the 1960-61 school session was \$100 per student. In addition to this, citizens of the county received real estate and personal property tax credits up to 25 percent of the amount due for any contributions made to the foundation.³⁰

With this turn of events, parents of Negro children decided that their only recourse was in the courts. In August 1961, United States District Judge, Oren R. Lewis, held that tuition grants and tax credits could not be given as long as the public schools remained closed. The Virginia Court of Appeals later ruled that the state had no constitutional duty to offer public education in every county and city.³¹

²⁸Bob Smith, The Making of Massive Resistance (Chapel Hill: University of North Carolina Press, 1964), pp. 210-13.

²⁹Ibid.

³⁰Ibid.

³¹Ibid.

On May 25, 1964, the United States Supreme Court ordered that a decree be entered which would guarantee public education for Negroes in Prince Edward County.³² The Prince Edward County Board of Supervisors voted, four to two, to comply with the Supreme Court to re-open the public schools.

When the public schools began to re-open, they quickly gained more students than their private rivals. At the same time segregationist academies began to acquire real estate for school construction and indicated that they intended to become permanent.

Only the private school, Mosby Academy, in Warren County, rivaled the public school in attendance. There were 435 students enrolled at Mosby and an approximately equal number in Warren County High School. The other academies, for the most part, continued to be small in enrollment.³³

One theory for the large private school enrollment in Warren County was that their public schools had become labeled as the boycott center and leader of agitation. Warren County had made sensational headlines as the scene of the first school closing. Many people took pride in "its martyrdom and its dubious glory as a bulwark of state rights."³⁴ Also, with the closing of its schools, Warren County had developed an elaborate organization of private schools and was somewhat

³²Griffin v. County School Board of Prince Edward County, 377 U. S. 918 (1964).

³³Benjamin Muse, Virginia's Massive Resistance (Bloomington: Indiana University Press, 1968), p. 157.

³⁴Ibid., pp. 157-8.

reluctant to abandon them.

Many segregated academies were financially going concerns with heavy financial backers. The Warren County Local Textile Workers' Union of America ran into trouble when it voted to buy eight thousand dollars in bonds to help finance new private school construction. The union's national headquarters frowned on such segregationist activity. They came in, removed the local officers and froze the local's assets.³⁵ However, there were many others who eagerly picked up the financial slack. As long as emotions ran high, money was not a problem.

At first the White Citizens' Councils took direction from Prince Edward County. Very shortly, however, the Citizens' Councils of America, with headquarters in Jackson, Mississippi, began giving the lessons.³⁶

The private school movement spread sporadically between 1964 and 1969. The movement was much stronger in some states than others. For example, there was a strong movement in South Carolina and Louisiana, but not in Georgia and Alabama.

Since the courts and subsequent legislative action began calling for immediate full integration, the private school movement has been growing so fast that it is difficult for anyone to keep an accurate account of it.

³⁵Ibid.

³⁶Reese Cleghorn, et. al., "Segregation Academies: The Old South Tries Again," Saturday Review, May 16, 1970, p. 76.

In Mississippi a private school has sprung up in almost every county where substantial desegregation has begun. In 1971, the Southern Regional Council estimated there were three hundred thousand students attending segregated private schools in the eleven Southern states. This figure includes the older schools. This is approximately ten times as many as before the 1964 Civil Rights Act. The Council is now revising its figures upward to five hundred thousand or more.³⁷

There is virtually no limit to the variety of private schools that have sprung up over the years and are still springing up today. The form that these schools generally take usually depends upon the special needs and purposes of those whom it is intended to serve, the amount of funding available, and the personal philosophy of its founders. Many of these schools show up in all sorts of unlikely places: abandoned warehouses, barns, deserted churches, basements of active churches, and private homes of teachers or parents. Some of them are completely original and others pattern themselves after schools already in existence. But no matter what their pattern of organization, the fact remains that academies are coming into being at a very rapid pace.

³⁷Ibid.

CHAPTER III

FORCED BUSING AND THE RISE
OF PRIVATE EDUCATION

"Let them send their damn buses; no kid of mine'll ever ride 'em. Not if I have to get out there and stop those buses myself. No one has a right to tell me what I can do with my kids. We made 'em, we had 'em, we support 'em, and we're entitled to do what we want with 'em."³⁸

The above statement was made by a leading opponent of forced busing in the Richmond, California Unified School District. This is a good example of the attitudes of many Whites concerning the busing of school children for racial balance. Hardly ever is race mentioned when busing is the central issue. Usually the arguments against busing include such disadvantages as "it's much more expensive and we need to spend the money for more pressing needs" or "it's too dangerous having to ride a bus for a long distance out of the community." Yet the question that comes to mind at this time is why, all of a sudden, has the controversy over busing come about when there has been busing of children for many years?

The opponents of forced busing are a diversified group. They have many different reasons for opposition to busing.

³⁸Lillian B. Rubin, Busing and Backlash (Berkeley: University of California Press, 1972), p. 3.

Racial balance is not the only criterion for forced busing, therefore, the opponents of forced busing are not always acting as racists attempting to prevent desegregation. Busing as a part of the school organization has caused some people to feel that the school is being used as a social tool.³⁹ Still others contend that those who promote forced busing are concerned with separating the child from his parents, eventually diminishing parental control and active parental influence. But for those whose main concern is civil rights, busing is used primarily for racial balance.

Many parents have become convinced that their only recourse, if they are to maintain parental control over the destiny of their children, is to seek alternative schooling. If they are not to be allowed to choose the public schools their children attend, the only solution to their problem is to withdraw them from the system. These parents are most adamant in their opinions against forced busing and are willing to make sacrifices, both financial and other, in support of their opinions.

Busing As It Has Been Instituted in North Carolina and The Nation

By order of Public School Law 115-180, authority of county and city boards of education is as follows:

Each county board of education, and each city board of education is hereby authorized, but

³⁹Rosemary Gunning, "Busing Versus The Neighborhood School," Urban Review, VI (Summer, 1972), 2-5.

not required, to acquire, own and operate school buses for the transportation of pupils enrolled in the public schools of such county or city administrative unit and of persons employed in the operation of such schools within the limitations set forth in this sub-chapter. Each such board may operate such buses to and from such of the schools within the county or city administrative unit, and in such number, as the board shall from time to time find practicable and appropriate for the safe, orderly and efficient transportation of such pupils and employees to such schools.⁴⁰

There have been several court cases concerning the transportation of children in North Carolina. Plaintiffs have tried to determine if the State can legally be forced to transport all or part of the pupils to and from school. It has been determined that a school system may offer transportation if it so desires, but it is not mandatory. Public School Law 115-186 states:

Relief from providing transportation should not be construed as prohibition against providing it. It merely relieves the City Boards of any duty to provide transportation and cannot be construed as a prohibition against providing it, especially in the face of this section which to the City Boards, without limitation, the authority to operate transportation systems.⁴¹

The sole responsibility for the operation lies with the local boards of education. The General Assembly in the court case Brown V. Charlotte-Mecklenburg Board of Education⁴² relieved the State Board of Education from all responsibility in connection with the operation and control of school buses.

⁴⁰North Carolina Public School Laws, (Charlottesville, Virginia: The Michie Company, 1971), p. 136.

⁴¹Ibid., p. 143.

⁴²Ibid., p. 137.

It was also stated in Styers v. Phillips⁴³ that it was solely at the discretion of any board of education whether or not it shall operate a bus transportation system.

A different viewpoint as to the usage of school buses was given in the Swann case.⁴⁴ The Court said school boards have the power to use school buses for all legitimate purposes and that school buses can be used to provide the flexibility and economy necessary to desegregate the schools.

The Supreme Court further stated the school board is free and encouraged to use school buses or other public transportation and to use mobile classrooms, as needed, to provide equal opportunity in education.

The Court also gave its view concerning the transportation of students under desegregation plans which included retaining the freedom of choice clause:

If freedom of choice is retained in a desegregation plan, it should include provisions for transportation free for any student who requests transfer out of a school where his race is in the majority, and to any school where his race is in the minority, and a means of insuring that all students have full and timely knowledge of the availability of such transportation.⁴⁵

Many opponents of busing have stated that busing for integration is expensive and those funds could better be used elsewhere. This has not been proven to be true in every case. In Alabama, for example, under 1 percent of the total

⁴³Ibid.

⁴⁴Swann v. Charlotte-Mecklenburg, 402 U. S. 1 (1971).

⁴⁵Ibid.

increased busing cost for the 1970-71 school year resulted from desegregation plans. Forty percent of the school children rode buses, but only 3 percent rode because of integration. Since Alabama desegregated, there has been less busing than when the schools were segregated.⁴⁶

Others have argued that forced integration by busing would lower academic standards of Whites, but this has not proven to be true. Four plans which involved the placing of non-White pupils in four predominantly White schools bear this out. These studies took place in Boston, Massachusetts; Rochester, New York; Hartford, Connecticut and White Plains, New York. Each plan had a basic similarity; non-White youngsters (mostly Negro, but some included Puerto Ricans) were placed in predominantly White schools.⁴⁷ Other studies reenforce the argument.

The White Plains plan called for the closing of a core city school and a dispersion of youngsters into elementary schools. This procedure contrasted with the Hartford plan where there were eight elementary schools containing twelve thousand students, 90 percent or more who were non-White. Therefore, closing schools and redrawing district lines would not work. The students were chosen by random selection from all segregated schools. In Boston

⁴⁶Bea Peck, "Yes, I'm For Busing School Children," Contemporary Education, XLIV (November, 1972), 123-4.

⁴⁷Thomas W. Mahan, "Busing of Students for Equal Opportunity," Journal of Negro Education, XXXVII (Summer, 1968), 291-300.

volunteers were solicited by use of newspapers, radio and television, and applicants were selected by interview. The plan in Rochester used selection by authorities.

The following are questions and answers which were instigated by the studies:

What would happen to the academic standard of White schools? This was carefully surveyed in two of the four programs - Hartford and White Plains. Both studies showed no evidence of drop in achievement of White students.

What was the impact of placement in a White or racially balanced school on the academic performance of Negro youth? Both groups showed an increase. The Hartford group IQ scores were increased by 6.5 points.⁴⁸

From the studies described above the following conclusions were drawn:

1. Busing was a logistically and economically feasible intervention for many cities.
2. There was no evidence to support claims of psychological trauma among the participants.
3. There was no evidence of student alienation from their own communities.
4. There was no evidence that the quality of education of Whites was lowered.
5. Negro pupils bused into the schools quickly assimilated socially. They appeared to hold their own in the area of peer group relationship.⁴⁹

Opposition to Busing

No one complains about busing when children are getting a better education as a result. But when it comes

⁴⁸Ibid.

⁴⁹Ibid.

to busing for racial integration, the cost involved, which is relatively small, is pointed to as money which should be spent for improving the education of minority children where they are now. Is this reviving the "separate but equal" which was supposed to have been laid to rest in the Brown case of 1954?

The attitude has been that when racial integration is the reason for busing, it is bad for children. It seems few stop to remember that at one time busing was reserved as an exclusive privilege of Whites. Had it not been for busing, dual systems and segregation could never have occurred.⁵⁰

Later, when members of the minority race were offered the opportunity to be bused, one Negro man remembered his early days in Tennessee.⁵¹ He recalls busing as arising in Winter months before daylight to prepare for a twenty mile bus ride to achieve segregation. At six he did not analyze why he rode twenty miles to a cold school without hot lunches. Lunch was left-overs from last night's supper. The two teachers were dedicated but had eight grade levels between them. They had very few materials with which to work. He accepted his situation and was happy with it as he rode past children who had to walk only a few minutes to school. He never was aware of the evils of busing and the torture he was going through.⁵²

⁵⁰Ibid.

⁵¹E. W. Nyquist, "Busing? The Real Issue in Social Integration," Educational Leadership, XXX (January, 1973), 302-9.

⁵²Miller W. Boyd, "Busing, The Other Side of The Coin," School and Community, LXI (March, 1973), 33.

Calvin Grieder says that we are engaged in several kinds of change of deep significance to educational control and finance since the advent of busing to achieve racial integration in the schools. Two of these changes are certain to have serious negative effects.⁵³

1. Consolidation of urban and suburban school districts, as in Detroit, Richmond and Washington.

2. Busing of elementary school pupils away from their neighborhood schools and other schools for the purpose of achieving racial balance.

Both lines of action are contrary to well-known and accepted findings of political science, sociology, public finance and educational administration.⁵⁴ Grieder says we have reached the point when further increase in size yields diseconomy, rather than economy; therefore, we should cut large systems into manageable wholes. He believes that the ideal system is from fifteen to twenty-five thousand in size and that forty to fifty thousand would be the absolute maximum.⁵⁵

For several generations cooperation between home and school has been important. When pupils are bused out, the home-school connections are broken. Cohesion and common interests that characterized the school community are destroyed.

The Charlotte-Mecklenburg case is a good example of how a school system and community has reaped positive results in the face of forced busing.

⁵³Calvin Grieder, "Courts Push Schools to Bigness and Busing," Nation's Schools, XCI (March, 1973), 14.

⁵⁴Ibid.

⁵⁵Ibid.

Two significant developments occurred in Charlotte-Mecklenburg as a result of busing.⁵⁶ In the area of human relationships, desegregation plans forced staffs of schools and citizens of communities to deal with their understanding of each other and to come to appreciate individuals as individuals and not groups. The development of such relations was not left to chance. A carefully conceived plan was utilized which included the following:

1. Extensive workshops were held for staff members.
2. Student communication groups were established.
3. Parents were involved in discussion groups.
4. Churches and other organized groups conducted similar activities.
5. The operating procedures within schools were changed to facilitate growth in human relationships.

Busing produced a second major development. School staffs and communities were able to see clearly deficiencies and weaknesses in the school programs. Prior to busing, the assumed homogeneity of pupils made it easy to obscure great differences in achievement in both academic and non-academic areas. The burden of change was so great even modest curriculum adjustment was difficult. Busing exposed these weaknesses and spurred the system and community to action. This action produced individualized instructional programs, remedial

⁵⁶R. C. Hanes, "Busing, If It Can Work Here," Educational Leadership, XXX (January, 1973), 305.

programs of all sorts, and new thrusts to make classroom activities more relevant to pupils.

There are some obvious disadvantages to busing which must be faced. Busing in some situations could prove to be expensive if more buses are required. These expenses would go, not only for initial purchase of the buses, but for operating costs as well. Transportation of students is one of the major costs of education; however, the added expense probably would not be as much as opponents of busing would like to think. In many cases the same number of buses will suffice. The opponents of busing also argue that funds spent for buses are not available for other pressing needs, and this often means that other physical changes which are expensive must be made.

Another problem caused by busing is that it creates confusion and division within the community. There are often negative attitudes towards schools which are reflected in loss of financial and moral support. The pupils and parents are inconvenienced by long bus rides, unusual class schedules and difficulty in participating in school activities beyond the regular day.

If one stops to analyze these reasons given by opponents of busing, it could be said that this is all true. However, the questionnaires returned by the non-public schools indicate that although the above reasons are given by many of their patrons, their ulterior motives lie elsewhere. The non-public school patrons list as some of their reasons: the added expense of busing, confusion and division in the community, and

inconvenience of long bus rides. Yet the majority of parents transport their children by automobile, in most cases miles from their communities, where the identical problems are created that they list as reasons for choosing a non-public school.

One official, R. C. Hanes, thinks the problem of public school busing in Charlotte-Mecklenburg is well under control. He has said, "Busing nevertheless, is a success in Charlotte-Mecklenburg. If it can work here, it can work anywhere in the nation."⁵⁷ Only time will reveal if Mr. Hanes' positive attitude is completely warranted. The success and ease with which the Charlotte-Mecklenburg system (after being compelled) pulled off its busing plan has not been enjoyed by some other school systems across the nation. Rioting and violence has plagued some systems attempting busing to the extent that interested groups in Boston, Massachusetts have sent a delegation of students to Mecklenburg County to discover why integration went so smoothly there when they have had so much difficulty at home.

Pro-Busing or Anti-Busing?

More than thirty years ago parents in rural America realized that their children were not receiving the best possible educational opportunities in their own neighborhood schools. Since that time more than 70 percent of the nation's schools have either consolidated or combined financial resources

⁵⁷Ibid.

and children.⁵⁸ Busing was necessary to meet this situation. In this case, rural busing was not opposed. Parents considered the change to be educationally beneficial, and it did not result in an increase in school costs.

Now that busing is a tool used to implement integration, it is seen as harmful, not educationally beneficial, and costly. Urban and suburban parents view busing as a reason for increasing their taxes and see no educational improvements evident.⁵⁹ The majority of White parents have been opposed to busing as compelled by law. Parents have had to enter Negro communities in order to drive children to school or to attend to business at the school. This has been hostile territory for them and makes for an uncomfortable feeling. White middle class parents were having to experience the same feelings of resentment and anxiety that minority parents had felt. White parents were beginning to experience a lack of trust and faith in the public school system. They were no longer certain of the future of their children. The world was no longer settled and predictable.⁶⁰

An article appeared in the Raleigh Times on July 17, 1974, that announced the opening of a new private school. This article described why the school was being opened, who would

⁵⁸Muriel Parkin Carrison, "Why Is There Polarization of Attitudes?" The Education Digest, XXXVIII (October, 1972), 2-5.

⁵⁹Ibid.

⁶⁰Kenneth B. Clark, "In The Matter of Busing," Urban Review, VI (Summer, 1972), 2-5.

attend and run it, and what the policies and curriculum would be. This seemed like a typical announcement of the opening of an academy until Roger E. Chalk, a board member, was quoted. Mr. Chalk stated in the interview that the prime reason for the school was to alleviate racial unrest in public schools. "We've had so much trouble with students and teachers here. It's going to be a good school. It is straightforward about its racial policies. We don't care to have coloreds in our school." The article also listed the area from which the majority of the students would come. The school is located near Youngsville; however, most of the students will travel from Wake Forest, Franklin, Louisburg, Bunn, Zebulon, Wendell and Wake Crossroads. The rationale for the organization of the school and the stated distances to be traveled by students are indications that being bused or traveling longer distances is a major concern only when a child is being bused to a school of which the parent disapproves.

Resentment towards court-ordered desegregation was mounting. The middle-class White parents were discouraged with judges who were handing down desegregation mandates. This resentment towards the courts and judges, and particularly the 1970 busing order in Charlotte, caused telephone threats to be made on the life of District Judge James B. McMillan. Judge McMillan's home was picketed, and his father's garage and service station in Mt. Gilead, North Carolina were burned in August, 1970. After the facility was rebuilt, it was burned again in January, 1971. In February, 1971, the offices of

the law firm that encouraged and supported the school and other desegregation cases were burned.⁶¹ These displays of violence and savagery were representative of the negative attitudes towards desegregation and forced busing in Charlotte-Mecklenburg.

Many of these people contended that they were not against integration, were not racists - but were against an excessive amount of busing.⁶² In North Carolina 54.9 percent of its children were riding buses daily in 1969-70. This figure represented the highest ratio of any state in the union. Groups such as the Concerned Parents Association felt they had legitimate reasons to protest the massive busing in North Carolina.⁶³

Paradoxically when children were questioned concerning busing, their attitudes did not necessarily reflect that of their parents. Those who were bused into ghettos said their only complaints were that the ride was too long, they had to get up too early, and they often had inadequate heating or a breakdown. However, they added a positive point. One young boy said, "I don't like the bus, I get headaches and all. But I like this school. So I don't mind riding the bus."⁶⁴ A sixth grade girl commented, "The bus is one of the best parts of school. We can talk about things. We keep it down to a steady roar."⁶⁵

⁶¹Pat Waters, "A Little Child Shall Lead Them," The South and Her Children (Atlanta: Southern Regional Council, Inc., 1971), p. 21.

⁶²Ibid., p. 22.

⁶³Ibid., p. 23.

⁶⁴Ibid., p. 24.

⁶⁵Ibid.

In contrast to the preceding student opinions is the opposition of the lower White working class. There are numerous poor White Americans who are often forgotten. These poor Whites, along with Negroes, Spanish-Americans, Asians, and native Americans, struggle with and against each other in the job market and for social placement. These groups are suspicious and apprehensive towards each other because they have to compete. Each group wants their children to do better than they have done. They feel that success in school is the way to achieve a successful career.

The poor and striving White parents realize their children are disadvantaged when compared to those children whose parents are professionals. Yet, these same disadvantaged children are advantaged by comparison with the children of Negroes, Mexican-Americans and Puerto Ricans. They perceive desegregation or busing for racial balance as a threat to obliterate that small advantage. They understand forced desegregation as a manipulation of their lives and their destinies. They feel that those who order desegregation are considered to be unconcerned with and unappreciative of their endeavors and their needs. Many poor blue-collar and white-collar Whites who disapprove of busing solely for racial purposes prefer their children go to a neighborhood school. They fear the violence, use of drugs and lack of discipline which they link with the Negro.

The general opinion has been that all Negroes want integration; however, this is not true. Many Negroes are vehement

in their anti-busing attitude. In East Talahatchie, Mississippi, in 1970, Negro students protested against the end to some school activities and against the busing system that placed a greater burden on them than on White students. A total of 125 Negro students were arrested and charged with trespassing and disturbing the peace.

Beaufort, South Carolina was the site of another case in which Negroes were against forced desegregation and busing. In Beaufort, the Negro community felt a strong allegiance to their high schools - especially Robert Smalls High School, named after a Negro hero of Union Forces who later served in the South Carolina Legislature and the United States Congress. They insisted on explanations as to why White students were not being bused from Beaufort High to their schools. The Negro community was bitter towards any plan to bus students from Robert Smalls High School.⁶⁶

Among other minority groups who were opposed to forced integration and busing were the Lumbee Indians in North Carolina and the Chinese on the West Coast. The Lumbee Indians in 1971 said they did not want to be lumped together with Negroes and non-Whites. The Lumbees opposed and resisted the Department of Health, Education and Welfare's desegregation plan. The Indians did not want to give up their schools.⁶⁷

⁶⁶ Muriam Wasserman, "Busing As A 'Cover Issue' - A Radical View," Urban Review, VI (Summer, 1972), 9.

⁶⁷ Paul M. Gaston, "The Region in Perspective," The South and Her Children (Atlanta: Southern Regional Council, Inc., 1971), p. 14.

In San Francisco, the children who were to be bused out of Chinatown in September, 1971, were kept out of public schools and sent to freedom schools created by and operated with the help of their parents. Many Chinese parents considered the Superintendent of Schools as the advocator of Negro integration. When he attended a meeting in Chinatown, he was chased out of the community.⁶⁸ The anti-busing supporters felt that busing would not make racism disappear, for it would be seen in other places.

Busing as a move towards equal educational opportunity still does have many Negro supporters. Those Negroes who favor busing do so because of the educational advantages it offers. As mentioned previously, tests have been administered in Boston, Massachusetts, Rochester, New York, Hartford, Connecticut and White Plains, New York. These tests see busing and integration as providing hope and motivation for further educational development. Busing has also proven to be logistically and economically feasible. Tests indicated that Negroes were quickly assimilated socially and that integration was more effective in primary grades.

In 1964, a young Negro student, who was among the first Negroes to attend an all White school in the Deep South under the "freedom of choice" plan, said that he had changed with the social changes he had had to make. He felt more motivation to live and to strive to achieve a successful and

⁶⁸Wasserman, op. cit., p. 8.

comfortable life. A new responsibility accompanied the new freedom. This student remarked that,

. . . you are actually a part of this great United States of America; you hold some might; there is now some opportunity and with this will and determination you are trying to establish yourself Negro adults have for so many years been stigmatized. We are going to make America the dream that they dreamed of.⁶⁹

A Negro male youth from Dorchester, Massachusetts was quizzed about busing and integration. Ronnie Harmwood was bused into White schools under the sponsorship of the Metropolitan Council for Educational Opportunity (METCO). Ronnie said that METCO had made a man of him. He said:

. . . I wasn't doing anything in my old school that amounted to anything. Nothing. When I came out here I saw the world a whole different way. They care about us out here You get a better start out here⁷⁰

Educators have not taken a leadership role in desegregation as parents and students of both races, the courts and the government have done. Fred Hechinger, of the New York Times, publicly pointed out the lack of active educational leadership in the Civil Rights issue.⁷¹ It seems that traditionally educators react to the pressures of society after a crisis is acute, rather than assume the leadership to avert a crisis.⁷² Administrators and educators can set

⁶⁹Ibid.

⁷⁰Ibid.

⁷¹Mahan, op. cit., pp. 291-300.

⁷²Thomas J. Cottle, "Big City Busing and The Golden Opportunity," Urban Review, VI (Summer, 1972), 26.

the stage for reactions if they so desire. J. Crockett Farrell, Superintendent of Schools in Florida, said, "But let us, as adults, remember our duty to uphold the law and to work constantly toward progress."⁷³

School boards in many areas have considered desegregation as merely a matter of business to which attention must be given. The question should not be whether you like it or not, but should we desegregate peacefully and orderly or cease to operate as public schools.⁷⁴

According to Sheldon Stoff, school principals must assume a personal responsibility to make desegregation and busing successful. He believes the principal should attempt to divert open opposition to busing and present it as a symbol of social change; the children need to be the issue rather than busing. "School is where the bus stops; the reason for the bus ride."⁷⁵ The principal and his effectiveness as a leader determine what happens when the bus line ends. The principal can "help heal our racial wounds or increase the infection."⁷⁶ Stoff thinks the principal must convince others that school is a social as well as academic center, and the education process must necessarily involve social and academic achievement.

⁷³ Wasserman, op. cit., p. 8.

⁷⁴ Fred M. Hechinger, "Failure Up Front," The New York Times, February, 23, 1964, p. E7.

⁷⁵ The Two Way Street (Indianapolis: David Stewart Publishing Co., 1967), p. 41.

⁷⁶ Ibid.

Among school personnel who must take an active role in the transition from segregation to desegregation is the guidance counselor. Stoff says the guidance worker must learn to meet the demands of two cultures. When the make-up of the student body changes, the counselor must reorient his or her thinking.

Those students who are bused have special needs. Students are limited in extracurricular activities because of a bus schedule. Their learning experiences have to revolve around the bus schedule rather than vice-versa. Special problems occur daily for the bused student. If the student becomes ill while at school, he usually has to stay and wait for the long bus ride home. If he is late and misses the bus, he often has to stay home all day and miss school. The counselor must be cognizant of all these factors.

Counselors should set the pace for others to alter the system to meet the needs of the child according to Stoff. The counselor should also visit the community from which students are bused, for the parents are usually uncomfortable about coming to school, especially a new school. Counselors need to smooth the transition for parents and students brought about by busing. Stoff concludes that the community and the school must become involved with each other and react to each other with the counselor serving as a change agent.⁷⁷

Many political leaders, most prominently President Nixon, have aired their views on busing and desegregation.

⁷⁷Ibid., p. 42.

President Nixon took a stand on busing under the influence of two forces in the late sixties and early seventies. One force was the federal courts which began threatening implementation of the Brown decision in Northern and Southern school districts. The other pressure exerted on President Nixon was the threat of popular withdrawal of support for the Viet Nam War and the lessening of confidence in his administration and himself.⁷⁸ One of President Nixon's advisors wrote to him in 1970 that the end for forced integration was in sight because the public did not approve of integration to effect a total social change in this direction. This advisor noted that there was increasing opposition to integration.⁷⁹ An example of this rising opposition was seen in the campaign in Florida in 1972. Governor Ruebin Askew opposed anti-busing legislation because busing had been helpful as a tool in dismantling racially segregated schools. Governor Askew did not support busing as a panacea to the school dilemma, and he stated that it should be abandoned as soon as possible because of the inconvenience, disruption, and hardships it created for parents and children.⁸⁰

No one is committed to busing as an end in itself.

⁷⁸William L. Pharis, "Where the Bus Stops," The National Elementary Principal, LI, 4 (January, 1972), p. 97.

⁷⁹Ibid.

⁸⁰Stephen G. Weinrach, "Integration Is More Than Just Busing," The School Counselor, March, 1973, pp. 276-9.

It is the purpose for which children are bused that causes controversy. John Roy Harper, Negro political leader and South Carolina lawyer, feels that the emotional responses to busing have shielded the real issues of education. Mr. Harper believes that busing is a "necessary evil" if we are to have quality education.⁸¹

Whether a person alleges to be pro-busing or anti-busing, Kenneth Clark suggests that the person should be able to justify his position according to these following questions:

1. Is it legally and morally possible to block busing for desegregation at the same time that other forms of school busing are permitted?

2. Is it possible to restrict busing for racial balance without retarding or reversing other attempts to reorganize public education from a segregated to a non-segregated system?

3. Is anti-busing an attempt to reverse the Brown decision?

4. Would busing legislation harmfully restrict the rights and flexibility of local and state boards of education to govern and reorganize their own districts according to their best interests and needs.⁸²

ALTERNATIVES

Since busing has met such emotional and physical resistance, there have been continuous studies and proposals for alternatives to busing and desegregation as it has been instituted over the last decade. Many alternatives have been tested and some are in the process of experimentation. All

⁸¹Wasserman, op. cit., p. 10.

⁸²Ibid.

attempts seek satisfaction within the public education system, rather than withdrawal and a move to private education. Democracy promises that everyone will be equal under the law and that everyone will have an equal opportunity for free public education.⁸³ The advocates of each alternative feel that they meet the preceding requirements and believe that they have devised a revolutionary solution. The following statement by Ralph Waldo Emerson places all the models and alternatives in their proper perspective:

Every revolution was first a thought in one man's mind, and when the same thought occurs to another man, it is the key to that era. Every reform was once a private opinion, and when it shall be a private opinion once again, it will solve the problems of the age.⁸⁴

No one alternative can be the ultimate solution. The majority of those who oppose busing favor the neighborhood school. The advocates of this philosophy are the ones who, from the beginning, have been classified as racists. Their reasons for opposing busing are rooted in basic opposition to integration, for busing was a reality for many years before integration began. Whites as well as Negroes were bused in the past in order to maintain segregation. No one protested such busing until it became a device for achieving integration. The neighborhood school does not allow for natural integration because White and Negro residential zones are not contiguous.

⁸³Cottle, op. cit., p. 43.

⁸⁴Ibid. p. 47.

The neighborhood school concept supports effective use of compensatory education within the confines of a school. Each disadvantaged child should be provided with the tools to move upward.⁸⁵ This agrees with the old "melting pot" theory that as each ethnic group attends school and becomes educated, they advance and each generation moves higher. Those who are anti-busing contend that no other ethnic minority group in the past received the assistance that our disadvantaged are now receiving.

Another reason some parents support neighborhood schools is they are concerned that the state is taking over their children. Many parents look upon the moving of their children anywhere for any purpose against their wishes as state control of children, a common phenomenon in totalitarian countries.⁸⁶

A second alternative is the community school. "The community control movement does not imply the abandonment of the goal of school integration, but acknowledges past failure to achieve integration and shuns integration of vastly unequal parties."⁸⁷ This movement encourages different groups to interact with each other as human beings. The distance between the school and the community is blamed for the frustration and

⁸⁵Lionel Sizer and Robin Fox, The Imperial Animal (New York: Holt, Rinehart and Winston, 1972), p. 43.

⁸⁶Dwight W. Allen, "Innovations in Elementary and Secondary Education," Criticism, Conflict, and Change, eds. Emanuel Hurwitz, Jr. and Robert Maidment (New York: Dodd, Mead and Company, 1971), p. 89.

⁸⁷Boyd, loc. cit.

failure of many students. The results of a lack of personal concern and involvement among the students and the school personnel is reflected in the fact that schools have begun to notice failure in equipping large numbers of pupils to cope adequately with society. Especially affected are low-income urban racial minorities.⁸⁸ The new Community school is designed to use the school as a laboratory for learning and organizes the curriculum around the processes and problems of living. This organization would serve the community as a center for a variety of educational, cultural, recreational and local social-development activity for youngsters and adults. This school is not particularly devoted to integration, but rather to democracy.⁸⁹ The New Haven, Connecticut and Flint, Michigan models demonstrate how all those involved--citizens, parents, teachers, pupils and administrators--work together actively to formulate a policy. The advocates of this school do not allow for federal demands for integration. Some integration will occur naturally because of housing, but it should not be a prime issue. Economically, the community school is advantageous because it allows for more efficient use of the school plant as a community center to be operated both day and night. In the early sixties, a model school in New Haven, Connecticut was designed as a neighborhood center

⁸⁸Mario Fantini, Marilyn Gittell, and Richard Magot, Community Control and The Urban School (New York: Praeger Publishing, 1970), p. 27.

⁸⁹Gunning, op. cit. p. 5.

where counseling and employment and health services could be offered to the residents of the neighborhood. These programs were designed to help people learn to help themselves. The school would initiate and coordinate social services for the community and in turn use the community and its residents as resources in instruction. This has helped to increase the sensitivity to the cultural identity of non-White pupils. Since 1964, six states; California, Connecticut, Illinois, Kentucky, New Jersey and Pennsylvania have either passed laws or strongly urged that schools should make an effort to depict the role of America's minorities in their curriculum.⁹⁰

The education park is another phase of the community school. The park concept seeks to make integration less unpalatable for the White community by situating all schools in one area - specifically outside Negro neighborhoods. The park was also planned for use by the community. Each park, as a centralized school complex, would operate pre-kindergarten through high school or junior college classes. Education parks would continuously draw more pupils and would cut across all geographic, economic, and social lines to draw these pupils. This complex should reflect the imagination and cultural mixture of the city. Students would attend a city school rather than going to isolated schools untouched and uninfluenced by the broad influences of metropolitan life. The large complex would be subdivided in order to allow more personalization

⁹⁰Fantini, op. cit., "Alternatives to School Reform," p. 41.

and intimacy. An education park would exist in the midst of community life - business and cultural - and should train its students how to participate in community affairs. Children and adults would have an opportunity to enrich their lives because the park would be open day and night.⁹¹ Children of all races would be brought together.

Philadelphia is one city that has tested the idea of an education park. The School Board of East Orange, New Jersey announced in the late sixties plans for a fifteen year construction program to consolidate its system of about ten thousand pupils into an educational plaza. In 1964, New York City proposed middle-school parks for its pupils in that age level. A 1966 study of Pittsburgh suggested that all Pittsburgh high schools be centered in an education park. The size of the park would allow for more full-time specialists, more fields of study, and more research facilities. Large sums of money and tremendous devotion to the project by its designers would be required for a successful complex to develop. The park would merely provide a setting for new accomplishment. This is one method to provide equal opportunity for all.⁹²

A further extension of the community school features a major role change in the community. The role of a community becomes that of a decision-maker rather than just a client or an advisor. The community assumes an active part in shaping and defining the schools. The school functions as other

⁹¹Ibid., p. 23.

⁹²Ibid., p. 41.

community schools, but the control is modified. The Thomas P. Morgan School in Washington, D. C. evolved into a community controlled school from a community school. The community is ethnically and socio-economically mixed. A system of control was set up in the form of a board or a council, representative of the community.⁹³ The Morgan School has been successful and acceptable to the community and the administration. Yet it was not accepted well enough to expand and include more schools within the district.

All of the forms of the community-controlled school can be established through decentralization. Different groups have different concepts of control - whether in participation or power. White middle class families seem to favor the idea of community control. Vocal Black Power advocates have expressed their opinion that there should be Negro control of Negro schools. Black Power leaders have suggested that there should be separate school districts for all Negro residential areas with Negro boards of education and Negro superintendents of schools. These demands reject integration and strive for the old ideal of "separate but equal."⁹⁴

Many other systems or alternatives are labeled as parallel systems. These systems avoid the basic social issues and escape by these methods. The proponents of one such system, the competitive school, argue that schools would be more responsive to students' and parents' needs and wishes if

⁹³Fantini, op. cit., "The Community and The Schools," pp.76-

⁹⁴Fantini, op. cit., "The Community Control Concept," p. 234

they had to compete for them. TheodoreSizer, former Dean of the Harvard Graduate School of Education, contends that schools should establish a competitive market place in cities for different types of schools. The basic argument in favor of a free market system of education is that public schools are a monopoly which offer neither variety nor high quality.⁹⁵ John Fisher believes competitive pressure is required to achieve both varied and excellent schools. The consumer should have some influence on the school he attends, but not absolute authority. He says students, parents, teachers and governments should establish a balance in control. One way to encourage competition is decentralization.⁹⁶

The Ocean Hill-Brownsville community in New York City is an example of a community which wanted more control over its schools through decentralization. The leaders felt that their children were being indoctrinated with White values, rather than Negro values. Decentralization gives rise to competitive schools because it allows those who are dissatisfied with their district's schools to move to another district. This is unrealistic in the sense that it would be physically impossible for many to change school districts. Many could not afford daily transportation unless it was free, and

⁹⁵Harold Howe, II, "Agenda for the Future," High School 1980, ed. Alvin C. Eurich (Atlanta: Pitman Publishing Corp., 1970), pp. 110-111.

⁹⁶"The School Park As A Possible Solution," Criticism, Conflict, and Change, eds. Emanuel Hurwitz, Jr. and Robert Maidment (New York: Dodd, Mead and Company, 1971), pp. 110-111.

neighborhood housing restrictions would limit many from a permanent move. This would virtually entail school organization similar to that of seventy-five years ago. Geographical grouping would develop schools with isolated theories. The outstanding disadvantage of this type of school organization is that those who prefer this plan, Negroes and Whites, intend to pass on their biases to their small group of children. The problem here is, if present trends prevail, children will most likely not remain in the community where they were educated.

A variation of the public competitive school would utilize public money to design separate private school systems for minorities. A community consisting of a mixed population would have several public schools - one for each minority group. All would receive comparable public financial support. This system may encourage separatism and narrowmindedness but may be politically inevitable.⁹⁷

Another alternative which would take the pressure off busing would be the voucher system. Within this framework, public school money would be given directly to the children.⁹⁸ With this money, the children and their parents would choose their own school. There is the possibility here of giving more to a poorer child because he would need more costly services to standardize him. The voucher allows all parents to have the reality of freedom of choice. Although the

⁹⁷Fantini, op. cit., p. 83.

⁹⁸Kenneth B. Clark, "Alternative Public School Systems," Challenges to Education, eds. Emanuel Hurwitz, Jr. and Charles A. Tesconi, Jr. (New York: Dodd, Mead and Company, 1972), p. 505.

voucher system might not be a good solution for a total system, probably it would be most effective as a supplement to the present system; poorer children would be the recipients of a voucher. Schools would have to compete for poor children because they would be a financial asset. In effect, a voucher system would discriminate in favor of poor children. This could satisfy the cry of a family which has been forced to send a child to a school which he dislikes.

There have been many physical plans to reduce busing in individual school districts but most techniques have not worked. There are always new organizational plans for school districts for pairing or cluster schools. Others have proposed schools in which the community becomes the school, such as John Bremer's Parkway Plan in Philadelphia. Programs such as Outward Bound serve as supplements to the regular school system.

Until the solution to the problem is discovered, many citizens will continue to flee the public schools in search of the sanctuary they find in the private school. These people demand individual control over the destinies of their children, and they are willing to pay the added costs. The problem takes on added significance when one stops to consider that all of those who choose the private over the public school have paid taxes which support the public school. Although the percentage of school age children who attend non-public schools is small at the present time, who knows

what the future will bring? Perhaps there should be a reassessment of the public schools to assure that there is more relevancy for those who have become disenchanted with the programs now being offered.

CHAPTER IV

MAJOR COURT DECISIONS CONCERNING
SCHOOL DESEGREGATION

There has been a tremendous amount of controversy concerning school desegregation over the years. Much of it has centered on the momentous decisions handed down by the United States Supreme Court. Certainly these decisions have been contrary to the opinions of many Americans who have made their feelings known through demonstrations and boycotts. Usually the argument is that the decisions are unconstitutional and, therefore, illegal.

During his early history, the Negro American had almost no opportunity to receive any educational training. There were several reasons for this denial, including the very roots of slavery itself. It was feared that an educated Negro would not accept his position as a slave. If the structure of slavery was threatened, this would in time threaten the White man's economic life. Several states went so far as to impose fines on anyone who taught or allowed slaves to be taught to read and write.⁹⁹

There were some exceptions to this attitude. Some groups, mostly religious, made attempts to educate Negroes.

⁹⁹Virgil A. Clift, et. al. (eds.), Negro Education In America (New York: Harper Brothers, 1962), p. 34.

An early catechizing school was founded in New York City at Trinity Church in 1704. Instruction was given by Elia Neau regularly until 1712, when blame for a local slave uprising was attributed by some masters to Neau's work.¹⁰⁰

Neau was forced to cease his work. Efforts, however, were continued by the Catholics and Quakers.

Before 1954, the rule was that racial segregation in public schools was permissible providing the "separate" schools were "equal." The first legal indication of this doctrine was a Massachusetts case, Sarah C. Roberts v. The City of Boston, in 1849 which sustained the validity of "separate but equal" schools in Boston.¹⁰¹

The issue in this case was: Does ruling of the general school committee, in making provisions or the instruction of colored in separate schools established exclusively for them and prohibiting them from attending other public schools within the district, violate the provision that any child may not unlawfully be excluded from public school instruction in this commonwealth?¹⁰²

The plaintiff in the case was a five-year-old child, a resident of Boston. She was denied admission to the primary school nearest her residence. Admission was denied on the grounds that special provisions had been set up for "colored" people to attend special schools for "colored" students.

The court found in favor of the defendant - the reasoning being that the plaintiff was not unlawfully excluded from public school, nor was instruction closed to her.

¹⁰⁰ Ibid.

¹⁰¹ Sarah C. Roberts v. The City of Boston, 59 Mass. 198 (1849).

¹⁰² Ibid.

The court stated that the defendant had complied with the statute requiring public school instruction to all children by providing separate primary schools. It was further reasoned that her father had caused her to be denied admission to the public schools by not seeking admission in the proper school.¹⁰³

The concept of "separate but equal" was restated in 1896, when the United States Supreme Court in Plessy v. Ferguson upheld a Louisiana statute requiring separate railroad accommodations for Negroes and Whites. The Court cited with approval the accepted practices of public school segregation as practical precedent for the railroad rule.¹⁰⁴

The information filed in the criminal District Court charged that Homer A. Plessy entered and sat in a railroad car assigned to Whites only. The conductor ordered him to a car assigned to the Negro race. Plessy refused to leave and was forcibly ejected by a public officer, incarcerated in the local jail and charged with having violated the above act.

The constitutionality of the act was attacked upon the grounds that it violated the Thirteenth Amendment of the Constitution which abolished slavery and the Fourteenth Amendment which prohibits certain restrictive legislation on the part of the states.¹⁰⁵

¹⁰³ Ibid.

¹⁰⁴ Plessy v. Ferguson, 163 U. S. 537 (1896).

¹⁰⁵ Hubert H. Humphrey, School Desegregation: Documents and Commentaries (New York: Thomas Y. Crowell Co., 1964), pp. 14-1

The Court answered as follows:

1. That it does not conflict with the Thirteenth Amendment, which abolished slavery and involuntary servitude, except as a punishment for crime, is too clear for argument . . . A statute which implies merely a legal distinction between the white and colored races -- a distinction which is founded in the color of the two races, and which must always exist so long as white men are distinguished from the other race by color -- has no tendency to destroy the legal equality of the two races, or re-establish a state of involuntary servitude. Indeed we do not understand that the Thirteenth Amendment is strenuously relied upon by the plaintiff in error in this connection.

2. By the Fourteenth Amendment, all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are made citizens of the United States and of the State wherein they reside, and the States are forbidden from making or enforcing any law which shall abridge the principles or immunities of citizens of the United States, or shall deprive any person of life, liberty or property without due process of law, or deny protection of the laws.

The object of the Amendment was undoubtedly to enforce the absolute equality of the two races before the law, but in the nature of things, it could not have been intended to encourage a mixing of the two races upon terms unsatisfactory to either. The Court reasoned that laws permitting, and even requiring, their separation in places where they are liable to be brought into contact do not necessarily imply the inferiority of either race to the other, and have been generally, if not universally, recognized as within the competency of the state legislatures in the exercise of their police power. The most common instance of this is connected with the establishment of separate schools for White and Negro children. The Court said this has been held to be a valid exercise of the legislative power even by courts of states

where political rights of the Negro race have been earnestly enforced.¹⁰⁶

The most unfortunate part of the Plessy decision might have been its total disregard of Negro rights. Homer Plessy claimed that separation into separate railway cars worked to a psychological disadvantage for Negro passengers. In rejecting Plessy's contention, the Court stated:

We consider the underlying fallacy of the plaintiff's argument (that separate but equal facilities for black and white passengers was psychologically damaging to Negroes) to consist in the assumption that enforced separation of the two races stamps the colored race with a badge of inferiority. If this be so, it is not by reason of anything found in the Act, but solely because the colored race chooses to put that construction upon it.¹⁰⁷

The Plessy decision would not have had such an impact had the Court confined its attention to segregated transportation which would have affected only a small number of people over relatively short periods of time. But since the Court chose to go beyond the facts of the case under consideration, drawing on the Roberts case of 1849, the doctrine of "separate but equal" was thus extended to school cases.¹⁰⁸

This stand was reaffirmed in 1927 when the Supreme Court allowed Mississippi to send a Chinese child to a school maintained for Negroes.

¹⁰⁶Ibid.

¹⁰⁷M. Chester Nolte, School Law In Action: 101 Key Decisions with Guidelines for School Administrators (West Nyack New York: Parker Publishing Company, Inc., 1971), p. 33.

¹⁰⁸Ibid., p. 36.

In Gong Lum v. Rice the Supreme Court met its first challenge to actual segregation in the public schools.¹⁰⁹ The plaintiffs in the case acknowledged the fact that the Board of Education had the authority to segregate Negroes from Whites. The contention was that their child, being of Chinese descent, had been placed in the wrong school. They said their child should have been placed in the White school and sought to have the error rectified in court.

Basing his decision on Plessy v. Ferguson, Chief Justice Taft, in writing the majority opinion, asserted that had it not been so often previously approved, the Plessy doctrine might call in this case "for a very full argument and consideration." Justice Taft apologized to the plaintiffs when ruling against them saying the decision had been made assuming the previous cases, such as Plessy, had been rightfully decided. The Court took the position that "colored races," as was used in the Constitution of Mississippi, included all races other than the White race, and was not strictly limited to persons of Negro blood.¹¹⁰ As one can easily discern, doubt was building over the fairness of the "separate but equal" doctrine, and its inadequacy was apparent as early as 1927.

With the Court finding in favor of the defendant, between 1849 and 1954, it was common law that school boards

¹⁰⁹Gong Lum v. Rice, 275 U. S. 78 (Miss. 1927).

¹¹⁰Ibid.

had the authority under the Constitution to make provisions for the instruction of Negro children in separate schools established exclusively for them. They also had the authority to prohibit attendance in other public schools in the same district. It was not until the Brown decision in 1954 that this concept of the local board's authority was overturned. The Supreme Court held that the "separate but equal" facilities for children of the races are inherently unequal and, therefore, unconstitutional. Chief Justice Warren delivered a unanimous court opinion:

We must consider public education in the light of its full development and its present place in American life throughout the Nation.

Today, education is perhaps the most important function of state and local governments It is the very foundation of good citizenship Such an opportunity where the state has undertaken to provide it, is a right which must be made available to all on equal terms To separate them (children in grade and high schools) from others of similar age and qualification solely because of their status in the community that may effect their hearts and minds in a way unlikely ever to be undone

We conclude that in the field of public education the doctrine of "separate but equal" has no place. Separate education facilities are inherently unequal.¹¹¹

The 1954 Supreme Court ruling was not the end, but rather the beginning of judicial efforts to eliminate dual school systems. Since the Brown decision, the Court has taken an extremely positive stand, making numerous decisions to insure that the intent of the law is being carried out.

¹¹¹Brown v. Board of Education of Topeka, 347 U. S. 483 (Kansas 1954).

In United States v. Jefferson County Board of Education,¹¹² the United States Court of Appeals for the Fifth Circuit ruled in 1966 that a State has an affirmative duty to eliminate the effects of de jure, or State imposed, school segregation.

An issue in this case was freedom of choice The Court took the opinion that freedom of choice plans were acceptable only if they resulted in desegregation.¹¹³

The same issue was reemphasized in Green v. School Board of New Kent County in 1968.¹¹⁴ The Court again stated that the mere existence of a freedom of choice plan is insufficient. The Court did not dictate how desegregation should be executed but clearly mandated that dilatory tactics and tokenism were violations of the Constitution and that school boards must take steps to eliminate de jure segregation.

Many school systems through lengthy litigation were able to use freedom of choice plans through the 1968-69 school year.¹¹⁵ After that school boards, with the aid of the Department of Health, Education and Welfare, were compelled to prepare plans of desegregation utilizing school attendance zones, pairing of schools, busing of pupils, etc. Not only did the Courts prohibit use of freedom of choice plans, but

¹¹²U. S. v. Jefferson County Board of Education, 372 F. 2nd. 836 (5th cir. 1966).

¹¹³Ibid.

¹¹⁴Green v. School Board of New Kent County, 391 U. S. 430 (1968).

¹¹⁵Paul M. Gaston, "The Region in Perspective," The South and Her Children (Atlanta, Ga.: Southern Regional Council, 1971), p. 6.

also prohibited use of attendance zones based on neighborhood lines which produced only token desegregation.¹¹⁶

In October, 1969, the Supreme Court revealed once again it would not tolerate measures that produced anything less than total desegregation of school systems. The Department of Health, Education and Welfare had requested a delay of one year for the implementation of desegregation plans for thirty Mississippi school districts. In August, 1969, the Fifth Circuit Court of Appeals granted the request.¹¹⁷ When the Department of Health, Education and Welfare plan was withdrawn, no other plan was substituted. The school districts affected would continue using their old freedom of choice plans.

The Supreme Court, in Alexander v. Holmes County Board of Education, reversed the Court of Appeals delay. The reasoning was:

. . . continued operation of segregated schools under a standard of allowing "all deliberate speed" for desegregation is no longer constitutionally permissible. Under explicit holdings of this Court the obligation of every school district is to terminate dual school systems at once and to operate now and hereafter only unitary schools.¹¹⁸

The pressure by the Department of Health, Education and Welfare was, for the most part, applied on school systems in the South. The school systems in other parts of the country were left almost entirely alone. Northern schools today are

¹¹⁶Ibid.

¹¹⁷United States v. Hinds County School Board, 417 2nd 852 (5th Cir. 1969)

¹¹⁸Alexander v. Holmes County Board of Education, 396 U. S. 19 (1969).

by far more segregated than those in the South because the federal government has not moved in the North as strongly as it has the South.¹¹⁹ The fact is that since 1965, when the Department of Health, Education and Welfare moved in Chicago and lost a bruising political battle with Mayor Richard Daley, there has been almost no action against any school system anywhere in the North.¹²⁰

In 1972, President Nixon threatened to fire anyone in his administration who advocated imposed busing in school districts anywhere.¹²¹ Needless to say, the Department of Health, Education and Welfare's enforcement of school desegregation in both the North and South was halted. Only time will reveal what President Ford's attitude toward busing will be.

In 1973, Washington District Judge John H. Pratt issued an unprecedented order in a lawsuit filed for the National Association for the Advancement of Colored People Legal Defense Fund by the District of Columbia Civil Rights law firm of Rauh and Silard. Pratt found that the Department of Health, Education and Welfare's Office of Civil Rights had been ignoring for three years its own finds of violations of the laws and of court orders in 116 Southern school districts and ten state-wide college systems in the South. The Department of Health, Education

¹¹⁹Don Hill, "School Segregation In North Stirs Law Students' Action," Greensboro Daily News, September 8, 1974, p. A4.

¹²⁰Ibid.

¹²¹Ibid.

and Welfare was ordered to proceed at once in an effort to desegregate these school systems.

Casper Weinberger, Department of Health, Education and Welfare Secretary, has admitted that his department is less stringent in requiring school desegregation in the North than in the South. Weinberger said that "fierce public opposition" to school desegregation had caused the Department of Health, Education and Welfare to be less strict on the Northern school districts.¹²²

Dr. Craig Phillips, North Carolina State Superintendent of Public Instruction, was asked to comment on Weinberger's statement.

Having worked with this problem across North Carolina in different capacities as a local superintendent and having really struggled along with local school leaders and community leaders - many times under the threat of fund cutoffs from Washington - it annoys me that the man in charge of Health, Education and Welfare . . . could make a distinction between the North and South. We have responsible people across North Carolina who have beaten their brains out to get the job done.¹²³

In Swann v. Charlotte-Mecklenburg Board of Education, the Supreme Court for the first time considered the type of plan that would be necessary for the creation of a unitary school system.¹²⁴ The plan necessitated the extensive busing of students. The guidelines issued by the Court had to do with

¹²²Swann v. Charlotte-Mecklenburg, loc. cit.

¹²³"HEW Head 'Amazes' Phillips," Greensboro Daily News, September 8, 1974, p. A4.

¹²⁴Swann v. Charlotte-Mecklenburg, loc. cit.

four methods commonly used to desegregate school systems:

1. Racial quotas, the Court ruled, may be used as part of the remedy for eliminating school segregation.

2. One-race schools are permitted in a district if there are only "some small number" of them and if they are shown not to be part of de jure segregation. The Supreme Court emphasized that district courts and school authorities must attempt to eliminate such schools. There is a presumption against the constitutionality of these schools, and the school authorities have the burden of providing "that their racial composition is not the result of present or past discriminatory action on their part."

3. School attendance zones may be redrawn in order to eliminate segregated schools. Racially neutral assignment plans may often be inadequate to achieve desegregation. Zones need not be contiguous, nor must they result in students attending "neighborhood schools," if they are designed with the purpose and effect of achieving non-discriminatory assignments.

4. Transportation of students was treated gingerly by the Supreme Court. Noting that bus transportation has been an integral part of the public school system for years, the Court stated that ordering of busing is a proper remedy in school desegregation cases. The test of how much busing is permissible is essentially one of reasonableness.¹²⁵

In the Swann case two specific measures were taken into consideration which involved assignment according to race. One was the use of racial quotas in each individual school. The Court took the position that no court could require a specific degree of racial balance as this would be unconstitutional. In this case the Court decided the mathematic ratios would be starting points in a plan for shaping a remedy, rather than inflexible requirements.¹²⁶

¹²⁵Ibid.

¹²⁶Ibid.

The other consideration made by the Supreme Court having to do with assignment according to race was legality of the system of selection of attendance areas used by the District Court to establish a unitary school system. There is no doubt that the system was designed to transfer students on the basis of race. The Court discussed at length needs for these measures:

Absent a constitutional violation there would be no basis for judicially ordering assignment of students on a racial basis. All things being equal, with no history of discrimination, it might well be desirable to assign pupils to schools nearest their homes. But all things are not equal in a system that has been deliberately constructed and maintained to enforce racial segregation. The remedy for such segregation may be administratively awkward, inconvenient, and even bizarre in some situations and may impose burdens on some; but all awkwardness and inconvenience cannot be avoided in the interim period when remedial adjustments are being made to eliminate the dual school systems.

. . . Racially neutral: assignment plans proposed by school authorities to a district court may be inadequate; such plans may fail to counteract the continuing effects of past school segregation resulting from discriminatory location of school sites or distortion of school size in order to achieve or maintain an artificial racial separation. When school authorities present a district court with a "loaded game board," affirmative action in the form of remedial altering of attendance zones is proper to achieve truly non-discriminatory assignments. In short, an assignment plan is not acceptable simply because it appears to be neutral.¹²⁷

There has been quite a bit of controversy concerning de jure and de facto segregation. The original distinction between the two was simply de jure was imposed by law and de facto was not. This distinction is what has been argued

¹²⁷Ibid.

most frequently in trying to determine exactly what is prohibited by the Fourteenth Amendment. Recent court rulings have determined almost all forms of school segregation as de jure. The Courts have rejected the de facto concept to the extent that the de jure - de facto distinction has been minimized almost to insignificance.¹²⁸

In Bradley v. The School Board of the City of Richmond, the Court found the City of Richmond and the adjoining counties had engaged in de jure discrimination. The practices to which Judge Robert R. Merhige, Jr. referred as constituting de jure segregation were reliance on private discriminatory housing patterns, the drawing of attendance zones, and school construction among others. In finding the defendant guilty of de jure segregation, the Court relied heavily on several previous cases including Brewer, David and Tulsa. The relief ordered by the Court set a precedent - the consolidation of three school districts.¹²⁹

This line of thinking was short-lived, however. The School Boards appealed, and Circuit Judge J. Braxton Craven reversed the decision. Judge Craven held that:

When it became clear that state imposed segregation had been completely removed within a school district, further intervention by the District Court was neither necessary nor justifiable, and in the establishment and maintenance of three school districts in Virginia, or any unconstitutional consequence of such maintenance it

¹²⁸ Rubin, op. cit., pp. 36-9.

¹²⁹ Bradley v. School Board of Richmond, 338 F. Supp. 67.

was not within the district judge's authority to order consolidation of such separate political subdivisions of the Commonwealth.¹³⁰

There are several recent cases which suggest that any distinction between de jure and de facto segregation is not legally valid. The Court in the Hobson¹³¹ case spelled out that segregation was segregation whether it be de jure or de facto. Referring to the Brown decision, the Court said that separation is inherently unequal and that de facto segregation harms minority group children. The Court found no justification for de facto segregation and ordered the school board to find an alternative to remedy the situation.¹³²

Another case in which the central issue is the extent of the Court's power to order the elimination of de facto segregation is Keyes v. School District No. 1, Denver, Colorado.¹³³ The Court found the usual characteristics of de facto segregation, such as attendance zones, boundaries, site selections, school construction, etc., had been willfully used by the Board to segregate and were, therefore, de jure.¹³⁴

In an opinion by Justice Brennan expressing the views of five members of the Court, it was held that:

(1) in a dual public school system whether statutory or unstatutory, the school authorities have an affirmative duty to effectuate a transition to a racially nondis-

¹³⁰Ibid., 462, F. 2d. 1058 (1972).

¹³¹Hobson v. Hansen, 629 F. Supp. (1967).

¹³²Ibid.

¹³³Keyes v. School District No. 1, Denver, Colo. 413 U. S. 189, 37 L Ed. 2d 548, 93 S Ct 2686 (1972).

¹³⁴Ibid.

criminatory school system;

(2) a finding of intentionally segregative school board actions in a meaningful part of a school system establishes a prima facie case of unlawful segregative design on the part of the school authorities, and shifts to them the burden of proving that other segregated schools in the system are not the result of intentionally segregated actions;

(3) since the Denver school had been found to have practiced deliberate racial segregation in schools attended by over one third of the Negro school population in the core of city schools, as to which the board's neighborhood school policy was not determinative simply because it appeared to be neutral.¹³⁵

The most recent case to date reviewed by the United States Supreme Court was Milliken v. Bradley.¹³⁶ This case is of particular significance in that it spells out what the courts can and cannot do when multi-district school zone lines are involved. Chief Justice Burger in delivering the opinions of the Court said:

We granted certiorari in these consolidated cases to determine whether a federal court may impose a multi-district, areawide remedy to single district de jure desegregation problem absent any finding that the other included school districts have failed to operate unitary school systems within their districts, absent any claims or finding that the boundary lines of any affected school district were established with the purpose of fostering racial segregation in public schools, absent any finding that the included districts committed acts which effected segregation within the other districts, and absent a meaningful opportunity for the included neighboring school districts to present evidence or be heard on the propriety of multi-district remedy or on the question of constitutional violations by those neighboring districts.¹³⁷

¹³⁵Ibid.

¹³⁶Milliken v. Bradley, 41 LEd. 2d. 1069.

¹³⁷Ibid.

In Milliken v. Bradley, a class action was instituted in the United States District Court seeking desegregation of Detroit's public schools. The District Court ultimately concluded the defendant had engaged in unconstitutional activities for which the state was responsible and which had resulted in de jure segregation in the city school district. The Court ordered the submission of desegregation plans for the city and for the three-county metropolitan area. This was done even though the suburban school districts were not parties to the action and there was no claim that they had committed any constitutional violations.

Until this decision was handed down by the United States Supreme Court, the lower courts were moving more and more into the business of outlining for the local school people, by way of elaborate plans, exactly how they should desegregate their school systems. The Swann case in 1971 was the first in which the guidelines were spelled out although it involved only one school system - Charlotte-Mecklenburg. Finally in 1972, in Bradley v. School Board of Richmond, the Court consolidated three school districts. Despite the fact that this decision was overturned through appeal, it was a landmark in desegregation rulings.

The District Court in Milliken v. Bradley ruled that:

1. It could properly consider relief in the form of an inter-district, metropolitan desegregation plan, even though there was no showing that the suburban school

districts had committed any constitutional violations.

2. Proposed "Detroit-only" plans were inadequate, since desegregation limited to the city schools would not produce a racial balance reflecting the racial composition of the metropolitan area as a whole, but would only accentuate the racial identifiability of the city school system as a black system, leaving many of its schools seventy-five to ninety percent black.

3. To effectively desegregate Detroit schools, it was necessary to look beyond school district lines, which were simply matters of political convenience, and to develop a metropolitan plan with a desegregation area including fifty-three suburban school districts plus Detroit (a panel being appointed to prepare such a plan).

4. A specified number of school buses should be obtained to provide transportation under an interim plan to be developed for the coming school year.¹³⁸

Chief Justice Burger, expressing the views of five members of the Court, held that:

1. In the exercise of its equity powers in a school desegregation case, a federal court could not properly impose a multi-district, areawide remedy to a single district de jure segregation problem unless it was first established that unconstitutional racially discriminatory acts of the other districts had caused inter-district segregation, or that district lines -- which could not be considered as mere arbitrary lines drawn for political convenience -- had been deliberately drawn on the basis of race.

2. Thus the remedy in the case at bar must be limited to the Detroit School District even though desegregation of only the city schools would not reflect the racial composition of the metropolitan area as a whole, since (a) the record established de jure segregation in the city schools only, and did not establish any significant constitutional violations by the fifty-three suburban school districts or any significant inter-district violation producing inter-district segregative effect, (b) a metropolitan

¹³⁸Ibid.

remedy might seriously disrupt the state's structure of public education involving a large measure of local control, and would give rise to many problems as to large-scale busing of students, financing, and administration, and (c) even assuming that the state was derivatively responsible for the city school board's unconstitutional acts, an inter-district remedy was not permissible, there being no showing that the state or any of the suburban districts had engaged in activity having a cross-district, segregative effect (a single, isolated instance of a past inter-district violation, involving only one of the suburban districts and the city district being insufficient to justify the broad metropolitan-wide remedy), or that the actions of state officials as to fixing school district boundaries, furnishing financial aid for students outside the city district, and supervising school construction and site selection had affected the racial character of any of the state's school districts or created or perpetuated racial segregation.¹³⁹

The decision drew sharp criticism from the four dissenting justices, Thurgood Marshall, William Douglas, William Brennan and Byron White. In a joint opinion they called the action "a giant step backwards." They pointed to the landmark decision twenty years ago in Brown v. Board of Education which ruled that "segregation of children in public schools on the basis of race deprives minority group children of equal educational opportunities and . . . denies them equal protection of the law under the Fourteenth Amendment."¹⁴⁰

And so the pendulum has swung from complete control of education at the local level to more involvement at the federal level. The trend seems to be that there will be

¹³⁹Ibid.

¹⁴⁰Ibid.

continued involvement by government agencies and the courts. However, the pendulum now seems to be moving away from the Bradley decision that boards of education should develop elaborate plans involving multiple school districts. Only time will reveal if this trend is to continue.

CHAPTER V

STATE REGULATIONS OF THE NON-PUBLIC
SCHOOLS IN THE SOUTHERN
STATES AND THE NATION

A basic issue that has produced sharp controversy over the years is how much control should the state have over non-public schools. The argument has been raging ever since the first citizen became concerned over the presence of a private school in his neighborhood. The leaders of the private schools, particularly the "Christian academies" and the "Southern academies" which have been founded in recent years, advocate absolutely no state regulation.

Although the government regulates many and varied activities which very few people question, there is an almost total lack of regulation of private education. Almost every business is licensed, from barber shops to billiard parlors, and so are many of the people who provide services. Very few people question the necessity or the right of government for such regulation, yet this is certainly not the case when it comes to private education. Those involved directly with private education argue for minimal or complete absence of regulation by the state. At the extreme opposite end of the continuum are those who would do away with private education altogether. Those people who harbor this hostile attitude towards private schools look on them as a conspiracy against the common good.

The fact is, states rarely impose stringent requirements on non-public schools. Most of the regulations that have been imposed could be looked upon as beneficial to all. But here again, what seems to be beneficial to one may not be to another. One only needs to remember the difficulties encountered by the Amish in Iowa to discern that a "beneficial regulation", such as teacher certification, was not considered as such by them.¹⁴¹ And so the argument continues; the state cannot assure that all children will receive an adequate education without some regulation, nor can private schools fulfill their basic educational goals if state regulations prevent them from independently determining basic programs.

One basic reason why states have permitted non-public schools to remain virtually regulation free is that they have been financially independent of the state. There are a number of states which are considering various forms of state aid to private education. If and when the state begins funding private education, there is no doubt that the schools will lose some of their autonomy. Those in private education are not unaware of this.

Another reason that private schools have, for the most part, been left alone is the decision by the United States Supreme Court that affirmed the right of parents to educate children as they wished. While the Supreme Court denied the states the power to compel all children to attend public

¹⁴¹Donald A. Erickson (ed.), Public Controls for Non-Public Schools (Chicago: The University of Chicago Press, 1969), p. 35.

schools, it also reaffirmed the power of the states to regulate all schools, public and private. In Pierce v. Society of Sisters, the Court found unconstitutional an Oregon law which prohibited children from attending any non-public schools.¹⁴² The Court said:

The fundamental thing of liberty upon which all governments in this Union repose excludes any general power in the State to standardize its children by forcing them to accept instruction from public teachers only No question is raised (by this decision) concerning the power of the state to regulate all schools, to inspect, supervise and examine them, their teachers and pupils, to require that all children of proper age attend some school, that teachers shall be of good moral character and patriotic disposition, that certain studies plainly essential to good citizenship must be taught, and that nothing be taught which is manifestly inimical to public welfare.¹⁴³

With this principle in mind, most state legislatures have enacted some type of compulsory standards for private education. The extent of the regulation varies from states where there is no regulation at all, such as Mississippi and Virginia, to where the non-public school must furnish only a list of their students, such as Georgia, to states where there are attempts to standardize requirements and teacher certification. In most of the states requiring regulation, the intent is simply to require non-public schools to meet the minimal standards considered necessary for public school children.

Most of the more recently established schools in North Carolina, on which this study will concentrate, have

¹⁴²Pierce v. Society of Sisters, 268 U.S. 510 (1925).

¹⁴³Ibid.

patterned themselves after the country day-academy-type school. There are on record, however, several schools in North Carolina being established with only one or two students who are being taught in the home by parents. Regulation of the private schools is almost non-existent in most states, thereby providing an opportunity for anyone to establish almost any kind of school that comes to mind.

After a review of the literature from and correspondence with the Departments of Education of the eleven Southern states, it was learned that North Carolina is one of the few states to collect by law information from non-public schools receiving youngsters of compulsory attendance age. Yet even in North Carolina, which requires every non-public school to fill out a report on its activities, the information available is sketchy at best. Most of the states surveyed only make some attempt at compiling a list of the non-public schools. The procedure is strictly voluntary except in North Carolina and Kentucky. Even in these states the Departments of Education seem most limited in the types of information they request. For example, Calvin Criner, Coordinator of North Carolina Non-Public Schools, states that he cannot give the rationale for any school's organization because he feels the state cannot ask this type of question. In Kentucky, where the State Board of Education is responsible for accrediting both the public and non-public schools, Taylor N. Halten, Executive Assistant for Special Instructional Services, says that information on non-public schools is not readily available.

One might question how the non-public schools have come to exist in an atmosphere of an almost completely hands-off position by the states and local public school systems. The answer lies in the attitude taken by the courts, both federal and state, in the few cases involving the non-public school student.

There have been only a few cases involving the field of education decided by the United States Supreme Court, and most of these have had to do with public education. Congress, by the same token, has made but few interventions in education, and these have been mainly to aid local schools rather than to place restrictions or controls on the details of educational administration. For the most part, our national lawmakers and interpreters have been satisfied to leave the administration of the schools to state and local officials.

Because of the lack of substantial Federal intervention in the field of education, any attempt at comprehending the legal status of private education must be directed almost entirely to state statutes and state court decisions. The United States Supreme Court established constitutional protection to those desiring to send their children to private schools as early as 1923, with Meyer v. Nebraska¹⁴⁴ and in 1925, with Pierce v. Society of Sisters.¹⁴⁵ Since the 1925 rendering of the Pierce case, it has been taken for granted

¹⁴⁴Meyer v. Nebraska, 262 U. S. 390 (1923).

¹⁴⁵Pierce v. Society of Sisters, loc. cit.

that the educational requirements of a state could be fulfilled without sending a child to a public school.

The exact extent of state control over non-public schools has never really been established. This is because of the fundamental disagreement over who has, or should have, ultimate control of the child - the parent or the state. There has been no single answer to this debate. However, it has been generally held by the courts that the state, not the parents, is preeminent in educational matters. It was established by the New Hampshire Supreme Court in 1912, with Fogg v. Board of Education,¹⁴⁶ that even if the parents were in direct opposition to the educational requirements of the state, nevertheless, the state was preeminent. It was stated:

The primary purpose of the maintenance of the common schools system is the promotion of the general intelligence of the people constituting the body politic and thereby to increase the usefulness and efficiency of the citizens, upon which the government of society depends. Free schooling furnished by the state is not so much a right granted to pupils as a duty imposed upon them for the good. If they do not voluntarily attend the schools provided for them, they may be compelled to do so. While most people regard the public school as the means to great personal advantage to the pupils, the fact is too often overlooked that they are governmental means of protecting the state from the consequences of an ignorant and incompetent citizenship.¹⁴⁷

But while the Fogg case upholds that the state is preeminent over the child in educational matters, the Pierce case demonstrates that the state may not require the child

¹⁴⁶Fogg v. Board of Education, 76 N. H. 296, 173 (1912).

¹⁴⁷Ibid.

to attend a public school if the parent chooses to utilize a private school. This means that the state cannot legislate the private school out of existence.

The existing situation leaves educators and legislators unclear as to their responsibilities. The state requires compulsory education, and the United States Supreme Court agrees but says that the state has no right to require a child to attend a public school if he chooses to attend a non-public school. Many officials have found themselves in a state of limbo. They do not know what they can do and can not do. This has tended to cause most public school officials to take the position that, as long as the child is in school somewhere, why worry?

There is very little controversy between public and non-public school officials concerning school children in non-public schools. Perhaps the most recently publicized incident occurred on November 19, 1965. It concerned the public school officials in Oelwein, Iowa, and the Old Order Amish who had a settlement a few miles from town. The Amish were accused of staffing their private schools with uncertified teachers. The Amish generally do not believe in education beyond the eighth grade, so finding certified teachers from among their own was a distinct impossibility. After a somewhat extended period of national and international embarrassment, a compromise between the two groups was reached. Donald A. Erickson said in Public Controls for Non-Public Schools that the action brought against the Amish was prompted, not by

concern for the well-being of the Amish children, but by antagonism towards a small group of people who were different from the majority.¹⁴⁸

In conjunction with the state legislatures, court decisions that have been rendered establish only uncertain lines of doctrine as to who has authority over pupils, the private school or the state. Generally speaking, the state has the authority and does intervene in the operation of non-public schools across the nation to some extent.¹⁴⁹ In corresponding with various State Departments of Public Instruction, it seemed apparent that many departments did not fully understand exactly what their jurisdiction and authority was over the non-public schools.

In any event, the intervention that does take place falls into three divisions: curriculum, instruction and administration.

Generally speaking, a state can set forth minimum requirements in the area of curriculum to which the non-public schools supposedly must adhere. The fact is that even in those states that attempt some supervision of non-public schools, little is done to insure the meeting of minimum requirements. Most states take the position that as long as the subjects taught are not subversive in nature, the safest way to deal with the problem is to leave the schools alone.¹⁵⁰

¹⁴⁸Erickson, op. cit., p. 48.

¹⁴⁹Ibid., pp. 120-1.

¹⁵⁰Ibid., p. 106.

Thirty-one states have some regulation of curricula, ten specifically design required courses, and twenty-one demand various measures of equivalence between non-public and public school instruction.¹⁵¹

In the area of instruction, forty-one state legislatures have enacted some type of compulsory standard for the non-public schools. Of these forty-one, only six states, Alabama, Nebraska, North Carolina, Michigan, Iowa and Washington explicitly require that non-public school teachers be certified.¹⁵²

The third general type of control over non-public schools is administrative. As with curriculum and instruction, the extent of the control allowed administration varies from state to state - from states which have no control at all to states which attempt requirements similar to those of public schools. Some of the types of control used are attendance in school, regular fire drills, sanitation requirements, supervision and inspection of the schools, the keeping of records and rendering of reports to state officials, and the length of school terms.

Just as control by various states differ, the methods of enforcement also vary. Fourteen states can close schools found to be violating state regulations. Seventeen states which have no such direct sanctions enforce compulsory attendance laws by petitioning the students or parents into

¹⁵¹Ibid., p. 104.

¹⁵²Ibid.

court in an effort to prevent attendance at substandard schools.¹⁵³

Certainly the few states which attempt some regulation do have legal controls over the non-public schools within their respective jurisdictions, but having the right to enforce these controls and actually enforcing them are two entirely different propositions.

Arthur Sensor, the Superintendent of Schools of the Oelwin, Iowa school district which enforced controls over the Amish school children, said that many was the time when he wished he had not become involved with this particular responsibility.¹⁵⁴ Mr. Sensor stated that he was fond of many of the Plain People, and he knew that national sentiments would run against his enforcing of controls.¹⁵⁵ Even in North Carolina, one of the few states with rigid state requirements for non-public schools, there seems to be a desire to avoid controversy. In a personal interview with Mr. John Tuplin, Assistant Coordinator of Non-Public Schools, North Carolina Department of Public Instruction, it was discovered that although North Carolina has somewhat rigid requirements, in the past nine years not one single public school superintendent has brought action against school officials or parents of children in non-public schools. Mr. Tuplin says that a reason for this

¹⁵³Ibid., pp. 104-5.

¹⁵⁴Ibid., p. 16.

¹⁵⁵Ibid.

could be that public school superintendents do not wish to become involved in an issue in which they have very little interest.

It is evident that private education occupies an important place in our educational system, and it will continue to do so. The parents of many school age children will continue to cherish the right to send children to the school of their choice. This is especially true in these times of intervention by such agencies as the Department of Health, Education and Welfare. More fuel has been added to the fire now that the courts have attempted to forcibly integrate entire school districts, even going across county lines to do so.

THE SOUTHERN STATES

A questionnaire concerning various aspects of private schools was sent to the public school superintendents of the eleven Southern states. However, acquiring the necessary information from them to complete this study has proven to be a rather difficult task. An accurate comparison of the non-public schools in North Carolina with those in the remaining ten Southern states has become an impossibility due to the fact that only North Carolina requires anything resembling an extensive report of the schools and their activities. Other states require some reporting, but this, for the most part, is meager at best.

Tennessee

Tennessee reported that the state does not maintain data concerning private schools. J. Maurice Roberts, Director of Interagency Relations, says that the lack of data is due in part to certain legislative acts and board policy.¹⁵⁶

Louisiana

Mrs. Consuella P. Winder, Research Librarian for the Louisiana Department of Education, reported that their state has no jurisdiction or control over private schools.¹⁵⁷ Information is provided to the Department of Education on a limited and voluntary basis. Information provided by Mrs. Winder indicates that the number of private schools increased from 293 in 1954 to 457 in 1973, as is indicated by Table 1. Tables 2 and 3 reveal interesting points. Of 7,934 teachers in the non-public schools of Louisiana, 641 are Negro and of 146,697 students 17,579 are Negro. This figure accounts for 12 percent of the pupils, a rather large percentage of Negroes when compared to the 3 percent in North Carolina's non-public schools. The large number of parochial schools in Louisiana accounts for the high percentage of Negroes in non-public schools in that state.

Kentucky

Mr. Taylor N. Hollin, Executive Assistant for Special Instructional Services, stated that the information requested

¹⁵⁶Personal correspondence, Appendix B.

¹⁵⁷Personal correspondence, Appendix B.

Table 1
Louisiana Non-Public Schools

School Years	Number of Schools
1954	293
1964	402
1965	403
1966	416
1967	415
1968	418
1969	368
1970	447
1971	459
1972	449
1973	457
1974	(not available)

Number of schools approved by the Department
of Public Instruction 211

Table 2
Louisiana Non-Public School Data
1972-73

Number of Schools	Number of Instructional Personnel						Total		
	Kindergarten		Elementary		High School				
	White	Negro	White	Negro	White	Negro	White	Negro	Total
457	381.7	59	4,383.8	408	2,527.8	174	7,293	641	7,934
	423.2	54	4,386.8	440	2,528	88	7,348	582	7,930
Previous Years -	449								

Table 3
 Summary of Louisiana Non-Public Schools
 Registration - 1972-73

Group	Elementary Grades	High School Grades	Grand Total
White: Boys	46,932	17,441	64,373
Girls	47,202	17,543	64,745
Total	94,134	34,984	129,118
Negro Boys	6,618	1,601	8,219
Girls	7,417	1,943	9,360
Total	14,035	3,544	17,579
Grand Totals	108,169	38,528	146,697

was not readily available to the State Department of Education.¹⁵⁸ He further stated that this information would have to be collected from the individual private schools. The State Board of Education is responsible for accrediting the public and non-public schools.

Florida

Mr. Woodrow J. Darden, Director of Education, says the Florida Department of Education has no authority or jurisdiction over the private schools in that state.¹⁵⁹ He reports that the number of private schools in Florida has jumped from 398 in 1969 (earliest figures available) to 540 in 1974, with an enrollment of 140,000 in grades K-12 as is shown in Table 4. Of the 540 non-public schools, none are approved or accredited by the State of Florida.

Texas

Mr. Meliton L. Gonzales, Chief Consultant, Division of School Accreditation, says the information requested is not available.¹⁶⁰ The Texas Education Agency is responsible for the accreditation of the 510 non-public schools in Texas, totaling an enrollment of 127,009.

The non-public schools of Texas are overwhelmingly Catholic. The figures in Table 6 indicate 58 percent of the total number of schools are of this denomination.

¹⁵⁸Personal correspondence, Appendix B.

¹⁵⁹Personal correspondence, Appendix B.

¹⁶⁰Personal correspondence, Appendix B.

Table 4
Florida Non-Public Schools

School Years:	Number of Schools
1954-1968	not available
1969	398
1970	407
1971	438
1972	501
1973	517
1974	540
<hr/>	
Total Enrollment	140,000
Total Faculty	9,500
Number of schools with church affiliation - 300	
Number of schools registered by Department of Public Instruction - 0	
Number of schools approved or accredited by Department of Public Instruction - 0	
Number of students transported to private schools by bus - 33,806	
Involvement of private schools with local public school superintendents is only through a single report.	

Table 5
Texas Non-Public Schools

School Year	Number of Schools
1954-1971	Not available
1972-1973	510

Total Enrollment - 127,009

Total Faculty - 8,278

Table 6
Texas Non-Public Schools
Church Affiliation

Denomination	Number of Schools
Catholic	297
Baptist	15
Church of Christ	10
Church of God	2
Episcopal	43
Jewish	1
Lutheran	54
Methodist	3
Presbyterian	7
Seventh Day Adventist	6
Other	72
Total	510

South Carolina

Mr. Louis C. Lanier, Education Specialist, reports that the only information available to the South Carolina Department of Education concerning non-public schools is that information provided by the Private School Report.¹⁶¹

This one page report requests a minimum of information, and even if the form is filled out completely, very little is revealed about the school. This report, the result of a South Carolina Law, requires the Superintendent to collect data on the number of students receiving instruction in the private schools, the number of students in regular attendance, the number of teachers employed and the grade levels in each school. Table 7 corroborates Mr. Lanier's statement that the number of private schools in South Carolina has risen from forty-eight in 1954 to 182 in 1974. This includes a total enrollment of 46,822.

Alabama

Table 8 shows there is no approval of non-public schools in Alabama. There are, however, thirty schools out of 335 that are accredited by the state and fifteen accredited by the Southern Association. The non-public schools file a report with the superintendents of the local public school districts. The report contains information concerning operation

¹⁶¹Appendix D.

Table 7
South Carolina Non-Public Schools

School Year	Number of Grades
1954	48
1964	72
1965	78
1966	96
1967	107
1968	110
1969	116
1970	123
1971	164
1972	169
1973	182
1974	(not available)
<hr/>	
Total Enrollment 1972-73	46,822
Total Faculty 1972-73	2,792
Total approved or accredited by the Department of Public Instruction - 0	

Table 8
Alabama Non-Public Schools

School Year	Number of Schools
1954	115
1964	182
1965	185
1966	183
1967	200
1968	211
1969	184
1970	275
1971	278
1972	242
1973	305
1974	335

Number accredited by Department of Public Instruction - 0

Number accredited by Southern Association - 15

Over ninety percent use term "quality education" in rationale for organization.

No open space facilities utilized.

Seventy-five percent utilize conventional schools with self-contained rooms.

Twenty-five percent utilize church facilities.

of the school and attendance. The number of non-public schools in Alabama has risen from 115 in 1954 to 335 in 1974.

Georgia

Mr. J. A. Mize, Director, Division of Administrative Leadership Services, states that Georgia law does not provide for the State Board of Education and the State Department of Education to in any way regulate, supervise, control or work with non-public schools.¹⁶² That being the case, information concerning Georgia non-public schools is limited. Mr. Mize could provide information for only four years, 1970 thru 1974. Table 9 indicates that the number of private schools increased from 224 to 299.

Georgia law requires non-public schools to furnish the local school system superintendent's office with a list of students in attendance. This is the only way local school superintendents and local boards of education are responsible for or are required to work with non-public schools.

Georgia does compile a non-official listing of the non-public schools operating in the state. This is done by contacting the local public school systems and attempting to locate non-public schools. There are 73,224 students attending 299 non-public schools.

Virginia

Mr. Roy T. Lewis, Jr., Virginia State Department of

¹⁶²Personal correspondence, Appendix B.

Table 9
Georgia Non-Public Schools

School Years	Number of Schools
1970-71	224
1971-72	269
1972-73	284
1973-74	298
1974-75	299

Total enrollment of Non-public schools in Georgia - 73,224.

Number of schools approved or accredited by Department of Education - 0.

Education, states that data on non-public schools in Virginia are very limited.¹⁶³ An attempt was made to obtain membership figures from all private schools, but since the response was entirely voluntary the figures were not complete. The only detailed information the Virginia Department of Education had on private schools was on those individual schools which were seeking to be accredited by the Commonwealth. This accreditation is a totally voluntary program, so no information was available on those schools not seeking accreditation.

Mr. Lewis indicated that there are 446 non-public schools in Virginia with an enrollment of 80,665. He further emphasized that since the information submitted by the non-public schools was voluntary, these figures did not represent the total private school population in Virginia.

Mississippi

Mississippi failed to respond to two requests for information. This lack of response could have been due to the fact that there is no compulsory attendance law in Mississippi.

Other Sources of Information

Upon contacting Mrs. Julia W. Williams, Secretary, Virginia Association of Independent Schools, it was learned that detailed information was not available from her office.¹⁶⁴ Mrs. Williams suggested that perhaps The National Association of Independent Schools, Boston, Massachusetts might be of service.

¹⁶³Personal correspondence, Appendix B.

¹⁶⁴Personal correspondence, Appendix B.

Mr. Cary Potter, President of the National Association of Independent Schools, stated his organization could not be "very helpful."¹⁶⁵ He indicated the only information his organization had was on schools which are members of his organization. To be a member of the Association, a school must be a non-profit, tax-exempt corporation with a policy of non-discrimination in admissions. These requirements in themselves would limit those who might apply for admission. Mr. Potter did not indicate how many schools are members of the Association. It was learned from another source, however, that very few non-public schools are members. Kraushaar states the entire membership of the Association consists of only 770 schools.¹⁶⁶ Referring to the fact that only a fraction of the total number of non-public schools are included in his Association, Mr. Potter suggested the information might be obtained from the State Departments of Education.

The Overall Decrease in Non-Public School Enrollment

Although the statistics show that the academy movement is on the increase, Table 10 reveals the national figures show a decrease in total non-public school enrollments. This decrease can be traced directly to the decline in Catholic school enrollments which has reversed the growth trend of non-public schools as a whole. Catholic schools alone account for about

¹⁶⁵Personal correspondence, Appendix B.

¹⁶⁶Kraushaar, op. cit., pp. 15-16.

Table 10

Elementary and Secondary School Enrollment
In The United States, 1949-1970

Year	Elementary (K-8)			Secondary (9-12)			Total Combined % Private
	Public	Private	% Private Elementary	Public	Private	% Private Secondary	
1949-50	19,387,000	2,708,000	12.3	5,725,000	672,000	10.5	11.9
1959-60	27,672,000	4,640,000	14.4	8,485,000	1,035,000	10.9	13.6
1965	30,577,000	4,876,000	14.0	11,597,000	1,329,000	10.3	13.0
1970	32,430,000	4,170,000	11.4	3,330,000	1,360,000	9.3	11.0

77 percent of the total of non-public schools.¹⁶⁷ This large percentage of the total means anything that affects the Catholic schools will have a tremendous bearing on the whole group. It is a widely publicized fact that Catholic schools are suffering from lack of funds, and fewer and fewer of their numbers are willing to serve as unpaid teachers. But whatever the contributing causes may be, the decline in the numbers of students enrolled in Catholic schools has caused a decline in the overall non-public school numbers.

In 1969-70, Catholic schools enrolled 16.8 percent fewer students than in 1964-65 - the year of their greatest enrollment - when over 5,600,000 students were in attendance.¹⁶⁸ While the Catholic enrollment percentages are decreasing, the Protestant and non-sectarian enrollment percentages are increasing rapidly in numbers. The reason for the decline, however, is that the Catholics have such a large base that the numbers involved do not begin to counter-balance one another. A relatively small percentage of loss involving Catholic schools, will far out-weigh the number gained by the Protestant schools with a far smaller base.

¹⁶⁷Ibid.

¹⁶⁸Ibid.

CHAPTER VI

PRIVATE EDUCATION IN NORTH CAROLINA

There is no comprehensive regulation of private schools by North Carolina or any of the Southern states. In the words of Dr. Allen Smith, Assistant State Superintendent of Schools in Georgia, "There is no protection at all for the children. We've tried for the past several years to get legislation passed to control these schools, but the legislators are afraid of it for some reason."¹⁶⁹

The accreditation of schools in the United States, for the most part, has been left to six regional associations. The Southern Association of Colleges and Schools, which is the accrediting body for North Carolina, in turn delegates much of its accreditation work to state associations and commissions. For this reason, accreditation may mean one thing in one state and another in North Carolina.

There are those who think that the Southern Association should deny accreditation to a non-public school if the school has a policy of discrimination. The Southern Association maintains they cannot deny accreditation to a school, even if it has a known policy of segregation, because this aspect of education is not in their domain.

But for the most part, the private academies realize

¹⁶⁹Cleghorn, loc. cit.

Table 11
 Certification Level, Public Schools Classroom Teachers

Year	Total Teachers	Doctor's Degree		Master's Degree		Bach'lr's Degree		Less Than Bach'lr's	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
1968	49,495	---	---	7,077	14.30	39,370	79.54	3,048	6.16
1969	50,534	---	---	7,049	13.95	40,429	80.00	3,056	6.05
1970	49,189	10	.02	6,798	13.82	40,500	82.34	1,881	3.82
1971	49,075	13	.03	6,453	13.15	41,149	83.85	1,460	2.93
1972	49,190	20	.04	6,952	14.13	41,040	83.43	1,178	2.40

Table 12
Non-Public Schools Teacher Certification

	1972-73	1973-74
Number of Teachers in Non-Public Schools	3,055	3,240
Teachers with Credentials	2,687	2,585
Certified	88%	82%
Teachers Not Certified	368	421
Teachers with "A" Certificates	2,074 (77%)	2,025 (64%)
Teachers with "B" Certificates	341 (13%)	280 (9%)
Teachers with "C" Certificates	42 (2%)	30 (1%)
Teachers with "G" Certificates	186 (7%)	227 (7%)
Teachers with Principal's Certificates	13 (1/2%)	20 Less than 1%
Average Teacher-Pupil ratio	1:16	1:16

that they cannot meet even the most minimal standards for accreditation by the state or by the Southern Association. The White Citizens Council leaders are organizing to create a region-wide association of academies which will lend an air of respectability. "The expectation is that this association would presume to 'accredit' the member schools, few of which can obtain accreditation from existing associations."¹⁷⁰

Accreditation in North Carolina

Few of the new private schools meet accreditation standards set by the State of North Carolina Department of Public Instruction. Table 11 shows that in North Carolina, according to the March, 1973 tabulation by the North Carolina Department of Public Instruction concerning non-public school teacher certification, the non-public school teachers fall below the qualifications of the personnel in the public schools. The 1973-74 non-public school teachers even fall below their own 1972-73 figures in certification. Table 12 is a clear indication of this short-coming. It is noteworthy that less than 1 percent of non-public school principals are certified.

Standards for Non-Public Schools

The standards for non-public schools in North Carolina are not unlike those for public schools. In fact, provisions

¹⁷⁰"Struggle Persists Over Tax Status of South's All White Academies," Nation's Schools, August, 1970, p.66.

made for non-public schools are outlined in Public School Laws of North Carolina.¹⁷¹

The State Board of Education is responsible for accreditation, approval, and general overseeing of the non-public schools. The responsibility is passed on to the local Superintendents. What this means, in effect, is the superintendent of each local, county and city school system is responsible for seeing that all public school standards are met by all private schools in that unit. According to John Tuplin, Assistant Co-ordinator of Non-Public Schools, North Carolina Department of Public Instruction, too frequently this responsibility becomes a political "hot potato" and, in reality, there is no real enforcement of rules and regulations. The local superintendent usually finds himself caught in a situation in which he had rather not be involved. What usually happens is that the superintendent requires only what is necessary to complete his forms which are then passed on to Raleigh.¹⁷²

Although non-public schools are supposed to at least come up to the minimum standards set by the North Carolina Department of Public Instruction, very few of them actually do. Tuplin says only about 10 percent of the non-public schools in the state were accredited as of September 1973. There were twelve schools operating during the 1972-73 school year and twenty-nine operating during the 1973-74 school year that were

¹⁷¹Personal correspondence, Appendix E.

¹⁷²Personal interview, August, 1973.

not even approved by the State Department. Tuplin further stated that he personally knew in the past nine years not one single public school superintendent had brought action concerning school people or parents of non-approved schools. In Mr. Tuplin's words, there could be several reasons for this including the aforementioned "political hot potato" and the fact that there are no "teeth" in the laws concerning non-public schools.¹⁷³

As can be seen in Appendix E, the standards for approved non-public schools plus sections of the public school laws of North Carolina relating to non-public schools are rather specific as to what is expected of schools. There is also no question as to the responsibility and authority of the State Board of Education and local superintendents. But while the laws are specific enough, they are also next to impossible to enforce. It is not difficult to understand why a public school superintendent would be reluctant to probe in this area.

North Carolina is not alone when it comes to a lack of adequate supervision. In fact, regulations of non-public schools in North Carolina are more stringent than those in any of the Southern states included in this study.¹⁷⁴

The Atlanta Journal surveyed new private schools in Georgia in 1966. Of twenty-three schools that were checked, only two had accreditation, only six had occupancy permits from the State Fire Marshall indicating the buildings were safe,

¹⁷³Ibid.

¹⁷⁴Personal correspondence, Appendix B.

and four were serving lunches without food service permits from the State Health Department.¹⁷⁵ A reporter who went to the backwoods of Lamar County, Georgia to inspect a one teacher academy called Holy Bible Church School was accosted by a "rough looking, unshaven man with a revolver strapped on his hip." The man told the reporter that the school was none of his business and asked him to leave. In the same year a public school official had gone to the school to get information concerning enrollment figures. When she arrived at the school, several men drew guns and told her not to get out of her car. The school, with about a dozen students, was one at the lower end of the scale concerning facilities. There were no rest rooms, no drinking fountains, no water disposal facilities, no fire protection and no first aid or health facilities.¹⁷⁶

The Situation in North Carolina

Private schools spring up in churches, warehouses, back rooms of private homes, abandoned plants or anywhere there seems to be available space. They vary in size in North Carolina from only two pupils at the Clinton Christian Academy in Clinton, to 1,035 at Goldsboro Christian School in Goldsboro.¹⁷⁷ There have been two schools that have closed since 1965 which had only one pupil.

¹⁷⁵Cleghorn, op. cit., p. 88.

¹⁷⁶Ibid.

¹⁷⁷North Carolina Education Directory (Raleigh: State Department of Public Instruction, 1973-74), pp. 141-42.

How does one start a private school? It seems that about the only criterion for the formation of a private school is simply to state that a school is to be formed. The formation report is rather brief as can be seen from the copy in Appendix F. After any individual who expresses the desire to start a school sends in this report, he is in business. There are publications on the market to inform those who are interested how to take a child out of public school, how to start a school, and how to operate a school once it is organized.

Although some older, established schools have excellent facilities and programs, such schools are few and far between. During the 1973-74 school year in North Carolina, there were 268 non-public schools (K-12) of which only twenty-two were accredited. Of these twenty-two, only sixteen were accredited by the Southern Association.

Each school is approved or not approved on the basis of an annual report which is supposed to be submitted after the first ten days of school. The annual report is rather detailed and somewhat similar to the report which is submitted by each public school. However, without an on-site visit, the veracity of the report as submitted is unknown. It is difficult to believe that schools with one or two pupils are adhering strictly to the state regulations as called for in the reports.

Some schools are somewhat lax when it comes to filing this report. In a memorandum to Jerome H. Melton, Assistant State Superintendent for Program Services, from Calvin L. Criner, Co-ordinator, Non-Public Schools, concerning 1972-73 enrollment

in non-public schools, K-12, it was noted, as of November 29, 1972, that thirteen schools still had not reported.¹⁷⁸ Another memo dated November 23, 1973, stated twenty annual reports had not been turned in.¹⁷⁹

Non-Public School Enrollment

Many public school people have expressed concern that the private school phenomenon is undermining the public school system as a whole. In North Carolina there was a decrease of 12,802 pupils in the public schools during the 1972-73 school year from the previous year. These 12,802 pupils include a slight (0.1 percent) increase at the high school level.¹⁸⁰ A decline in the birth rate could explain part of the decrease, however, statistics for non-public schools, as of February 11, 1972, show an increase in enrollment of 34 percent over the previous year. This is a clear indication that some of the pupils who ordinarily would be entered in public schools have moved toward private education.

Although the total enrollment of private schools is only approximately 4 percent of the total school population at the present time, there is ample cause for alarm by public school officials. There has been an almost invariable increase at all grade levels in non-public schools since 1964. According to a news release by Calvin Criner, the number of private schools

¹⁷⁸Memorandum, North Carolina Non-Public Schools files.

¹⁷⁹Ibid.

¹⁸⁰News Release, North Carolina Public School Survey, February 23, 1972.

in North Carolina has increased steadily in recent years although the figure is now only about 4 percent of the total student population.¹⁸¹ Table 13 shows in September 1968, there were 21,802 students in 174 non-public schools. In September 1969, the figure had increased to 27,471 pupils in 201 schools. In September 1970, the number had jumped to 231 schools and 36,820 students. As of February 11, 1972, there were 49,226 students in 258 non-public schools. During the 1972-73 school year, there was an increase to 51,298 pupils in 265 schools. During the 1973-74 school year, there were 53,489 students in 269 schools.

Table 14 shows fifteen of the state's one hundred counties have non-public school enrollments in excess of one thousand.¹⁸² There was an overall gain of seven schools and 1,224 students for the year 1973-74. This is approximately a 2 percent increase. It is also interesting to note that approximately 75 percent of the pupils enrolled in non-public schools are enrolled in only fifteen counties, all of which have a large Negro population. There are twenty-nine counties with no non-public students enrolled.

Tax-Exempt Status

Forty-three percent of the private schools in North Carolina have not signed Form 441-C¹⁸³ This form, included in

¹⁸¹North Carolina Department of Public Instruction, Public Information and Publications.

¹⁸²North Carolina Education Directory, op. cit.

¹⁸³Calvin L. Criner, Office of Non-Public Schools files.

Table 13
North Carolina Non-Public School Enrollment

Year	Number of Schools	Enrollment
1968	174	21,802
1969	201	27,471
1970	231	36,820
1971	258	49,226
1972	262	51,298
1973	268	53,489

Table 14
 Counties With Non-Public School Enrollments
 In Excess of One Thousand

County	1974-75	1973-74	Gain or Loss
Charlotte/Mecklenburg	8,010	7,573	+437
Winston-Salem/Forsyth	6,426	6,150	+276
Guilford/Greensboro/ High Point	3,319	3,313	+ 6
Durham/Durham City	2,071	1,924	+147
Nash/Rocky Mount	1,900	1,895	+ 5
Buncombe/Asheville	1,929	1,887	+ 42
Wayne/Goldsboro	1,646	1,763	-117
New Hanover/Wilmington	1,391	1,629	-238
Lenoir/Kinston	1,392	1,511	-119
Cumberland/Fayetteville	1,415	1,451	- 36
Craven/New Bern City	1,177	1,141	+ 36
Wilson/Wilson City	1,076	1,132	- 56
Onslow/Jacksonville	833	1,041	-208
Halifax/Roanoke Rapids/ Weldon	1,038	1,037	+ 1
TOTALS	38,258	37,895	1,133 Gain 774 Loss

Appendix H, concerns compliance of the non-public school with the regulations of the Civil Rights Act of 1964. Tax-exempt status granted by the United States Internal Revenue Service is one of the biggest benefits the schools receive. Corporate and private contributions upon which many of the schools depend are deductible from the contributor's income. No statement of non-discrimination is required by the Internal Revenue Service, but the Civil Rights Commission said as early as 1967 that these benefits may be a violation of Title VI of the Civil Rights Act of 1964. This prohibits the use of federal funds in programs guilty of racial discrimination. The Commission also questioned if this Internal Revenue Service policy might be a violation of the Internal Revenue Code of 1954, which requires institutions receiving tax-exempt status to be of general benefit to the public.

No school can obtain tax-exempt status without first signing the form which assures the Department of Health, Education and Welfare "that no person, on the ground of race, color, or national origin, is excluded, or otherwise subjected to discrimination in receiving services at one school operated by it." The form, as seen in Appendix H, seeks further assurances. The point being made here is that simply by signing form 441-C and returning it to the Department of Health, Education and Welfare, a school can become tax-exempt. It makes no difference that members of any minority race do not attend the school nor have ever attended the school. Simply by signing the form, which in effect states the non-public school is not discriminatory

towards anyone on the ground of race, color, or national origin, they are given approval. Even with this minor requirement, 43 percent of all private schools in North Carolina still refuse to sign the form.

Reese Cleghorn, an official of the Atlanta-based Southern Regional Council, in testimony to a Senate Select Committee on Equal Educational Opportunity, has pointed out that private academies do not pose a general threat to the public school system in the eleven state region. There are, however, some isolated areas where there is a substantial threat. Cleghorn specified the small towns and rural areas of South Carolina, Georgia, Alabama, Mississippi and Louisiana. For this reason Cleghorn recommended the burden be put on the private schools to prove they are not discriminating racially in order to qualify for tax-exempt status.

As of February 21, 1972, only eighty-nine of 257 non-public schools had signed 441-C. This figure increased appreciably just one year later during the 1972-73 school year. The number of schools that had signed jumped to 150 of 265 schools. No reason is given for this increase in signees.

Non-Public Curricula

There is a wide variation in what is being taught in the classrooms of the academies. As can be seen in Appendix I, in many schools the staff are teaching very much the same as they taught in their former public schools.

The following set of statistics shows an overview of the 265 non-public schools' curricula:

1. 62 (23%) non-public schools offer a full elementary program, 1-8 or K-8.
2. 50 (18%) non-public schools offer a complete educational program, 1-12 or K-12.
3. 40 non-public schools are expanding their programs to include 1-12 or K-12.
4. 89 (34%) non-public schools offer a partial elementary program, K-6, 1-7, 1, 5-6, etc.
5. 15 (6%) non-public schools offer only the secondary grades, 9-12, or 11-12.
6. 49 (18%) non-public schools offer combinations of grades which include both elementary and secondary grades, K-9, 6-12, etc.
7. 63 (26%) non-accredited non-public schools have requested assistance from the Non-Public Schools Office for the purpose of accreditation.

114 Non-Public Schools Offer Foreign Languages

1. 85 (74%) non-public schools offer French.
2. 48 (42%) non-public schools offer Spanish.
3. 26 (23%) non-public schools offer Latin.
4. 13 (11%) non-public schools offer German.
5. 2 (2%) non-public schools offer Hebrew.
6. 1 (1%) non-public schools offer Russian.
7. 10 non-public schools (which include at least the ninth grade) do not offer a foreign language.¹⁸⁴

Legislative Study Commission

North Carolina in the past has condoned and practiced a policy of leaving the non-public schools to themselves. In 1965, legislation to require all private schools to meet minimum

¹⁸⁴Calvin L. Criner, Office of Non-Public Schools files.

standards and obtain state licenses was soundly defeated. However, the State now has begun to re-examine its responsibilities in the field of private education. A commission has been appointed by the legislature to study relationships between private schools and state education agencies. This commission has been in operation since mid-summer of 1974 and has been trying to determine whether private schools should have to meet some state standards and if so which ones.¹⁸⁵

The state's compulsory attendance law requires that private schools report their enrollments to the public school superintendents of the local public school system. The problem is that there are no state requirements that the private schools meet minimum educational standards. The law requires only that they notify the State Department of Public Instruction of their existence.

The state of North Carolina employs only two people who are responsible for non-public schools. One of the two tries to visit each private school at least once a year. If conditions are found to be below standards acceptable to the Department of Public Instruction, the local public school superintendent is notified. But there have been no cases where the local public school superintendent has taken action.

The State Study Commission is not authorized to look into conditions within non-public schools. Its mandate is narrow: to examine relations between state education agencies

¹⁸⁵Editorial, Charlotte Observer, September 22, 1974, p. 6A.

and private schools.¹⁸⁶ Even though it does not have much authority, the Commission could be the start of a push toward state regulation of private schools.

If the state does take steps towards more control over these schools, it will surely meet opposition. The leaders of private schools, particularly those heading many of the Christian Academies founded in recent years, have combined into a united front against any state interference whatsoever. The Reverend Ket Kelly of Southern Pines, along with a delegation of administrators of private schools, went before the legislative commission to make the point that private schools want "absolutely no state oversight or interference." Reverend Kelly said that sixty-five of the eighty Christian Academies agreed with him. He also presented a petition with several thousand signatures asking the legislature to "free us from any connection whatsoever with public education and the office of the Superintendent of Public Instruction."¹⁸⁷

Analysis of Individual Private Schools in North Carolina

Questionnaires were sent to the 237 approved non-public schools listed in the North Carolina Education Directory for 1973-74. A similar questionnaire was sent to the eleven Southern states' public school superintendents. Upon receiving the returned questionnaire from Calvin Criner, Coordinator of Non-Public Schools in North Carolina, with the data concerning

¹⁸⁶Ibid.

¹⁸⁷Editorial, Raleigh News and Observer, November 9, 1974, p. 4A.

non-public schools in North Carolina, it was learned there are twenty-four unapproved schools operating in the state. The same questionnaire, but with a separate code, was sent to the twenty-four unapproved schools. This was done to discover if the unapproved schools would return the questionnaire as freely as the approved schools. It was disappointing to learn that of twenty-four questionnaires sent, only eight chose to return them. One questionnaire was returned stating the school had closed.

Not all schools which were given the opportunity to respond chose to do so; however, the percentage that did was high. Of the 237 approved schools that received a questionnaire, 166 or 70.04% returned at least the form. There was one disappointing note; nine schools chose to return the questionnaire without filling in the data. Three of these questionnaires were returned unsigned with no explanation. Six school officials did take the time to explain why they chose not to furnish the data.

Organization of Schools

Table 15 shows that of the 153 approved schools which chose to indicate the year of organization, fifty-five were organized during or prior to 1954. Only one of the unapproved schools was organized during that time. According to information supplied via the questionnaire, the three years with the most new schools organized are 1968 with sixteen, 1969 with twelve, and 1971 with twenty-two. These figures concur rather closely with information provided by the Office of Non-Public Schools.

This information indicates the three years with the greatest number of new schools organized were 1969 with twenty-seven, 1970 with thirty, and 1971 with twenty-seven. No information was available for the years prior to 1968. Since only eight of the twenty-four unapproved schools chose to return the questionnaire, it is impossible to ascertain when the majority of these schools were organized. The eight which did respond were organized between the years 1954 and 1971, with only the year 1970 having more than one school represented.

Rationale for Organization

In questioning the rationale for the organization of the approved schools, Table 16 clearly indicates that the majority reported their prime reason for establishing their institution was for a combination of quality education and religious instruction. There were forty-three schools which indicated that quality education in itself was the major reason for establishing the school. Several reasons were listed as to why officials of these schools were concerned that children were not receiving the high quality education in public schools they could receive in the private schools. Some of these reasons were: "To provide an atmosphere more conducive to children too immature for the first grade;" "To provide an alternative school to the traditional schools in the area;" and "To provide an education involving practical skills where every student engages in a work experience, training program as a part of his

Table 15

Number of Non-Public Schools Organized by Year

Year	Approved	Unapproved	Questionnaire		Office of Non-Public Schools	
			Cumulative Totals	Cumulative Totals		
(1)	(2)	(3)	(4)		(5)	
1954 & prior	55	1	55	56	Figures	
1955	1		56	57		
1956	2		58	59	For	
1957	2		60	61		
1958	1		61	62	Years	
1959	1		62	63		
1960	1		63	64	Prior to	
1961	4		67	68		
1962	2	1	69	71	1968	
1963	2		71	73		
1964	4		75	77	Not	
1965	4	1	79	81		
1966	3		82	85	Available	
1967	6		88	91		
1968	16		104	107		
1969	12	1	116	120	27	201
1970	9	3	125	132	30	231
1971	22	1	147	155	27	258
1972	6		153	161	4	262
1973					6	268
1974					10	278

Sources:

Column 4: Questionnaire to Individual Non-Public Schools.

Column 5: Office of Non-Public Schools.

Table 16
 Rational^e For Organization of Non-Public Schools

To Provide	Approved Schools	Unapproved Schools
Quality Education	43	2
Religious Instruction	7	
Experimental Program	2	
Other	1	
Quality Education and Religious Instruction	72	5
Quality Education, Religious Instruction and Experimental Program	3	
Quality Education, Religious Instruction and Other	11	
Religious Instruction and Other	1	
Quality Education and Experimental Program	4	
Quality Education and Other	4	
Religious Instruction and Experimental Program	1	
Experimental Program	2	
Quality Education, Experimental Program and Other	1	1
Totals	152	8

education."¹⁸⁸

Eleven schools indicated their rationale for organization was a combination of quality education, religious instruction and some other factor. Several of their reasons were: "To provide a Christ-centered, Bible-oriented curriculum taught by a born-again, separated-from-the-world faculty;" "To provide quality and religious instruction;" "To promote patriotism;" "To provide a day care for workers' children;" "To avoid trends of progressive education and humanistic influences;" "To utilize year around facilities used only during summer months as a Bible conference center;" and "To provide a peaceful, disciplined environment for study."¹⁸⁹

There were 12 schools which did not list quality education as a main reason for organization. These schools represent a variety of rationales. Several reasons for their organization were: "To keep Seventh Day Adventists in a Christian environment;" "To provide a humanistic and ethical program;" and "To expose Christian values and provide for education that prepares for the future and focuses on the whole man - for a person of any race, color or creed."¹⁹⁰ Seven schools stated in no uncertain terms that their schools were set up that they might have a free hand in teaching institutional religions.

¹⁸⁸Personal correspondence between Headmasters, North Carolina Non-Public Schools, and the writer, Questionnaire, writer's files.

¹⁸⁹Ibid.

¹⁹⁰Ibid.

The responses of the unapproved schools were not unlike those of approved schools. Three indicated they had organized to provide quality education, five to provide quality education along with religious instruction and one to provide an integrated program.

Administration

Table 17 shows that non-public schools use a variety of titles when referring to the chief administrator. The responsibilities remain the same, however, no matter what the title. This was pointed out by several of the schools. One school undoubtedly administered by a female had this remark: "What is the difference? We call the head principal because the term head mistress is distasteful." Calvin Criner says that schools with female heads usually use the title "Principal." He also says that the non-sectarian schools usually call their administrators "Headmasters" if they are male.

Of the 154 schools which responded to the questionnaire, seventy-five said they used the term principal, and forty-six said they used the term headmaster. There were eleven schools which chose the title of director. Eighteen schools indicated that they were administered by a minister of an affiliated church. One school said it was administered by a "head teacher," but was "assisted by the pastor." Two schools chose none of the above as the title for the chief administrator; one indicated its head was called "administrator," and the other used "Superintendent of Education."

Table 17
Administration of Non-Public Schools

Title	Approved Schools	Unapproved Schools
Principal	75	7
Headmaster	46	1
Director	11	
Minister	18	
Head Teacher	1	
Other	3	

Calvin Criner says that the Catholic schools have a "Principal" and the local Parish Priest is the administrator.

Governing and Policy-making Boards

One hundred forty-six schools responded to the question, "Does your school have a policy-making governing board?" Table 18 shows that seventy-six had what they termed a board, and fifty-four referred to theirs as directors. Several schools pointed out there was no distinction between a board and directors. Seven schools reported their schools were governed by committees made up of teachers. One school indicated it was governed by what it called a "home-school organization" made up of teachers and parents. Another school reported it was governed by its affiliated church staff. There were six schools which said there was no governing board involved in the operation of their schools. These schools were administered by the principal or headmaster only.

Twenty schools reported that they were governed by a board but still utilized a committee of teachers in the operation of the school.

Church Affiliation

Table 19 establishes that 150 schools responded to the question concerning church affiliation. Eighty-two reported in the affirmative, while sixty-eight indicated theirs was a non-sectarian operation.

Of the schools participating in the survey, Baptists and Catholics far outnumbered other church affiliation with

Table 18
Schools With Policy-making Governing Boards

Governing Boards	Approved	Unapproved
Board	76	8
Directors	54	
Committee	7	
Other	3	
None	5	

Table 19

Non-Public Schools With Church Affiliation

Approved Schools		Unapproved Schools	
Yes	82		6
No	68		2
Denomination		Approved	Unapproved
Baptist		29	3
Methodist		2	
Presbyterian		2	
Seventh Day Adventist		8	1
Catholic		29	1
Episcopal		4	
Lutheran		4	
Jewish		2	
African Methodist Episcopal		1	
Mormon		1	
Quaker		2	1
Other (no indication of denom.)		1	

twenty-nine of each. The remainder of the schools indicating a church affiliation represented a fair cross-section of denominations with at least one school associated with almost every faith. This included one all Negro African Methodist Episcopal affiliated school.

Students and Faculty

Table 20 points out several interesting aspects concerning non-public school students and faculty. Of the 166 schools which returned the questionnaire, 150 chose to furnish the information concerning enrollment and faculty members. These 150 schools include a total of 35,093 students and 2,333 faculty members. The total student figure represents 66 percent of the total non-public school enrollment, and the total faculty figures represent 72 percent of the faculty membership. These latter figures were furnished by the Office of Non-Public Schools.

There are 2,333 faculty members in the non-public schools; forty-three are Negro. There were 1,273 Negro students reported ; however, 518 of these are students of all-Negro non-public schools. This leaves 755 Negro students attending predominantly White schools out of a total of 35,093 pupils. This means about 3 percent of the students in the predominantly White schools are Negro. This figure can be seen in perspective when the totals for the Catholic and Quaker schools are taken into consideration. The two denominations, which have for years operated racially integrated schools, enrolled 544 of the

Table 20

Non-Public School Enrollments and Faculty Totals

Total Enrollment	Elementary				Secondary				Faculty		
	Boys	Girls	Negro	White	Boys	Girls	Negro	White	Total	Negro	White
35,093	11,950	11,955	1,204	20,345	3,549	3,349	69	5,864	2,317	43	2,274

Negroes. This leaves only 211 Negro students in the other schools. Fifty-three, or 35 percent of the non-public schools indicated they had enrolled at least one Negro. Thirty-three, or 62 percent of this total, have five Negroes or less.

Table 21 indicates the eight unapproved schools which responded to the questionnaire show an enrollment of 1,127. Of this total seventy-five are Negro; seventy-five are enrolled in only two schools, one Catholic and one Quaker. These same two schools had ten Negro faculty members; the remaining six had none.

School Facilities

From all responses furnished by the approved non-public schools concerning types of school facilities utilized in their operations, Table 22 establishes that the overwhelming choice was the conventional self-contained situation. One hundred two of the 150 responding indicated their school facilities were of conventional construction. The next most frequent response was a mere fifteen indications that conventional and church facilities were used.

There were only five schools which said they used anything other than conventional or church facilities, although there were twelve responses that conventional and open space facilities were in use.

The responses from the unapproved schools were very similar to those of the approved schools. Four of the eight indicated they utilized conventional facilities, with the remaining four having some combination of several types, but

Table 21
Unapproved Schools

Total Enrollment	Elementary				Secondary				Faculty		
	Boys	Girls	Negro	White	Boys	Girls	Negro	White	Total	Negro	White
1,127	377	353	145	579	32	45	35	77	101	91	10

Table 22

Types of Facilities Used by Non-Public Schools

Type	Approved Schools	Unapproved Schools
Conventional	102	4
Open Space	5	
Church	10	
Other		1
Conventional & Open	12	1
Conventional & Church	15	1
Conventional, Open & Church	4	1

also including the conventional. One school has five trailers with two classrooms each.

Information supplied by Calvin Criner indicates there are two hundred schools which utilize conventional self-contained facilities and sixty-six that use church facilities for their classrooms. Mr. Criner says that only a few have open space facilities.¹⁹¹

Original Construction

Table 23 shows that most of the non-public schools are housed in facilities which were originally constructed for their use. One hundred nine schools indicated that they had initiated the construction of their school buildings.

Thirty-seven of the schools reported their facilities had at one time been used for something other than a non-public school. Perhaps the most unusual facility now being utilized is a former chicken house.

Other previous uses of facilities now being used include: fifteen Sunday school classrooms; parts of five private residences; three former public schools; three churches with new facilities added; one day care center; one boys' club; one recreational center and storage building with a new facility added; one church which also utilizes space in a private home; one YWCA; one former public school building with a new facility

¹⁹¹Personal correspondence between Calvin L. Criner, Coordinator, North Carolina Non-Public Schools and the writer, Questionnaire, writer's files.

Table 23
Facilities Originally Constructed for Use
as Non-Public Schools

Approved		Unapproved
Yes	109	7
No	37	1

Previous Uses of Facilities Not Originally
Constructed for Non-Public Schools

Type	Approved	Unapproved
Sunday School	18	
Residence	8	
Public School	3	
New Facility Added to Church	3	
Day Care Center	1	
Boys' Club	1	
New Facility Added to Recreational Center and Storage Building	1	
Chicken House	1	
Church and Home	1	
YWCA	1	
New Facility Added to Old Public School	1	
Community Center	1	
Church Recreation Hall		1

added; and one community center. Calvin Criner reports that the educational wings of sixty-six churches are utilized.¹⁹²

Table 23 discloses that the unapproved schools' responses were very similar to those of the approved schools. Seven of the eight schools indicated their facilities had been originally constructed for them. One school is housed in church classrooms and a recreation hall.

Recognition by North Carolina Department of Public Instruction

Table 24 shows that of the 166 returned questionnaires from the approved schools, 157 reported they were approved by the North Carolina Department of Public Instruction. Twenty-nine schools reported they were also accredited by the Department of Public Instruction. This varies with the number of accredited schools reported by the Coordinator of Non-Public Schools. Data obtained from Calvin Criner indicates of the 239 approved schools only twenty-two are accredited by the Department of Public Instruction. Of all the data obtained from the approved non-public schools and other sources, this was the only discrepancy detected.

There was a glaring discrepancy concerning those questionnaires returned by the unapproved schools. Of the eight schools, all of which the Office of Non-Public Schools says are unapproved, five indicated they are approved. One of these schools said it was also accredited by the Department of Public Instruction.

¹⁹²Ibid.

Table 24

Recognition of Non-Public Schools by The North Carolina
Department of Public Instruction

Recognition	Approved Schools		Non-Approved Schools	
	Questionnaire	Office of Non-Public Schools	Questionnaire	Office of Non-Public Schools
Approved by Department Of Public Instruction	104	239	5 ^a	0
Not Approved by Department Of Public Instruction	0	24	3	8
Accredited by Department Of Public Instruction	29 ^b	22	1 ^c	0

^aUnapproved schools - five of the eight responding schools indicate they are approved by the Department of Public Instruction.

^bApproved schools - difference of seven in the number of schools accredited by the Department of Public Instruction.

^cUnapproved schools - one of the eight responding schools indicates it is accredited by the Department of Public Instruction.

These are discrepancies in the totals as reported by the individual schools and the Office of Non-Public schools.

Recognition by the Southern Association

It is interesting to note and is substantiated in Table 25 that of the sixteen schools accredited by the Southern Association, fifteen chose to return the questionnaire. Twenty-four indicated they were affiliated with the Southern Association, and six of these said they were in the process of becoming accredited.

One school indicated that it was accredited at one time by the Southern Association, but was no longer due to the expense of accreditation and the few benefits derived.

Local Public School Board and Superintendent Involvement

Table 26 denotes there is very little involvement between the non-public schools and their local public school superintendents.

There are three schools whose driver's education students are taught by the local public school. One school indicated a part-time teacher's aide was furnished by the local public school system. Another school stated it shared in the federal food commodities program. Other than these five indications, the only involvement between the non-public schools and the local public school superintendents is the Annual Non-Public Schools Fall Report, which the non-public school is required by law to fill out in triplicate at the close of the first ten days. Two copies are supposed to be sent to the local superintendent of the administrative unit in which a school is located. The third copy is to be signed by the superintendent and forwarded to Mr. Calvin Criner, Coordinator, Non-Public

Table 25
 Recognition of Non-Public Schools By
 The Southern Association

Recognition	Approved Schools		Non-Approved Schools	
	Questionnaire	Office of Non-Public Schools	Questionnaire	Office of Non-Public Schools
Affiliated with the Southern Association	24	0	0	0
Accredited by the Southern Association	16	16	0	0

Table 26
 Involvement of Non-Public Schools With Local
 Public School Superintendents and
 School Systems

	Approved Schools		Unapproved Schools	
	Yes	No	Yes	No
Reports	130	11	7	1
Records	76	62	7	1
Books	0	141	0	8
Attendance	0	141	0	8
Curriculum	0	141	0	8
Supplies	0	141	0	8
Transportation	0	141	0	8
Federal Programs	45	92	1	7
Other	4 ^a	0	0	0

^aDriver's Education - 3
 Part-time Teacher's Aide - 1

Schools, State Department of Public Instruction, Raleigh, North Carolina. This procedure is supposed to be completed within five days after the close of the first ten days of school. Eleven of the approved schools indicate they do not even do this.

The involvement reported by unapproved schools is very similar to that reported by approved schools. Seven of the eight schools indicated their main involvement is with reports and records.

Calvin Criner says his division is unaware of the degree to which any local public school superintendent is involved in the operation of private schools. He states that to his knowledge such involvement is non-existent. He does say that if such involvement does exist his office would be the last to hear of it.¹⁹³

Forty-five schools indicated they participate in Federal programs such as Elementary and Secondary Education Act Titles I and II. A prerequisite to this participation is the signing of form 441-C. Ninety-two have indicated they engage in no such participation. Several listed reasons why they did not participate. Among the reasons listed were the desire not to be involved with outside agencies and the belief that private schools should not accept state and federal aid.

Transportation of Students

Table 27 establishes that non-public school students

¹⁹³Ibid.

are transported to and from schools utilizing the same modes of transportation as public schools - buses, automobiles and walking. The vast majority of the students are transported by automobile, with 133 schools reporting at least a portion of their students, usually the majority, utilize this method. Fifty-six schools reported that buses are used to transport students. Four schools said 100 percent of their students were transported on buses.

Almost invariably if a school had walkers, they were a very small portion of the school's population - usually from two to ten. There were a few exceptions, especially among the urban parochial schools. The reason for this was few of the schools could be classified as neighborhood schools with many students living in close proximity. The indication was that the schools drew children from throughout their respective counties.

Thirty-nine of the schools indicated all of their students were transported by private automobiles. Two schools reported all of their students walked. These schools had very small enrollments, one with ten and the other with eight. Thirty schools reported their students utilized a variety of modes of transportation. Thirty-three reported no buses were used, but rather a combination of automobiles and walking. There were five boarding schools which utilized no transportation for their students.

The total of the schools reporting indicates 80 percent of the students are transported in automobiles, 18 percent by bus and 2 percent walked.

Table 27
How Non-Public School Students Are
Transported to School

Types of Transportation	Approved Schools	Unapproved Schools
Buses	4	
Automobiles	39	1
Walk	2	
Buses and Automobile	30	2
Buses, Auto and Walk	24	2
Walk and Auto	33	3
Boarding School	3	

Ownership of Buses

Table 28 shows that out of the fifty-six schools reporting the utilization of buses to transport students to and from school, twenty-six own their buses. The remaining thirty are operated in a variety of ways. One school reported they owned five buses, but the buses were privately maintained and operated. Thirteen schools used buses owned by an affiliated church. Six schools were serviced by buses owned by parents' cooperatives; nine schools used private bus companies which were organized to transport the students of those schools; two schools utilized public transit companies to transport a portion of their students.

Table 28

Buses Owned or Operated by Non-Public Schools

Owned or Operated By	Approved Schools	Unapproved Schools
School	26	2
Affiliated Church	13	3
Parents Cooperative	6	
Private Bus Company	9	
Public Transit	2	

CHAPTER VII

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

I. Summary

General opinion holds that there is a need for education. Controversy has stemmed from how this education will be dispersed - through public or private schools.

Private schools have been a part of our educational tradition. The earliest schools in the United States were private. The history of the modern country day school and the Southern academy can be traced directly to the proprietary town and church schools of the Colonial Period.

The so-called Southern academies have been organizing at a very rapid pace since 1954. The major reasons for the phenomenal increase in the number of these schools are desegregation of the public schools and forced busing to achieve proper racial ratios. Many people feel if they are to maintain control over the destinies of their children that their only recourse is alternative schooling.

There are several alternatives to busing other than private schools. These include: the neighborhood school, community school and the education park. Other alternatives, labeled parallel systems, include the competitive school and the voucher system.

Until recently the courts have traditionally left

education to local authorities. In 1954, the United States Supreme Court ruled state-compelled racial segregation in public schools was unconstitutional. In 1964, the Civil Rights Act was legislated. The Department of Health, Education and Welfare began demanding that school systems submit plans for desegregation under threat of loss of federal funds. In 1971, the courts issued for the first time guidelines to desegregate school systems. The Court said that local school boards have the power to use buses to desegregate schools.

A basic issue that has produced sharp controversy over the years is how much control and regulation should the state have over the non-public schools. The answers range from doing away with non-public schools to having no control at all. The schools to date have been permitted to remain virtually regulation free because they have been financially independent. The Supreme Court has affirmed the right of the parent to educate his child as he wishes. The state has been denied the power to compel one to attend a public school. The exact extent of state control over non-public schools has never been established.

None of the eleven Southern states have accurate and extensive information concerning their non-public schools due to the fact that most states' laws do not provide for regulation, supervision or control of the schools. Those states that do exercise some regulation, supervision or control do so on a very limited basis.

The three areas in which there is a degree of control

of non-public schools are curriculum, instruction and administration. Generally speaking, the state can set forth minimum requirements in the area of curriculum; however, little is done to see that the minimum requirements are met. Thirty-one states have some regulations of curriculum - ten specifically design required courses. Twenty-one demand various measures of equivalence between non-public and public school instruction. Forty-one state legislatures have enacted some type of compulsory standards for non-public schools. Of these forty-one, only six - Alabama, Nebraska, North Carolina, Michigan, Iowa and Washington - explicitly require that non-public school teachers be certified. Control of administration varies from state to state, from no control at all to requirements similar to those for public schools. Some of these types of control are: school attendance, regular fire drills, sanitation requirements, supervision and inspection of schools, the keeping of records and rendering of reports to state officials and length of school term. The methods of enforcement vary. Fourteen states can close schools found to be violating state regulations. Seventeen states enforce compulsory attendance laws by petitioning the students or parents into court.

Twenty-two of the private schools in North Carolina meet accreditation standards set by the State Department of Public Instruction. Only sixteen are accredited by the Southern Association.

The State Board of Education is responsible for not only accreditation but also approval and general overseeing of

the non-public schools. This responsibility is passed on to the State and local superintendents. In spite of this the only contact officials in public education usually have with those in non-public education is an annual report. This annual report is required by law to be submitted by the private school to the local public school superintendent. He then passes it on to the State Department of Public Instruction. Despite the law, some schools fail to submit the report.

Although North Carolina has condoned and practiced a policy of non-interference when dealing with the non-public schools, the State has begun to examine its responsibilities in the field of private education. A commission has been appointed by the legislature to study relationships between private schools and state education agencies. So far the commission is not authorized to look into conditions within the private schools, only to examine relations between state education agencies and private schools.

A questionnaire was sent to all non-public schools in North Carolina. It consisted of thirteen questions. Of the 237 approved schools that received the questionnaire, 166 or 70.04 percent returned them. Only eight of twenty-four unapproved schools which were sent questionnaires chose to supply the information.

According to the information supplied by the individual schools, the three years with the most new schools organized are 1968 with sixteen, 1969 with twelve, and 1971 with twenty-two. These figures compare rather closely with information

provided by the Office of Non-Public Schools.

The majority of the schools were established in order to provide a combination of quality education and religious instruction. Forty-three schools indicated quality education in itself was the major reason for organization.

Most of the non-public schools call their administrative leader either principal or headmaster. All female head administrators are called principals.

All except six responding schools indicated they had some kind of governing board to which they were responsible. The six other schools indicated they were administered by the principal or headmaster. Twenty schools were governed by a board but utilized a committee of teachers as well.

Of the 150 schools responding, eighty-two reported church affiliation. Sixty-eight schools indicated a non-sectarian operation. Baptist and Catholics operate the majority of non-public schools, each accounting for twenty-nine. The remainder of the church-affiliated schools represents a cross-section of the church community.

Of 150 schools included in the survey, non-public school students and faculty are overwhelmingly White. There are only forty-three Negro faculty members out of a total of 2,333 reported. There were 1,273 Negro students reported. Five hundred eighteen of these are students of all Negro schools. This leaves only 755 Negro students attending predominantly White schools out of a total of 35,093.

The majority of non-public schools said their facilities were of the conventional, self-contained style of construction.

Most of these facilities were originally constructed for use by the non-public schools.

The vast majority of non-public students are transported to school by automobiles. Fifty-six schools reported at least a portion of their students were transported by bus. The total of the schools reporting indicate 80 percent are transported by automobile, 18 percent by bus and 2 percent walk.

II. Conclusions

Many people contend that they support a private school in order to improve the quality of education. If this were true, would most institutions be striving to bring their standards up to state certification requirements? If their goal was truly to improve the educational quality of the schools, would they be struggling to meet the standards set by those in public education?

The following conclusions are based on the results of this study:

1. There is a definite correlation between the rapid increase in the numbers of the so-called Southern academies and the desegregation of public education and the use of forced busing to achieve proper racial quotas.

2. The busing of students is not the real concern of parents. Having children attend the school of their choice is their main interest.

3. Public school officials seem to desire no involvement in private education. This is due, in part, to the fact that

laws concerning private education are unclear, and traditionally the schools have been left alone.

4. Private education is in little danger of being legislated out of existence by its opponents. It can continue to operate in a virtually hands-off capacity as long as it does not accept financial aid from state and federal agencies.

5. Overall, the numbers in private education are decreasing, even though there has been a phenomenal increase in the numbers of Southern academies. This is due to the closing of large numbers of Catholic schools.

6. There has been a steady increase in the numbers of private schools since 1954. Beginning in 1968, there was a significant increase in the number of schools organized.

7. The courts and legislatures have become increasingly more involved in education.

8. Quality education and freedom to give religious instruction are offered by an overwhelming majority of private schools as their rationale for organization.

9. There is no difference in the titles of "principal" and "headmaster" as used by private schools. Traditionally the title used was "headmaster," but more and more schools have begun using "principal." The majority of the private schools now call their administrative leader "principal."

10. Almost all private schools receive guidance from a board of directors. Only five of the 150 schools reporting are guided by a single administrative leader.

11. Approximately one-half of the private schools in North Carolina have no church affiliation. There are by far

more Baptist and Catholic affiliated schools than those operated by any other denomination.

12. There is an extremely low percentage of Negro faculty and students in the 150 private schools which supplied information. Almost one half of all the Negro students attend all-Negro schools. Only 211 Negro students are enrolled in predominantly White schools which are not Catholic or Quaker affiliated. Approximately 3 percent of the students in the reporting non-public schools are Negro.

13. The private schools overwhelmingly prefer traditional, self-contained classrooms for their instructional purposes.

14. Although some of the facilities used by non-public schools were not originally constructed for that purpose, the overwhelming majority of them were constructed for use by private institutions.

15. Only a small number of non-public schools in North Carolina are accredited by the Department of Public Instruction and/or the Southern Association. Twenty-nine of the 268 non-public schools are accredited by the Department of Public Instruction, and sixteen are accredited by the Southern Association.

16. There is almost no involvement between the non-public schools and the local public school boards of education and superintendents. Almost invariably the only involvement is the annual report which the non-public school is required by law to submit to the local public school superintendent.

17. Non-public school children are transported to and from school utilizing the same modes of transportation as the public schools. The total of the schools reporting indicates that 80 percent of their students come by automobiles, 18 percent come by bus and 2 percent walked.

18. Very few buses are owned by the non-public schools. Of the fifty-six schools reporting that a portion of their students are transported by bus, twenty-six own their own buses.

III. Recommendations

1. In view of the rather limited amount of data concerning private education that is available, not only in North Carolina, but in other states as well, it is recommended that a similar study be done in all states.

2. It is recommended that the Legislative Study Commission be charged with the responsibility for investigating conditions in private schools

3. It is recommended that a study be made to determine if those in private education are guilty of racial discrimination. Simply signing the Form 441-C should not be sufficient proof to qualify a private school for tax exemption and other privileges.

4. It is recommended that the state make clear its position concerning private education.

BIBLIOGRAPHY

BIBLIOGRAPHY

1. Books

- Allen, Dwight W. Criticism, Conflict, and Change, eds. Emanuel Hurwitz, Jr. and Robert Maiment. New York: Dodd, Mead, and Company, 1971.
- Chamberlain, Ernest Barrett. Our Independent Schools. New York: American Book Company, 1944.
- Clark, Kenneth B. Challenges to Education, eds. Emanuel Hurwitz, Jr. and Charles A. Tesconi. New York: Dodd, Mead, and Company, 1972.
- Clift, Virgil A. et. al., (eds.). Negro Education In America. New York: Harper Brothers, 1962.
- Cremin, Lawrence. Transformation of the Schools. New York: Alfred A. Knopf, Inc., 1961.
- Directory of Approved Non-Public Schools, North Carolina
Department of Public Instruction, 1972-73.
- Erickson, Donald A. (ed.). Public Controls for Non-Public Schools. Chicago: University of Chicago Press, 1969.
- Fantini, Mario, Marilyn Gittell, and Richard Magot. Community Control and The Urban School. New York: Praeger Publishing, 1970.
- Gates, Robbin L. The Making of Massive Resistance. Chapel Hill: University of North Carolina Press, 1964.
- Howe, Harold, II. High School 1980, ed. Alvin C. Eurich. Atlanta: Pitman Publishing Corp., 1970.
- Humphrey, Hubert H. (ed.). School Desegregation: Documents and Commentaries. New York: Thomas Y. Crowell Co., 1964.
- Kraushaar, Otto F. American Non-Public Schools, Patterns of Diversity. Baltimore: The John Hopkins University Press, 1972.
- Muse, Benjamin. Virginia's Massive Resistance. Bloomington: Indiana University Press, 1968.
- Nolte, M. Chester. School Law In Action: 101 Key Decisions With Guidelines For School Administrators. West Nyack, New York: Parker Publishing Co., 1971.

North Carolina Education Directory. Raleigh: State Department of Public Instruction, 1973-74.

North Carolina Public School Law. Charlottesville, Virginia: The Michie Co., 1971.

Raper, Charles Lee. The Church and Private Schools of North Carolina. Greensboro: J. J. Stone, Book and Job Printer, 1898.

Rubin, Lillian B. Busing and Backlash. Berkeley: University of California Press, 1972.

Sizer, Lionel, and Robin Fox. The Imperial Animal. New York: Holt, Rinehart, and Winston, 1972.

Smith, Bob. The Making of Massive Resistance. Chapel Hill: University of North Carolina Press, 1965.

Stoff, Sheldon. The Two Way Street. Indianapolis, Indiana: David Stewart Publishing Co., 1967.

U. S. Riot Commission, Report of the National Advisory Commission on Civil Disorders. New York: Bantam Books, Inc., 1968.

Waters, Pat, and Paul M. Gaston. The South and Her Children. Atlanta: Southern Regional Council, 1971.

2. Periodicals

"Boom In Protestant Schools," U. S. News and World Report, LXXV, 15, October 8, 1973, 44-46.

Boyd, Miller W. "Busing, The Other Side of the Coin," School and Community, LXI (March, 1973), 33.

Carrison, Muriel Parkin. "Why is There Polarization of Attitudes?" The Education Digest, XXXVIII (October, 1972), 2-5.

Clark, Kenneth B. "In The Matter of Busing," Urban Review, VI (Summer, 1972), 2-5.

Cleghorn, Reese, et. al. "Segregation Academies: The Old South Tries Again," Saturday Review, May 16, 1970, pp. 53-76.

Cottle, Thomas J. "Big City Busing and The Golden Opportunity," Urban Review, VI (Summer, 1972), 26.

- Editorial. Charlotte Observer, September 22, 1974, p. 6A.
- Editorial. Raleigh News and Observer, November 9, 1974, p. 4A.
- Grieder, Calvin. "Courts Push Schools to Bigness and Busing," Nation's Schools, XCI (March, 1973), 14.
- Gunning, Rosemary. "Busing Versus The Neighborhood School," Urban Review, VI (Summer, 1972), 2-5.
- Hanes, R. C. "Busing, If It Can Work Here," Educational Leadership, XXX (January, 1973), 305.
- Hechinger, Fred M. "Failure Up Front," The New York Times, February 23, 1964, p. E7.
- Herndon, Terry. "A New Light On The Political Scene," Today's Education, November - December, 1973, 7.
- "HEW Head 'Amazes' Phillips," Greensboro Daily News, September 8, 1974, p. A4.
- Hill, Don. "School Segregation In The North Stirs Law Students' Action," Greensboro Daily News, September 8, 1974, p. A4.
- Link, W. R., and R. M. Sandoe. "More Blacks, But Less Integration," Independent School Bulletin, XXXII (October, 1972), 14-16.
- Mahan, Thomas W. "Busing of Students for Equal Opportunities," Journal of Negro Education, XXXVIII (Summer, 1968), 219-300.
- News Release, North Carolina Public School Survey, February 23, 1972.
- Nyquist, E. W. "Busing? The Real Issue in Social Integration," Education Leadership, XXX (January, 1972), 97.
- Pharis, William L. "Where The Bus Stops," The National Elementary Principal, LI, 4 (January, 1972), 97.
- Soloman, E. R., and G. E. Thompson. "Students Rights and the Function of Schooling," Harvard Educational Review, XL (November, 1970), 596-627.
- "Struggle Persists Over Tax Status of South's All White Academies," Nation's Schools, LXXXVI (August, 1970), 66.
- Wasserman, Muriam. "Busing As A 'Cover Issue' - A Radical View," Urban Review, VI (Summer, 1972), 9.

Weinrach, Stephen G. "Integration Is More Than Just Busing,"
The School Counselor, March, 1973, pp. 276-9.

3. Case Citations

Alexander v. Holmes County Board of Education, 396 U. S., 1969.

Bradley v. School Board of Richmond, 338 F. Supp. 67, 1972.

Brown v. Board of Education of Topeka, 347 U. S. 483 Kansas, 1954.

Fogg v. Board of Education, 76 N. H. 2961, 173, 1912.

Gong Lum v. Rice, 275 U. S. 78 Miss., 1927.

Green v. School Board of New Kent County, 391 U. S. 43, 1968.

Griffin et. al. v. County School Board of Prince Edward County,
 et. al., 317 U. S. 218.

Hobson v. Hansen, 629 F. Supp., 1967.

Keyes v. School District No. 1, Denver, Colorado, 413 U. S. 189,
 37 L. Ed. 2d 548, 93 S Ct 2686, 1972.

Meyer v. Nebraska, 262 U. S. 390, 1923.

Milliken v. Bradley, 41 L. Ed. 2d., 1974.

Pierce v. Society of Sisters, 268 U. S. 510, 1925.

Plessy v. Ferguson, 163 U. S. 537, 1896.

Roberts v. The City of Boston, 5 Cush. 59 Mass., 1849.

Swann v. Charlotte-Mecklenburg, 402 U. S. 1, 1971.

U. S. v. Hinds County School Board, 417 2d. 852 (5th Circ.), 1969.

U. S. v. Jefferson County Board of Education, 372 F. 2nd. 836,
 1966.

4. Unpublished Works

Criner, Calvin, Office of Non-Public Schools, Files.

Memorandum, North Carolina Non-Public School Files.

Tuplin, John, Assistant Co-ordinator on Non-Public Schools,
 North Carolina Department of Public Instruction. Personal
 interview. August, 1973.

APPENDIX A

LETTER TO STATE PUBLIC SCHOOL
SUPERINTENDENTS

APPENDIX A

I am a graduate student at the University of North Carolina at Greensboro. I am writing a doctoral dissertation on "Desegregation and The Rise of Private Education" in the nation, south and particularly North Carolina. The dissertation will take the following shape: (1) review of the development of private education at the national level from 1954 to 1974; (2) questionnaire data and analysis of the eleven southern states and the rise of private education; and an (3) in-depth analysis of the rise and development of private education in North Carolina.

I would greatly appreciate it if you would complete the enclosed questionnaire and return it by October 15, 1974. I am working on the following time table: October 15 - collection of primary data; November 15 - analysis and charting of data; January 15, completion of dissertation.

Please, the success of this research depends on your cooperation in supplying the data. The questionnaire consists of thirteen questions and has been designed to take as small amount of your time as possible. Perhaps you might be interested in the study upon its completion. I will be delighted to furnish you an analysis of the data upon your request.

Let me again say that I would most sincerely appreciate your cooperation in supplying this data because the success of the study does depend on it.

Enclosed you will find a self-addressed, stamped envelope.

Sincerely,

Lewis G. Franklin
Principal

APPENDIX B

**LETTERS FROM STATE PUBLIC SCHOOL
SUPERINTENDENTS**



TENNESSEE
STATE DEPARTMENT OF EDUCATION
OFFICE OF COMMISSIONER
NASHVILLE 37219

October 31, 1974

Mr. Lewis G. Franklin
Haw River Elementary School
Route #1, Box 1
Haw River, North Carolina 27258

Dear Mr. Franklin:

The State of Tennessee does not maintain the data you requested concerning private schools. This lack of data is due in part to certain legislative acts and Beard policy. Since the State of Tennessee could only provide approximately ten percent of the data you requested, I suggest that you delete our state from your study.

If my office can be of any further assistance, please feel free to contact me at your convenience.

Sincerely,

A handwritten signature in cursive script, appearing to read "J. Maurice Roberts", written over a large, sweeping flourish that extends to the left and under the signature.

J. Maurice Roberts, Director
Interagency Relations

jb



STATE OF LOUISIANA
DEPARTMENT OF EDUCATION
LOUIS J. MICHOT
STATE SUPERINTENDENT
P. O. BOX 44064
BATON ROUGE, LOUISIANA 70804
Research Library

October 1, 1974

Mr. Lewis G. Franklin
Haw River Elementary School
Haw River, North Carolina 27258

Dear Mr. Franklin:

Your letter of September 19, 1974 concerning private schools in the state has been referred to me for reply.

I regret exceedingly that I was unable to locate a source from which I could get all of the statistics that you requested. The state has no jurisdiction or control over private schools, therefore the data reported to us are indeed limited. I have furnished answers to as many of other items as possible from our records and I do hope that the information is helpful.

There is an organization to which some of the private schools belong, The Louisiana Independent School Association. The records of the association do not have the break down in which you are interested and they include only member schools. For further information you may contact Mr. Rex C. Pearce, Executive Secretary, 633 Oak Villa Boulevard, Suite 101, Baton Rouge, Louisiana 70815.

I wish you much success in your study. If we can be of further assistance, please let us know.

Sincerely,

Consuella P. Winder

(Mrs.) Consuella P. Winder
Research Librarian

CPW/jay

Encl.

Department of Education

165

FRANKFORT 40601

October 17, 1974

Mr. Lewis G. Franklin
Principal
Haw River Elementary School
Route #1, Box 1
Haw River, North Carolina 27258

Dear Mr. Franklin:

With reference to your letter of September 24 requesting information concerning private schools, we are unable to give you detailed information.

This is a busy season for our division since we are engaged in school and district visitation for accreditation purposes. May I give you some high points in the way we deal with non-public schools.

The Kentucky State Board of Education is responsible for accrediting both public and non-public schools in the state. The non-public schools (private-parochial) are required to meet the same standards for accreditation as the public schools.

We do not have recorded information of the number of schools organized by each year during the past decade. These schools do self-studies and go through the same type of evaluation as public schools. Most of these schools have principals, head masters or head teachers and Board of Trustees.

It would take hours to find out how many of the schools have church affiliation. The enrollment and size of staff vary from two or three teachers to thirty-five or forty.

We are sorry but it would be almost impossible for us to find all the answers for you in the questionnaire.

Sincerely yours,



D. C. Anderson, Director
Division of Supervision--Accreditation--
Organization

DCA/kp

Department of Education

FRANKFORT 40601

October
Twenty-nine
1974

Mr. Lewis G. Franklin
Principal
Haw River Elementary School
Route #1, Box 1
Haw River, North Carolina 27258

Dear Mr. Franklin:

Dr. Lyman V. Ginger, Superintendent of Public Instruction, has referred your October 16, 1974 letter and questionnaire to the Bureau of Instruction.

The information that you have requested in your questionnaire is not readily available to the State Department of Education. I would think that this data would have to be collected from the individual private schools in Kentucky.

I am enclosing a list of private schools in Kentucky which are approved or accredited by the State Department of Education.

Very truly yours,

Taylor N. Hollin
(TNH)

Taylor N. Hollin, Executive
Assistant for Special Instructional Services

TNH/bw

Enclosure



STATE OF FLORIDA
DEPARTMENT OF EDUCATION

TALLAHASSEE 32304

October 25, 1974

DIVISION OF ELEMENTARY /
SECONDARY EDUCATION
WOODROW J. DARDEN
DIRECTOR

ralph D. Turlington
~~XXXXXXXXXXXX~~
COMMISSIONER

Mr. Lewis G. Franklin, Principal
Haw River Elementary School
Route 1, Box 1
Haw River, North Carolina 27258

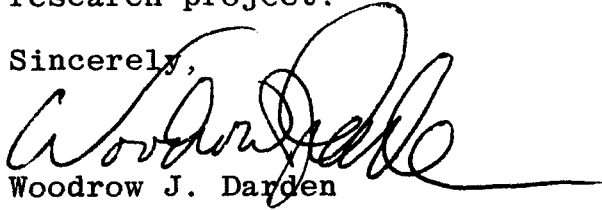
Dear Mr. Franklin:

This letter is in response to your request for completion of a questionnaire concerning private schools in the State of Florida.

The Florida Department of Education has no authority or jurisdiction over private schools; consequently, we do not have the information you requested on the questionnaire.

I am sorry we are unable to assist you in this research project.

Sincerely,


Woodrow J. Darden

WJD/hbr

DEPARTMENT OF EDUCATION

CYRIL B. BUSBEE
STATE SUPERINTENDENT OF EDUCATION



COLUMBIA

September 27, 1974

Mr. Lewis G. Franklin
Principal
Haw River Elementary School
Route 1 Box 1
Haw River, North Carolina 27258

Dear Mr. Franklin:

We have completed your questionnaire to the fullest extent possible according to our records on private schools. The only information the South Carolina Department of Education has on private schools is that information provided by the Private School Report form (a copy is attached).

You may wish to contact Dr. T.E. Wannamaker, President of the South Carolina Independent Schools Association. Dr. Wannamaker may be able to provide additional information regarding the private school system in South Carolina. His address is:

P. O. Box 1185
544 Russell Street
Orangeburg, South Carolina 29115

If we can be of any further assistance in this regard please do not hesitate to inquire.

Sincerely,

A handwritten signature in cursive script that reads "Louis C. Lanier".

Louis C. Lanier
Educational Specialist

LCL/pb

STATE OF GEORGIA
DEPARTMENT OF EDUCATION
OFFICE OF SCHOOL ADMINISTRATIVE SERVICES
STATE OFFICE BUILDING
ATLANTA 30334

JACK P. NIX
State Superintendent of Schools

OSCAR H. JOINER
Associate State Superintendent

October 2, 1974

Mr. Lewis G. Franklin, Principal
Haw River Elementary School
Route #1, Box 1
Haw River, North Carolina 27258

Dear Mr. Franklin:

Dr. Jack P. Nix, State School Superintendent, has requested that I supply you with certain information requested in your recent letter pertaining to a doctoral dissertation.

Georgia law does not provide for the State Board of Education and the State Department of Education to, in any way, regulate, supervise, control or work with non-public schools. For this reason information we have pertaining to non-public schools is very limited. I will use the same format in answering that you used in the questionnaire and the numbers below correspond to the numbers of each of the thirteen sections of your survey instrument.

- 1. We only have information pertaining to the number of schools for four school years. Prior to 1970 we did not keep a record of the number of non-public schools operating in the state. The information we have is unofficial since we have no way of obtaining official documented information. I do feel, however, that the information is rather correct.

School Years:	Number of Schools:
1970-71	224
1971-72	269
1972-73	284
1973-74	298

Information pertaining to 1974-75 is not available as yet.

- 2. We have no information regarding the rationale for organization.
- 3. No information available.
- 4. No information available.

-2-

Mr. Lewis G. Franklin, Principal
Haw River Elementary School
Route 1, Box 1
Haw River, North Carolina 27258
October 2, 1974

5. No information available.
6. No information available.
7. No information available.
8. No information available.
9. Under Georgia law non-public schools are not required to be approved by the Georgia State Department of Education, neither do we accredit non-public schools.
10. It might be possible to get from the Southern Association of Colleges and Schools, 795 Peachtree Street, N.E., Atlanta, Georgia, 30308, information requested regarding recognition by the Southern Association of Colleges and Schools.
11. No information available.
12. No information available.
13. Georgia law requires non-public schools to furnish the local school system superintendent's office with a list of students attending the non-public institutions. This is the only way local school superintendents and local boards of education are responsible for or in any way required to work with non-public schools. As a matter of fact it would be contrary to law for public school systems to spend public funds for any phase of the operation of non-public schools.

I regret that I cannot give you more information but since we have no records pertaining to non-public schools and by law are restricted in the work, we can do for and with non-public schools, we simply do not have the information available. Upon request I can furnish you with a non-official publication of the listing of non-public schools operating in Georgia on or about November 1, 1974. We compile this listing by contacting local school systems and attempting to locate non-public schools and get certain enrollment figures which may be available in the local school system office. If this will help you let me hear from you.

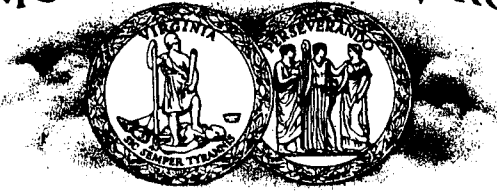
Sincerely,



J. A. Mize, Director
Division of Administrative Leadership Services

COMMONWEALTH OF VIRGINIA

171



STATE DEPARTMENT OF EDUCATION
RICHMOND. 23216

September 30, 1974

Lewis G. Franklin
Haw River Elementary School
Route #1, Box 1
Haw River, North Carolina 27258

Dear Mr. Franklin:

As you can see by the responses to your questionnaire, data collected on private schools in Virginia are very limited. We do attempt to obtain membership figures from all private schools, but since the response is voluntary, the figures reported on your questionnaire do not represent the total private school population in Virginia.

More detailed data is obtained from those private schools which seek to be accredited by the Commonwealth. Again, this is a totally voluntary program, and for those schools no data on organization, policy, or student transportation are obtained.

You may have more success if you were to contact the secretary of the Virginia Association of Independent Schools, Mrs. Julia A. Williams. Her address is The Collegiate Schools, North Mooreland Road, Richmond, Virginia, 23229.

I do regret that I cannot provide more data for Virginia for your dissertation. I wish you success in your endeavor and would be most interested in your analysis of the data.

Yours truly,

A handwritten signature in cursive script that reads "Roy T. Lewis, Jr." The signature is written in dark ink and is positioned above the printed name.

Roy T. Lewis, Jr.

RIL/cks

cc: S. P. Johnson

DEPARTMENT OF PUBLIC INSTRUCTION



STATE OF NORTH CAROLINA

RALEIGH

October 3, 1974

Mr. Lewis G. Franklin
Haw River Elementary School
Route 1, Box 1
Haw River, North Carolina 27258

Dear Mr. Franklin:

Your letter of September 19, 1974, addressed to the State Superintendent of Public Instruction was referred to me yesterday for attention and comment.

We read your questionnaire with interest and note that a number of questions cannot be answered here because we do not collect information on many of the subjects you deal with. The information we have given you is current 1973-74 information because this year's reports are not yet in this office and will not be processed before January 1, 1975. In response to question number 2, we cannot give the rationale for organization. It is not the State's right to question why these schools are organized. I cannot believe that anyone would deliberately organize a school in order to give the children a poor education, but I believe you can see that we as a State agency cannot give reasons why individual schools may have come into existence. Even the 143 schools with church affiliation state the purpose is a better educational opportunity along with religious instruction.

You will find that we have answered question number 3, insofar as we are able on a separate sheet for your report. In question number 6, we do not collect information concerning the ethnic groups, so there is no record of this type. The same holds true for teachers. Information collected concerning bussing in private schools is very sketchy. And I do not believe information of this nature can be secured from any other source. In question number 13, this Division is unaware of the degree to which any local public school superintendent and school boards may be involved in the operation of private schools. I believe that such involvements is non-existent. If such involvement does exist, this office would be the last place to hear of it.

In conclusion, Mr. Franklin, I believe you may wish to reconsider your choice for a doctoral dissertation because North Carolina is the only State in the South to collect information from non-public schools receiving youngsters of compulsory attendance age. We have found almost no information from other States with which to compare our own situation. Certainly an indepth study of this type would be of great value to the profession and to the public in general, but I believe it is beyond the scope of a single individual within the time frame you have indicated for this study.

May I wish you every success if you elect to continue and we will certainly be pleased to receive a copy of your findings in any event.

I am,

Cordially yours,



Calvin L. Criner
Coordinator
Non-Public Schools

CLC:sa

CC: Dr. Craig Phillips
State Superintendent for Public Instruction

3. How are the schools administered, by number?

The 268 non-public schools are administered in several manners. A female head usually uses the title "Principal". Nonsectarian schools (125) usually call their administrators "Headmasters", if they are male. Many of the church-related schools (143) are administered by the minister, but not always. A few schools use the title "Director". The Catholic schools (45) have a "Principal" and the local Parish Priest is the "Administrator".

DEPARTMENT OF PUBLIC INSTRUCTION



STATE OF NORTH CAROLINA

RALEIGH

October 31, 1974

Mr. Lewis G. Franklin
Route 1, Box 1
Haw River, North Carolina 27258

Dear Mr. Franklin:


I am replying to your letter of October 29, 1974.

The 29 non-public schools listed as unapproved by the North Carolina Department of Public Instruction, 4-30-74, are subsequently reduced to 25 for the academic year 1973-74.

I must point out to you that every school in North Carolina begins its academic year without approval and approval is issued on the basis of the Annual Fall Report, visitation by State Department of Public Instruction personnel and other information known by the Department by a variety of sources, normally public school officers.

This method is used because conditions and personnel may change rapidly in any school public or private and year by year approval is used as a method of keeping check on compliance with the State Board's regulations. I am enclosing the list of schools that fail to meet approval last year and feel the need to stress to you that these are not necessarily chronic offenders and may well be approved for this academic year as the deficiencies are corrected. You realize, of course, that the enforcement of the Compulsory Attendance Act rests upon the local public school superintendent in both public and non-public school pupil attendance. I am pleased to note in your recent communication that you did receive the material we sent to you earlier at your request.

Cordially yours,


Calvin L. Criner
Coordinator
Non-Public Schools

CLC:sa

Enclosure

October 7, 1974

Mr. Lewis G. Franklin
Haw River Elementary School
Route #1, Box 1
Haw River, North Carolina 27258

Dear Mr. Franklin,

Thank you for your letter regarding data for your dissertation. I do not have access to the kind of detailed information you are seeking but I can suggest possible sources. The National Association of Independent Schools at 4 Liberty Square in Boston is one possibility and the State Department of Education, Ninth Street Office Building, in Richmond is another.

With best wishes for the success of your project, I am,

Cordially,

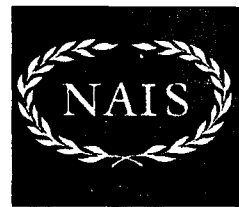


Julia A. Williams, Head
The Collegiate School for Girls

Enclosures

JAW:kdc

NATIONAL ASSOCIATION OF INDEPENDENT SCHOOLS



177

Four Liberty Square
Boston, Massachusetts 02109
617 542-1988

October 17, 1974

Dear Mr. Franklin:

In response to your letter of October 10th in which you ask for various information with regard to private schools in the southern states, I am afraid we cannot be very helpful. The only information that we would have would be about schools which are members of this association. To be a member of this association, a school must be a nonprofit, tax exempt corporation and must have a policy of nondiscrimination in admissions. The schools about which we have any information, and we would have only a portion of what you seek in your questionnaire, would be only a fraction of the total that you are seeking to cover. I would imagine that you would have to get that kind of information from the state departments of education.

I am sorry that I cannot be more helpful. I wonder whether you might not do better simply to concentrate on the one state where you are located where it would be easier to get at the information. I don't know anywheres where it would all be in one place.

Sincerely yours,

Cary Potter
President

Mr. Lewis G. Franklin
Principal
Haw River Elementary School
Route #1, Box 1
Haw River, North Carolina 27258

CP:d

APPENDIX C
QUESTIONNAIRE, STATE PUBLIC SCHOOL
SUPERINTENDENTS

1. Number of schools organized, by year:
 - 1954 _____
 - 1964 _____
 - 1965 _____
 - 1966 _____
 - 1967 _____
 - 1968 _____
 - 1969 _____
 - 1970 _____
 - 1971 _____
 - 1972 _____
 - 1973 _____
 - 1974 _____

2. Rationale for organization, as indicated by the individual schools, by number. (Check more than one if appropriate).
 - A. To provide quality education _____
 - B. To provide religious instruction _____
 - C. To promote an experimental education program _____
 - D. Other _____. Please explain _____

3. How are the schools administered, by number?
 - A. Principal _____
 - B. Headmaster _____
 - C. Director _____
 - D. Minister _____
 - E. Head Teacher _____
 - F. Other _____. Please explain _____

4. Number of schools with policy-making governing boards.
 - A. Board of Directors _____
 - B. Committee _____
 - C. Other _____. Please explain _____

5. Number of schools with church affiliation _____

6. Students and Faculty, by number:
 - A. Total enrollment _____
 - 1. Elementary _____
 - a. number of boys _____
 - b. number of girls _____
 - c. number of blacks _____
 - d. number of whites _____
 - 2. Secondary _____
 - a. number of boys _____
 - b. number of girls _____
 - c. number of blacks _____
 - d. number of whites _____

- B. Faculty - total number _____
 Number of white faculty members _____
 Number of black faculty members _____
7. Types of school facilities, by number:
 A. Conventional - self-contained rooms _____
 B. Open space facilities _____
 C. Church facilities _____
 D. Other _____. Please explain _____
8. Number of facilities originally constructed for use other than a school.
 A. Several examples of buildings previous use:

9. Recognition by the State Department of Public Instruction
 A. Number of schools approved by the Department of Public Instruction _____
 B. Number of schools not approved by the Department of Public Instruction _____
 C. Number of schools accredited by the Department of Public Instruction _____
10. Recognition by the Southern Association
 A. Number of schools affiliated with the Southern Assoc. ____
 B. Number of schools accredited by the Southern Assoc. _____
11. Number of students transported to private schools
 A. Buses _____
 B. Automobiles _____
 C. Walk _____
12. Who owns the buses used by the private schools?
 A. Owned by school _____
 B. Owned by affiliated church _____
 C. Number of schools operation no buses _____
 D. Other _____. Please explain _____
13. How are the local public school superintendents and school boards involved in the operation of private schools in their respective school districts?
 (Check the ones that are appropriate)
 A. Records _____
 B. Reports _____
 C. Books _____
 D. Attendance _____
 E. Curriculum _____
 F. Supplies _____
 G. Transportation _____
 H. Other _____. Please explain _____

APPENDIX D
SOUTH CAROLINA PRIVATE SCHOOL REPORT

I. INFORMATION FOR 1974-75 SCHOOL YEAR

Name of School _____ Number of Grades _____

Address _____

Street _____ City _____ County _____ State _____ Zip _____

Head of School _____ Title _____ Phone _____

Church Affiliation or Private _____ Denomination _____

Tuition for Year _____ Do You Accept Boarding Students? _____

Total Cost of Board and Tuition _____ Type of School _____

Coed/Boys/Girls

I. ENROLLMENT FOR 1973-74 (AS OF FALL, 1973)

ELEMENTARY			SECONDARY		
Grade	Boys	Girls	Grade	Boys	Girls
Ungraded	_____	_____	Ungraded	_____	_____
Kindergarten	_____	_____	7	_____	_____
1	_____	_____	8	_____	_____
2	_____	_____	9	_____	_____
3	_____	_____	10	_____	_____
4	_____	_____	11	_____	_____
5	_____	_____	12	_____	_____
6	_____	_____	TOTAL	_____	_____
7	_____	_____	Number of Graduates	=====	=====
8	_____	_____	AVERAGE DAILY ATTENDANCE	_____	_____
TOTAL	=====	=====			
AVERAGE DAILY ATTENDANCE	_____	_____			

	Elementary	Secondary
<u>Number of Teachers</u>		
Full Time	_____	_____
Part Time	_____	_____
<u>Other Professional Personnel</u>		
Full Time	_____	_____
Part Time	_____	_____

Please complete in triplicate. Return two copies to: Mrs. Mary Jo Ferriter, State Department of Education, Office of Research, 1204 Rutledge Building, Columbia, South Carolina 29201, by July 15, 1974.

APPENDIX E

STANDARDS FOR APPROVED NON-PUBLIC SCHOOLS
PLUS THE SECTIONS OF THE PUBLIC SCHOOL
LAWS OF NORTH CAROLINA RELATING TO
NON-PUBLIC SCHOOLS

APPENDIX E

STANDARDS FOR APPROVED NON-PUBLIC SCHOOLS,
 PLUS THE SECTIONS OF THE PUBLIC SCHOOL
 LAWS OF NORTH CAROLINA RELATING TO
 NON-PUBLIC SCHOOLS

I. Definitions

- A. Public School -- A public school is a school which has been established, and is maintained and operated by a county or city board of education appointed or elected in accordance with State Law.
- B. Non-Public School -- A non-public school is a school not established, maintained and operated by a county or city board of education appointed or elected in accordance with State Law. Such schools are generally of two types.
1. Sectarian School, a school whose operation is controlled directly or indirectly by any church or sectarian body or by any individual or individuals acting on behalf of a church or sectarian body.
 2. Nonsectarian School, a school "whose operation is not controlled directly or indirectly by any church or sectarian body or by any individual or individuals acting on behalf of a church or sectarian body."
- C. Approved School -- An approved school, public or non-public, is one that meets the minimum requirements for operation as a kindergarten, elementary, or secondary school as defined by the Constitution, the General Statutes and rules and regulations adopted by the State Board of Education.
1. An approved kindergarten is one that operates in accordance with standards adopted by the State Board of Education.
 2. An approved elementary or secondary school is one that meets the requirements as outlined herein.
- D. Accredited School -- An accredited school, public or non-public, is one that exceeds the minimum requirements for operation as an approved school and meets certain standards of excellence established by the State Department of Public Instruction.

II. Summary of Minimum Standards

An approved non-public school shall meet the following minimum standards:

- A. The school shall be under the jurisdiction of a responsible administrative authority. Organization and administration shall be substantially the same as that in public schools.
- B. The course of study shall be equal to or substantially the same as that provided for children of corresponding age and grade in the public schools. Requirements for completion of a year's work by pupils and their promotion shall correspond to those of the same grade in the public school.
- C. Teachers shall be qualified and shall hold certificates in accordance with provisions of the law governing public school teachers.
- D. Materials of instruction, including textbooks, shall be substantially equal to materials provided for public schools.
- E. Physical facilities shall be approved by the appropriate State agencies as to health and safety, and the school shall be adequately equipped.

III. Organization and Administration

- A. The number of teachers employed in a non-public schools shall not be less than the number employed in a public school of the same size.
- B. The length of the school day shall not be less than that determined by the county or city board of education for the public schools in the administrative unit in which such school is located. According to North Carolina General Statutes 115-36, "Minimum time for which teachers shall be employed in the schoolroom or on grounds supervising the activities of children shall not be less than six hours."
- C. The school term shall not be less than one hundred eighty days. (G.S. 115-36).
- D. The supervisory officer or teacher shall make such reports as may be required of him by law.
- E. Requirements of the compulsory school attendance law shall be observed. (G.S. 115-166).
- F. Health laws shall apply to children attending non-public schools in the same manner as they apply to children in the public schools.

IV. Course of Study

The minimum course of study for elementary and secondary schools shall consist of not less than that prescribed for public schools for the scope of the program offered.

- A. The curriculum for grades 1 through 8 shall include as a minimum the following areas of study in each grade: language arts (reading, English, spelling, writing), mathematics, social studies including Americanism, science, health and physical education, art, music, and such other subjects as required by the General Statutes.

- B. The curriculum for grades 9 through 12 shall include as a minimum these courses; English -- 4 units; mathematics -- 1 unit, science (including biology) -- 2 units; and physical and health education -- 1 unit. Requirements for graduation from a non-public high school shall consist of not less than the minimum number of units required by the State Department of Public Instruction for graduation from a public high school.

V. Teachers

- A. All teachers, principals, and other professional personnel employed in non-public schools shall hold certificates entitling such individuals to perform school services corresponding to similar positions in the public schools or meet current regulation of the State Board of Education governing emergency temporary personnel.
- B. As in public schools, all personnel employed in non-public schools shall secure a health certificate each year.
- C. Teaching and health certificates shall be filed with the administrative head of the school in which the teacher is employed.
- D. No person under eighteen years of age shall be employed as a teacher.

VI. Materials of Instruction

- A. Instructional and library supplies shall be substantially the same in quantity and quality as those provided in the public schools. NOTE: For 1971-72, the State Board of Education allotted funds to the public schools on the basis of \$5.50 per child in average daily membership for instructional materials.
- B. Textbooks shall be substantially the same in quantity and quality as those furnished and used in public schools

VII. Procedure for Approval and Accreditation

- A. Approval -- In order to gain State approval for a non-public school, the responsible official of such school shall:
1. Submit to the State Superintendent of Public Instruction, on official forms, a report covering the school's operations.
- B. Upon receipt of the official report and request, the State Superintendent of Public Instruction will direct staff members to:
1. Evaluate the official report from the school.
 2. Visit the school and evaluate its operations.
 3. Recommend to the State Superintendent and an Approval Committee - approval and nonapproval of the school.
 4. Notify the proper school officials of the action taken by the State Superintendent and Approval Committee.

If the school is approved, the name of the school will be added to the list of "Approved Non-Public Schools."

Continued approval will be based upon the submission of properly executed official reports to the State Superintendent and periodic visits to the schools by the State Department of Public Instruction staff members.

C. Accreditation -- The procedure for accreditation of non-public schools is the same as for approval, except that evaluation for "accreditation" is based on the applicable standards for accreditation (elementary, Junior high, and high school.)

VIII. Physical Facilities and Equipment

- A. All non-public schools shall conform to the health and safety requirements prescribed by law for public schools, including:
1. Yearly inspection by health and safety authorities; achievement of a sanitation grade of 85 for the building and grounds, and a sanitation grade of 90 for any food handling and serving facility.
 2. Yearly inspection by the proper fire inspection authorities, and a satisfactory report on fire safety from such authorities.

PERTINENT SECTIONS OF PUBLIC SCHOOL LAWS OF
NORTH CAROLINA RELATING TO
NON-PUBLIC SCHOOLS

Article 20

General Compulsory Attendance Law

115-166. Parent or guardian required to keep child in school; exceptions -- Every parent, guardian or other person in this State having charge or control of a child between the ages of seven and sixteen years shall cause such child to attend school continuously for a period equal to the time which the public school to which the child is assigned and in which he is enrolled shall be in session.

The principal, superintendent, or teacher who is in charge of such school shall have the right to excuse a child temporarily from attendance on account of sickness, or other unavoidable cause which does not constitute unlawful absence as defined by the State Board of Education. The term "school" as used herein is defined to embrace all public schools and such non-public schools as have teachers and curricula that are approved by the county or city superintendent of schools or the State Board of Education.

All non-public schools receiving and instructing children of a compulsory school age shall be required to keep such records of attendance and render such reports of the attendance of such children and maintain such minimum curriculum standards as are required of public schools; and attendance upon such schools, if the school refuses or neglects to keep such records or to render such reports, shall not be accepted in lieu of attendance upon the public school of the district to which the child shall be assigned: Provided, that instruction in a non-public school shall not be regarded as meeting the requirements of the law unless the courses of instruction run concurrently with the term of the public school in the district and extend for at least as long a term.

Article 32
Non-Public Schools

115-255. Responsibility of State Board of Education to supervise non-public schools; notice of intention to operate new school. ---the State Board of Education while providing a general and uniform system of education in the public schools of the State, shall always protect the right of every parent to have his children attend a non-public school by regulating and supervising all non-public schools serving children of secondary school age, or younger, to the end that all children shall become citizens who possess certain basic competencies necessary to properly discharge the responsibilities of American citizenship. The Board shall not, in its regulation of such non-public schools, interfere with any religious instruction which may be given in any private denominational, or parochial school, but such non-public school shall meet the State minimum standards as prescribed in the course of study, and the children therein shall be taught the branches of education which are taught to the children of corresponding age and grade in the public schools and such instruction, except courses in foreign languages shall be given in the English language.

New non-public schools shall file a notice of intention to operate a new school with the State Superintendent of Public Instruction prior to beginning of operation.

115-256. Teachers must have certificates for grades they teach; instruction given must substantially equal that given in public schools---All non-public schools in the State and all teachers employed or who give instruction therein shall be subject to and governed by the provisions of law for the operation of the public schools insofar as they apply to the qualifications and certification of teachers and the promotion of pupils; and the instruction given in such schools shall be graded in the same way and shall have courses of study for each grade conducted therein substantially the same as those given in the public schools where children would attend in the absence of such non-public school.

No person shall be employed to teach in a non-public

school who has not obtained a teacher's certificate entitling such teacher to teach corresponding courses or classes in public schools.

115-257. Operators must report certain information---
The supervisory officer or teacher of all non-public schools shall report to the superintendent of the administrative unit in which such school is located within two weeks of the opening of such school, and within two weeks of the enrollment therein, the names of all pupils attending, their ages, parents' or guardians' names, and places of residence. Likewise, such officer or teacher shall report to such superintendent the withdrawal of any pupil within two weeks of such withdrawal. The supervisory officer or teacher of non-public schools shall make such reports as may be required of him by the State Board of Education or such additional reports as are requested by the superintendent of the administrative unit in which such school is located; and he shall furnish to any court from time to time any information and reports of any pupil enrolled in such school if said pupil is at the time awaiting examination or trial by the court or is under the supervision of the court.

APPENDIX F
NON-PUBLIC SCHOOL FORMATION REPORT

FORMATION REPORT

Please return this questionnaire to Mr. Calvin L. Criner, Coordinator of Non-Public Schools, Program Services Area, State Department of Public Instruction, Raleigh, North Carolina 27602.

NAME OF SCHOOL _____

ADDRESS _____
 Street/Route P. O. Box City Zip

TELEPHONE _____ AFFILIATION _____

NAME OF HEADMASTER/PRINCIPAL _____

GRADE RANGE _____ PROJECTED GRADE RANGE _____

TUITION _____ NO. OF TEACHERS _____ NO. OF STUDENTS _____

COUNTY OR CITY UNIT IN WHICH SCHOOL WILL BE LOCATED _____

BOARD OF DIRECTORS _____, Chairman

PROJECTED SITE AND/OR TYPE OF BUILDING _____

HAS THE SCHOOL BEEN INCORPORATED BY THE STATE OF NORTH CAROLINA? _____

IF SO, WHAT IS THE NAME OF THE CORPORATION _____

HAS A LETTER OF INTENT TO OPERATE A NON-PUBLIC SCHOOL BEEN SENT TO THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION? _____

APPENDIX G

NON-PUBLIC SCHOOL ANNUAL REPORT

Administrative Unit _____

School Code Number _____

NORTH CAROLINA

STATE DEPARTMENT OF PUBLIC INSTRUCTION

NON-PUBLIC SCHOOLS SECONDARY SCHOOL ANNUAL FALL REPORT

SCHOOL TERM 19 ____ - 19 ____

TO THE HEADMASTER OR PRINCIPAL: This report should be made out in triplicate by the Headmaster, Principal, or other official head of the school, promptly at the close of the first ten days of school. Two copies are to be sent to the local public school superintendent of the administrative unit in which the school is located, one of which is to be signed by the superintendent and forwarded to Mr. Calvin L. Criner, Coordinator, Non-Public Schools, State Department of Public Instruction, Raleigh, within five days after the close of the first ten days of school. The third copy is to be filed in the principal's office. Accuracy and legibility are very important in making this report; please type or print. If the school operates both elementary and a high school, separate reports are required. Add supplementary sheets if more space is needed.

ADMINISTRATION, AFFILIATION AND ACCREDITATION

1. Name of school _____ School address _____

 City _____
 Zip Code _____ Telephone _____
2. Name of owner _____
 Owner's address _____
3. Is the school affiliated with or supported by a sectarian or denominational body? Yes No
 If "yes", specify: _____
4. Name of Headmaster or Principal _____
5. Is this school accredited by the N. C. State Department of Public Instruction? Yes No
 By the Southern Association of Colleges and Schools? Yes No
6. Was the school approved by the State Department of Public Instruction last year? Yes No

ORGANIZATION

1. Check grades taught: 9th____, 10th____, 11th____, 12th____.
 Does the school operate an elementary school? Yes No
 A college? Yes No
 (Note: The elementary school report is to be used for grades 1-8)
2. Does the school operate for a term of 9 months embracing 180 days of instruction? (See G.S. 115-1 and G.S. 115-116) Yes No
 Opening date: _____ Approximate closing date: _____
3. Has the school signed Civil Rights Act of 1964? Form 441-C Yes No

APPENDIX H

FORM 441-C

**ASSURANCE OF COMPLIANCE WITH THE DEPARTMENT OF
HEALTH, EDUCATION, AND WELFARE REGULATION UNDER
TITLE VI OF THE CIVIL RIGHTS ACT OF 1964
FOR NONPUBLIC SCHOOLS**

_____ hereby assures

(Nonpublic school authority)

THAT no person, on the ground of race, color, or national origin, is excluded, or otherwise subjected to discrimination in receiving services at any school operated by it. Further assurance is given that it does not, on the ground of race, color, or national origin--

- (a) Maintain separate facilities, activities, or programs;
- (b) Deny any individual any service, financial aid or other benefit;
- (c) Provide any service, financial aid, or other benefit to any individual which is different, or is provided in a different manner, from that provided to others;
- (d) Subject any individual to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit;
- (e) Restrict any individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit;
- (f) Treat any individual differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership or other requirement or condition which individuals must meet in order to be provided any service, financial aid, or other benefit;
- (g) Deny any individual an opportunity to participate in a program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded others under the program; and
- (h) Assign staff on the basis of the race, color, or national origin of the individuals they are to serve.

This assurance is given so that individuals served by our schools and our teachers will be eligible to participate in programs administered by State or local educational agencies with Federal financial assistance (where teaching or school attendance is required for the receipt of such service) and to assure the appropriate public authorities that in extending benefits to our teachers and individuals we serve, they will not be violating their assurances of compliance with Title VI of the Civil Rights Act of 1964 and the Regulation issued pursuant thereto by the Department of Health, Education, and Welfare.

Dated _____

(School or School System)

By _____
(Authorized official)

(Mailing address)

APPENDIX I
NON-PUBLIC SCHOOL CURRICULUM

A "TYPICAL" NONPUBLIC SCHOOL CURRICULUM

9	10	11	12
REQUIRED	REQUIRED	REQUIRED	REQUIRED
ENGLISH I ALGEBRA I PHYSICAL SCIENCE FRENCH I OR SPANISH I PHYSICAL EDUCATION	ENGLISH II GEOMETRY BIOLOGY FRENCH II OR SPANISH II	ENGLISH III U. S. HISTORY	ENGLISH IV
ELECTIVE	ELECTIVE	ELECTIVE	ELECTIVE
GERMAN I LATIN I CIVICS ART MUSIC	WORLD HISTORY GERMAN II LATIN II PHYSICAL EDUCATION ART MUSIC	CHEMISTRY FRENCH III SPANISH III GERMAN III LATIN II ALGEBRA II PHYSICAL ED. TYPING ART MUSIC	CHEMISTRY PHYSICS U. S. HISTORY ADVANCED MATH FOREIGN LANG. IV PHYSICAL ED. TYPING ART MUSIC

Freshmen and sophomores get only one choice of electives.

Juniors choose two or three electives.

Some seniors are free to pick as many as four electives.

Parochial schools often require Bible Study or Religion in every grade (25 schools), thus removing the opportunity of any choice for freshmen and sophomores. These same schools require 20 or more cardinal units for graduation.

Nondenominational schools usually follow the public school pattern of 16 units for graduation.

Several nonpublic schools offer college-credit courses in Algebra I and a foreign language in the eighth grade. This enables high school students to take advanced-level courses in these two disciplines.

A. COMPARISON OF A N. C. PUBLIC HIGH SCHOOL AND A "TYPICAL" NONPUBLIC HIGH SCHOOL IN REGARD TO REQUIRED SUBJECTS:

N. C. PUBLIC HIGH SCHOOL

ENGLISH - 4 UNITS
 MATH - 1 UNIT
 SCIENCE - 2 UNITS (INC. BIOLOGY)
 SOCIAL STUDIES - 2 UNITS (INC. U.S. HISTORY)
 HEALTH & P.E. - 1 UNIT

ELECTIVES - 6 UNITS

TOTAL 16 UNITS

N. C. NONPUBLIC HIGH SCHOOL

ENGLISH - 4 UNITS
 MATH - 2 UNITS
 SCIENCE - 2 UNITS (INC. BIO.
 U.S. HISTORY - 1 UNIT
 HEALTH & P.E. - $\frac{1}{2}$ UNIT
 FOREIGN LANGUAGES - 2 UNITS

ELECTIVES - $4\frac{1}{2}$ UNITS

TOTAL 16 UNITS

All nonpublic high schools (82) require the study of English each year. Course content varies considerably in each school as to stress at different levels on Literature, Vocabulary, Composition, Grammar, Self-Expression, etc.

College preparatory nonpublic high schools (33) require three years of mathematics and strongly suggest three years of a foreign language.

Competition with foreign language courses is a major reason for the predominantly elective basis of Science and Social Studies courses. Chemistry and World History are elected by most nonpublic high school students, although they are not listed as required in many schools.

Of the major study areas the Social Studies offer the greatest variety of elective subjects. As one might expect, the size of a school determines the number of electives offered.

In general, it appears that the nonpublic schools included in this study are offering a sufficient variety of courses to provide for individual differences of their pupils.

The study shows that most of the nonpublic schools allow for any conflicts which a newly-entered sophomore or junior might encounter, and that their programs are quite flexible.

Sixty-Nine of the nonpublic high schools in this study are day schools and coeducational.

Six of the nonpublic high schools in this study are coeducational boarding schools.

Four of the nonpublic high schools in this study are boys' boarding schools with boys and girls attending as day students.

Three of the nonpublic high schools in this study are girls' boarding schools with some day students.

Some nonpublic schools are beginning to introduce "TERM COURSES" (such as "British Novel" at Ravenscroft School) and "MINI COURSES" (such as "Shakespeare and His Contemporaries" at Charlotte Latin School). The overwhelming majority of the offerings, however, are traditional in name and content.

THE COURSES OFFERED MOST FREQUENTLY IN THE 82 NONPUBLIC HIGH SCHOOLS:

1. ENGLISH	- 82 SCHOOLS	- 100%
2. ALGEBRA I	- 80 SCHOOLS	- 98%
3. ALGEBRA II	- 78 SCHOOLS	- 95%
4. U.S. HISTORY	- 78 SCHOOLS	- 95%
5. BIOLOGY	- 78 SCHOOLS	- 95%
6. CHEMISTRY	- 72 SCHOOLS	- 90%
7. GEOMETRY	- 72 SCHOOLS	- 90%
8. PHYSICAL SCIENCE	- 66 SCHOOLS	- 80%
9. FRENCH	- 57 SCHOOLS	- 70%
10. WORLD HISTORY	- 55 SCHOOLS	- 67%
11. PHYSICS	- 49 SCHOOLS	- 60%

The "MINOR" courses offered most frequently are Physical Education (77 schools - 94%) and Typing (62 schools - 76%).

SOME UNUSUAL COURSE OFFERINGS FOR 1973-74:

History of Modern Revolutions	Asheville School
Gourmet Cuisine	Christ School
18th Century France	Newfound School
Soviet Union	Danes School
Marine Science	Trent Academy
College Board Verbal	Forsyth Country Day School
Civil War	Forsyth Country Day School
Missions	South Park Baptist School
Evangelism	Fletcher Academy
History of Mathematics	Charlotte Latin School
Pidgin Language	Salisbury Christian School
Media	Laurinburg Institute
Group Dynamics	Cardinal Gibbons High School
Russian	Hale High School
Ecology	Franklin Christian School
Logic	Charlotte Country Day School
Horticulture	Pender Academy

APPENDIX I
(continued)

Course Titles	Frequency #	Grade Offerings								Range of Offering								% Offering Course	Trend of Each Course
		Required				Elective				Required				Elective					
		9	10	11	12	9	10	11	12	9	10	11	12	9	10	11	12		
Soc. Studies																			
U. S. History	78	5	7	68	3	0	2	3	5	X	X	X	X	X	X	X	X	95%	R 11
World History	55	6	28	2	1	1	18	9	8	X	X	X	X	X	X	X	X	67%	E A R 10
Civics	38	17	0	2	4	3	3	9	13	X		X	X	X	X	X	X	46%	R 9 E 11 12
Sociology	15	0	0	0	3	1	4	9	12					X	X	X	X	18%	E 11 12
Mod. Wrld.Prob.	14	0	0	0	2	2	5	6	9					X	X	X	X	17%	E 11 12
Economics	11	0	0	0	2	1	3	8	9					X	X	X	X	13%	E 11 12
Od. Europ.Hist.	11	0	1	0	0	0	8	4	5		X			X	X	X	X	13%	E 10
Geography	10	3	0	2	0	2	1	2	3	X		X	X	X	X	X	X	12%	E A
Ocion.&Econs.	14	0	0	0	4	0	0	3	10					X		X	X	17%	E 12
Psychology	9	0	0	0	0	1	4	7	8					X	X	X	X	11%	E A
Ancient Hist.	9	2	0	0	1	5	3	1	1	X				X	X	X	X	11%	E 9
Humanities	6	0	1	0	0	1	2	3	5		X			X	X	X	X	7%	E A
Foreign Languages:																			
French I	57	18	1	0	0	25	36	33	17	X	X			X	X	X	X	70%	R 9 E 10
French II	57	0	18	0	0	4	27	36	32		X			X	X	X	X	70%	R 10 E 11
French III	40	0	0	7	0	0	3	29	27			X		X	X	X	X	49%	E 11 12
French IV	22	0	0	0	0	0	0	4	20							X	X	27%	E 12
French V	7	0	0	0	0	0	0	0	7								X	9%	E 12
Spanish I	36	8	1	0	0	17	24	20	12	X	X			X	X	X	X	44%	R 9 E 10
Spanish II	33	0	8	1	0	3	15	20	17		X	X		X	X	X	X	40%	R 10 E 11
Spanish III	20	0	0	3	0	0	2	13	10			X		X	X	X	X	24%	E 11 12
Spanish IV	11	0	0	0	0	0	1	3	10					X	X	X	X	13%	E 12
Spanish V	2	0	0	0	0	0	0	0	2								X	2%	E 12
Latin I	18	6	0	0	0	8	8	9	6	X				X	X	X	X	22%	R 9
Latin II	15	0	6	0	0	5	4	4	4		X			X	X	X	X	18%	R 10 E A
Latin III	9	0	0	2	0	0	1	5	4			X		X	X	X	X	11%	E 11 12
Latin IV	6	0	0	0	0	0	0	2	5							X	X	7%	E 12
German I	13	2	1	1	0	7	6	6	5	X	X	X		X	X	X	X	16%	E A

APPENDIX I
(continued)

R = Required
E = Elective
A = All Grades

Course Titles	Frequency #	Grade Offerings								Range of Offering								% Offering Course	Trend of Each Course
		Required				Elective				Required				Elective					
Language Arts:		9	10	11	12	9	10	11	12	9	10	11	12	9	10	11	12		
English I	81	81	0	0	0	0	0	0	0	X								99%	R 9
English II	81	0	81	0	0	0	0	0	0		X							99%	R 10
English III	82	0	0	82	0	0	0	0	0			X						100%	R 11
English IV	82	0	0	0	82	0	0	0	0				X					100%	R 12
Public Speaking	15	2	0	1	1	2	5	11	12	X		X	X	X	X	X	X	18%	E 11 12
Journalism	12	0	0	0	0	1	4	10	11					X	X	X	X	15%	E 11 12
Creative Writing	7	0	0	0	0	1	3	7	7					X	X	X	X	9%	E 11 12
DRAMA	7	0	0	0	0	3	4	7	7					X	X	X	X	9%	E 11 12
Mathematics:																			
Algebra I	80	55	3	0	0	20	14	8	7	X	X			X	X	X	X	98%	R 9 E A
Algebra II	78	0	13	23	2	0	21	34	23		X	X	X		X	X	X	95%	E 11 R 11
Geometry	72	1	34	13	0	2	24	19	17	X	X	X		X	X	X	X	90%	R 10 E A
Advanced Math	38	0	0	1	2	0	0	11	39			X	X			X	X	46%	E 12
Trigonometry	13	0	0	0	0	0	0	5	13							X	X	16%	E 12
Calc. & Trig.	12	0	0	0	1	0	0	2	11				X			X	X	15%	E 12
General Math	30	8	1	0	0	21	11	11	10	X	X			X	X	X	X	37%	E 9
Business Math	22	2	2	0	0	7	13	17	18	X	X			X	X	X	X	27%	E 11 12
Science:																			
Biology	78	5	70	1	0	1	2	2	1	X	X	X		X	X	X	X	95%	R 10
Chemistry	72	0	2	13	0	0	4	56	42		X	X			X	X	X	90%	E 11 12
Physical Science	66	52	2	0	0	10	3	4	4	X	X			X	X	X	X	80%	R 9
Physics	49	0	2	0	4	0	1	25	46		X			X	X	X	X	60%	E 12
Adv. Biology	18	0	0	0	0	0	2	14	18						X	X	X	22%	E 12
Gen Science	10	8	0	0	0	2	2	1	5	X				X	X	X	X	12%	R 9
Adv. Chemistry	5	0	0	0	0	0	0	1	5							X	X	6%	E 12

APPENDIX I
(continued)

Course Titles	Frequency #	Grade Offerings								Range of Offering								% Offering Course	Trend of Each Course
		Required				Elective				Required				Elective					
		9	10	11	12	9	10	11	12	9	10	11	12	9	10	11	12		
German II	8	0	2	0	0	2	4	4	4	X				X	X	X	X	10%	E A
German III	6	0	0	1	0	0	2	4	3			X			X	X	X	7%	E 11 12
German IV	2	0	0	0	0	0	0	1	2						X	X		2%	E 12
Greek	4	0	0	0	0	2	2	4	3					X	X	X	X	5%	E A
Russian	1	0	0	0	0	1	1	1	1					X	X	X	X	1%	E A
Commercial:																			
Typing I	62	1	3	2	1	22	40	50	46	X	X	X	X	X	X	X	X	76%	E A
Typing II	26	0	0	0	0	2	9	19	23					X	X	X	X	32%	E A
Bookkeeping	27	0	0	0	1	2	15	23	25					X	X	X	X	33%	E A
Shorthand	15	0	0	0	0	0	5	13	12						X	X	X	18%	E 10-12
Home Ec. I	18	1	1	1	2	7	12	11	9	X	X	X	X	X	X	X	X	22%	E A
Home Ec. II	3	0	0	0	0	0	1	3	3						X	X	X	4%	E 10-12
General Bus.	8	0	1	0	0	1	7	7	7	X				X	X	X	X	10%	E A
Office Pract.	7	0	0	0	0	1	3	7						X	X	X	X	9%	E A
Indust. Arts.	8	0	0	0	1	1	2	6	6					X	X	X	X	10%	E 11 12
Miscellaneous:																			
Art	30	3	1	1	1	17	24	28	29	X	X	X	X	X	X	X	X	37%	E A
Physical Ed.	77	64	15	10	7	2	23	23	29	X	X	X	X	X	X	X	X	94%	R 9 E A
Art Apprec-	6	0	0	2	0	1	3	4	3			X		X	X	X	X	7%	E A
Music	15	4	1	1	2	6	13	13	13	X	X	X	X	X	X	X	X	18%	E A
History Music	4	0	0	0	0	3	3	3	3					X	X	X	X	5%	E A
Chorus	22	0	0	0	0	20	22	21	22					X	X	X	X	27%	E A
Priv. Music Inst.	5	0	0	0	0	4	5	5	5					X	X	X	X	6%	E A
Health	18	15	1	0	0	1	4	5	5	X	X			X	X	X	X	22%	R 9
Guidance	5	0	0	0	1	1	2	3	3					X	X	X	X	6%	E A
Bible I	24	20	1	0	0	3	0	0	0	X	X			X				29%	R 9
Bible II	22	0	20	0	0	0	2	0	0		X				X			27%	R 10
Bible III	23	0	0	21	0	0	0	2	0			X				X		28%	R 11
Bible IV	23	0	0	0	21	0	0	0	2				X				X	28%	R 12
Religion	9	2	2	4	4	2	4	5	5	X	X	X	X	X	X	X	X	11%	E A
78 Courses		391	330	265	153	257	499	754	828	26	31	25	24	48	61	69	71		
TOTALS		391	330	265	153	257	499	754	828	26	31	25	24	48	61	69	71		

APPENDIX J
LETTER TO NON-PUBLIC SCHOOLS

APPENDIX J

I am a graduate student at the University of North Carolina at Greensboro. I am writing a doctoral dissertation on "Desegregation and The Rise of Private Education" in the nation, south and particularly North Carolina. The dissertation will take the following shape: (1) review of the development of private education at the national level from 1954 to 1974; (2) questionnaire data and analysis of the eleven southern states and the rise of private education; and an (3) in-depth analysis of the rise and development of private education in North Carolina.

I would greatly appreciate it if you would complete the enclosed questionnaire and return it by October 15, 1974. I am working on the following time table: October 15 - collection of primary data; November 15 - analysis and charting of data; January 15, completion of dissertation.

Please, the success of this research depends on your cooperation in supplying the data. The questionnaire consists of thirteen questions and has been designed to take as small amount of your time as possible. Perhaps you might be interested in the study upon its completion. I will be delighted to furnish you an analysis of the data upon your request.

Let me again say that I would most sincerely appreciate your cooperation in supplying this data because the success of the study does depend on it.

Enclosed you will find a self-addressed, stamped envelope.

Sincerely,

Lewis G. Franklin
Principal

APPENDIX K

QUESTIONNAIRE, NORTH CAROLINA
NON-PUBLIC SCHOOLS

APPENDIX K

1. When was the school organized? _____

2. Rationale for organization of school: (check more than one if appropriate)
 - A. To provide quality education _____
 - B. To provide religious instruction _____
 - C. To promote an experimental educational program _____
 - D. Other _____. Please explain _____

3. How is the school administered?
 - A. Principal
 - Yes _____
 - No _____
 - B. Headmaster
 - Yes _____
 - No _____
 - C. Director
 - Yes _____
 - No _____
 - D. Minister
 - Yes _____
 - No _____
 - E. Head Teacher
 - Yes _____
 - No _____
 - F. Other _____

4. Is there a policy making or governing board?
 - Yes _____
 - No _____
 - A. Board of Directors
 - Yes _____
 - No _____
 - B. Committee
 - Yes _____
 - No _____
 - C. Other _____. Please explain _____

5. Is the school church affiliated?
 - Yes _____ Denomination _____
 - No _____

6. Students and Faculty, by number
 - A. Total enrollment _____
 1. Elementary
 - a. number of boys _____
 - b. number of girls _____
 - c. number of blacks _____
 - d. number of whites _____

APPENDIX K
(continued)

2. Secondary
- a. number of boys _____
 - b. number of girls _____
 - c. number of blacks _____
 - d. number of whites _____
- B. Faculty - total number _____
1. number of white faculty members _____
 2. number of black faculty members _____
7. What types of school facilities do you have?
- A. Conventional - self-contained rooms _____
 - B. Open space facility _____
 - C. Church facility _____
 - D. Other _____. Please explain _____

8. Was your facility originally constructed for the school?
Yes _____
No _____. If not, its previous use _____
9. Recognition by North Carolina Department of Public Instruction
- A. Is the school approved by the North Carolina Department of Public Instruction?
Yes _____
No _____
 - B. Is the school accredited by the North Carolina Department of Public Instruction?
Yes _____
No _____
10. Recognition by the Southern Association.
- A. Is the school affiliated with the Southern Association?
Yes _____
No _____
 - B. Is the school accredited by the Southern Association?
Yes _____
No _____
11. How is the local public school board and superintendent involved in the operation of your school?
- A. Reports
Yes _____
No _____
 - B. Records
Yes _____
No _____
 - C. Books
Yes _____
No _____

APPENDIX K
(continued)

- D. Attendance
Yes _____
No _____
- E. Curriculum
Yes _____
No _____
- F. Supplies
Yes _____
No _____
- G. Transportation
Yes _____
No _____
- H. Federal Programs
Yes _____
No _____
- I. Other
Yes _____. Please explain _____
12. How are students transported to your school?
- A. Buses
Yes _____ Number _____
No _____
- B. Automobile
Yes _____ Number _____
- C. Walk
Yes _____ Number _____
No _____
13. Are buses owned by your school?
- Yes _____
No _____
- A. Operate no buses _____
- B. Owned by affiliated church
Yes _____
No _____
Other _____. Please explain _____
-

APPENDIX L

LETTER FROM TEXAS EDUCATION AGENCY

Texas Education Agency



- STATE BOARD OF EDUCATION
- STATE COMMISSIONER OF EDUCATION
- STATE DEPARTMENT OF EDUCATION

201 East Eleventh Street
Austin, Texas
78701

October 3, 1974

Mr. Lewis G. Franklin, Principal
Haw River Elementary School
Route 1, Box 1
Haw River, North Carolina 27258

Dear Mr. Franklin:

In reply to your recent letter, we submit the following information.

We are enclosing a bulletin entitled Private and Parochial Schools of Texas containing the accredited and unaccredited private and parochial schools in Texas. The schools' addresses, telephone numbers, grades taught, etc. are given in the bulletin.

The information you requested in your questionnaire is not available in this office. You might be able to contact the administrators of these schools for the information you need.

If we can be of additional assistance to you in school matters, please let us know.

Very truly yours,

A handwritten signature in cursive script that reads "Meliton L. Gonzalez".

Meliton L. Gonzalez, Chief Consultant
Division of School Accreditation

MLG:bmc

Enclosure