

EDUCATION

# The history behind the bill that Indiana lawmakers fought over and why it's controversial

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Members of the Indiana Black Legislative Caucus were met with shouts and boos last week when they warned of the potential for discrimination in a House bill that would allow for the redrawing of school district boundaries.

House Bill 1367 sets up a process by which Greene Township, in St. Joseph County, can leave South Bend Community Schools and be drawn, instead, into John Glenn Schools. Advocates of the bill say it's about education, not race.

Greene Township is more rural than South Bend and many of the students that live there are already choosing to attend to John Glenn Schools and take advantage of their more robust agriculture classes. Some lawmakers, though, see echoes of decades during which race was very much the driver of decisions around school district boundaries.

That history cannot be denied, experts say.

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“In America’s past, of course, many school boundaries were drawn to separate students by race, ethnicity and/or social class reasons,” said Brian Fife, professor and chair of the department of political science at Lehigh University. Fife previously chaired the public policy department at what is now Purdue University Fort Wayne and has studied segregation in Indiana’s public schools.

Experts say the boundaries that govern school and school district attendance have long been used as tools of discrimination, but that doesn’t mean we shouldn’t revisit boundaries.

Any attempts to redraw them should be undertaken carefully, and with their potential for discrimination in mind said Genevieve Siegel-Hawley, an associate professor of educational

leadership, policy and justice at Virginia Commonwealth University.

“Based on the evidence that segregation is damaging to all kids and to our society, I think whether or not revisiting the boundaries either ameliorates or exacerbates (segregation), it should be a fundamental consideration,” Siegel-Hawley said. “It should be what the decision hinges on.”

The history of school boundaries being used for segregation and discrimination goes back decades.

## **School boundaries a tool for segregation**

Before *Brown v. Board of Education*, the landmark Supreme Court case that outlawed segregation in schools nationwide, there was no need to use the boundary lines of school districts or attendance zone for particular zones for segregation purposes. There were simply white schools and Black schools and where a child lived had less bearing on the school they attended than the color of their skin.

The same was not true after.

Siegel-Hawley said there was a wave of school district secessions that happened in the decades after the 1954 case as whiter, wealthier communities sought to maintain segregation through new means. While the Supreme Court did take up cases around school boundaries, a 1974 ruling opened the door for “de facto segregation.”

In *Milliken v. Bradley*, the court ruled that segregation was allowed if it was not an explicit policy of the district and it held that the school systems were not responsible for desegregation across district lines unless it could be shown that they had intentionally segregated schools.

“It is important to understand the history,” Siegel-Hawley said, “that district boundaries have been a tool for segregation and continue to be a structure that drives segregation.”

This can be true whether or not segregation is the explicit motive, she said.

It hasn’t been that long since segregation was the primary motive in many decisions around school boundaries. And there are still instances of it today.

Three years ago, a federal court blocked an Alabama community’s plan to secede from county school system because those creating the new district “acted with a discriminatory purpose to

exclude Black children from the proposed school system.”

## Segregation in Indianapolis schools

Segregation was at the heart of a decision not to redraw school boundaries in Indianapolis.

When the city and county services merged in 1970 to create “Unigov,” Marion County’s 11 school districts were left out of the merger. At the time, 10 of those districts served mostly white townships and small cities, while most Black and brown children were concentrated in the city’s urban core and attended Indianapolis Public Schools. It was a structure that kept Black children isolated in schools with fewer resources, higher teacher turnover and less experienced teachers.

According to Chalkbeat, which with IndyStar has reported on issues surrounding segregation, the so-called “father of Unigov” Richard Lugar himself noted a few years ago: “A good number of people really wanted to keep at least their particular school segregated.”

Some political leaders and area residents contended that the reasons for this were driven more by an urban-rural divide than racism.

Landrum Shields, who in 1967 was the first Black IPS board president, expressed another view about schools’ exclusion from the merger, which came as IPS was facing litigation accusing the district of purposely discriminating against black students.

“To have included schools in Unigov would have raised the spectre [sic] of racial integration,” Shields said in the 1985 book “Governing Metropolitan Indianapolis: The Politics of Unigov.”

A ruling in one lawsuit found that Unigov enflamed segregation in the city by not extending the school district boundaries along with the city limits, while another ultimately resulted in a busing program that lasted from 1981 to 2016.

## South Bend still under desegregation order

It’s not immediately clear what impact, if any, the disannexation of Greene Township would have on desegregation efforts in South Bend schools.

A federal consent decree to desegregate the district’s schools was issued in 1980 and is still in place – one of the only, if not the only, active such mandate left in the state. Since the order is still active, the federal court would need to sign-off on any changes to the student assignment

plan, according a letter from the U.S. Department of Justice sent to South Bend Community Schools last month.

“Under the applicable case law, court approval would require evidence that Greene Township’s proposed separation from SBCSC,” the letter read, “would not impede its desegregation efforts or otherwise violate the Court’s orders.”

Rep. Jake Teshka, R-South Bend, the bill’s author, said it may have little impact on the order since so many of Greene Township’s school-age children are already being educated elsewhere. While South Bend used to operate a school in Greene Township, it closed several years ago.

“These families have chosen to send their children to John Glenn for many reasons,” he said during a hearing in the House’s education committee. “Distance is one. But the district also more closely aligns with the personality and the traits and the goals that the township residents have for their kids. It’s a farming community and John Glenn happens to offer some courses in agriculture.”

Of the estimated 400 school-aged children in Greene Township, Teshka said fewer than one-quarter of them are attending South Bend schools.

The state’s myriad school choice policies have left South Bend Community Schools with a shrinking student body that is increasingly nonwhite.

Fifteen years ago, 40% of the district’s more than 21,000 students were white. Today, South Bend Community Schools serves a little more than 16,000 students and only about one-quarter of them are white. More than one-third are Black, and another quarter are Hispanic, according to data from the Indiana Department of Education. And two-thirds of its students are economically disadvantaged. While the school district’s enrollment has dropped nearly 25% since 2006, the city’s population has declined by less than 3%, suggesting there is more at play in the enrollment figures than overall population change.

Greene Township, on the other hand, is 98% white, according to U.S. Census data — far less diverse than the rest of St. Joseph County. And the district it would join, John Glenn Schools, is far less diverse than the one it would leave. John Glenn schools serves 2,000 students and most of those students are white, nearly 90%. Just 1% of them are Black, 5.6% are Hispanic and fewer than half are economically disadvantaged.

## 'Worried about their education'

Sandra Ort, trustee of Greene Township, said the desire to join John Glenn schools is about proximity and academic quality. Residents are frustrated, she said, that the schools in their community have been closed. They started sending their children to John Glenn or other nearby schools, she said, “because they were worried about their education.”

“We want a public school,” she told the House education committee, “but we want a good education along with it.”

John Glenn Schools neighbors the South Bend district to the southwest. The most recent transfer report data from the Indiana Department of Education shows that 274 students that live in the South Bend district are choosing to transfer into John Glenn. It’s unclear how many of those students, though, live in Greene Township. Students assigned to South Bend are also transferring out to more than dozen other area public school districts and charter schools.

The state dollars to educate those students are already following them into the school they choose to attend. What the disannexation would do is allow for John Glenn to also get the local property tax dollars for Greene Township. Property taxes are used to fund school district operations, things like transportation and building maintenance.

Christopher Winchell, superintendent of John Glenn Schools, said the district is starting to feel a financial strain as it accepts more transfer students.

South Bend Community Schools opposes the move and has attempted to hold onto Greene Township. Kareemah Fowler, chief financial officer for the district, said the disannexation would cost South Bend schools an estimated \$1 million annually.

“It harms our ability to serve all students in a diverse and complex district,” Fowler told the committee. “Most critically, de-annexation would harm the cooperation financially at the time the district is making significant investments in academic improvement.”

To make the move, the new mechanism laid out in the bill would require the acquiring school corporation – John Glenn Schools, in this case – to initiate the move. The acquiring district must submit an organization plan supporting the disannexation to the Indiana State Board of Education for approval. Then the disannexation would go to the voters. The district could either collect signatures of more than half of half of registered voters or place the question on a ballot. If at least 60% of the voters vote "yes" on the question of disannexation, it is official.

The bill gives the state board two years to administer the pilot program.

## **Pilot could be expanded statewide**

Experts agree that revisiting school boundaries isn't inherently a bad idea. In fact, Fife said he thinks more state and local officials should be engaged in a reexamination of district boundaries.

"If, however, the proposal in question would have the effect of resegregating schools," he said, "or making things worse in terms of diversity, then those efforts should be vehemently opposed."

Indiana already has a process by which school districts can annex, de-annex or merge. Teshka said the new mechanism laid out in his bill was aimed at cases in which one of the districts – in this case, South Bend schools – refused to participate in that process. It's being labeled a "pilot program," to be used only in the Greene Township situation for the time being. Although, should the disannexation occur it would be a permanent change.

If the mechanism is found to be successful, the "pilot" could be extended to the rest of the state. Rep. Tony Cook, R-Cicero, said he thinks other communities need it.

This potential for expansion is part of what drove lawmakers last week to speak about their concerns that the bill could be used for discriminatory purposes.

"This is definitely a slippery slope," said Rep. Greg Porter, D-Indianapolis. "Here we go again ... discrimination and segregation and things like that."

Porter spoke for about 15 seconds before colleagues started shouting out from their chairs.

"C'mon man," one lawmaker shouted.

"Excuse me," Porter responded. "I have a right."

At that point, Porter said he would conclude his remarks and walked out of the House chamber.

Several minutes later, Rep. Vernon Smith, a Gary Democrat and another member of the Indiana Black Legislative Caucus, addressed similar concerns. He called the bill "dangerous."

"I don't care how you twist it, how you paint it, how you disguise it, how you camouflage it," he said, "it's racism."

He was met with boos.

“Boo, if you want to,” Smith continued. “I don’t care. But the scripture says, ‘the day you hear my voice harden not your heart,’ and I’m telling you, that it’s discrimination.”

The heated exchange between lawmakers on the floor spilled over into the hallway outside the chamber after several members walked out in frustration. At one point, a confrontation erupted between Reps. Sean Eberhart, R-Shelbyville, and Vanessa Summers, D-Indianapolis, who is another member of the Black caucus.

Smith said he was later confronted by another lawmaker in the bathroom and called a “bully.”

House Speaker Todd Huston has since urged members "show proper respect" and address issues in an "appropriate dialogue." He’s said he’ll do a better job enforcing rules of decorum on the House floor.

House Bill 1367 passed the House narrowly, by a vote of 52-43. It’s been referred to the Senate’s appropriations committee for further review.

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