



Group to fight schools plan

The NAACP's legal defense fund argues the assignment plan promotes segregation.

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The group that sued the Pinellas school system on behalf of black children in 1964, bringing about three decades of busing, is preparing for a new court battle.

This time, the NAACP Legal Defense and Educational Fund is taking the district to task over a plan that would result in several predominantly black schools. The plan "totally disregards diversity and promotes segregation," Enrique Escarraz, a St. Petersburg lawyer for the group, said in a letter to the district.

Asked Monday how far the group was prepared to press its case, Escarraz predicted the district and the legal defense fund would be "fighting it out in court." He said officials in the Fund's national offices are backing the effort after visiting the area recently to gauge support.

The challenge is the first hint that the new student assignment plan, more than two years in the making, could run into a legal roadblock. It also comes as the School Board gets ready to approve the plan. The board is scheduled to take the first of two formal votes today. A second and final vote is set for Dec. 11.

Escarraz wants the board to postpone the votes to allow more time to work on a plan that offers more diversity.

Another group, the District Monitoring and Advisory Committee, also is pushing for a delay, citing legal questions surrounding the plan. The committee, made up of

educators and community leaders, advises the School Board on issues related to black students.

In a letter last week, Escarraz put the district on notice that a "legitimate dispute" has arisen over the August 2000 federal court settlement between Pinellas schools and the legal defense fund in the 1964 desegregation case - the same settlement that led to the school choice plan.

The letter was a device meant to trigger a process that, one way or another, could land the district back in court over how it educates black students.

The goal is to keep federal judges out of the dispute for as long as possible. It calls for a "special master" to listen to both sides and report to a judge, but only after the parties have tried to work out their differences in informal talks or through mediation.

School Board attorney Jim Robinson has responded to Escarraz, saying in a letter that the district will talk to him but that the new plan does not violate the law or the settlement.

He also contends the legal defense fund has no standing to trigger the mediation process. His argument: When it comes to how students are assigned to schools, the district is not bound by the settlement after the current school year. The new plan, if approved, would start in the 2008-09 school year.

Escarraz contends the settlement obligates the district to make diversity a "valid and preeminent goal" for the foreseeable future.

Superintendent Clayton Wilcox said he won't recommend a delay in the vote when the School Board meets today.

Under the plan, every student would get a seat at a "close-to-home" school. Students who didn't want that seat could apply to a special program such as a magnet or fundamental school or a high school career academy.

Students also could attend any other school in the county, provided there was space for them and they could get there without a district bus ride.

During the transition, the plan would allow students to stay in their current schools rather than be forced to attend their "close-to-home" school. Because schools will reflect the racial makeup of their neighborhoods, several of them will again start to look like the segregated schools of yesteryear.

But Wilcox, Robinson and other district officials say the provisions allowing students to explore schools outside their neighborhoods will help keep some schools integrated.

The superintendent has argued that the plan gives many black families an option they didn't have under busing - a school close to home where parents can become involved.

"If you really want to affect educational outcomes for kids, you have to involve their families," Wilcox said. "How else do you do that? That's kind of the backbone of this plan."

Board member Nancy Bostock said the current plan tries to give families the close-to-home schools they've asked for while offering options that will promote diversity.

The issues have been thoroughly debated and Escarraz's concerns "are certainly not reasons to delay the vote," Bostock said. "Our community needs to know what our school assignment plan is going to be."

Board member Jane Gallucci said "someone needs to show me a better way to do this" before she would vote for a delay. "It's great to shoot arrows," she said, "but where are the solutions?"

Escarraz argues there are ways to create more diversity but the district hasn't worked hard enough to find them.

Mary Brown, the School Board's chairwoman and its only black member, is one of two members who have pushed to delay the vote.

"I've always said that this plan wasn't ready and there are too many questions," she said. "What's the rush? Let's do it right."

Of particular concern is how the district would give extra support to schools with large numbers of poor, struggling students, many of them black. "I want a plan to show how we're going to do it when we're short on money," Brown said.

"A lot of this plan is a 'trust-me' plan," said Escarraz. "And quite frankly, I don't trust them."

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