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Justice Department bids to trap poor, black children in ineffective schools

By Editorial Board

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NINE OF 10 Louisiana children who receive vouchers to attend private schools are black. All are poor and, if not for the state assistance, would be consigned to low-performing or failing schools with little chance of learning the skills they will need to succeed as adults. So it's bewildering, if not downright perverse, for the Obama administration to use the banner of civil rights to bring a misguided suit that would block these disadvantaged students from getting the better educational opportunities they are due.

The Justice Department has petitioned a U.S. District Court to bar Louisiana from awarding vouchers for the 2014-15 school year to students in public school systems that are under federal desegregation orders, unless the vouchers are first approved by a federal judge. The government argues that allowing students to leave their public schools for voucher private schools threatens to disrupt the desegregation of school systems. A hearing is tentatively set for Sept. 19.

There's no denying the state's racist history of school segregation or its ugly efforts in the late 1960s and early 1970s to undermine desegregation orders by helping white children to evade racially integrated schools. These efforts included funneling public money to all-white private schools. But the situation today bears no resemblance to those terrible days. Since most of the students using vouchers are black, it is, as State Education Superintendent John White pointed out to the New Orleans Times-Picayune, "a little ridiculous" to argue that the departure of mostly black students to voucher schools would make their home school systems less white. Every private school participating in the voucher program must comply with the color-blind policies of the federal desegregation court orders.

The government's argument that "the loss of students through the voucher program reversed much of the progress made toward integration" becomes even more absurd upon examination of the cases it cited in its petition. Consider the analysis from Jason Bedrick, a policy analyst with the Cato Institute's Center for Educational Freedom, of a school that lost five white students through vouchers and saw a shift in racial composition from 29.6 percent white to 28.9 percent white. Another school lost six black students and saw a change in racial composition from 30.1 percent black to 29.2 percent black. "Though the students . . . almost certainly would not have noticed a difference, the racial bean counters at the DOJ see worsening segregation," Mr. Greene wrote on his blog.

The number that should matter to federal officials is this: Roughly 86 percent of students in the voucher program came from schools that received D or F ratings from the state. Mr. White said it is ironic that rules to fight racism should be used to keep students in failing schools; we think it is appalling.

Unfortunately, though, it is not a surprise from an administration that, despite its generally progressive views on school reform, has proved to be hostile — as witnessed by its petty machinations against D.C.'s voucher program — to the school choice afforded by private-school vouchers. Mr. White told us that from Day One, the five-year-old voucher program has been subject to unrelenting scrutiny and questions from federal officials. Louisiana parents are clamoring for the choice afforded by this program; the state is insisting on accountability; poor students are benefiting. The federal government should get out of the way.