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IBD EDITORIALS



Poor Judgment

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Judicial Activism: The troubled Kansas City school district is closing almost half its schools. But the media can't quite figure out why. Maybe it's because the reason doesn't fit the left-wing narrative.

The Missouri system was told by the City Council two weeks ago to shut down 29 of its 61 facilities at the end of the academic year.

If the school district, which has a \$50 million deficit with a \$300 million budget, continued to operate without change, it would have been pushed into bankruptcy and taken over by the state.

The Associated Press seemed to side with a City Council member who blamed the district's ruin on the whites who didn't want to mix with blacks after the Supreme Court's 1954 Brown v. Board of Education ruling desegregated classrooms.

The Los Angeles Times also blamed white flight, lamenting that the district "started losing students after a lengthy desegregation battle was launched in federal courts in the 1970s."

The New York Times got closer, noting that "close to 18,000 students exited to better suburban districts or charter schools in the last 10 years alone." But it didn't explain why.

The Christian Science Monitor was also near the mark, reporting that "the long-term failure" of the system's "integration efforts has contributed (to) declining enrollment."

The paper gets an honorable mention for daring to tread near the real reason why the Kansas City system has fallen into decay: the 1985 case in which a federal district judge seized partial control of the district because he felt it was unconstitutionally segregated.

In Missouri v. Jenkins, District Court Judge Russell Clark ordered the state and the system to spend almost \$2 billion over the next 12 years to desegregate the schools.

Clark, described by some as a man of noble intentions held hostage by an impossible situation, directed every high school and middle school, and half the elementary schools, to be magnet schools.

His money stream allowed the district to go on a building binge. Among other major facilities projects, a new high school was built with an Olympic-size pool, indoor track, racquetball courts and a gymnastics center.

The goal was to draw white students back into the district. It was never about improving

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education for the black kids already there.

Part of the \$2 billion was paid by the state. Another portion was paid by the district, which, according to the Claremont Institute, doubled "property taxes to pay this huge bill" and "imposed an income tax surcharge on everyone who lived or worked in the city."

A Cato Institute report said Clark ordered the doubling of property tax and later required another increase of nearly 25%.

Despite some early success, the decline of the system continued as student achievement kept falling. By the late 1990s, the district was spending taxpayers' money at the rate of nearly \$12,000 per pupil — more, "on a cost of living adjusted basis," said a 1998 Cato Institute report, "than any other of the 280 largest districts in the country."

But the spending couldn't stop the state from suspending the district's accreditation in 1999, in part due to the schools' poor academic performance. Full accreditation has yet to be reinstated.

Rather than foster a smooth integration, the judge's order inflamed racial wounds that had lingered for decades.

Across one nine-year period, the district went through 10 superintendents because its board, riven by racial politics, grew more acrimonious and disorderly as factions fought bitterly for the bounty of funds. As the dollars poured in, the bureaucracy swelled.

It acted incompetently, inappropriately, and, in some cases, criminally. The system, literally, could not make the buses run on time in the first years that Clark was de facto superintendent.

White families that could leave wanted no part of the Kansas City mess. But they were not alone.

"Families of all races sought other options. They moved to the suburbs, or turned to charter schools, or sought refuge in private and parochial schools," Kansas City Star columnist Barb Shelly wrote earlier this month.

Not that the system wasn't in trouble before the judge's involvement. It was.

But the court's meddling made matters worse. The lesson that should have been learned is that the judiciary is no place to make policy. The media, though, can't get its mind around that idea, even though it's been around since before our republic was founded.

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