

Virtual Learning: A Solution to the All-Black Male School Debate and the Challenge of Black Male K-12 Outcomes

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Due to the legality issues of different public school settings, virtual learning/e-learning or distance learning serves as an option for improving education. Additionally, within the past few years, virtual learning has increasingly permeated the debate over how best to educate all students. Because of its ability to possibly transcend student's geographical and other structural barriers that have hitherto limited educational attainment, the virtual learning movement is one way to help improve educational options for black males

Introduction

The debate over how best to maximize the learning potential of underrepresented students of color in K-12 public schools remains highly contentious. The issue is especially salient for black boys who, relative to other groups, are more likely to experience suspension, expulsion, and academic failure in schools. The debates are about the type of curricula and pedagogy that should be utilized to maximize black boys' learning potential. Many argue that race and gender define the experience of black boys in the classroom and that these defining characteristics work to their detriment. Unfortunately, without an education, many boys of color have become large segments of the prison system². The Justice Policy Institute, a Washington, DC-based think-tank that advocates for alternatives to prison writes, "At the end of 2000, 791,600 black men were behind bars while 603,032 were

¹ Note on terminology: throughout this paper terms such as black boys, black males, black-American boys, African-American boys and urban boys will be used interchangeably.

² The United States Justice Department 2009 report entitled, *Growth in Prison and Jail Population Slowing: 16 States Report Decline in the Number of Prisoners*, notes:

That among inmates held in custody in prisons or jails, black males were incarcerated at 6.6 times the rate of white males. One in 21 black males was incarcerated at midyear 2008, compared to one in 138 white males. At midyear 2008, black males (846,000) outnumbered white males (712,500) and Hispanic males (427,000) among inmates in prisons and jails. About 37 percent of all male inmates at midyear 2008 were black, down 41 percent from midyear 2000.

enrolled in colleges or universities. By contrast, in 1980 -- before the prison boom -- black men in college outnumbered black men behind bars by a ratio of more than 3 to 1.”³

In the last 10 years, the role of virtual learning known interchangeably as distance learning, online learning, e-learning, or web-based learning, has increasingly permeated the debate on how best to educate *all* students. Gladieux and Watson (1999) point to the benefits of virtual learning including the potential to equalize learning opportunities, provided it’s accessible to *all* students given that many students of color have limited educational attainment. However, despite the widespread hope and studies that suggest that virtual learning can connect many disadvantaged students to opportunities otherwise out of their reach, there is little agreement on the precise type of virtual learning that holds the most promise. Additionally, little work has been written exclusively on the role of virtual learning for black boys, as a remedy to curtailing graduating rates in public schools. Therefore, to fill this void in the paper, I will (1) describe the debate and the social and legal issues that surround virtual learning and (2) propose a model as a means of addressing the academic challenges of black boys.

Graduation Rates of Black Males

Currently, public school education generally fails to produce academic success for most black boys (Fremon & Hamilton, 1997; Tifft & Henderson & Johnson, 1990; Tucker, 2010). The 2008 edition *Given Half a Chance: The Schott 50 State Report on Public Education and Black Males*⁴, details a drastic range of outcomes for black males, especially in many of the nation’s largest cities. *Given Half a Chance* highlights the apparent resource disparities that exist in public schools attended by black males and their white, non-Hispanic counterparts. The 2008 Schott report illustrates that states and most districts with large black student enrollments educate their white, non-Hispanic children better than the majority of their black male students. One key finding is that more than half of black males (and other minority males) did not receive diplomas with their cohort in the 2005-2006 school year, including the intervening factors,

The state of New York had 3 of the 10 districts with the lowest graduation rates for black males. The one million black male students enrolled in the New York, Florida, and Georgia public schools were twice as likely not to graduate with their class. Delaware, Georgia, Illinois, Indiana, Michigan, South Carolina, and Wisconsin graduated fewer black males with their peer group than the national average. Nevada and Florida graduated less than a third of their black male students on schedule. Illinois and Wisconsin had nearly 40-point gaps between how effectively they educate their black and white non-Hispanic male students.

These aforementioned trends, among others factors shared within this study, are problematic of a population in our society that has been disproportionately in danger of not graduating from secondary public schools. Given these alarming figures, what does the future hold for black males in public schools and in society? Unfortunately, for many, their future remains uncertain without access to quality education, leading many to being locked out of the *American Dream*.

³To view complete report from the Justice Policy Institute, visit: <http://www.justicepolicy.org>

⁴ An updated report was produced in 2010 entitled, *Yes we can: The schott 50 states report on public education and black males* and can be retrieved from: <http://www.blackboysreport.org/bbreport.pdf>

In order to understand reasons for why many advocates have developed proposals for separate schooling and/or programs for black boys, it is important to look at *their* unique experiences. Additionally, it should be noted that three types of single-gender public schools currently exist: (a) public schools that have separate boys and girls schools located within the same facility; (b) public schools that are entirely female; (c) and public schools that offer select grade levels that are entirely single-sex (Nappen, 2005, p. 3).

The majority of the research herein this paper will be divided into nine sections: (a) all black male schools: the debate; (b) virtual learning classrooms (c); the Equal Protection Clause; (d) *Brown v. Board of Education* (with attention to *Garrett v. Board of Education*); (e) separating the sexes in public schools; (f) key legal issues with all-gay schools; (g) a rationale for a virtual learning classrooms; (h) methods; and (i) implications, recommendations/conclusions.

All Black Male Schools: The Debate

“W.E.B. DuBois once stated that African-American children need education, not segregated education or desegregated education. Despite litigation that has surrounded educating African-American children, the Supreme Court has never held that education is a fundamental right. (Smith, 2003, p. 2)

Segregation in education has been detrimental to African-Americans resulting in All-Black Male Schools’ (ABMS) proposals in cities such as Miami, Baltimore, Detroit, Milwaukee, New Orleans, Berkeley and New York for black male classrooms and/or academies (Brown, 1994; Kunjufu, 2005; Pratt, 1997). Accordingly, Smith notes African-American parents advocating for ABMS recognize that regardless of the effectiveness or successes of desegregation, black children still need quality education and facilities. The journey however, for quality education for blacks, has been an arduous one.

Given these abovementioned concerns, how does the urban black male also known as the *endangered species* in crisis (Ferguson, 2001; Gibbs, 1998, Johnson, 1989; Kunjufu, 2005; Smith, 2003; Taylor-Gibbs, 1998; Wright, 1991) fit into this discourse on education equality? Should we, as concerned individuals, turn the page on his perplexing experience? The unfortunate reality is that many black males in America are victims of gang fights/urban violence, being sent to the penal institutions, poor education, and other negative societal ills (Johnson & Watson, 1990; Jones, 1986; Yeakey & Bennett, 1990). Realizing that no one solution can solve the *endangered black male crisis*, some black parents and concerned educators look to a starting point, hoping that a more intensive [re]focus on educating black boys can “stifle the deluge of black male destruction” (Smith, 2003, p. 1). Many proponents thus advocate that ABMS are an innovative way to improve black boy’s education (with an Afro-centric curriculum taught by African-American male role models/teachers), within an “environment free of unfair and biased comparison with girls” (p. 2).

Brown (1994), on the other hand, contends that proposals to establish ABMS violate governments’ neutrality in two ways: First, government would be advancing the interest of black males by providing them a benefit that is not providing to others. Secondly, by classifying students based on race and gender, the public educators are no longer treating students as a member of a racial and gender group and thereby making decision based on characteristics, which individuals do not choose—their race (p. 114).

On the flipside, the central argument supporting racial and gender-segregated education for black boys is that African-American educators will be able to teach strategies to black males in overcoming racial and cultural assumptions about themselves held by teachers/others, eliminating a primary cause of the poor performance in schools, while building self-confidence and renewed self-interest in education.

The racial issues raised legally against plans to separate black males can be partially understood because students are already segregated (in predominately all-black or all-white neighborhoods), not by laws, but racially isolated from one another, given their location (Brown, 2003; Kunjufu, 2005, et al). ABMS are not reverting back to *de jure segregation* (as a result of *Plessy v. Ferguson* and/or Redlining), but *de facto re-segregation* (resulting from *white flight* from communities of color). The aforementioned cities in which proposals for ABMS emerged have large percentages of children of color already in racially segregated schools, despite protracted efforts toward desegregation:

In 1980, almost 40% of all black children in the United States attended schools in which at least 90% of the students were minorities. This desegregation resulted from racial segregation in the neighborhoods surrounding the schools. Desegregation prompted many whites to flee those schools and neighborhoods. . . . “Re-segregation,” therefore is primarily the result of *white flight* [emphasis mine]. . . . Leaving [many] inner cities more colorized. (Smith, 2003, pp. 2-3)

De facto re-segregated communities are particularly salient for reasons leading to the racial composition of many communities of color and schools. These reasons are echoed by scholars such as Kunjufu and others noting, “75% of those students in remedial and special education classes are African-American males” (p. 51). Alston (1994) writes, “Since the days of Horace Mann, the public school has carried with it the myth of being the great equalizer, the gateway to the *American Dream*” [emphasis mine] (p. 121). Also, since *Brown v. Board of Education*, it could be conceptualized as being centrally about the “Power of public school to normalize, to socialize, and to ‘Americanize’ children while preparing them for opportunities made available by virtue of having been socialized” (p. 121). If all students are to be provided with access to quality education, then why are many black males at a grave disadvantage? Why also is it that their educational needs are not being met?

Although objections can be made about the “socialization process” raised by Mann, nonetheless, the message is clear: communities that lose the vitality and contributions of their youth, lose the capacity to replenish, reconstruct and reproduce them. Given the fact that not every child is afforded a quality of education, and not all black boys have positive experiences in all black male schools (note little substantial, collective, qualitative information has been collected/shared on all these schools’ successes and the student’s experiences), and their personal experiences vary in predominantly white schools, it is important to consider other educational options / settings for instruction.

Virtual Learning Classrooms

How can the educational attainments of black boys be improved in schools? What are some viable options to consider leading to possible increased graduation rates? A virtual learning classroom is one option/solution because this type of environment will be devoid of constitutional boundaries and not subject to strict scrutiny of the courts (*see Separating the Sexes*

in *Public Education* section in this paper that outlines the levels of scrutiny by courts), especially if it is not government run or taxpayer fully-funded. Virtual learning, e-learning or web-based learning also has unlimited possibilities for redefining how education is delivered (Walling, 2003). This environment, if developed with the needs of black boys in mind, can influence how teachers instruct, and how information is transmitted to black boys, leading to increased graduation rates. There are few, if any, public schools just for boys of color. However, several programs/centers (privately-and publicly-funded) across the country do have online components, or use digital media to educate students. Founded in 2007, Virtual Learning Academy Charter¹ in New Hampshire appears to be the nation's first co-educational public online high school having recently graduated its first class in 2010. Additionally, given the fact that virtual learning classrooms are not traditional classroom settings, they will not violate the Equal Protection Clause of the 14th Amendment.

The Equal Protection Clause of the 14th Amendment

The Equal Protection Clause protects against racial and gender discrimination and part of the specific language reads: "No State shall deny to any person within its jurisdiction the equal protection of the laws." Mollman (1992) notes that the language encompasses two distinct principles: (a) *anti-differentiation*-holding those individuals may not be treated differently based on race, gender, and other immutable characteristics and (b) *anti-subordination*-where equal protection means the elimination of all subordination. It is this last principle that underlies the different treatment of race and gender discrimination, leading to differing standards in statutory and constitutional analysis.

Proponents of race-and-gender-segregated education for black males have had very difficult times withstanding gender discrimination, especially since governments tend to transcend individual characteristics in favor of treating everyone the same. For government-through its extension of public schools-to treat people as members of a racial or gender group is initially wrong and will require serious justification and critical examination.

Providing a general overview of the Equal Protection Clause of the 14th Amendment was essential because it is the legal framework for which ABMS are measured. Additionally, in ABMS, admission is being denied to others who are not black males, without due process. Because admission is race-based, it violates the rights of others to be granted an education equal to black males. Both sides on the ABMS debate have also repeatedly cited an important precedent-setting case—*Brown v. Board*.

Brown v. Board of Education: A Brief History

Brown v. Board of Education of Topeka, Kansas (see Appendix A), (1954) overturned the *Plessy v. Ferguson* Law (1896) that previously legalized separation of schools, trains, buses, and restaurants (*Brown v. Board of Education*, 1954). The Supreme Court decision in both *Brown I* (1954) and *Brown II* (1955) eventually legally opened doors for blacks in the field of education, politics, media, medicine, science, law and engineering in the United States and the decision revolutionized America. Previous district court cases through the United States have also debated

¹ For more information on this virtual school, go to: http://www.vlacs.org/pdf/press_kit/Fact%20Sheet_VLCAS.pdf
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the merits of All-Black Male schools citing the *Garrett v. Board of Education* (1992) case as an example.

To summarize the *Garrett* Case, Shawn Garrett (on behalf of Crystal Garrett, a minor), and Nancy DOE (an anonymous mother on behalf of Jane DOE, Judy DOE, and Jessica DOE, minors) under the legal counsel of the National Organization for Women (NOW), The Legal Defense Fund (LDF) and Michigan American Civil Liberties Union (ACLU) filed a law suit on August 5, 1991 against the Detroit Board of Education (DBE). They alleged that DBE violated US. Constitution Amendment XIV, Michigan Constitutional Article 1 & 2, the Equal Educational Opportunities Act, Title IX of the Education Act Amendments of 1972, Michigan's Elliott-Larsen Act, and Michigan's School Code through its approval of several male-only academies.

On August 26, a settlement was reached between the DBE, NOW, LDF and the ACLU and allotted 136 seats out of 560 to girls. "Out of 453 students [who would eventually enroll], 39 were girls, including 1 white student" (Moore & Associates, 1993; Pratt, 1997, p. 5). Given these findings, how then are all-female schools viewed so that they don't fall under the same purview as all-black males schools?

Separating the Sexes in Public Education

In the entire furor over all-male schools, the experiences of the urban females have been for the most part, overlooked or ignored. This section discusses why some all-girls schools are constitutional, with attention paid to the levels of scrutiny by the courts. The Supreme Court in *Craig v. Boren* (1976) defined the three levels of *scrutiny* as:

- *Strict scrutiny* (if the law categorizes on the basis of race or national origin or infringes a fundamental right): the law is unconstitutional unless it is "narrowly tailored" to serve a "compelling" government interest.
- *Intermediate scrutiny* (if the law categorizes on the basis of sex): the law is unconstitutional unless it is "substantially related" to an "important" government interest.
- *Rational-basis test* (if the law categorizes on some other basis): the law is constitutional so long as it is "reasonably related" to a "legitimate" government interest.

As noted earlier, the Equal Protection Clause of the 14th Amendment protects against discrimination and encompasses two distinct principles: (a) *anti-differentiation* (e.g., laws must be neutral, color and gender-blind); and (b) *anti-subordination* (e.g., equal protection is devoid of all subordination). Gender discrimination is not subjected to strict scrutiny under the anti-differentiation approach because there are actual differences between genders that may warrant differential treatment. Mollman (1992) cautions, "Problems arise, however, when gender is used as a proxy for others, and more appropriate bases of classification [as in the case of *Garrett*]" (Mollman, p. 2). "A law that expressly treats the genders differently is constitutional, provided it meets the *Craig v. Boren* test. Unlike *strict* scrutiny in race cases, courts using immediate scrutiny, do not find gender classification to be flawed" (pp. 2-3) and are not viewed under the same lens.

Williams v. McNair (1971) was cited to explain the constitutionality of gender-separate, but equal schools. They note, "Separate but equal schools are not the only kind of gender-segregated education. Indeed, the recent resurgence in segregated education has been of another

type altogether: single-gender schools offered as voluntary alternative to co-ed schools” (Mollman, p. 4). For a subordinate group to choose to attend a separate school carries a different significance than if chosen by a dominant group. “All-girls schools and all-boys schools have different impacts

on subordinated groups. . . .Under both constitutional and statutory analysis, all-boy [public] schools do not survive [strict] scrutiny, while all-girl schools do” (p. 4). Therefore, to be constitutional under the current doctrine, single-gender schools must be able to withstand the intermediate scrutiny of the *Craig v. Boren* test. “The lower standard of scrutiny [e.g., Rational-basis test], which demands only that gender classifications be related to ‘important and legitimate’ goal, allows subordinating as well as compensatory rationales to justify gender separation” (p. 4).

All-girls public schools can bear a substantial relationship to important and legitimate statutory goals. Like all-boys schools, all-girls schools can benefit their students greatly, yet, must pass the *Craig* test. All-girls schools are able to pass the *Craig*’s test, if they can show that they are compensating for past and current discrimination (*Mississippi v. Hogan*, 1982) and promoting equality of opportunity. For the most part, all-girls schools can satisfy the “compensatory purpose doctrine” set out in *Hogan*, for girls are discriminated against on the basis of their gender. However, it is very hard to prove that *many* all-girls public schools were initially established with the intent of overcoming discrimination. In fact, most of these schools had prepared girls for stereotypical careers, e.g., housewives, teachers, nurses or secretaries. Even if the schools have since changed its mission, it is irrelevant under *Hogan*, as it focuses on the stated initial intent at the founding of the school. As a result, most *historically* all-girls schools have been based on stereotypical notions and fail to meet all criteria set out in *Hogan*.

Although the “compensatory purpose doctrine” could be used to uphold many existing programs, *new* all-female schools and programs could be established with the intent of overcoming gender discrimination and stereotypes of girls, thus meeting all criteria set out in *Hogan*. Excluding boys from the learning environment could potentially help in overcoming gender discrimination of girls, provided however, these all-girl schools are geared towards overcoming gender-based stereotypes and not perpetuating them. Arguments in support of single-gender schools for girls can also be in support of schools for black boys. However, schools that help black boys overcome stereotypes and other obstacles will meet the intermediate level of scrutiny (and maybe permissible), but racial discrimination (as in black boys schools) is subject to *strict* rather than *intermediate* scrutiny.

The issues raised above provide the context for virtual learning. Additionally, it was important to share how all-girls schools differ legally from all boy schools and that there are public schools with majority all black male populations; but constitutionally, if a parent who is not black wants their child to enroll in a majority public ABMS, legally that school could not object (see *Garrett*). Beyond the race and gender separate school debate, how do other marginalized groups’ experiences in education play out in the public school setting? What can we learn from their experiences that could potentially affect boys of color? Are there any legal issues to consider in these other educational settings?

What Are Key Legal Issues with All-Gay Schools?

Prior to *Brown*, most American schools provided “separate, but equal” educational facilities for black and white students. As previously discussed, within recent years, there have

been proposals to establish ABMS to help level the playing field for boys of color- the central claim is that the public schools have failed to educate black boys. These schools have led many to then question what strategies should be taken to also address the plight of black females and the separation of gays and lesbian students in schools. What are some of the key issues the court must decide when determining the constitutionality of these separate sexual orientation schools?

Within the past ten years, school districts have proposed separation of students, not just based on race, but also on sexual orientation. Nappen (2005) notes that the “principal issue in which schools systems (and judiciaries) struggle to decide how to deal with issues of bias against particularly stigmatized groups of students is twofold: (a) segregate the victimized students allowing for a less-threatening learning environment; or (b) integrate the victimized students to encourage tolerance from the rest of the population” (p. 2). Nappen further contends that providing a separate public school for homosexuals harkens back to a reversal to *Plessy v. Ferguson* allowing for “separate, but equal” facilities. However, “the legal comparison between racial segregation and sexual orientation segregation is an imperfect analogy” (p. 5).

The most famous high school for lesbian, gay, bisexual, transgender, and questioning (LGBTQ) youth is New York City’s Harvey Milk High School (HMHS), which is housed in the Hetrick-Martin Institute. HMHS is the oldest, largest, non-profit agency created to serve LGBTQ youth. The mission of HMHS is “To offer an alternative education program under the auspices of the New York City Department of Education’s (DOE’s) Career Education Center.” In 2002, the school came under fire when NYC Chancellor Harold Levy approved \$3.2 million for the school’s expansion. A debate ensued; at center stage was the appropriation of these public funds by the government subsidizing a separate public school for LGBTQ students and their rights and visibility as homosexuals.

Nappen (2005) writes that journalist Elliott Lane (2002) wrote: “Have gays become the new black?” (p.2) essentially making the claim that the rise of homosexual rights parallels the Civil Rights Movement. Nappen counters: “The rise of homosexual rights differs from the rise of race-based rights in their divergent approaches to education: *Brown* was a response to imbalanced segregation; HMHS is a response to flawed integration” (p. 3). What does this mean for gender-based schools for homosexuals and how do they stack up against the Equal Protection Clause?

“With regards to equal protection, it is important not to confuse sex with gender,” warns Nappen (2005). “The 1976, Supreme Court’s decision in *Craig v Boren* set the standard for gender-related equal protection” (p. 3). “[These] schools [for LGBTQ] students are allowed to continue, as *Brown* has not been directly applied to sex segregation. . . . For more than three decades, the federal DOE has sought to eliminate race and gender based discrimination in schools. On the question of discrimination based upon sexual orientation, the Court has remained silent” (p. 4). Because of Supreme Court’s broad application of the 14th Amendment’s Equal Protection Clause requiring lower courts to look with suspicion on policies that provide differential treatment based on race and gender; with specific regards to the issue of sexual orientation, however, the courts have not been able to (or refuse to) draw a connection. This *deal with it later approach* is in despite of the fact that the DOE changed its Title IX enforcement policies in 2002 to make it easier for districts to create single-sex classes and schools at the elementary level; yet, the federal government has not adequately addressed the question of segregated schools for homosexuals.

States must decide whether it is appropriate for students who feel threatened to be able to separate themselves from the mainstream at taxpayer’s expense or whether voluntary segregation

is ultimately stigmatizing and hurtful in the long run. “All equal protection cases pose the same basic question: Is the government’s classification justified by a sufficient purpose? Legislation involves drawing distinctions that either advantages or disadvantages one group over another”

(Nappen, 2005). This is the crux of this very complicated issue—the role of the Equal Protection Clause—how the issue of sexuality is viewed.

What does this mean for states that seek separate schools for LGBTQ students? Unfortunately, given the complexity of issues at play, coupled with the fact that the Supreme Court has yet to take a stance, there is no one simple answer. What is clear, however, is that LGBTQ students voluntarily seek to enroll in HMHS, and as such, are breaking new constitutional ground by attending separate educational institutions. Because schools like HMHS are voluntary, they should not be thought of as segregated and the strict scrutiny rule should never be applied. Separate schools for LGBTQ students also pass the equal protection analysis for several reasons (Nappen, p. 8):

1. School systems are governed by state and local laws are allowed to establish a variety of districts charters for individualized education.
2. LGBTQ students attend these schools voluntary and heterosexuals are not prohibited from attending.
3. Separate schools for LGBTQ students do not provide inferior education, as was the case for most black schools prior to *Brown*; and
4. Under the Court’s jurisprudence, “sexual orientation is not a suspect classification,” where as race is.

Therefore, unless states or local governments apply scrutiny to sexual orientation discrimination, school systems are legally able to provide separate schools for LGBTQ youth. Furthermore, if the law is supposed to be race and gender-blind, how is an urban male who embodies dual racial and sexual identities viewed?

Because the courts have yet to decide whether sexual orientation is grounds for *strict* scrutiny, and given the current make up of the Supreme Court, I predict that it is just a matter of time before a stance is taken (*see* Seattle-Louisville School Integration cases, 2007) and pressure applied from more conservative judges to eventually pass laws that will result in applying more scrutiny to sexual orientation schools. The problem all courts will ultimately face is whether homosexuality is an inherent quality by birth or by individual choice. If one is gay by choice then they are not defined as a *suspect class* and thus do not receive *strict scrutiny* protection. However, some gay people claim that their orientation is genetic and those people should not suffer because other homosexual people claim their orientation is by choice.

LGBTQ schools can pass the equal protection analysis and ABMS cannot, therefore, would courts apply strict scrutiny differently to schools or programs that target boys of color who embodies multiple identities as well as being LBGQTQ? What scrutiny rule would the courts apply if there were proposals for such schools/programs that would clearly fall under the same purview as LGBTQ schools, but are complicated with the issue of race and gender? A critique could potentially examine the issue from four angles:

- 1) When race is the issue for considering education then *Brown* is applied.
- 2) When the issue is gender and education, courts apply *Craig v. Boren*.
- 3) When race and gender are combined then consider *Garrett*.
- 4) When race, gender and sexuality are considerations for an educational institution then sexuality should be a candidate for heightened scrutiny.

Up to this point, this paper reviewed the legal issues within different public school settings and posed one solution—virtual learning as a remedy for black boys. Additionally, what has been provided thus far was divided into several parts: (a) outline reasons for and against ABMS; (b) examine the debate surrounding one city's plan to open all male academies for urban boys; (c) explore reasons for why all-girls and LGBTQ schools can withstand constitutional scrutiny of the Equal Protection Clause and why ABMS are at war with the legal system. Also, given the legal issues with ABMS, coupled with the complexity of LGBTQ schools, what then is a viable option for black boys (in particular) to learn? This fundamental question will be the basis of the rest of this paper.

A Rationale for a Virtual Learning Classroom

As the fastest medium to acquire data and encourage learning, the internet does not have any preconceived notions about the user's race, economic background, sexual orientation, and/or level of education. Virtual learning has many potential advantages yet access to technology is limited in many communities of color. Despite this reality, Everett (2009) contends and challenges the problematic historical view of students of color as quintessential information-age outsiders or poster children for the digital divide by uncovering their early technolust and repositioning them as eager technology adopters/consumers and thus as co-constituent in the information technology revolution. Black boys will therefore have the potential to be engaged, educated, and exposed to education technology virtually.

As noted earlier, there has been little written about black boys and virtual learning. However, readings by Walling's *Virtual Schooling* (1993), Nakamura's *Digitizing Race: Visual Cultural of the Internet* (2008), Glass's *Fertilizer, Pills, and Magnetic Strips* (2008), and Everett's *Digital Diaspora* (2009), provide an understanding of racial identities, non-traditional approaches to education and virtual learning. Given this fact, what does a virtual learning classroom look like? I have identified three objectives:

1. The virtual learning site will be a space for black boys to learn and seek improvement in their performance in education (and ultimately graduation) compared to traditional school environments.
2. To bring together black males online performing at various academic levels in a supportive environment.
3. To attract/recruit black male teachers to teach various academic subjects, infusing non-traditional methods to instruction: music, storytelling through narration, online gaming, "Rip-Mix-Burn" activities, and the incorporation of Web 2.0 tools such as social networking and blogging, and use of "Fizzle Talk" – translating a user's speech into one of several racial/ethnic dialects such as Ebonics (Nakamura, 2008, p. 41).

What courses would qualify for virtual learning? How will credit be granted? How will attendance be monitored? How will these students gain access to technology in their communities? These are some pertinent questions currently being debated with regards to *all* students, not just black males. Proponents of virtual learning therefore believe that public schools should embrace virtual learning as a new way of educating students. Opponents, however, fear virtual learning could cause students to become more distracted from teachers.

With virtual learning, my main question is: how best can it work in public schools (or in as part of a summer bridge program) to improve the education of black boys? The unfortunate reality is that the quality of education students of color receive varies: racism, class prejudice and

sexism has given way to more subtle forms of unequal treatment in instruction, and disparities exist in resources (financial, technical) available in many inner city schools than suburban schools.

The era of virtual learning provides many possibilities, offering access to high-quality education. Educators would also be able to teach black boys in virtual spaces, not aware potentially of their racial and cultural backgrounds, sexual orientation, thereby eliminating some primary causes of the poor performance in schools (limiting stereotypes held by some educators about black boys), and reasons leading to some black boy's disillusionment with educational institutions. There is still debate however, as to the educational and social benefits of these types of alternative spaces in schools.

Although the specific type of virtual learning classroom has yet to be decided that will be utilized, this space could "build" upon integrated, online components that range from science to math, depending ultimately upon the needs of each student-user. The premise behind learning in virtual worlds is that the classroom of the future will not mirror the classroom of today. Note that there are also some virtual learning centers across the country that requires students to spend a minimum number of hours a week on schoolwork, using a school-issued laptop with Internet access. This is one way to address limited technology access in many communities of color. However, the popularity of the virtual learning classroom is contingent upon access to high-speed Internet and the active engagement of all students who are exposed to online gaming/environments. Today, every major video game console available offers some version of online gaming and some even offer entire virtual communities. It is important to understand and apply different levels of instruction to reach all students, regardless of the community.

To assess the potential benefits of a virtual learning classroom, visits to some K-12 all-male schools (see partial schools/organizations list in Appendix B of this paper) with initiatives on boys of color (not exclusively for all-black boys) is a positive step. Partnership also with organizations such as The Coalition of Schools Educating Boys of Color- a network of single-gender schools across the nation, educating boys of color based in Massachusetts, is another resource. This organization seeks to improve education attainment of all boys of color, and has an extensive membership affiliation.

During scheduled visits at the All-Black Male Schools, a review of current methodology, including educational practices is essential. It will also be important to meet with the leadership to ascertain the feasibility of a virtual learning classroom at that school. Finally, development of an assessment tool, to frame next steps is important. A proposed schedule of activities could potentially include the following five components:

1. Visits to designated schools/organizations and setting up meetings with leaders, staff and students to determine feasibility;
2. Interviews with students and parents leading to a needs assessment;
3. Identify potential target student population for future participation online and determination of exact numbers of student participants. During subsequent visits, students will be administered a pre-test to measure proficiency in various subjects;
4. Develop benchmarks for learning in consultation with staff to potentially determine measurable goals/targeted outcomes; and
5. Generate assessment tool with recommended next steps.

Borrowing from Nakamura's (2008) book's *Digitizing Race: Visual Cultural of the*

Internet, the following question should be kept central during interviews: What is the visual culture of nation, race, gender and age on the internet (p. 46)? A related question is: What ways do black boys currently use the internet to express themselves and learn?

Method

Through partnership with a predetermined number of schools --preferably two different ones in different locations/cities (grade level to be determined)-- a virtual learning classroom will initially be a pilot (possibly administered at some of the single gender schools located in the Appendix B of this paper). Student-users will be selected by teachers/administrators to participate, with preference given to black males. Additionally, student characteristics could be based on the following: (1) family support, (2) achievement level in school (high/low performing students), and (3) the level of computer activity/proficiency. Lastly, the selected schools will be determined after visitations and interviews. The initial enrollment of students could be limited to 20-30 students. A small cohort is initially preferred in the test phase, enabling personal attention while communicating regularly with students on a weekly basis. After the pilot phase, expansion to other schools will be sought. Of course the small student-users cohort may not yield substance data, however, its ideal initially to work out kinks in the system, and provide all students will individual attention, and address all possible questions, concerns, comments.

Implications and Recommendations

Virtual learning poses many benefits. Shifting the discussion slightly from virtual learning to technology, research as shown that computers can be utilized to reach students at risk of educational failure and aid them in not only becoming productive members of society, but also graduating from schools. Technologically competent and computer literate individuals stand a better chance of becoming productive citizens. Unfortunately, a review of data has yielded few empirical studies that have been conducted on the effectiveness of computers on black males. Being technologically competent is not enough to improve education/graduation rates; therefore educators need to develop innovative approaches in their teachings to reach all students -- not just male students of color-- who have been failed by schools. Drawing from a variety of sources (i.e., Bernard Carver, *Defining the Context of Early Computer Learning for African-American Males in Urban Elementary Schools*), here are some recommendations for teachers/ parents/ educators to consider with respect to virtual learning:

Recommendations for Teachers and Parents

1. Target African-American male students for virtual learning classroom participation while in elementary and junior high school.
2. Develop innovate teaching/learning strategies that could improve the social interaction triad that exist between teachers, family, and students.
3. Explore ways to use computer games as instrumental aides to direct learning.
4. Communicate more with African-American male students in a more effective, meaningful way than traditional levels of instruction.
5. Solicit feedback from male student users on their likes, dislikes, and ideas for improvement regarding virtual learning.

Recommendations for Educators

1. Develop better partnerships with organizations that will help with access to technology (especially in an era of budget constraints).
2. Conduct formative evaluations of lesson plans/instruction to ensure positive, relevant computer activity is occurring.
3. Recruit more male teachers who will be skilled at reaching young males students.
4. Improve face-to-face online classroom exchange and teacher/student dialogue; leading to innovation, motivation, and commitment while online.

Conclusion

I recognize that this paper attempted to address quite a bite of legal issues related to the legality of ABMS, all-female schools, LGBTQ schools with attention paid to *Brown v. Board* and other court cases such as *Garret v. Board of Education*, and posed just one solution to possibly improving education for Black boys in K-12 public schools: virtual learning. As previously noted, the debate over how best to maximize the learning potential of boys of color in schools remains highly contentious. Unfortunately, there is also little agreement on the precise type of virtual learning that holds the most promise and barely any research studies focus on the possible learning environment potential for black boys. Additionally, what I have written adds to the discourse /debate being tossed around by scholars alike, raising even more questions about the practicality of a virtual learning space than solutions, including but not limited to: what specific type of virtual learning spaces would work best for black boys? Will this virtual learning space/classroom be run through a public, private or a hybrid organization, including what are the legal issues regarding one type of environment over the other?

What are the legal issues for an all-black boy's virtual learning space that will be run through a public or private school? If the central organization of the virtual learning space is public with federal funds, it will be subjected to laws and policies by the government, including the Civil Rights Act. If, however, the virtual learning space is run privately, then it will be subject to relatively less scrutiny and oversight. I therefore propose that the virtual learning space be a hybrid and run through either a summer bridge program or community based organization (after being tested at some of the ABMS) that is not fully public. This way, this type of environment will not be subjected to strict laws set forth by the federal government relating to how funds could be used, what student membership would look like, and how it will be run. The potential benefits of having a virtual learning space / classroom that is combined public and private will not be fully restricted; and membership, albeit online, could be made up of all-black males, meeting the objective of helping to improve their public education. Once this virtual space has been tested thoroughly, the environment can then be extended to other marginalized groups of students.

Appendix A

Prior to 1954, the National Association for the Advancement of Color People (NAACP) strategically chipped away at the *Plessy* Doctrine by arguing the cases of *Murray v. Maryland*, *McLaurin v. Oklahoma Regent*, *Sweatt v. Painter*, and *Sipuel v. Oklahoma Regents*. The NAACP then made a conscious decision to take a more direct approach attacking *Plessy* directly by arguing the four cases referred to as *Brown I* (e.g. *Oliver Brown, et al v. The Board of Education of Topeka, Shawnee Country, Kansas*; *Briggs v. Broad of Trustees in Clarendon, South Carolina*; *Davis v. County School Board of Prince Edward County, Virginia*; and *Francis B. Gebhart v. Ethel Louise Belton and Shirley B. Bulah*). These cases were the culmination of a twenty-year strategic litigation plan of the NAACP aimed at the ultimate end of segregation in education. The central issue in the *Brown* cases revolved around equal quality of education; providing blacks with the opportunity to associate with persons of other races in schools

Appendix B

The following partial list comprises schools/organizations by state that have large male student of color populations (or that work to improve education of male students of color), at the same time have a strong commitment to serving at-risk students (girls and boys). Note that the following list is not exhaustive, and has been compiled from conversations held, and from a variety of online sources (i.e. Morehouse College, COSEBOC) to identify approximate founding dates/websites:

- **Academy of Business and Community Development** (Brooklyn, NY, Est. 2005)
<http://schools.nyc.gov/SchoolPortals/13/K336/default.htm>
- **Alpha: School of Excellence** (Youngstown, OH, Est. 2005)
<http://www.schoolmatters.com/schools.aspx/q/page=sp/sid=106201>
- **Benjamin E. Mays Male Academy** (Detroit, MI, Est. 1993)
http://www.privateschoolreview.com/school_ov/school_id/13764
- **B.E.S.T. (Business, Engineering, Science, and Technology) Academy at Benjamin S. Carson** (Atlanta, GA, Est. 2007)
<http://srt4.atlantapublicschools.us/best/site/default.asp>
- **Bluford Drew Jemison STEM Academy** (Baltimore, MD, Est. 2007)
<http://www.bdjacademy.org/>
- **Boys' Latin of Philadelphia Charter School** (Philadelphia, PA, Est. 2007)
<http://www.boyslatin.org/>

- **COSEBOC-Coalition of Schools Educating Boys of Color** (Boston, Massachusetts)
<http://www.coseboc.org/>
- **Dayton Boys Prep Academy** (Dayton, OH, Est. 2006)
<http://www.dps.k12.oh.us/cms/schools/elementary/dbpa.html>
- **Dr. Bernard C. Watson Academy for Boys** (Gary, IN, Est. 2006)
<http://www.garycsc.k12.in.us/Watson/index.html>
- **Durham Nativity School** (Durham, NC, Est. 2002)
<http://www.durhamnativity.org/>
- **Excellence Charter School** (Bedford Stuyvesant NY, Est. 2004)
<http://www.uncommonschools.org/ecs/home/index.html>
- **Ginn Academy** (Cleveland, OH, Est. 2007)
<http://search.cleveland.com/Ginn+Academy+>
- **Green Tech High Charter School** (Albany, NY, *Est. date unknown*)
<http://www.greentechhigh.org/>
- **Hales Franciscan High School** (Chicago, IL, Est. 1962)
<http://www.halesfranciscan.org/>
- **KIPP Polaris Academy for Boys** (Houston, TX, Est. 2007)
http://www.kipp-houston.org/kipp/KIPP_Polaris_Academy_EN.asp?SnID=2
- **Miller - McCoy Academy for Mathematics & Business** (New Orleans, LA, *Est. date unknown*)
<http://www.millermccoy.org/>
- **Nativity School of Worcester** (Worcester, MA, Est. 2003)
http://nativityworcester.org/home/index.php?option=com_frontpage&Itemid=71
- **Science Leadership Academy** (Philadelphia, PA, *Est. date unknown*)
<http://www.scienceleadership.org/drupaled/>
- **St. Augustine High School** (New Orleans, LA, *Est. date unknown*)
<http://www.purpleknights.com/>
- **The Eagle Academy for Young Men** (Bronx, NY, Est. 2004)
<http://www.eagleny.org/home.aspx>
- **The Schott Foundation for Public Education** (Boston, Massachusetts)
<http://www.schottfoundation.org/>

- **The Urban Assembly Academy for History and Citizenship for Young Men** (Bronx, NY, Est. 2005)
<http://www.urbanassembly.org/uaahc.html>
- **The Young Men's Leadership School at Thomas Fitzsimons** (Philadelphia, PA, Est. 2005)
<http://fsramsathletics.olinesports.com/>
- **Thurgood Marshall Elementary School** (Seattle WA, Est. 1991)
<http://www.seattleschools.org/schools/thmarshall/>
- **Urban Prep Charter Academy for Young Men** (Chicago, IL, Est. 2002)
<http://www.urbanprep.org/>

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