

TUESDAY, OCTOBER 12, 1943.

## **Negro School in Hillburn Closed By Order of State Education Head**

### ***Pupils to Attend Near-By Institution With Ample Facilities, Ending Segregation That Has Existed Since 1889***

Special to THE NEW YORK TIMES.

ALBANY, Oct. 11—Dr. George D. Stoddard, State Commissioner of Education, disposing of a charge of racial segregation of pupils in School District 15, Town of Ramapo, Rockland County, ordered today that the central district Board of Education close the Brook School in Hillburn, since 1889 used exclusively by Negro children. He directed that the children of the district, white and Negro, attend the Main School, which he said had adequate facilities for all.

Dr. Stoddard heard arguments last week by parents of the Negro children appealing from a zoning line drawn by the local board which, the appellants contended, had the effect of continuing the segregation and contravening the law.

#### **Effect of New Zoning**

The commissioner's decision did not make clear whether he believed the board had drawn the district lines for the purpose of segregation but he said the effect of the present line between the Brook School zone and the Main School zone "is to maintain the Brook School entirely for Negro children."

"A slight revision of this dividing line," he added, "through the utilization of State Highway No. 17 as a boundary for the full length of the district, would remove the issue of segregation in so far as it is contained within the matter of zoning."

Dr. Stoddard pointed out, however, that there was an additional problem in the case in that the removal of seventh and eighth grade children from both schools last year, and their assignment to the high school in Suffern, "depleted materially the number in both these schools."

"The Main School has eight classrooms," he said. "The Brook School has four classrooms, and its appointments are inferior and inadequate. The building is not worth repairing. It is consequently uneconomical for this district to provide two schools with the extra costs of heating, lighting, cleaning services and supervision. At present the supervisors of music, art, nurse and dental hygienist must travel from one school to the other in order to give service.

"Under the circumstances, it is contrary to the educational interests of children to be required to attend the Brook School. There being ample room in the Main School, the proper legal and educational solution is for the Board of Education to maintain that school only.

"The appeal is granted. It is ordered that the Board of Education provide educational facilities for all the children in this area at the Main School."

#### **Parents Balked at Change**

After the drawing of the new district lines by the Board of Education, parents of many Negro children, refusing to send them to the Brook School, were brought into court on charges of violating the school attendance law. Several were fined.

Dr. Stoddard, after hearing arguments last week, sent the director of the School Buildings and Grounds Division and the director of the Law Division of the State Education Department to investigate the conditions charged.

Since 1889, he said, the school district in question had maintained two elementary schools, with the Negro children assigned

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# ALL NEGRO SCHOOL IS CLOSED BY STATE

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to the Brook School and the white children to the Main School. During most of that period, he explained, the statute authorized local school boards to maintain separate schools for Negro and white pupils, but this authority was repealed by the 1938 Legislature.

"Nevertheless, the schools referred to above were continued as formerly until this September," Dr. Stoddard said, "when representatives of the Negroes petitioned the Board of Education to discontinue the segregation. The board had the local choice of closing one school and assigning all the pupils to the other or maintaining both schools and zoning the areas involved. It elected the latter.

"It is well established that it lies within the power of a Board of Education, when it has more than one school, to establish zones determining the school which a child shall attend. This zoning must be legal and reasonable and, if unreasonable, is subject to readjustment upon appeal to the Commissioner of Education, but a Board of Education may not set up a line or a zone which has for its purpose racial segregation. If the lines are reasonably drawn the fact that most or all the schoolchildren are of one race or another race does not render the zoning illegal."

Dr. Stoddard pointed out that thirty-three of the hundred children registered in the Main School were Negroes, but that in the case of the Brook School it appeared that all the children of school age residing in the zoned area were Negroes.