

# The Third Generation: Contemporary Strategies for Pursuing the Ideals of *Brown v. Board*

Michael K. Grady, Ellen L. Foley, and Frank D. Barnes

*Three generations of children have enrolled in our nation's schools since *Brown v. Board of Education*. Yet, we have fallen far short of *Brown's* ideals for racial equality. The major challenge in education today – improving learning conditions for children in historically neglected and underfunded schools – requires new approaches to distributing resources and supports.*

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This year the nation celebrates the fiftieth anniversary of the Supreme Court's decision in *Brown v. Board of Education*, honoring the ruling as a watershed event in American history that set us on a path toward racial justice and equality. In the stroke of their pens, the nine justices obliterated America's legalized system of racially segregated public schools.

Tempering these commemorations is the recognition that we, as a society, have fallen far short of the ideals of racial justice embodied in *Brown*. The stark fact is that since that day in May 1954, two generations of schoolchildren have passed through our nation's public schools and a third generation has now matriculated – yet today we still see school systems that are separate and unequal. Underfunded urban districts struggle through problems endemic to communities of concentrated poverty. Meanwhile, other school systems enjoy a markedly higher quality of instruction, better facilities, safer environments, and better-prepared teachers, and they place their graduates on secure pathways to college, careers, and civic life.

Throughout this fifty-year struggle, America has pursued many avenues for

securing equal protection for children of color. In this article, we trace the evolution of these three generations of society's attempts to respond to the mandates of *Brown v. Board* – and examine the causes and consequences of their shortcomings. We then turn our attention to a contemporary approach in which the school district is a principal lever of equity as we strive toward the twin goals of results and equity at scale.

In pledging our support for these goals, we believe we are holding fast to the principles underlying the *Brown* decision. As Chief Justice Earl Warren noted in delivering the unanimous opinion of the court, the aim of ending segregation was not just to eliminate the disparities in resources and educa-

Michael K. Grady is the deputy director of the Annenberg Institute for School Reform. Ellen L. Foley is a principal associate and Frank D. Barnes is a senior associate at the Annenberg Institute.



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tional quality that characterized White and Black schools; it was also to affect the “intangible” qualities that make segregation particularly pernicious. Chief Justice Warren argued: “To separate [children] from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone.”

### ***First Generation: A Decade of Avoidance***

Charles Ogletree and others have documented the systematic resistance by states and school districts to school integration in the immediate aftermath of the *Brown* decision. These critics have argued that the court’s subsequent “all deliberate speed” guidance in *Brown II* (see Ogletree 2004) encouraged public officials to delay any action to dismantle dual school systems; in worst cases, the decision sanctioned legislative resistance that became common throughout

the South. Closing public schools and replacing them with private “resistance academies” was a tactic introduced by the Virginia state legislature that later spread throughout the South (Bickel 1964). Students from closed public schools received a state voucher that covered tuition to attend these newly privatized schools, which were shielded from federal law and court jurisdiction.

At the same time, southern communities, and, later, those in the North, attempted to gerrymander student attendance zones to create firewalls between Black and White communities and protect the status quo of dual systems. All in all, these strategies in the decade before the Civil Rights Act lent credence to the popular southern manifesto “as long as we can legislate, we can segregate” (Meador 1959).

The effect of this defiant inaction in the first decade was profound: a full decade after the *Brown* decision, only 2 percent of Black children in the South attended integrated schools (Woodward 1974). Indeed, the Black children of Topeka, Kansas, and Clarendon County, South Carolina, and the other plaintiffs who prevailed in the original *Brown v. Board of Education* received no material relief at any time during their school years.

### ***Second Generation: Affirmative Desegregation in South and North***

In the late 1960s and early 1970s, several key decisions of the U.S. Supreme Court began to change this dynamic of delay and resistance. *Green v. County School Board* in 1968 and *Swann v. Charlotte-Mecklenburg Board of Education* in 1971 helped establish standards of evidence for finding school districts liable for constitutional violations and defined the scope of remedy.

These decisions and others in the early 1970s triggered the acceleration of desegregation in the South. The most common approach to desegregation taken by the courts involved reconfiguring student attendance patterns to ensure racially integrated student bodies and, later, teaching faculties. These decisions ushered in the busing era in the South in the late 1960s and, within five years, in northern cities.

During *Brown's* second generation, the federal courts assumed a more activist stance, finding scores of school boards and states in violation of the Fourteenth Amendment. The struggle shifted to how defendant states, school districts, and elected officials responded to their obligations to provide adequate remedy in the face of near-constant monitoring by plaintiffs and judicial supervision. The Supreme Court decisions in the 1970s clarified local and state responsibilities regarding the scope and expected pace of relief. A strengthening civil rights movement also heightened the public's consciousness about racial equality.

With this added pressure, educators developed new strategies to promote racial integration of the schools in order to augment citywide busing plans. Magnet schools with specialized educational programs were introduced to encourage the voluntary transfer of students to enhance racial balance.

The Detroit desegregation decision in the mid-1970s created a precedent for allowing some schools in a district to remain segregated on the condition that the district and state provide substantial compensatory educational services to these schools (*Milliken v. Bradley* 1974; *Milliken II* 1977). These educational measures included preschool, all-day kindergarten, lower class sizes, after-school programs, and summer instruction.

The boldest innovations were metropolitan plans that encouraged the voluntary enrollment of suburban students in city schools and city students in the suburbs for purposes of improving racial balance on both ends. Boston's METCO program is perhaps the best known of these interdistrict plans. The St. Louis interdistrict program, at its peak, hosted 20,000 students, making it the largest program of its type (Grady & Willie 1986).

The second-generation response to *Brown* had a dramatic impact on racial integration. The percentage of African American children attending integrated schools increased throughout the 1970s and 1980s, cresting at 44 percent by 1988 (Orfield & Lee 2004). However, in the wake of the Supreme Court's 1991 decision in *Board of Education of Oklahoma City v. Dowell*, which released school officials there from further court supervision, we saw

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a reversal in these patterns, beginning in the 1990s. This was followed quickly by other courts' declaring school districts "unitary" – that is, no longer operating two segregated school systems.

Today the percentage of Black students in integrated schools in the South has slipped to a pre-1970 level of 30 percent (Orfield & Lee 2004). Thus, by the late 1980s, American public schools began a pattern of "resegregation." This time, segregation was not due to the pre-*Brown* legally enforced and state-sponsored system of separate school systems for Black and White children, with an explicitly racist rationale. Rather, it was due to a combination of demographic trends, residential housing patterns, and federal court decisions releasing school districts and states from further desegregation obligations. During this same period, efforts to close the achievement gap between White children and children of color stalled, after two decades of marked progress. These simultaneous trends throughout the 1990s toward resegregation and flat achievement have caused some scholars and policy leaders to call for bold action (Orfield 2004).

### ***Third Generation: Pressure for Districts to Provide Equitable Learning Conditions and Outcomes***

In overturning the separate but equal principle of *Plessy v. Ferguson*, *Brown v. Board* and its progeny declared that school authorities' attempts to provide African American children with educational programs that were materially equal, yet separate, from White students were inherently unequal and a violation of their constitutional rights. The mandate to school authorities was clear: the only way to remove the vestiges of dual school systems was to take what-



ever means necessary to desegregate all overwhelmingly Black schools.

In the mid-1980s, the Supreme Court's composition and the nature of its prevailing decisions began to change. The Court reasoned that, since segregation three decades after *Brown* was no longer the intentional result of districts' and states' acts, there was little the Court could order to change. Yet the problem that court-ordered desegregation attempted to address – an environment in which Black children were made to feel inferior and received an inferior education – had not been solved. Advocates stopped relying on the courts to achieve equality through integration and began to pursue other remedies. They focused on inequitable resource distribution and low expectations for disadvantaged students as the underlying problem, more than separation of the races in itself.

With this shift in strategy, the pressure point for equity has moved away from the judicial branch and toward standards-based reform initiatives enacted by state legislatures and Congress, most recently through pas-

sage of No Child Left Behind. All of these recent initiatives challenge school districts to achieve equal educational outcomes for all children, irrespective of race, ethnicity, or economic condition. Thus, during this fifty-year span, we see a transformation in the fundamental meaning of educational equity – from equal resources, to equal access to the same schools, to equal results for all student groups.

### ***A New Approach: Communities of High-Quality, Equitable Schools***

The highest hopes for enhancing equity of educational outcomes at scale for *Brown's* third generation of children, in our view, rest on the shoulders of school districts and community leaders. With the strong winds of state accountability and No Child Left Behind requirements at their backs, local school districts are under greater pressure than at any time in history to produce positive learning outcomes for all students.

Achieving this goal requires that districts and communities confront deep structural problems in the way human, material, and financial resources – the fundamental conditions of learning – are allocated to schools throughout our cities. This new policy context creates an imperative for districts to ensure a level playing field for all students, if we hold out any hope that children will attain the same high standard of proficiency.

### **A New Kind of School District**

To many, the idea that school districts, particularly large urban districts, can ensure equity and results for all young people might seem odd. Urban districts are often seen as the problem, not the solution. In many respects, this view is accurate. Districts were designed at a time when only a small proportion of students were meant to succeed aca-

demically. The results show that their design, in effect, worked. Virtually every city has schools that are inspiring models of what public education could be; schools that exemplify public education at its worst; and many examples in between the two extremes.

Recent educational reform efforts have attempted to bypass or ignore districts. But while these reforms have brought heightened and necessary attention to the needs of low-performing schools, the reforms themselves have been insufficient to bring about improved results for all schools and students. Accountability creates incentives for schools to improve but does not provide the wherewithal needed in schools with poorly prepared teachers and administrators or with inadequate curricula or instructional programs. And efforts to reconstitute schools and to develop charter schools, small schools, and “whole school” reform models – reforms that take a one-school-at-a-time approach – weren't designed to address the needs of whole *communities* of schools.

While many of these school-by-school efforts have had real successes, their limitation is that they provide for only the favored schools what *all* schools in a district need to produce the results that each child deserves. The

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plaintiffs in the *Brown* case emphasized this districtwide approach. They were advocating for improvements at a large scale, not just at individual schools.

School Communities that Work, a project of the Annenberg Institute for School Reform, envisions urban education systems in which all schools meet high academic performance standards, with no significant differences in achievement based on race, ethnicity, or family income. Few city school districts currently meet these criteria. Many urban districts face major constraints – such as fiscal instability, difficult politics, and poor labor-management relations – that hamper their efforts to improve student achievement. In some cities, achieving this goal will mean a radical re-visioning of the district, such as breaking it up into smaller districts, moving the central office from service provision to contracting and brokering, or creating networks of autonomous schools.

But existing districts can redesign themselves to provide an infrastructure of services, policies, and expectations that support school-level improvements in teaching and learning and that ensure equivalent results across whole systems of schools. To do so, districts must ensure that schools have the wherewithal to provide the educational services their students need. And they must be able to provide supports to schools – not the same level of support for all schools, but tailored support that recognizes that student and school needs vary. In that way, districts can help provide some of the intangible qualities that Chief Justice Warren referred to and can thus help ensure that young people do not suffer from “a feeling of inferiority.”

### **Student-Based Budgeting**

Much of the literature and rhetoric on inequities in school resources has focused on interdistrict inequities. In more than



half the states, for example, groups representing underfunded urban and rural districts have sued states to seek a fairer funding formula that provides greater parity among districts.

However, it is becoming increasingly clear that inequities *within* districts are at least as great as those *between* districts. If districts are to achieve greater equity, they need to understand the ways resources are currently allocated, which often shortchanges the students who need the most support. Only then can they revamp the budgeting process to make strategic investments in schools based on the characteristics and needs of the student population in each school, rather than by program or staff position, the way funds are typically distributed in urban districts. This approach to allocating district resources is sometimes called student-based budgeting.<sup>1</sup>

#### THE MOVE TOWARD STUDENT-BASED BUDGETING IN THREE URBAN DISTRICTS

Three large city districts – Cincinnati, Houston, and Milwaukee – have recently undertaken major efforts to examine existing inequities and alleviate them through student-based budgeting.

The impetus for the reforms was different in each city. Cincinnati had already made a commitment to strong school-level accountability, part of which consisted of giving schools greater control of resources. At the same time, a new accountability system ranked Cincinnati schools according to student performance. Disturbingly, a number of consistently low-performing schools were also poorly funded schools with-

out special-program dollars. These results prompted district administrators to make the first moves toward student-based budgeting. Two years later, the school board saw the power of this funding strategy to create equity across schools, resulting in a call for a more comprehensive implementation.

Milwaukee has been actively promoting school choice and competition for the last decade, creating pressure to move to student-based budgeting on both the supply and demand sides. On the demand side, the dollars needed to move with students who chose new schools. On the supply side, schools needed to be able to design unique organizations in order to differentiate themselves. Like Cincinnati, Milwaukee soon found it could not continue to allocate resources in tightly defined staff positions and needed to convert to dollar amounts.

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In Houston, the desire to decentralize decision making was at the heart of the move to student-based budgeting. The district leaders, with school board members pushing hard, aimed to create a regulated marketplace within the public school system driven by data and by peoples' true understanding of what was being bought and sold. Moving from allocating staff to allocating dollars provided this critical marketplace mechanism.

#### INITIAL RESULTS OF REALLOCATING RESOURCES

Implementation of student-based budgeting in all three sites is still in the early stages. Results vary across

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<sup>1</sup> More information about student-based budgeting, including tools for assessing possible inequities in a district's current funding formulas, is available in the *Portfolio for District Redesign*, a publication of the Annenberg Institute for School Reform, and on the School Communities that Work Web site. For more details, see <[www.annenberginstitute.org/Products/portfolio.php](http://www.annenberginstitute.org/Products/portfolio.php)>.

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An equitable system, one that adheres to the ideals of *Brown*, would not provide the same level of support for each school; rather, some students, teachers, and schools require and would get more and different supports and resources than other students, teachers, and schools.

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the districts, due in part to differences in the formulas each has developed and implemented.

However, an analysis of the reallocation of resources among schools reveals substantial improvements in equity, with more schools now receiving allocations close to the weighted average expenditure (the district's average dollar expenditure, weighted for the mix of students at each school). In Houston, a drastic redistribution of funds has produced significant interschool equity, with only one in four schools now deviating from the weighted average expenditure by more than 5 percent. Cincinnati made significant changes to its formula over the first four years, resulting in gradual but substantial equity improvements.

In all three districts, there are now more dollars in school-site budgets, and there is more spending flexibility at the school level. All the districts report more discussion at school sites on what activities and staffing positions add value to student learning and make staffing decisions based on these considerations. For example, some schools in Cincinnati eliminated counselors and visiting teachers and used the money in other ways because they felt they could spend those dollars more effectively. Two of the three districts have witnessed another benefit of student-based budgeting: it encourages

schools to keep students, particularly those they might have considered “hard to educate” under staff-based budgeting. In these schools, the ideals of equality embedded in *Brown* still live.

### **Central Office Review for Results and Equity**

In addition to providing schools with the resources they need to educate all students effectively, districts that promote equity also provide supports to schools in an equitable manner. Districts typically provide many one-size-fits-all supports for schools, from instructional guidance to curriculum materials to professional development. Often, though, the schools that need the most support get the least. These schools suffer from inequalities at least as great as the segregated schools *Brown* sought to abolish.

An equitable system, one that adheres to the ideals of *Brown*, would not provide the same level of support for each school; rather, some students, teachers, and schools require and would get more and different supports and resources than other students, teachers, and schools.

We believe it is possible for school districts, particularly their central offices, to support schools more effectively, efficiently, and equitably. The Central Office Review for Results and Equity (CORRE) is designed to help school district leaders improve support to schools

by participating in a five-step analysis of the work of the central office.

Often, central office departments, units, and even individual employees implement policy, interact with schools and school personnel, and provide services that are inconsistent with the system's objectives. Sometimes, central offices do not themselves deliver the supports they sponsor but, instead, act as brokers for services from outside vendors. The CORRE enables a district to examine the effectiveness and coherence of operations across departments, units, and levels and to help central office staff act in concert with the larger system's overall goals. After the CORRE, the central office might still provide various services to different individuals and groups, but it would do so after careful reflection and in proven support of its goals.

By participating in the CORRE, district leaders can improve supports to schools in a particular area and can learn a process for dealing with issues that might arise in the future. The CORRE helps school districts engage in a cycle of continuous improvement; ask important questions; and incorporate information, reflection, and feedback into their decisions, policies, and practices.

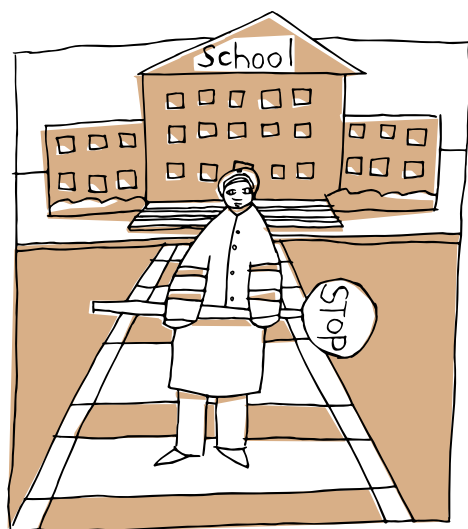
The CORRE process is carried out by a team of district leaders and consultants from outside the district who are experienced in content areas, systems and culture change, and leadership for learning. During the six-month period of the review, the team chooses a particular focus issue, examines quantitative and qualitative data about it, and develops plans for improvement. The process is supported by several tools intended to help guide the process, not to exhaustively define it; the CORRE is customized for each district. Once the process has been worked through, it

can be repeated, either focusing on different issue areas or following through on the initial efforts.

We are currently implementing CORRE in three medium-to-large urban districts. Although the process is still in an early stage in each district, we are seeing that the tool can help districts move toward a more equitable system of support for students and schools.

### ***Hopes for the Fourth Generation***

As we commemorate the compelling legacy of *Brown* and its impact on American legal and social history, we acknowledge our failure to make more progress in abiding by the ideals of the decision. It's likely that the nine justices of the Warren Court would be dismayed at the modest progress society has made in integrating our schools and communities. The two generations of schoolchildren who have lived through this period of stagnation and halting progress have suffered from this mixed record. The third and current generation watches warily as we launch a new effort, led by school districts, to achieve greater equity.



Thus we forge on under a new obligation to improve learning conditions for children attending historically neglected and underfunded schools. Our commitment to these children calls for high expectations for achievement, uniform and exacting proficiency and content standards, and families and communities that are fully engaged in the educational process. If we have the will and stamina to genuinely pursue these goals, we can improve the prospects that *Brown's* fourth generation of children will graduate from school ready to succeed in college, the modern workplace, family life, and civil society – a society that more closely approaches its declared ideal of equal protection, opportunity, and success for all.

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#### References

- Bickel, A. 1964. "The Decade of School Desegregation: Progress and Prospects." *Columbia Law Review* 64.
- Board of Education of Oklahoma City Public Schools Independent School District No. 89 v. Dowell*. 1991. U.S. Supreme Court, 498 U.S. 237.
- Brown v. Board of Education*. 1954. U.S. Supreme Court, 347 U.S. 483. Opinion available online at <http://usinfo.state.gov/usa/infousa/facts/democrac/36.htm>
- Brown v. Board of Education II*. 1955. U.S. Supreme Court, 349 U.S. 294.
- Grady, M. K., and C. V. Willie. 1986. *Metropolitan School Desegregation: A Case Study of the St. Louis Area Voluntary Transfer Program*. Bristol, IN: Wyndham Hall Press.
- Green v. County School Board of New Kent County*. 1968. U.S. Supreme Court, 391 U.S. 430.
- Meador, D. 1959. "The Constitution and the Assignment of Pupils to Public Schools," *Virginia Law Review* 45.
- Milliken v. Bradley*. 1974. U.S. Supreme Court, 418 U.S. 717.
- Milliken v. Bradley (Milliken II)*. 1977. U.S. Supreme Court, 433 U.S. 267.
- Ogletree, C. J. 2004. *All Deliberate Speed: Reflections on the First Half-Century of Brown v. Board of Education*. New York: W. W. Norton.
- Orfield, G. 2004. "Brown Misunderstood." In *The Unfinished Agenda of Brown v. Board of Education*, edited by the editors of *Black Issues in Higher Education* with James Anderson and Dara N. Byrne. Hoboken, NJ: Wiley.
- Orfield, G., and C. Lee. 2004. "Brown at 50: King's Dream or Plessy's Nightmare?" Cambridge, MA: Civil Rights Project, Harvard University. Available online at <[www.civilrightsproject.harvard.edu](http://www.civilrightsproject.harvard.edu)>.
- Plessy v. Ferguson*. 1896. U.S. Supreme Court, 163 U.S. 537.
- Swann v. Charlotte-Mecklenburg Board of Education*. 1971. U.S. Supreme Court, 402 U.S. 1.
- Woodward, C. V. 1974. *The Strange Career of Jim Crow*, 3rd ed. New York: Oxford University Press.

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