



Beyond Brown v. Board

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

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

Elizabeth Horton Sheff

***Sheff v. O'Neill: The Struggle Continues
against School Segregation and Unequal
Opportunity***

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**The Bad News and Good News
about *Brown***

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From Black and White to High Definition

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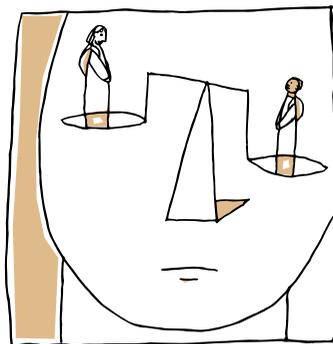
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2 **Beyond Brown: The Legacy and the Challenge Ahead**
Robert Rothman

6 **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.

16 **Sheff v. O'Neill: The Struggle Continues against School Segregation and Unequal Opportunity**

Elizabeth Horton Sheff

The author recounts her role as a plaintiff in *Sheff v. O'Neill*, filed in 1989, which charged the state of Connecticut with perpetuating racial segregation and unequal education. After fifteen years of litigation, it is clear that the struggle to overcome educational inequalities did not end in 1954; it continues to this day.

22 **The Bad News and Good News about Brown**

Richard D. Kahlenberg

Racial integration – the remedy mandated by the *Brown* decision – may no longer be the most appropriate solution for inequality in

public schools. Instead, some school districts are attempting what promises to be a more effective strategy: integrating students by income, rather than by race, to improve achievement.

30 **A Different Shade of Segregation: A Puerto Rican Educator Considers the Legacy of Brown**

Ricardo Dobles

The *Brown*-era civil rights struggle was fueled by relations between Black and White Americans. Since then, immigration has made our nation's ethnic and racial mix more complex. For Latino students twenty years ago, when the author attended school, and today, in a largely Latino city in Massachusetts, *Brown* has limited relevance. Most young Latinos remain in separate and unequal schools.

35 **From Black and White to High Definition**

Rossi Ray-Taylor

Since *Brown*, equality in outcomes has replaced equal access to resources as the imperative for achieving equity in public schools. Districts are finding that getting more resources may not be enough to close persistent achievement gaps. Educational policy-makers must create the kind of adult learning communities and systemic changes that support high achievement for all students.

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Beyond Brown: The Legacy and the Challenge Ahead

Robert Rothman

This spring, innumerable books, magazine articles, and television programs have commemorated the fiftieth anniversary of *Brown v. Board of Education* – the landmark Supreme Court decision that declared the segregation of schoolchildren by race unconstitutional. The authors and producers of these memorials have taken a variety of positions – some applauding the advances in educational opportunity for African American students since 1954, others pointing out how far we have to go to achieve true equality.

Because of its iconic status, it is fitting to commemorate *Brown* and consider its effects in the last half century. In many ways, the project of ensuring equity is even more salient today than it was fifty years ago; “leaving no child behind,” for instance, is now federal law.

But the nation has changed substantially since 1954, and measures that might be used to evaluate a decision like *Brown* are no longer appropriate. For example, the assumption behind the ruling was that providing access to equal educational opportunities would improve outcomes for African American children. But the disparities in outcomes persist; now, the focus is squarely on improving outcomes and closing achievement gaps.

In addition, the waves of immigration that began in the 1960s have transformed the United States, particularly its cities. The dynamic that drove the *Brown* case – the relations between Black Americans and White Americans – is now much more complicated.

Consider Hartford, Connecticut – an important site in post-*Brown* civil rights litigation and the setting

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for one of this issue's essays. In 1989, the plaintiffs in *Sheff v. O'Neill* charged the state with maintaining racial and ethnic segregation in Hartford public schools and have continued the litigation into the present. A noteworthy difference in the context of this case compared with *Brown* is that, according to the 2000 Census, Hispanics outnumbered Blacks in Hartford; there were 49,260 Hispanics or Latinos in the city, compared with 46,264 African Americans. And the mayor, Eddie Perez, is Latino as well. The effects of this increased diversity, unanticipated by *Brown*, are profound.

The authors of this issue of *Voices in Urban Education* examine some of the challenges urban education faces fifty years after *Brown v. Board of Education*. Michael K. Grady, Ellen L. Foley, and Frank D. Barnes point out that three generations of children have enrolled in public schools since *Brown*, and the nation is now in the third generation of policies aimed at achieving the decision's promise of equal educational opportunity. The major challenge in education today – improving learning conditions for



children attending historically neglected and underfunded schools – requires new approaches to resource distribution and support.

Elizabeth Horton Sheff recounts her role as one of the named plaintiffs, along with her son, Milo, in *Sheff v. O’Neill*. She describes the conditions in the Hartford public schools that led her to join the civil rights lawsuit and charge the state with perpetuating racial segregation and educational disparities. Her article makes clear that educational inequalities did not end in 1954; the struggle to overcome them continues to this day.

Richard D. Kahlenberg contends that pursuing racial integration – the *Brown* strategy – may no longer be appropriate. Instead, some school districts are attempting a new strategy of integrating students by income, which, he argues, holds more promise for improving achievement.

Ricardo Dobles asks what the *Brown* decision means for Latinos. Examining his own experience, as well as that of students in a largely Latino city in Massachusetts, he concludes that the decision has proven irrelevant to most young Latinos, who remain in separate and unequal schools.

Rossi Ray-Taylor examines how, since *Brown*, equality in outcomes has replaced access to resources as the imperative to achieving equity in public schools. As she points out, districts that are addressing achievement gaps are finding that additional resources may not be enough; what is needed are learning communities that support high achievement for all students.

In different ways, all of these essays suggest that the challenges schools and communities face in 2004 are, perhaps, more profound than those of fifty years ago. To be sure, breaking down the walls of legally enforced segregation and overcoming massive and, at times, violent resistance took a titanic struggle. Thurgood Marshall and the many others who led the fight for equal opportunity are true heroes. Although

there may be disagreements about the long-term effects of *Brown*, almost everyone agrees that those involved in the effort were incredibly courageous in defying decades of legal and social barriers. And nearly everyone agrees that the decision and its enforcement helped advance the cause of civil rights throughout society.

But improving the quality of education for every child is a colossal undertaking that will require new thinking, new learning, new structures, and new designs for schools and systems of schools in nearly every community. And putting all these in place will require the diligent and concerted efforts of millions of teachers, school and community leaders, and parents, over a long period of time. Fortunately, over the past few years, educators, community leaders, and funders have begun to ask what it would take to produce a high-quality education for every child, and some communities are beginning to take on this challenge.

We can only hope that in 2054, when our grandchildren look back on our work of today, they see the groundwork for results more unambiguously successful than those we see in 2004, fifty years after *Brown*.

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.*

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-

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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).

“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.”

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-

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.

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 academically. 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

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.¹

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 without 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.

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 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

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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

¹ 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.schoolcommunities.org/portfolio>.

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

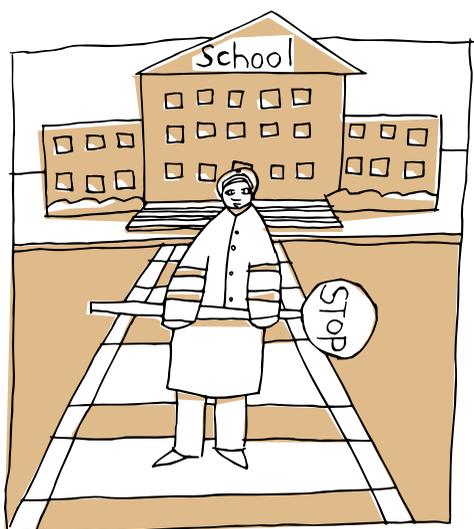
important questions; and incorporate information, reflection, and feedback into their decisions, policies, and practices.

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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Sheff v. O’Neill: The Struggle Continues against School Segregation and Unequal Opportunity

Elizabeth Horton Sheff

The author recounts her role as a plaintiff in Sheff v. O’Neill, filed in 1989, which charged the state of Connecticut with perpetuating racial segregation and unequal education. After fifteen years of litigation, it is clear that the struggle to overcome educational inequalities did not end in 1954; it continues to this day.

All of the celebration over the fiftieth anniversary of *Brown v. Board of Education* seems to suggest that racial segregation and unequal opportunity in schools are a thing of the past. But this is not true. I have spent the past fifteen years engaged in a legal battle with the state of Connecticut alleging that racial segregation has produced educational disparities among schoolchildren in Hartford. My experience strongly suggests that the struggle the Supreme Court addressed in 1954 is far from over.

People often ask me what event triggered my involvement in *Sheff v. O’Neill*. They want to know what horrific transgression befell our family that was so egregious as to result in the filing of a civil rights lawsuit against the state of Connecticut. In other words: What happened?

The first part of the answer (which often results in a moment of disorientation in the room) is: nothing, at least in the strictly personal sense. True, my son Milo and I had engaged in a few skirmishes in the school system over the years, but nothing on the order of catastrophe. Just the usual stuff – Milo chatted a little too much in class, a teacher chose to yell instead of speak – all problems easily addressed and easily

resolved. On the whole, I was pleased. Milo was doing well with his studies, and Milo, his teachers, and the principal of his school had adjusted to my frequent, unannounced visits.

What *did* occur was that a friend asked me to attend a meeting in her stead. At the time, I was vice president of the tenants’ association for Westbrook Village, a public housing development in the far northwest corner of the city. My friend Barbara (then the president of the association) had received an invitation to attend a community meeting about the status of education in Hartford. Barbara did not want to attend. She was cautious. So I went, because of my support for public education. What I learned at that meeting changed my life.

The meeting was hosted at a local church, convened by public interest legal groups and individual attorneys: the NAACP Legal Defense and Education Fund, Inc. (“the Ink Fund”), the American Civil Liberties Union, the Puerto Rican Legal Defense and Education Fund, Greater Hartford Legal Aid, Wesley Horton (the originator of the Connecticut equal-school-financing case, *Horton v. Meskill*), and John Brittain, then a professor at the University of Connecticut School of Law.

Elizabeth Horton Sheff and her son, Milo, are the named plaintiffs in the landmark civil rights lawsuit Sheff v. O’Neill. Sheff is a member of Hartford’s city council, the Court of Common Council.

The lawyers highlighted the growing racial and economic isolation, and resulting disparities in educational outcomes, faced by children in the Hartford public school system. They reviewed the Connecticut Mastery Test scores that gave statistical proof of those disparities, including the one that still burns in my mind: in 1989, 74 percent of students in the eighth grade in Hartford public schools needed remedial reading services. For me, this meant not that 74 percent of the students were failing, but rather that the system was failing 74 percent of our children. Being an avid reader, a mom who always read with her children, I was dumbstruck by the reality that these children could reach the eighth grade without being able to read. I went home to speak with Milo.

Milo had been introduced to the struggle for a just peace almost from birth. By the time he was nine, Milo had participated in marches, held lit candles at vigils, and attended more community meetings than double the number of his fingers and toes. He and I spoke often about injustices in our society, and about the need for folks to question and fight against the hatred in our society.

I recounted for Milo what I had learned at the meeting, and Milo agreed to attend the next meeting. After listening to another presentation, Milo agreed to sign on for consideration to be a plaintiff, as did many others. All families

were interviewed; ten families, including ours, were chosen. We ten went on to a second round of interviews, and Milo and I were asked to be the named plaintiffs. Our lot was cast. It has been an adventure ever since.

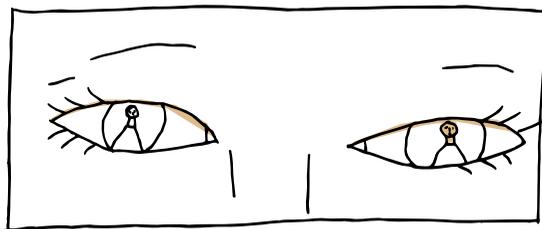
A “Blood Bond” for Equality

Another part of the answer to the question “What happened?” relates to the other parties in the lawsuit. Milo and I are not the only plaintiffs. When we filed in 1989, the plaintiff

What I learned at the community meeting about the status of education in Hartford changed my life.

group was composed of fifteen children, representing ten families of African American, Hispanic, Jewish, and European ancestry. Our economic situations ranged from just making it to quite comfortable. We lived in different neighborhoods, both within and outside of the city. Some of us were renters, some homeowners.

In spite of these differences, we were bound together by our mutual commitment to equal access for all children to high-quality, integrated public education – to an education that would prepare all children to



thrive in and contribute to a world that is increasingly connected across racial, ethnic, and economic lines. Once strangers, we found that our common interest in public education grew and became a blood-like bond. We have become an extended family, committed to our vow to support a diverse educational experience – the constitutional right of all Connecticut children – both in the courtroom and in the community.

Sheff was first filed in April 1989. The basis for *Sheff* lies in three provisions of the Connecticut state constitution: Article First, Section 1, which declares that all people are equal; Article First, Section 20, which prohibits segregation and discrimination; and Article Eighth, Section 1, which mandates “free public elementary and secondary schools” and names the Connecticut General Assembly as the entity charged with ensuring this social benefit for all children. We wed these articles together, juxtaposed them against the reality that the Hartford public school system was composed of an overwhelming majority of children of color whose families were economically challenged, and declared that such a situation violated the children’s constitutional rights.

Our case made three legal claims:

- The racial/ethnic and poverty concentration in Hartford and the disparities in Hartford’s educational outcomes compared with the first-ring suburban schools are evidence that the state violated the state constitution by failing to ensure equal educational opportunity (Count 1).
- The dense segregation of Hartford schoolchildren on the basis of race and ethnicity stands alone as testament to the state’s violation of Article First, Section 20 (Count 2).
- By the state’s own measure (the Connecticut Mastery Test), children in the Hartford public school system receive a less than minimally adequate education (Count 3).

Although our case lost in the lower court, we appealed to the Connecticut Supreme Court. In July 1996, the Supreme Court ruled in our favor on Count 2, thus upholding our claim that segregation based on race and ethnicity in Hartford schools was indeed a violation of the constitutional rights of Hartford schoolchildren. The majority opinion read, “The public elementary and high school students in Hartford suffer daily from the devas-

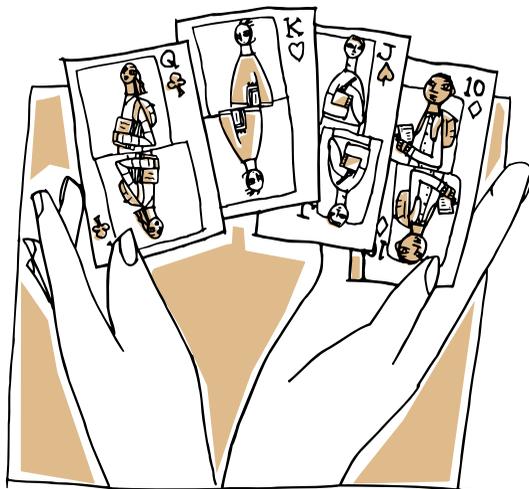
“The public elementary and high school students in Hartford suffer daily from the devastating effects that racial and ethnic isolation, as well as poverty, have had on their education. . . . We hold today that the needy schoolchildren of Hartford have waited long enough.”

tating effects that racial and ethnic isolation, as well as poverty, have had on their education. . . . We hold today that the needy schoolchildren of Hartford have waited long enough.” The court ordered the executive branch and the General Assembly of Connecticut to execute its findings.

Armed with this landmark Supreme Court decision (while skeptical of the willingness of the state to comply with it), we returned to the streets. The operative word is *returned*. From the moment *Sheff* was filed, *Sheff* lawyers, plaintiffs, supporters, family, and friends spent countless hours in the community – in schools, churches, governmental agencies, and living rooms; at rallies and symposiums; on panels; in front of television cameras; and speaking into radio mikes – addressing the essence of this case. For *Sheff* is much more than a mere lawsuit. It is more than just a desegregation action, more than just a shuffling of children. *Sheff* is a movement to redress societal ills through a sound education system.

We believe that it is as important for a child *not* of color as it is for a child of color to have role models of color. Lacking these role models, most segregated white children form opinions about people of color through the media, which has a propensity to report only the bad news about people and communities of color.

We believe that the contributions of people of color should be interspersed throughout school curriculum, and not relegated to a few lessons during Black History Month. We believe that providing our children the opportunity to learn from and contribute to a learning environment that reflects the real world is imperative to the long-term well-being of the American way of life. We believe that proper



Sheff is much more than a mere lawsuit. It is more than just a desegregation action, more than just a shuffling of children. *Sheff* is a movement to redress societal ills through a sound education system.

preparation of teachers, limited class size, appreciation of different learning styles, up-to-date books, and adequate supporting resources are non-negotiable.

These beliefs represent our core message – and the community of believers is growing. I use the term *believers* because we live in a world that is so fraught with cynicism that hope for something miraculous lies fragile and fading at our feet.

We have a choice. We can bend and adapt to one another's needs and embrace our common bond, or we can persist with our well-established, organized pattern of avoidance. Here, I note that I am surrounded, and increasingly blessed, by more and more souls who choose the former option over the latter. This makes my heart sing.

The road from 1996 to 2004 has not been straight, smooth, or lined with flowers.



A Long Road to Victory

The Supreme Court ruling and the increasing strength of our movement have given me hope. But the road from 1996 to 2004 has not been straight, smooth, or lined with flowers.

Between 1996 and 2003, *Sheff* returned to the courtroom twice to protest the pitiful inadequacy of the state's gestures to carry out the court's mandate and fulfill its constitutional duty to support high-quality, integrated public education for Hartford's schoolchildren. The first time, the judge sent us packing. Her honor believed that we had not given ample time for the state to make "continuous progress over time" – a legal term that means "dragging its feet." The second time we returned to the courtroom, after both parties had suffered through the reality that not a whole lot had changed, the judge instructed the two sides to come to settlement, or else she would impose her own solution. Everyone decided to play nice.

In January 2003, the *Sheff* plaintiffs and the state of Connecticut celebrated an agreement. This agreement, a compromise by both sides, calls for:

- the addition of two interdistrict magnet schools in Hartford over the next four years;
- an increase in Project Choice seats from the current 1,000 to 1,600 over the next four years (Project Choice, formerly known as Project Concern, is a highly coveted program that affords Hartford schoolchildren the opportunity to attend suburban school districts);
- engagement of the state Department of Education and the Hartford public school system in an "ambitious" planning program to create desegregated educational opportunities;

- fixed times for evaluation of the state's progress to identify weaknesses in the plan for implementation in future years;
- racial/ethnic percentages to be applied as the benchmark in determining the integration level of schools.

Rays of Hope

“So,” one might ask, “a year and a half later, how are things going?” Through clenched teeth, I regret I must respond, “Not well.” The state of Connecticut continues to delay implementation of the agreement, making excuse after excuse, thumbing its nose not only at the court, but also at the constitutional rights of our children. We are currently making preparations to return to court.

But here's the sunshine. Although execution of the agreement has been tortuously slow, the specter of *Sheff* has brought about some substantive gains in the quality of public education in Hartford and throughout the state of Connecticut. Funding for early childhood education, mini-*Sheff* grants to support programs and initiatives that bring together students of different socio-economic backgrounds, saving the accreditation of the three public high schools in Hartford, magnet schools – all of these are attributable to the *Sheff* movement.

We live in a critical, but exciting moment. After fifteen years of litigation, the question, in my mind, boils down to political will. The state can continue to hide behind a snail-paced process and budget woes (although there is a projected state budget surplus this coming fiscal year), or it can fulfill its constitutional responsibility to the children of Hartford. Regardless of which path the state chooses, it will find us waiting, watching, and willing to

act. As plaintiffs, as men and women dedicated to our children's future, we stand steadfast in our pursuit of high-quality, integrated public education. We shall not be moved.

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The Bad News and Good News about Brown

Richard D. Kahlenberg

Racial integration – the remedy mandated by the Brown decision – may no longer be the most appropriate solution for inequality in public schools. Instead, some school districts are attempting what promises to be a more effective strategy: integrating students by income, rather than by race, to improve achievement.

As we commemorate the fiftieth anniversary of the landmark *Brown v. Board of Education* decision, there is bad news and there is good news. The bad news is that the legal levers provided by *Brown* to promote school integration have been largely exhausted, and research finds that racial school segregation is on the rise. The good news is that a growing number of districts are adopting an innovative kind of school integration plan – based more on socio-economic status than on race – and a large body of scholarship suggests that these new plans are even more likely to fulfill the ultimate promise of *Brown*: equal educational opportunity for all students.

The Bad News: The Decline of Racial Integration

When *Brown v. Board of Education* was decided in 1954, people concerned about school equity were jubilant. Thurgood Marshall, who argued the case before the Supreme Court, estimated it would take no more than five years to desegregate the entire country (Patterson 2001). But with the *Brown II* decision in 1955, there were years of delay, hung on the Court's declaration that desegregation should occur with "all deliberate speed." It wasn't until

the late 1960s that the courts became serious about enforcing *Brown*. For a brief period, desegregation progressed substantially, particularly in the South, where schools became the most integrated in the country.

But the hopes for nationwide desegregation were dashed with the Supreme Court's 1974 ruling in *Milliken v. Bradley*. In the 5–4 decision, the Court held that because the Constitution only disallows purposeful, de jure segregation, suburban school districts not directly responsible for segregation must be excluded from desegregation orders involving city schools.

The decision had two devastating effects. First, White parents with financial means now had an easy escape route if they wished to avoid integrated schools – by moving to the suburbs – which they did in droves. Today, White students are a minority – usually a tiny minority – in all but one (Salt Lake City) of the twenty-six largest central city school districts (Frankenberg, Lee & Orfield 2003). Second, as middle-class families (of all races) moved to suburban communities, racial desegregation increasingly became a working-class phenomenon. In places like Boston, low-income and working-class Whites were mixed with low-income

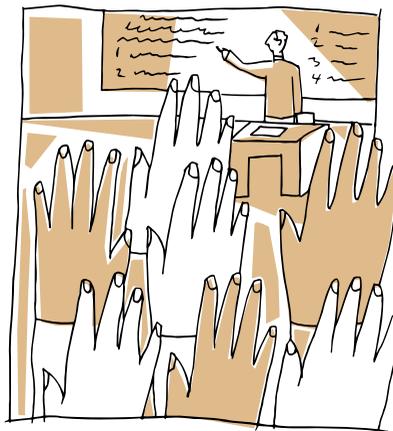
Richard D. Kahlenberg is a senior fellow at the Century Foundation and author of All Together Now: Creating Middle-Class Schools through Public School Choice (Brookings Institution Press, 2001; paperback, 2003), from which this essay is adapted.

and working-class Blacks, while upper-income Whites living in suburban areas were exempt from the enterprise.

The limitation imposed by *Milliken* severely inhibited the potential for racial desegregation to produce academic gains. Why? Because academic achievement is tied to a school's economic mix more than to its racial mix. The famous Coleman report of 1966, for example, found that the "beneficial effect of a student body with a high proportion of White students comes not from racial composition per se but from the better educational background and higher educational aspirations that are, on average, found among whites" (Coleman et al. 1966, p. 307). As a result, Coleman noted, poor Blacks would not benefit academically from attending schools with poor Whites.

A large body of research conducted since Coleman's report has generally confirmed that a student's academic achievement is affected more by his or her classmates' economic status than by their race.¹ Harvard's Gary Orfield (1978), a strong proponent of racial desegregation, notes, "Educational research suggests that the basic damage inflicted by segregated education comes not from racial concentration but from the concentration of children from poor families" (p. 69).

When one thinks about *why* segregated schools tend to provide a difficult learning environment, it becomes even clearer why economic class is more significant than race. Studies find that it is an advantage to have peers who are academically engaged and encourage academic achievement. But classmate behaviors like cutting class, watching



Academic achievement is tied to a school's economic mix more than to its racial mix.

¹ For a summary of studies, see Kahlenberg 2001.



Classmate behaviors like cutting class, watching excessive television, being violent, and dropping out are not peculiarly “Black” phenomena; rather, they are behaviors associated with low-income students of all races.

excessive television, being violent, and dropping out are not peculiarly “Black” phenomena; rather, they are behaviors associated with low-income students of all races (Kahlenberg 2001). In fact, research finds that even the widely touted issue of African American students running down academic excellence as “acting White” turns out to be more closely associated with economic class; poor Whites also denigrate achievement on average (Cook & Ludwig

1998). Likewise, it is an advantage to attend a school where parents are actively involved, and studies find that parental attitudes toward school involvement track much more by class than race (Kahlenberg 2001).

Not surprisingly, research shows that the academic effects of desegregation over the years have been generally mixed – with little success in places where desegregation brought together poor Whites and poor Blacks and far more success where low-income African Americans had a chance to attend school with upper-middle-class Whites. “One of the leading reasons for skepticism about central city school desegregation plans,” Orfield told me in an interview,² “is that they don’t produce any class advantage.” In places like Boston, the mixing of poor Blacks and poor Whites had little positive academic benefit. In contrast, strong achievement benefits were found in metropolitan desegregation efforts in Wilmington, Delaware; Hartford; Charlotte-Mecklenburg; St. Louis; Louisville; and Nashville – all of which are places where racial integration mixed students of different income levels (Kahlenberg 2001).

Within the African American community, some found the emphasis on integration by race, per se, insulting. On the political left, Stokely Carmichael and Charles Hamilton said that the notion implicit in school integration is that “the closer you get to Whiteness, the better you are.” On the political right, Justice Clarence Thomas declared, “It never ceases to amaze me that the

² Gary Orfield, interview with author, Cambridge, MA, November 19, 1997.

courts are so willing to assume that anything that is predominantly black must be inferior.” In the middle, columnist William Raspberry asked whether it might be “psychologically damaging” to tell an African American child “that what is wrong with their predominantly Black school is that it has too many kids who look like them.”³

Racial desegregation plans also ran into political resistance at least in part because of the way court orders were implemented. Much of the resistance was surely a manifestation of simple White racism. But some opposition appears also to have been a result of the compulsory nature of student assignment. Under court-ordered busing, parents were given no say in where their children would attend school. Providing some element of choice in desegregation plans – as was later accomplished through the magnet school movement – might have made some difference.

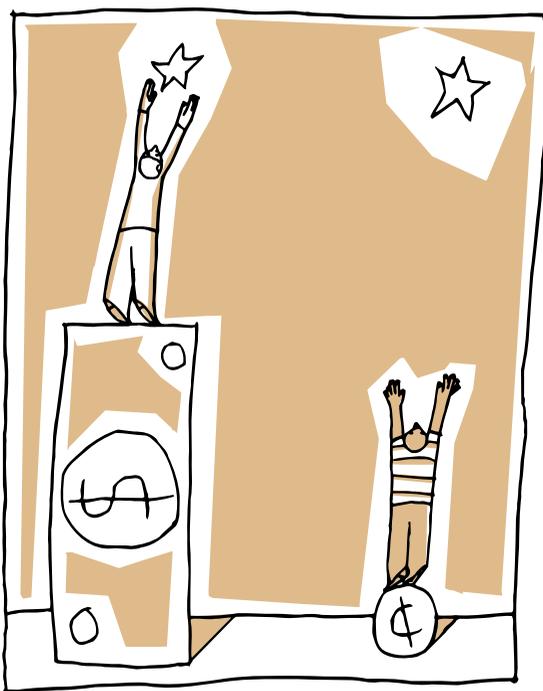
But the final nail in the coffin of racial desegregation came with a series of three Supreme Court decisions in the 1990s. In *Board of Education of Oklahoma City v. Dowell* (1991), *Freeman v. Pitts* (1992) and *Missouri v. Jenkins* (1995), the Supreme Court

gave the green light for districts to dismantle desegregation orders under fairly lenient guidelines. As a result, throughout the country, school districts were declared “unitary,” meaning they could dispose of desegregation plans and return to neighborhood schools.

Moreover, even school districts that had voluntary racial integration plans in effect have seen their race-conscious efforts successfully challenged by White families. Under the Supreme Court’s interpretation of the Constitution’s Fourteenth Amendment, any governmental decision involving race, even where it is to benefit minority students, is subject to “strict scrutiny” and requires a compelling justification. While the Supreme Court’s recent decision in *Grutter v. Bollinger* (2003) did uphold the use of race to achieve diversity in higher education, it is unclear how the case will affect K–12 integration plans. In particular, the Court’s requirements that students be treated as “individuals” and that colleges avoid using race in a “mechanical” way may prove difficult to implement in elementary and secondary education, where student assignment is, by its nature, mechanical in the vast majority of cases.

The academic effects of desegregation over the years have been generally mixed – with little success in places where desegregation brought together poor Whites and poor Blacks.

³ Quotes in this paragraph from Kahlenberg 2001, p. 96.



Most education reform, well intentioned and important as it is, is fundamentally directed toward making separate but equal work.

The cumulative results of the various court decisions have been highly predictable. As the Harvard Civil Rights Project has documented, schools have become resegregated, particularly in the South, since the late 1980s. Today, more than 70 percent of Black students attend schools in which the majority of students are members of minority groups, the highest level since 1968 (Frankenberg, Lee & Orfield 2003). At the same time, the academic achievement gaps remain large. The average twelfth-grade African American student reads at about the same level as the average eighth-grade White student, and there is a four-year achievement gap between low-income and wealthier students.

Most school districts have given up on school integration; education reform at the national, state, and local levels focuses primarily on standards, charter schools, teacher quality, class-size reduction, and the like. In other words, most education reform, well intentioned and important as it is, is fundamentally directed toward making separate but equal work.

The Good News: The Rise of Socio-economic Integration

Fortunately, a small but growing number of districts are bucking this trend. These districts are examining the research suggesting that separate schools for rich and poor are rarely equal and they are taking a realistic look at the legal impediments to balancing by race. They are pursuing a new sort of integration plan, emphasizing the economic status of students.

In recent years, economic integration plans have been put in place in Wake County (Raleigh), North Carolina; San Francisco; Cambridge, Massachusetts; La Crosse, Wisconsin;

Manchester, Connecticut; Maplewood, New Jersey; Coweta County, Georgia; St. Lucie County, Florida; Charlotte-Mecklenburg; Greenville, South Carolina; Brandywine, Delaware; Rochester, New York; and San Jose, California. In 1999, about 20,000 students lived in districts with economic integration plans. Today, the number totals almost 500,000 – more than ten times the number of students participating in publicly funded private-school voucher plans.

The economic integration plans vary in implementation, depending on local circumstances. In Wake County, for example, the school board adopted a policy that no school should have more than 40 percent of students eligible for free or reduced-price lunch or more than 25 percent of students who are low achieving. In Cambridge, all schools are meant to fall within 10 percentage points (plus or minus) of the district average for free and reduced-price lunch (currently about 40 percent of students).

Two factors are driving these plans. For one thing, using economic status as a way of creating greater equity in student assignment is perfectly legal. While the Constitution has been read by the Supreme Court to disfavor the use of race, distinctions based on economic class must only meet the most relaxed legal scrutiny. Moreover, in Wake County, when Whites raised a federal complaint suggesting that the income-based integration was just a covert way of producing racial integration, the U.S. Department of Education rejected the claim.

More fundamentally, districts are adopting economic integration plans because research suggests there may be no better way of promoting academic achievement than giving children of

Today, almost 500,000 students live in districts with economic integration plans – more than ten times the number of students participating in publicly funded private-school voucher plans.

all backgrounds a chance to attend a middle-class school (Kahlenberg 2001). If we knew how to systematically fix high-poverty schools – schools with more than 50 percent of students eligible for free and reduced-price lunch – then districts might not have to bother with economic integration. But successful high-poverty schools have proven extremely difficult to replicate. A recent study by the Economic Policy Institute found that middle-class schools are twenty-four times as likely as low-income schools to be consistently high performing (Harris, forthcoming).

Part of the reason low-income schools have low achievement is that children from low-income families come to school less prepared, on average. But there is also an independent negative effect of attending a school with high concentrations of poverty. To see why, it is illuminating to examine one exception to the rule that low-income children perform at lower levels, on average, than middle-class children. Results from the National Assessment of Educational Progress (NAEP) show that low-income children attending middle-class schools do better on the fourth-grade mathematics test, on average, than middle-class children in

high-poverty schools (U.S. Dept. of Education 2002). Why is it a disadvantage for any student, whether low income or middle class, to attend a high-poverty school? The answer can be found in a wide body of research showing that, in the aggregate, high-poverty schools are populated by the least engaged peers, the least active parents, and the lowest-quality teachers.

The early evidence from communities that have sought to make all schools majority middle class is encouraging. In Wake County, 90 percent of students now read at or above grade level. In La Crosse, Wisconsin, test

In the aggregate, high-poverty schools are populated by the least engaged peers, the least active parents, and the lowest-quality teachers.

scores have been rising since the economic integration plan was put in place. Low-income students in the community weren't jealous of wealthier students, kindergarten teacher Gerianne Wettstein told Richard Mial of the *La Crosse Tribune*. They sought what the others had. "It's a ray of possibility and hope" (Mial 2002, p. 135).

The emphasis on integration by economic class also addresses the charge of racial insult leveled by African Americans like Stokely Carmichael and Clarence Thomas against racial integration. It's not that Blacks need to sit next to Whites to learn, but that low-income children of all races do better in a middle-class environment.

Most districts pursuing socioeconomic integration do so through

public school choice rather than compulsory busing. In Cambridge, Massachusetts, for example, parents choose from a variety of K–8 schools, registering their preferences, and school officials honor those choices in a way that also promotes economic school integration. In Cambridge, about 90 percent of families receive one of their first three choices. Public opinion polling finds support for integration through choice is much higher than integration through compulsory busing.

Because of the overlap between race and class in America, integration by economic status normally produces a fair amount of racial integration as a by-product. African Americans are more likely than Whites to be low income. And they are much more likely than Whites to live in concentrated poverty. According to the Harvard Civil Rights Project, in 2000, 15 percent of intensely segregated White schools (90–100 percent White) were high-poverty schools, while 86 percent of intensely segregated Black and Latino schools were high poverty (Frankenberg, Lee & Orfield 2003). Under the right circumstances, Duncan Chaplin (2002) of the Urban Institute found, income integration will produce up to 80 percent as much Black/White integration as it does poor/nonpoor integration. Although racial integration does not necessarily guarantee higher academic achievement, studies find that it can help produce more tolerant citizens and a less-divided population.

Economic integration will not guarantee as much racial integration as using race per se, but it will get directly at the fountainhead of inequality in twenty-first-century America: the separation of rich and poor. As we remember the important victory in *Brown* fifty years ago, the new economic school

integration offers some hope for approaching the promise of *Brown* in the next half century.

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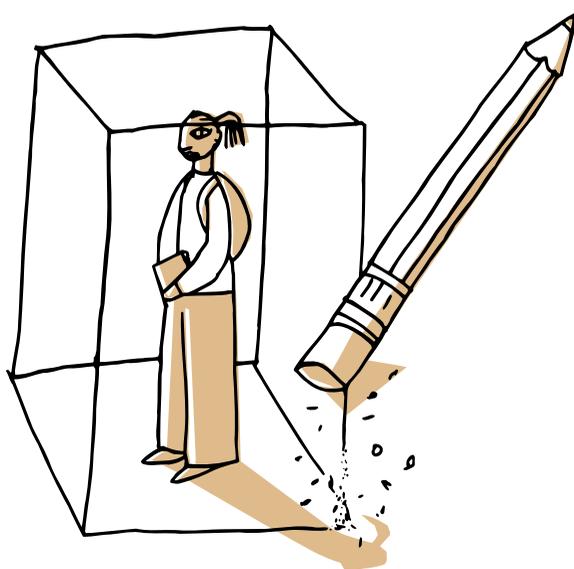
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A Different Shade of Segregation: A Puerto Rican Educator Considers the Legacy of Brown

Ricardo Dobles

The Brown-era civil rights struggle was fueled by relations between Black and White Americans. Since then, immigration has made our nation's ethnic and racial mix more complex. For Latino students twenty years ago, when the author attended school, and today, in a largely Latino city in Massachusetts, Brown has limited relevance. Most young Latinos remain in separate and unequal schools.

The first time I seriously considered the significance of *Brown v. Board of Education* was as a first-year doctoral student at the Harvard Graduate School of Education. I am sure that somewhere in my previous academic experiences I had come across this landmark civil rights case. However, I could not for the life of me remember it. As a result, every time my professors referred to *Brown* (always just “*Brown*” and always with the assumption that no further explanation was needed), I felt the pangs of insecurity that come with being conscious of one’s ignorance.

Afraid that I was the only person in the room not entirely familiar with *Brown v. Board of Education*, I of course never asked for further explanation of the legal decision. Instead, I sought out the most remote corner of the library and read about preceding court cases, like *Plessy v. Ferguson*, and, finally, *Brown* itself.

My immediate reaction to this historic Supreme Court case that declared segregation in schools unlawful was that it made perfect sense that I was not familiar with the decision; it seemed to have no relevance or resemblance to my own educational experience. I understood why I had relegated this extraor-

dinarily significant civil rights case to the furthest recesses of my educational memory. Why would I be expected to know the history of this case when I was clearly neither the intended nor indirect beneficiary? This decision was about the legal separation of Black and White students. Puerto Rican students, in particular, and Latinos, in general, were certainly not a part of the racial equation in 1954.

My second thought upon learning about *Brown* was: If that ruling ended segregation, it was news to me. As an elementary and middle school student in Brooklyn, New York, in the 1970s, I went to school in a very diverse district – District 14 – which included Puerto Ricans, African Americans, Italians, Poles, and Hasidic Jews. Yet, when I went to school every day at P.S. 224 and, later, at I.S. 71, my classmates were almost all Puerto Rican. A few blocks away, I.S. 318 housed predominantly African American students. The Italians and Poles, I assume, went to their own schools, although I cannot say where with any certainty, because I barely had any contact with them. Hasidic students, with whom we shared a city block, were the only other ethnic group I saw, but our education was segregated; in

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the morning, we all walked to school “together,” then they went into their school building and we into ours.

For me, then, segregation was a way of life, twenty years after *Brown*. No wonder I knew so little about the decision. And my experience is not unique. According to the Civil Rights Project at Harvard, the typical Latino student attends a school in which more than half of the students are Latino and only a fourth are white; and Latinos are most segregated in the Northeast (Orfield & Lee 2004). Clearly, the legacy of *Brown* for the Latino community is complicated.

In the hope of achieving some clarity, I visited with students from a highly segregated school system in a small city in Massachusetts. The schools of this city, which I’ll call Milltown, have experienced the impact of every wave of immigration of the nineteenth and twentieth centuries. Like most industrial cities in New England, Milltown attracted newcomers from abroad in the 1800s after the creation of the mills. Large numbers of Irish, Italian, Polish, Syrian, and French-speaking Canadian immigrants flocked to Milltown.

After a fifty-year period during which there was very little immigration,¹ Milltown in the 1970s once again became a home to newcomers – this time, largely from Spanish-speaking islands of the Caribbean. In 1970, only 2,327 of Milltown’s 66,915 residents (3.4 percent) identified Spanish as the dominant language of their parents. By 1980, that number had risen to 10,296

¹ Between 1924 and 1965, strict governmental restrictions effectively ended the massive influx of immigrants that the nation experienced prior to 1924. Some researchers credit the relaxing of those restrictions in 1965 for the current new wave of immigration.



Puerto Rican students, in particular, and Latinos, in general, were not a part of the racial equation in 1954.

(16.3 percent), and, a decade later, it had shot up to 29,237 (41.6 percent). This wave of immigration enabled Milltown to buck the trend of declines in school enrollment that most Massachusetts school districts experienced; school enrollment in Milltown increased by a third, from 8,197 in 1982 to 10,751 in 1992.

Today, the population of Milltown is over 60 percent Latino, and the students in Milltown public schools are 85 percent Latino, predominantly from the Dominican Republic and Puerto Rico. The high percentage of Latino students reflects both the surge of immigration and the reaction of many White families to that surge: simply

removing their children from the public schools. As one Milltown resident recalls: “In the early eighties, there was a plan to bus kids from the north (predominantly Latino) to the south (predominantly White) and vice versa. That’s when my parents put me in Catholic school.”

The school district of Milltown proved incapable of handling the changing school population. In 1996, Milltown gained national media attention when the state board of education threatened to take over the district, charging it with gross budgetary offenses, heinous neglect of the system’s infrastructure, and almost criminal disregard for the education of Milltown’s largely Latino students.

At the same time, the New England Association of Schools and Colleges revoked the accreditation of Milltown High School. Among the concerns cited by the association was the lack of agreement among the staff about the instructional needs of the school’s diverse and ever-changing student population and about how to meet those needs, especially how to achieve high English literacy levels.

As the 2003–2004 academic school year comes to a close, Milltown High School is making progress toward becoming reaccredited. The current superintendent, who is in his fifth year, has brought stability and order to the district. However, the academic and economic challenges that have plagued the city for the past three decades persist. With a median household income of less than \$28,000, Milltown is one of the poorest cities in the state. In addition, test scores on the state’s high-stakes exam, the Massachusetts Comprehensive Assessment System, are abysmal; 71 percent of tenth-graders scored either “needs improvement” or

“warning/failing” in English Language Arts, and 82 percent scored at those levels in mathematics.

What does *Brown* mean in an environment like Milltown High School? I asked a group of students to respond to the following excerpt from the opinion of Chief Justice Warren:

Segregation of white and colored children in public schools has a detrimental effect upon the colored children. The impact is greater when it has the sanction of the law, for the policy of separating the races is usually interpreted as denoting the inferiority of the Negro group. A sense of inferiority affects the motivation of a child to learn. Segregation with the sanction of law, therefore, has a tendency to [retard] the educational and mental development of Negro children and to deprive them of some of the benefits they would receive in a racial[ly] integrated school system. (*Brown v. Board* 1954)

One student commented that the Chief Justice’s opinion could be interpreted in two ways: either that “White kids are smarter or that all kids need exposure to people from different races and cultures.” She felt that the latter argument was more legitimate and more compelling as a case for integration.

Another student referred to the psychological studies used in support of *Brown* and agreed with the notion that separation implied inferiority. He went on to argue that integration would allow students of color to see firsthand that “White students can make the same mistakes you make. When you are together, it creates understanding. If you are not exposed to it [being with White students], it creates fear.”

Another student compared her school to an affluent, predominantly White school in a town south of the city and observed: “Compare our school

to Longfellow High. The expectations of students are higher there, and that is for reasons of money and color.” When asked if they thought busing students to and from Longfellow High would be a good idea (purely a hypothetical exercise, since the two schools are not only in separate municipalities, but might as well be in separate universes), there was general agreement that it would create positive change. One student provided a word of caution and advice, though. “That would be a good idea, but start with the younger kids,” she said. “If you start with the older kids there will be trouble. Start with the younger kids and the separation of cultures will disappear.”

Virtually every comment by the students was tempered by the recognition that schools exist within a wider society – a society that they viewed, by and large, as racist, hostile toward people of color, and favorably disposed toward segregation. Consequently, while these young people could see the benefits of integration and believed in the goal of educational equality, they could not escape the reality before them that such ideas were nothing more than thought experiments.

Much of the commentary on this anniversary of the *Brown* decision has focused on the persistence of segregation and questioned whether integration is feasible or even worthwhile. What matters, some say, is high-quality education, regardless of who is sitting next to whom in the classroom.

My own experience and the comments of the Milltown students suggest that it is not easy to separate the issues of segregation and quality. Separate but equal has no place, as Chief Justice Warren wrote. Separate is unequal. I discovered this when I moved from my segregated middle



“Compare our school to Longfellow High.... The expectations of students are higher there, and that is for reasons of money and color.”

school to Phillips Academy, Andover, and then to Columbia College – elite institutions, to be sure, but ones that recognized that individuals from diverse backgrounds (though not many low-income individuals) contribute to high-quality education. Furthermore, I was able to learn precisely what the student from Milltown High School hypothesized: White students were prone to the same stupid adolescent mistakes that I was, and, while they were much more privileged than I economically, I had absolutely nothing to fear from them intellectually. Of

course, the private schools I attended were far from racially balanced. Enough of us were allowed in to add some color, but not enough to fill more than a few tables in the cafeteria, where we still tended to end up sitting together.

The Milltown students recognize the inherent inequality of segregated education when they look at Longfellow High School and see advantages they will probably never experience. This was quite evident in the almost unanimous agreement that busing between the two schools would be a good idea. They know, too, that integration also benefits White students, who learn from peers with different backgrounds.

But they suspect that the Whites in power fail to see those benefits and fear diversity. All around them, both within their district and in neighboring towns, they can see politicians and educators who are unwilling to confront issues of language, class, and culture. The result is the educational malpractice that precipitated the loss of accreditation of Milltown High School and the threat

of a state takeover of the district.

So, what is the legacy of *Brown* for me? Ultimately, I have come to regard *Brown* as an inspirational victory, albeit short-lived, in the larger African American struggle for racial equality and civil rights. Furthermore, there is no question that *Brown* laid the groundwork for future court decisions and governmental action that would more directly impact Latinos.

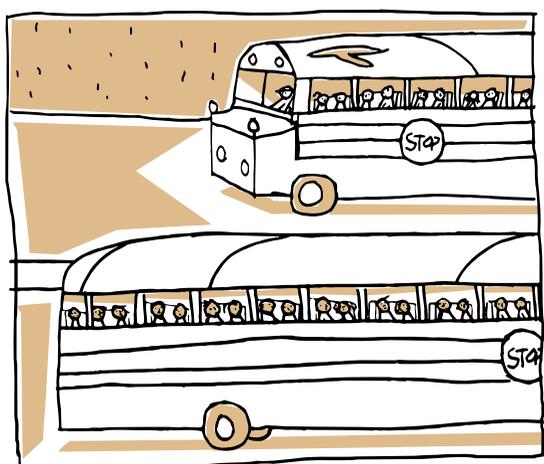
However, an honest assessment of the connection between *Brown v. Board of Education* and the educational lives of Latinos in the Northeast would reveal that the link is quite tenuous. While there may be reason to bask in the glow of a fiftieth anniversary – an open debate within the African American community – Latinos have little to celebrate.

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From Black and White to High Definition

Rossi Ray-Taylor

Since Brown, equality in outcomes has replaced equal access to resources as the imperative for achieving equity in public schools. Districts are finding that getting more resources may not be enough to close persistent achievement gaps. Educational policy-makers must create the kind of adult learning communities and systemic changes that support high achievement for all students.

In this year marking the fiftieth anniversary of the *Brown v. Board of Education* decision, educators and policy analysts across the nation are looking back and looking forward to discuss the legacy of *Brown* and how it relates to the state of education in our schools today and into the future.

To be sure, *Brown* is only one piece of a much larger mosaic. For African Americans, *Brown's* goal of achieving civil rights through education holds special resonance. As Theresa Perry reminds us, the legacy of seeking education for freedom reverberates throughout the experience of Black people on this continent, pre-dating our birth as a nation (Perry, Steele & Hilliard 2003). Moreover, the history of the decades surrounding 1954 includes a worldwide expansion of human rights, from liberation in Africa to the civil rights and women's rights movements here in the United States.

The record in the years following *Brown* shows some success in expanding access to educational opportunity and increasing resources to support schools. The federal government, in particular, played an unprecedented role by creating and implementing programs to help underserved students – children in

poverty, girls, English-language learners. As a result of these and other factors, the achievement gap between African American and White students, as measured by test scores, declined through the mid-1980s, while the percentage of children educated in segregated schools also declined.

The Years since Brown

On the other side of the ledger, the years since *Brown* have also produced some changes for the worse. Thousands of African American teachers and principals lost their jobs as a result of the integration, consolidation, and closing of schools. And, since the mid-1980s, schools have become *more* segregated, not less – perhaps not the de jure segregation of pre-*Brown*, but, instead, de facto segregation due to housing policies and wealth distribution. Whereas schools in southern states are more integrated than in the past, schools in some northern states are becoming increasingly segregated; indeed, Michigan's school systems hold the distinction of being the most segregated in the nation.

At the same time, the suburbanization of America has pulled both students and resources from the urban centers, a

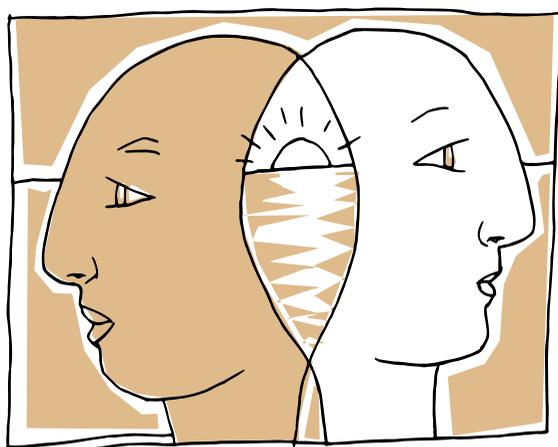
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trend exacerbated by inequitable school funding policies that favor suburban growth districts and disfavor aging urban centers. Studies show that resource distribution, including student access to technology and trained teachers, favors suburban schools. First-ring suburbs were the recipients of the midcentury White flight. But in the decades since, some of these first-ring suburban communities have become less diverse, and the majority of their residents are now members of minority groups.

A good place to examine the effects of *Brown* and the challenges school districts now face in ensuring equity is a group of districts that were among the first to desegregate their schools and that today number among the best public school districts in the nation. Districts like Evanston, Illinois; Chapel Hill, North Carolina; Shaker Heights, Ohio; Madison, Wisconsin; and Ann Arbor, Michigan have for years disaggregated student data and tracked the academic progress of African American and Latino students.

The results indicate that, while these districts have become more diverse, they have not moved fast enough to reach equity in outcomes for students of color. Out of frustration over the pace of progress, superintendents, teachers, researchers, board of education members, and community members from these districts have come together to learn from one another, to review research, and to galvanize efforts to eliminate the gap in achievement for students of color. We call this consortium the Minority Student Achievement Network (MSAN).

The focus of the MSAN represents a shift from that of the early post-*Brown* days. In that period, the goal was to provide access to the *resources* of education. Now, the aim is to provide



access to the *outcomes* of a quality education. The former looked to between-school remedies. The latter looks within schools and within classrooms. In this examination, we see what Thomas Friedman might refer to as “non-integrated” groups¹ within integrated schools. Just as Friedman’s non-integrated societies are an immense opportunity and resource lost to the world economy, so too are the non-integrated students who are marginalized in a segregated experience of school within integrated schools.

How do we know that students of color are non-integrated groups? In too many schools, virtually all of the seats in the most rigorous classes are filled by White and Asian students, with Black and Latino students disproportionately filling lower-level and disciplinary alternative tracks. These students too often have the least access to the curriculum measured by high-stakes tests, and they are therefore least prepared to perform well on these tests. Their future is too often determined at an early age – determined by lack of access to books, limited school vocabulary, low parent income, and inappropriate classroom behavior. But their future is also determined once they enter schools that are too rigid in their views of children and their families to see and unleash their potential and in which instruction is too narrow to support the high levels of learning needed today.

The Learning Community Performance Gap

Perhaps the most potent lesson learned from the many suburban districts that

¹ Thomas Friedman, foreign affairs columnist for the *New York Times*, uses this term in the context of globalization.

In the early post-*Brown* days, the goal was to provide access to the *resources* of education. Now, the aim is to provide access to the *outcomes* of a quality education.

struggle with eliminating the academic gap for students of color is that the presence of school resources, teacher quality, family resources, demanding curriculum, and the like does not fully explain the causes or provide the remedies for the achievement gap that schools now experience. As some parents and students suspect, systemic barriers abound in the traditions and legacies that govern schools. My colleagues at Oak Park and River Forest High School District in Illinois suggest that schools suffer from a “learning community performance gap.”

Teaching students of color or students of poverty does not require magical practices. What *is* required are great teaching, adequate resources, and purposeful and informed systems and practices. We are learning from students that relationships matter, especially for students of color, who bring cultural memories of distrust into the classroom. Simple acts like establishing diverse work groups of students and changing seating patterns in class can help establish classroom cultures that are supportive of learning.

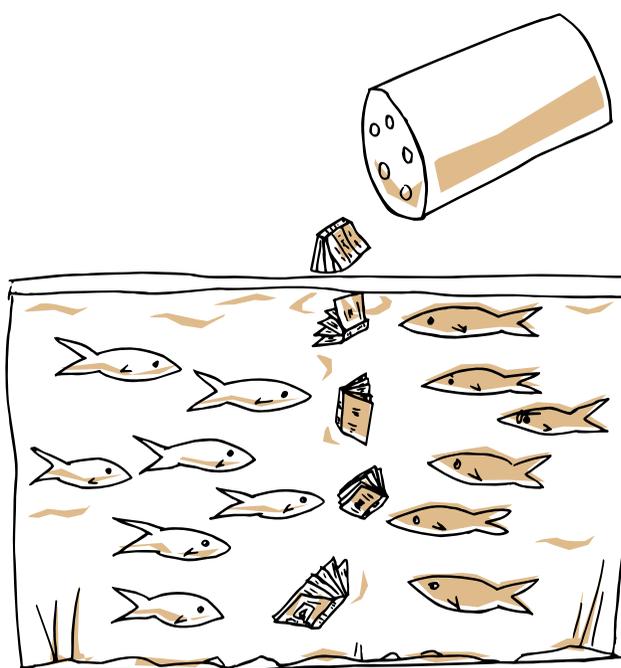
We are learning that schools must create and support learning communi-

ties of adults and support the systemic changes that ensure that all students learn at high levels. Adult professionals need information; opportunities to practice; honest, data-informed feedback; and colleagues' support. Book clubs and discussion groups for teachers and principals can be used to create trusting learning environments for education professionals to plan, implement, and evaluate school practices. Developing rubrics, sample lessons, and benchmarks, as well as convening teams of teachers to review and discuss student work, can create common high expectations for schools and identify barriers to obtaining them.

We are discovering that we need to abolish some of our traditional practices that are counterproductive. Restrictions on seats in advanced classes; course content that does not guarantee that all students have access to the content measured on local, state, and national tests; and instructional

methods in basic and remedial courses that rely too heavily on rote and that do not apply theories of higher-level instruction and thinking – all of these practices serve to depress learning for some students. Weak high school graduation requirements and limited opportunities to make up course credit limit student opportunities further.

Much of the challenge of creating the schools America needs is that of creating systemic and sustainable change. Districts are learning to become reflective and use data to monitor their progress and to troubleshoot their needs. They have begun to benchmark with peers and adopt standards to determine if adequate progress and gains are being made. Schools are learning to create and support intellectual communities of stakeholders that explore and implement change. Schools are learning to have conversations about race and class and the impact of these factors on schooling. These same chal-



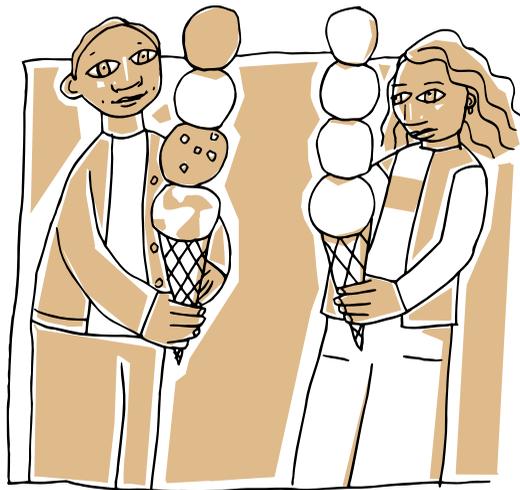
allenges are faced by communities and their governments and by businesses and industry nationwide. We are learning from the experiences of other sectors how to create and sustain change.

We also know that, like the brave students who crossed the color line in the last century, there are African American and Latino students across the nation who are among the top academic achievers in this nation. They will take a seat at the prestigious colleges and universities and will go forward to be the leaders of tomorrow. Our challenge remains to expand the pool of well-educated citizens of color beyond this “talented tenth.”

The optimistic view is that learning in schools is stronger and reaches more students than a half century ago. Our expectations of schools have expanded to include a wider and deeper curriculum, a higher level of skill attainment, and high expectations for grade-level and course-content standards, and we are implementing state and national tests and holding schools accountable for results. We have expanded our notions of access to include students with disabilities, English-language learners, and bilingual students. We expect *all* young people to graduate high school and to learn to write effectively, compute using algebra, read for understanding, understand the fundamentals of science and history, and use technology. The fact that the access to schooling that enables students to reach these aspirations is predicted by race, ethnicity, and income is the failure of the last century – and the challenge of this one.

Beyond Brown

Meeting this challenge will take efforts on many fronts. The inequalities manifest in society play themselves out in schools in myriad ways – from special education referrals, classroom place-



ments, and counseling and discipline to who is called upon in class, which schools have more poorly trained teachers and more substitutes, and on and on. The roots of today’s school performance are deep and extend well beyond the field of schooling. And we see that the highest-performing and most heavily resourced schools of our nation are not immune to the effects of these inequalities.

Fortunately, we have some tools available to help us address the challenge of reducing inequalities. One of the most powerful is the federal No Child Left Behind Act. It is no small feat that No Child Left Behind changes the very definition of school excellence to declare that no school is excellent until it is excellent for all that it serves. School success must not be predicted by the ethnicity, race, or income level of students. It is also significant that No Child Left Behind is the most recognized and talked about piece of educa-

tional policy since *Brown* among parents and lay people throughout the United States. It is seen as the new phase in educational accountability for our schools.

We also have politics on our side. As politicians – from local council members to presidential candidates – know, support for popular public views regarding schools means votes. These votes can translate into programs and resources that can help schools graduate all students with a strong education that prepares them for the continuous learning they will need to be successful in the workplace and to be contributing members of society in the future.

From Black and White to High Definition

Fifty years ago, Americans watched the events surrounding *Brown* unfurl in grainy black-and-white images on television screens. Today our images of schools are broadcast in high definition to televisions with increased clarity. The expectations, complexity, and challenge of schools have evolved since 1954. Our very ways of seeing success and defining to whom access is owed needs to be as richly detailed and high in definition as our new television images.

The educators and policy-makers of today and the future will need to understand the nuances of the effects of past and current policy decisions on our communities and schools. We will need to be able to see and attend to the complexity and promise that a democratic nation of diverse learners offers the world. If schools are a microcosm of the communities they serve, then the challenge of this century both for schools and for our communities is one of resource distribution, with

resources defined in the broadest way to include real and social capital and knowledge.

What American schools seek to do is an extraordinary tribute to democracy. The task is a difficult one because, to date, nowhere in the world has universal access and attainment been achieved on the scale that we aspire to in America's schools. It has not been done – yet. Our conversion to this high-definition vision of schooling and society is not yet complete. And, even as we approach it, there will be new models to try out and new challenges to face. But such is the nature of progress.

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