



## Contemporary Civil Rights Challenges of *Brown vs. Board of Education*: School Leaders Identify Current Issues

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School leaders from five states gathered recently to examine civil rights issues facing students today. The session was held by the IDRA South Central Collaborative for Equity, which is the federally-funded equity assistance center for Arkansas, Louisiana, New Mexico, Oklahoma and Texas. The center's annual focus group and work session was comprised of representatives from each of the state departments of education, school districts, the Offices for Civil Rights that serve the region, and other technical assistance providers.

This year's session highlighted selected issues that need special attention. The participants created a context for their assessment of the top civil rights issues that should be addressed throughout the region by first receiving a refresher presentation on the *Mendez vs. Westminster* and *Brown vs. Board of Education* court decisions that affirmed the right of individuals to receive an equal education in public schools that were not segregated by race. (For more information on fulfilling the promise of these court cases, see [www.idra.org/mendezbrown](http://www.idra.org/mendezbrown) and the November-December 2003 issue of the *IDRA Newsletter*, which is also available online at <http://www.idra.org/content/view/5108/139/>)



This review served as a foundation for a set of civil rights issues the group felt were important to continue to address if the promise of *Brown* and *Mendez* are ever to be achieved.

The participants then identified persistent issues regarding race, gender and national origin. A summary of their findings are below.



- Inadequate resources and inappropriate funding to support the highest quality education for students regardless of their race.
- Staffing that does not reflect the racial-ethnic diversity of the students.
- Staff that is poorly trained to instruct and educate students who are racially and culturally different.
- Continued comparative low achievement in high poverty, high minority districts.
- The politics of education that seems intent on destroying public schools by concentrating students by race and poverty in the worst facilities and educational experiences with the least prepared teachers and blaming students and families for schools not succeeding.
- The continued re-segregation of students by race and class.
- The persistent under-representation of minority students in gifted and talented and advanced courses.
- The persistent over-representation of minority students in special education programs.



- The lack of understanding and concern for gender issues in public education.
- The continued dehumanization of girls and women in all forms of media that create persistent stereotypes about the roles of girls and women.

- The belief that gender equity is only about girls and little to do with boys.
- The belief that only girls are victims of discrimination, hostility and violence in schools.
- The continued under-representation of girls in science, technology, engineering, and mathematics (STEM) courses and careers.
- The continued double standard regarding matters of access for girls versus boys in courses, activities, opportunities and outcomes in schools.
- The persistent attempts to derail Title IX of the *Education Amendments of 1972* by the desire to create and implement single-sex schools (i.e., charter schools and programs) and classrooms in circumstances not otherwise allowed by Title IX.
- The continued over-representation of boys in disciplinary actions, suspensions and expulsions.

- Lack of knowledge and understanding of the law regarding English language learners.
- Poor understanding of the civil rights requirements to serve English language learners.
- Lack of appropriate teacher preparation and certification to serve English language learners.
- Poor to non-existent efforts to engage and seek the support of parents and families to support their children's success in schools.
- Inappropriate curriculum and materials to support student mastery of course content.
- Inappropriate assessment and placement of English language learners, particularly in special education and low-level courses.
- Inadequate resources and funding to support quality instructional and co-curricular programs for English language learners.

While there were many emerging issues that the focus group were able to identify, many of these emerging issues centered on the *No Child Left Behind Act* (NCLB), resources allocation and distribution, technology integration, and legal considerations. Among the emerging issues were the following.

- Appropriate disaggregation and use of data on student outcomes by race and accountability for student success by race.
- The exclusion (from challenging programs and courses) of students by race to prevent failures and poor assessment results.
- The increased racial backlash because of the NCLB.
- The use of “diversity” as a marker for racial inferiority and the resultant continuation of practices that discriminate by race.
- The use of “safe” and “unsafe” as a marker for racially identifiable school settings that are also viewed as less desirable to attend in a given district.
- Changing perceptions about race relations and the cause and effects of current race relations in schools and communities.
- Parent “choice” and school vouchers promoted as contemporary ways to support “White and middle-class flight” particularly from urban and minority dominant schools.
- Appropriate considerations for districts entering unitary status.

- The new attacks on Title IX, particularly the current and emerging discussions on single-sex education.
- The gender equity discussion extended to boys and men.

- A woman's right to choose.
- Gay, lesbian, trans-sexual and trans-gendered issues in public school and implications for Title IX.
- Economic sexism and careers for men and women in an era of changing demographics.
- The exclusion of gender from the disaggregation of data in the Title I provisions of the NCLB.



- The failure of budget allocations to be data-driven where English language learners are concerned.
- The attempt to disengage English language learners from schools, classes and grades to avoid test result issues.
- A critical shortage of support for student success for English language learners and their families in the hyper-growth states and communities.
- Local communities' newness in working with families who speak a different language, particularly in those communities that historically may have only dealt with Black and White English-speaking populations.



The challenge presented to IDRA was to retool technical assistance to provide more long-term support to schools. The focus group participants still want workshops and training sessions that would give useful, immediately-applicable strategies for classroom teachers. But they also insisted that even training should be expanded to include more classroom-based demonstrations, more side-by-side teaching, and more in-class coaching and mentoring.

Beyond that, the group felt that long-term, sustained technical assistance should help schools and communities to:

- Navigate the requirements of the NCLB particularly where the disaggregation of data may reveal under-service, discriminatory, service, or non-existent service to students by race and national origin;
- Implement the requirements of Title III for English language learners in a manner that does not victimize learners because they speak English as a second language;
- Create seamless articulation between Title II and Title I of the NCLB;
- Improve teacher quality and teaching quality particularly for diverse students to better meet the requirements of NCLB;
- Identify potential sources of unintentional, but very present, forms of discrimination that may negatively impact minority and low-income students under NCLB, Title VI, CRA and Title IX;
- Address and make practical sense of conflicting obligations that arise under NCLB versus Title VI and Title IX, such as single-race and single-sex schooling practices, zero tolerance practices and safe school practices and disciplinary actions, particularly over-representation issues;
- Identify research-based best practices that positively impact student outcomes by race, gender, national origin, and income for implementation in a variety of school settings including rural and remote settings; and
- Integrate the use of technology in instruction, data collection and analysis, and information management of issues by race, gender and national origin since appropriate porting by these categories is essential for adequate yearly progress and other reporting requirements.

IDRA has undertaken many of these suggestions by creating focused educational initiatives for English language learners, multicultural educational frameworks for curriculum and professional development, girls in STEM, equity in funding and resource allocation, and school reform for increased student success.

School district personnel wanting technical assistance and training in areas listed above or other educational concerns that would improve their capacity to serve all students should call upon the SCCE services that are provided at no cost to assist them to serve all students and create greater academic success and achievement regardless of their race, gender and national origin.

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