



Equality of Educational Opportunity: Race and Finance in Public Education

Curriculum Unit 92.01.07
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Introduction

Section one focuses on an operational understanding of equality as stated in the U.S. Constitution and Supreme Court decisions. The First and Fourteenth Amendments feature in most cases because they address the fundamental principles of equality, citizenship, and civil rights. Also, the role of the Supreme Court is examined, especially the *Brown v. Topeka Board of Education* decision. This case was perhaps the most important one in the twentieth century judicial history because it spawned the legal movement for equal rights in virtually all spheres of American life.

Section two of the unit deals with Connecticut. The educational funding system and policy directives are presented to compare and contrast their relationship to the constitutional issues and Supreme Court decisions, of state power and equal protection in financing. Drawing from the *Brown*, *Rodriguez* and *Serrano* cases, the recent history of school financing is outlined and viewed in the context of Connecticut. The tax revenue and expenditures play a major role in the quality of education.

The final section of the unit looks at attempts to equalize education on both the schools and classroom levels. Several disciplines are used to demonstrate how equality can be promoted by teachers and secondary school students. Sociodramas, literature, and contemporary modalities are included in lessons and other activities.

Public Education and Equality

Public education in the United States has played a major role in shaping society. The schools have often assumed the position as both agents and enforcers of political, economic and social concerns. Joel Spring, in addressing the issue of the purpose of American education, underscores the complex and controversial relationship of education and society.

“Even more important than the question of whose social and moral values should permeate the school is the question of whether the school should be involved in social reform or improvement. The reason schools have gotten involved with so many social problems is that the school is the most available institution and the one least likely to affect other parts of the social system.”¹

Justice Warren in the landmark *Brown* case used the judiciary to underscore the importance of education as a function of the government.

“It (education) is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today it is a principle instrument in awakening the child to cultural values, in preparing him for later professional training, and helping him to adjust normally to his environment.”²

At times, the educational dimensions of a social problem ripples to the larger community, but more frequently, the societal issues abound and ricochet throughout the schools.

“A broad spectrum of special social problems continues to create exceptional needs for many North American students as they encounter life in school. The effects of factors such as divorce, domestic violence, abuse, and neglect take an awesome toll on children. Young people who experience the effects of major social upheavals and/or personal disabilities need special, intervention strategies to assist them in school.”³

Equality

If there is one principle that Americans have had problems coping with, it is the concept of equality. The statement that “all men are created equal” has been fraught with adversity, misinterpretation, and denial. Kluger addresses the dilemma in *Simple Justice*.

“If an American because his skin is dark, cannot eat lunch in a restaurant open to the public school; if he cannot send his children to the best public school available; if he cannot vote for the public official who represents him; if, in short, he cannot enjoy the full and free life which all of us want, then who among us would be content to have the color of his skin changed and stand in his place?

Who among us would be content with the councils of patience and delay? One hundred years of delay have passed since President Lincoln freed the slaves, yet their heirs, their grandsons, are not fully free. They are not freed from the bond of injustice; they are not yet freed from social and economic oppression. And this nation, for all its hopes and all its boasts, will not be fully free.

We preach freedom around the world, and we mean it. And we cherish our freedom here at home. But are we to say to the world and much more importantly to each other that this is the land of the free, except for the Negroes; that we have no second-class citizens, except Negroes; that we have no class or caste system, no ghettos, no master race, except with respect to Negroes?”⁴

What is equality and what role should public education play in equalization are two of the fundamental questions that arise? For most Americans, equality of opportunity means that no one should be denied equal access to citizenship rights. Spring sums up the popular interpretation of equality.

“Equality of opportunity means that all members of a society are given equal chances to enter any occupation or social class. It does not mean everyone will have equal income and equal status, rather, all have an equal chance to compete for any place in society.”⁵

Nowhere has the misunderstanding been more highlighted, than in public education. Not only have fierce battles been waged, but some of the most serious attempts to correct the inherit conflicts, have occurred in

the schools. Bussing, multi-cultural education, vouchers, funding, bilingualism, federal and state legislation, and judicial mandates are some of the notable efforts employed in recent years to equalize educational resources, practices, and opportunities.

Jeanne Oakes asserts that the idea of educational equality advanced in the sixties and seventies was extravagant and naive. The well-intentional goals to equalize may have jeopardized our ability to compete on a global level. In defense of tracking which makes no claim to promote equality, Oake's position pointedly is distanced from the idea of equality and public schools.

"Given the precarious position of the United States in the global competition for economic, technological, and military superiority, we can no longer sacrifice the equality of our schools to social goals. This view promotes the judicious spending of limited education resources in a way that would produce the greatest return on "human capital." Phrased in these economic terms, special provisions for under achieving and minority students become a bad investment. In short, equality is in; academic excellence is out." ⁶

Many Americans have tried to overcome the historical legacy of slavery, disenfranchisement and prejudice in all forms against the less powerful and minority in our society, that forms the basis for so many inequities in the United States. The schools, since 1954, have undertaken a commitment (voluntary and forced) to reduce some of the blatant disparities in the quest for equality. However, goodwill on the part of individuals and agencies in the society are inadequate and incapable of effecting the kind of change that is so often articulated and desperately needed.

The judiciary has taken a pro-active stance in defining, clarifying, and applying the concept of equality. The Constitution was very clear concerning equality. At the time of the writing of the Constitution, blacks were not considered citizens and when they finally acquired citizenship, their plight was still an affliction.

"Blacks were openly classified as property, and even those who were not held in legal slavery generally were regarded as having been placed on earth to do the bidding of white men. The Thirteenth Amendment technically ended that state of formal subjugation in 1865. The second stage promoted the colored man to the category of marginal human being, evidently of the same species as the white and technically entitled to the same rights and protection, but an unfortunately witless, lecherous, odoriferous sort whose very presence was an eyesore as the nation reached for greatness. Denied learning, denied all but the most primitive vocational training, denied access to the political and social institution that functioned as a giant ethnic melting pot for the European people who stocked American shores, the Negro hobbled into the twentieth century as a reviled scapegoat for the frustrated, a target for the sadistic, and an inconvenient reminder past sins and current indifference. It seemed only natural that he should have been segregated as a pollutant. Not until the Supreme Court acted in 1954 did the nation acknowledge that it had been blaming the black man for what it had done to him. His sentence to second-class citizenship had been commuted; the quest for meaningful equality—equality in fact as well as law had begun." ⁷

The status of blacks was tightly interwoven into the economic system. Judicial decisions, including the famous *Dred Scott* case, addressed the black man as property, and not as a human being with feelings, or a citizen with rights.

Obviously the original conceptual framework acknowledged and accepted inequality on racial grounds. Robert Burt in *The Constitution in Conflict* , asserts,

"It is clear (as clear as historical records can ever be) that the framers of the Fourteenth Amendment

guaranteeing, among other things, equal protection under the law did not intend to invalidate racial segregation in schools.”⁸

The *Brown* case nullified the original intention of segregation by reinterpreting equality. By voiding the *Plessy vs. Ferguson* decision which condoned “separate but equal” (in most comparison cases, segregation was blatantly unequal) the Supreme Court informed America’s institutions that the fictitious legal doctrine of dual equity was no longer acceptable. Philip Elman wrote that segregation had been a social institution for a long time and had a profound effect on both legal and psychological terms.

“(Segregation is) an institution, which during its existence not only has had the sanction of decisions of this court but has been fervently supported by great numbers of people as justifiable on legal and moral grounds. The Court’s holding in the present cases that segregation is a denial of constitutional rights involved an express recognition of the importance of psychological and emotional factors; the impact of segregation upon children, the court found, can so effect their entire lives as to preclude their full enjoyment of constitutional rights. In similar fashion, psychological and emotional factors are involved and must be met with understanding and good will in the alterations that must now take place in order to bring about compliance with the Court’s decision.”⁹

Many factors were considered in the *Brown* deliberations and ultimate decision. Of particular significance was the inclusion of social science findings. Richard Kluger, in his epic analysis of segregation and the *Brown* case, cites the work of social scientists Chein and Deutscher in “The Psychological Effects of Enforced Segregation: A Survey of Social Science Opinion.”

1. Does enforced segregation have detrimental psychological effects on members of racial and religious groups which are segregated, even if equal facilities are provided? Response overall: 90 percent said yes, 2 percent said no, 8 percent said they had no opinion or did not answer the question. Southern respondents: 91 percent said yes, 6 percent no, 3 percent no opinion or no reply.
2. Does enforced segregation have a detrimental effect on the group that enforces the segregation, even if that group provides equal facilities other groups that are segregated? Response overall: 83 percent said yes, 4 percent said no, 13 percent had no opinion or did not answer. Southern respondents: 84 percent said yes, 6 percent said no, 10 percent no opinion or no reply.
3. What is the basis for your opinions? Multiple answers were provided for; 29.2 percent said they replied on their own research, 61.1 percent of the research of others, 65.5 percent on their own professional experience on experience of others.¹⁰

The *Brown* case consisted of a series of lower level court cases that were grouped together because of the underlying issue of equality. Chief Justice Earl Warren summarized the legal problem.

“In each of the cases, minors of the Negro race, through eight legal representatives seek the aid of the courts in obtaining admission in the public schools in their community on a non-segregated basis. In each instance, they had been denied admission to schools being attended by white children under laws requiring or permitting

segregation according to race. This segregation was alleged to deprive the plaintiffs of the equal protection of the laws under the Fourteenth Amendment. In each of these cases other than the *Delaware* case, a three judge federal district court denied relief to the plaintiffs on the so-called “separate but equal” doctrine announced by this court in *Plessy Ferguson*, 163 U.S. 537. Under that doctrine, equality of treatment is accorded when the races are provided substantially equal facilities, even though these facilities be separate. In the *Delaware* case, the Supreme Court of Delaware adhered to the doctrine, but ordered that the plaintiffs be admitted to the white schools because of their superiority to the Negro schools. The plaintiffs contend the segregated public schools are not “equal” and cannot be made “equal” and hence they are deprived of the equal protection of the laws.”¹¹

The Supreme Court decided on May 17, 1954, that the fundamental principle that racial discrimination in public education was unconstitutional and stated that all federal, state and local laws must adhere to the principle. The Court deferred the manner in which this new policy should be implemented.

“Full implementation of these constitutional principles may require solution of varied local school problems. School authorities have the primary responsibility for elucidating, assessing, and solving these problems; courts will have to consider whether the action of school authorities constitutes good faith implementary of the governing constitutional principles. Because of the proximity to local conditions and possible need for further hearing, the courts which originally heard these cases can best perform this judicial appraisal. Accordingly, we believe it appropriate remand the cases to those courts.

In fashioning and effectuating the decree, the courts will be guided by equitable principles. Traditionally, equity has been characterized by a practical flexibility in shaping its remedies and by facility for adjusting and reconciling public and private needs. These cases call for the exercise of these traditional attributes of equity power. At stake is the personal interest of the plaintiffs in admission to public schools as soon as possible on a nondiscriminatory basis. To effectuate this interest may call for elimination of a variety of obstacles in making the transition to school systems operated in accordance with the constitutional principles set forth in our May 17, 1954, decision. But it should go without saying that the vitality of these constitutional principles cannot be allowed to yield simply because of disagreement with them.

While giving weight to these public and private considerations, the courts will require that the defendants make a prompt and reasonable start toward full compliance with our May 17, 1954, ruling. Once such a start has been made, the courts may find that additional time is necessary to carry out the ruling in an effective manner. The burden rests upon the defendants to establish that such time is necessary in the public interest and is consistent with good faith compliance at the earliest practicable date. To what end, the courts may consider problems related to administration, schools arising from the physical condition of the school plant, the school transportation system, personnel, revision of school districts and attendance areas into compact units to achieve a system of determining admission to the public schools on a non-racial basis, and revision of local law and regulations which may be necessary in solving the foregoing problems and to effectuate a transition to a racially nondiscriminatory school system. During this period of transition, the courts will retain jurisdiction of these cases.”¹²

The National Association for the Advancement of Colored People, an organization that led the effort to end racial segregation, issued the following dispatch to continue to lobby for equality.

“United States Supreme Court today deferred judgment on five historic cases challenging racial segregation in elementary and high schools... Postponement comes after three years legal action... Costing \$58,000... Work made possible only through contributions from citizens who understand significance to national life and impact upon world struggle. Funds entirely spent. Highest court request preparation of answers within three months to

many broad questions requiring legal argument on historic constitutional factors, sociological data and authoritative opinion. No money available to meet emergency...

Opportunity for decent public education affecting nearly three million Negro American children depends upon resolution of this dilemma... \$15,000 needed immediately to forestall possibility these youngest must wait decades before equal opportunity established. Please send your tax deductible gift today to....." ¹³

The *Brown* case gave impetus to many Americans to fight for their constitutional rights. The Supreme Court, by strongly embracing the equal protection doctrine, sent a clear message; where inequalities existed in public facilities, and where there was discrimination such practices were unconstitutional. As a further result of *Brown*, the civil rights movement extended beyond race to all areas where there was a question of the equal protection clause. The issues of wealth terms of equality of educational opportunity has featured significantly in the constitutional interpretation of equality.

The Courts and Funding

Education is a plenary power of each state. Section 1 of Article 13 of the U.S. Constitution delegates authority to the state to 'establish and maintain a system of free public schools wherein all the children of the state may be educated'. Educational practices, even though a state function, must conform to the principles of the Fourteenth Amendment. In all 50 state constitutions, the legislature is given responsibility to determine policy. The local school districts derive their authority from the state to determine policy. The following excerpt from the Supreme Court of Illinois in *People v. Deatherage* (1948) sums up the strong legal underpinnings of the relationship of the state and local school authority.

"A community unit school district, like any other school district established under enabling legislation, is entirely subject to the will of the legislature thereafter. With or without the consent of the inhabitants of a school district, over their protests, even without notice of hearing, the State may take the school facilities in the district, without giving compensation therefore, and vest them in other districts or agencies. The state may hold or manage the facilities directly or indirectly. The area of the district may be contracted or expanded, it may be divided, united in whole or in part with another district, and the district may be abolished. All this at the will of the legislature. The "property of the school district" is a phrase which is misleading. The district owns no property, all school facilities, such as grounds, buildings, equipment, etc., being in fact and law the property of the State and subject to the legislative will..." ¹⁴

The state, therefore, retains discretionary power over the collection, method and distribution of educational funds. It may directly collect taxes or delegate authority to local school districts to act on its behalf. One fundamental legal point is that taxes are raised for a public purpose, namely public education, and how the state apportions the funds is left to the legislature.

The equal protection question emerges because of the variation in local school districts educational expenditures. The level of school expenditures in a district is mainly determined by the wealth of the local tax base. The real property in each district is taxed. In some areas, property includes large estates and broad industrial holdings which generate a large amount of tax revenue. In contrast, districts, without large industries and high income property will not have a strong tax base, which in turn will limit the amount of money available for education. The *Serrano v. Priest* case illustrated district disparities.

John Serrano's two children lived in and attended school in a poor Mexican-American community in Los

Angeles. Serrano wanted quality education for his children and felt that they were denied equal protection because of their lack of wealth. Los Angeles, like other low expenditure school districts usually have oversized classes, older and often unattractive buildings, limited auxiliary services, and does not attract the most qualified teachers. The California Supreme Court agreed with the plaintiff's contention in the *Serrano* case. The court compared the citizens of the Baldwin Park section of Los Angeles who paid a school tax of \$5.48 per \$100 of assessed valuation to the wealthier Beverly Hill residents who were taxed \$2.38 per \$100 and concluded that the system was unfair.

"We have determined that this funding scheme invidiously discriminates against the poor because it makes the quality of a child's education a function of wealth his parents and neighbors." ¹⁵

Each state must obviously acknowledge the wide variations in educational opportunities allowed for children who live in different school districts throughout the state and the noticeable discrepancies in expenditures per pupil as well as the disparities in educational goods and services. Because the school system reliance on the local tax base, the variation will prevail, simply because some districts are wealthier than others, based on tax revenue.

Since education is a state function, it can be held responsible for reducing the margin between the wealthy and poor school districts. Each state has undertaken their fundamental obligation to ensure a degree of equality by distributing equalization aid to local school districts in different ways. Variable equalizing schemes divides educational needs into monetary units and then supplements the weaker districts financial capabilities. Variable non-equalizing plans acknowledge district differences, but makes no special provisions to the districts. Fixed funding denotes that a standard allowable amount per unit of educational need is determined and dispersed regardless of the financial status of the district. Further, the federal government programs have in many cases, included equalization provisions.

There is no simple monetary formula to determine equality. Some children require different services and treatment. The problem of establishing a set standard to measure education is a formidable, if not impossible undertaking. While there is a high correlation between wealth and academic achievement, the specific costs, factors have not been identified and discerned from the non-cost factors. Sugarman states,

"It may be true that, on the average, the educational needs of various groups differ, so that instruction effective for one group would be wasted on another; but it is not necessarily true that costs will differ in a uniform manner between the different kinds of instruction required by each group." ¹⁶

The Supreme Court in the *San Antonio Independent School District v. Rodriguez* case noted,

"Even if it were conceded that some identifiable quantum of education is a constitutionally protected prerequisite to the meaningful exercise of either right, we may have no indication that the present levels of educational expenditure in Texas provide an education that falls short." ¹⁷

The Edgewood section of San Antonio, Texas had a population that was 90% Mexican American, 6% African American and 4% White. The property tax rate of \$1.05 per each \$1.00 of assessed valuation yielded \$26 for each pupil. To this \$108 in federal and \$222 in State Foundation Program Funds were added. The total pupil expenditure was \$356. In contrast, the Alamo Heights section of the city had an 18% Mexican American enrollment, 1% Black, and 81% White. The tax rate was 85 cents per dollar of assessed valuation since the average families property worth was high, the local tax yielded \$333 per pupil. The federal government added \$36 and the Texas State Foundation program added \$225, thus spending \$594 on each student.

When one compared the Edgewood and Alamo Heights spending pattern, it revealed that for every dollar spent on the child from Alamo Heights, only 60 cents was spent on the child from the Edgewood section of San Antonio. Edgewood was a poor section in the inner city and predominantly minority, which raised questions of equal protection in the practice of state supplementary application of funds to the local district.

The Supreme Court in a divided decision stated that the state of Texas did not discriminate against any identifiable class. As far as the court was concerned, the state provided basic education for every student and promoted local community participation and control over school expenditures. Further, the fact that local taxes were unequal was not a constitutional issue. Benefits and spending in the public and private sector were not always uniform or streamlined. Justice Powell in delivering the opinion of the court pointed out that education was not a fundamental right explicitly or implicitly guaranteed by the constitution's equal protection laws. Justice Stewart in concurrence stated,

"The method of financing public schools in Texas as in almost every other state has resulted in a system of public education that can fairly be described as chaotic and unjust. It does not follow, however, and I cannot find, that this system violates the Constitution of the United States. I join the opinion and judgment of the court because I am convinced that any other course would mark an extraordinary departure from principled adjudication under the Equal Protection Clause of the Fourteenth Amendment..."¹⁸

Connecticut Funding Patterns: A Case in Point

Connecticut, like many other states, has had to deal with the equality issue. Even though, there was no de jure segregation, residential patterns and school expenditures have been unequal throughout the state. The present system of school financing has developed over the last few years.

In the early 1970's Connecticut had an extremely regressive school tax system. The only form of aid was a flat per pupil grant. Each school system was treated the same. However, large differences in fund-raising ability limited the educational opportunities students had if they lived in a less affluent community. This can be seen in the per student expenditure by different towns. For 1972-73, the median expenditure was \$969. However, the highest was \$1570 and the lowest was \$670. This is the type of disparity highlighted in the Rodriguez case. Some schools were spending more than twice as much as other schools per pupil. These differences were not by choice, but rather by ability to pay.

A town's ability to pay is based upon the value of land and the amount of commercial development and industry within its borders. There is a huge variation within the state. The suburban communities, especially the suburbs of New York City have a greater tax base. In contrast the inner cities, namely New Haven, Hartford, and Bridgeport have many social problems and little wealth to spend upon schools. Also the rural farming communities are poor with the little in the way of taxable assets. If one compared property wealth per student at this time that Sterling, for example would have \$17,441 while Greenwich had \$156,564 (the median was \$42,746). What this means is that even by having a 32 mil. school tax only \$900 would be raised per student in Sterling. In contrast Greenwich using only a 4 mil. school tax would be raised \$1800 per pupil.

The courts decided that this inequitable system violated the state constitution by denying equal access to students because of where they reside. The key court case for Connecticut is *Horton vs. Meskill*. The state lost both the case and the appeal, and its system of funding education was declared unconstitutional.

"The discrimination is related rather than absolute. Further, the children living in towns with relatively low assessable property values are afforded public education but, as the trial court found, the education they receive

is to a substantial degree narrower and lower in quality than that which pupils receive in comparable towns with a larger tax base and greater ability to finance education.

True, the state has mandated local provision for a basic educational program with local option for a program of higher quality but, as the court's findings indicates, that option to a towns which lacks the resources to implement the higher quality educational program which it desires and which is available to property-richer towns highly illusory." ¹⁹

This forced the state legislature to develop a new funding scheme that was more equitable. This new system was known as the Guaranteed Tax Base Formula of GTB.

The aim of the GTB was to raise school spending in an equitable manner. The state took the 169 towns in Connecticut and used the 85th percentile as a basis. The GTB aimed to provide the same ability to pay for education as the towns in the 85th percentile enjoyed. The state said that it would make up the difference in funding between a school below the 85th percentile if it had the same tax base as the town in the 85th percentile. Schools above the 85th percentile are still forced to rely entirely on the local property taxes for revenues. There was also a factor for minority aid dependent children enrollments bases on the promise that they need greater resources to overcome disadvantages.

In addition to increasing school spending, the GTB also redistributed wealth. The wealthy suburbs had to shoulder a greater portion of the state's education costs. The rural areas were hurt because they lacked a large population and minorities, two factors in figuring GTB. Also their spending levels on education were so low that the GTB did not have the desired effects, since it factored in a towns willingness to pay. The situation did not improve over time and even in 1977-78 Hartford was getting more in state aid per pupil than many of the poorest communities were spending per pupil. The biggest winner was the largest cities. They had enough political muscle to push through a generous factor in the GTB related to minorities and poor. Coupled with the large population of urban areas and their relatively poor tax base, affluent smaller towns had committed a great deal of resources to education were receiving less in return.

The state's next big initiative came in 1986-87 with the Educational Enhancement Act (EEA). This bill established a minimum salary for teachers, increased teachers salaries, and reduced teacher-pupil ratios. This program had a three year horizon and ran concurrently with the GTB program. Its three years ended in 1988 so the state legislative had to act. The result was the new Educational Cost Sharing Grant (ECS). This combined the GTB and the EEA grants.

This formula adds the GTB and EEA then factors in low income students, low mastery tests scores, 20% of the number of students, and the district's entitlement to additional aid. This value is multiplied with a state aid percentage to determine the amount of aid a town receives. When fully implemented the state will pay up to 87% of the total educational expenditures of poor towns. It also penalizes towns that fail to meet the new minimum expenditure requirements.

The new law attempts to equalize educational spending because it forces towns to spend more instead of merely encouraging them to do so. Also, it sets limits on the level of state. By absorbing the present GTB into the new formula and also factoring in low income students again, cities will get an even greater share of the aid. While they can surely use this spending, it still has not fully addressed the problem of school budgets in smaller less affluent communities. Education makes up 80% of the local budget in many of these towns. Due to this, the town bears the brunt of any budget cuts. In the *Horton vs. Meskill* case, the court pointed out that shifting educational finance to the towns does not reduce the state's responsibility for educating its youth.

Connecticut has also had to address the issue of race in public education. Many of the salient principles of *Brown I* and *II* have emerged.

A lawsuit was filed in Hartford Superior Court on behalf of 17 children in Hartford and West Hartford, claiming that their constitutional rights to equal opportunity and freedom from discrimination were violated. The lawsuit, *Sheff v. O'Neil* (1989) also asked the court to order the racial integration of Hartford and suburban schools. The plaintiffs included a coalition of civil rights organization as well as African-American was an unequal covenant that was renewed every generation. The defendants were the state officials, headed by former Governor O'Neil and former Education commissioner, Gerald Tirozzi.

Prior to the *Sheff v. O'Neil* case, the U.S. Civil Rights documented existence of racially segregated schools in Connecticut. The Hartford Board of Education and City Council hired Harvard University consultants who found that low educational achievement in Hartford schools was closely linked to a high level of poverty and that segregation caused education damage to minority children. The U.S. Civil Rights Commission in 1966 asked the governor to seek legislation giving the State Board of Education authority to integrate local schools.

Again in 1968, legislation was introduced to authorize the use of state bonds to pay for racially integrated city-suburban parks. In the same year, the State Board of Education processed legislation that would authorize the board to cut off money for school districts that failed to develop acceptable plans to correct racial imbalance in local schools. In both cases, the legislation was not enacted. Finally in 1969 the General Assembly passed a law requiring racial balance within, but not between school districts. The law was not to go onto effect for 10 years.

In 1986 the State Board of Education adopted guidelines recognizing “the benefits of residential and economic integration” in Connecticut. A state board advisory committee issued a report saying there is a “strong inverse relationship between racial imbalance and quality education in Connecticut’s public schools.”

The demographics of Connecticut reveal clearly that Connecticut is segregated by towns. The cities have largely minority populations and the surrounding suburbs are mostly white. According to the 1990 census figures, an average of 96.2 percent of the people living in 28 towns around New Haven are white, compared to just 2.2 percent who are black. In contrast, 36.1 percent of New Haven residents are black and slightly less than 54 percent are white.

Conclusion

The goal of achieving educational equity through the judicial and financial systems is attainable. What *Brown* initiated; scrutiny of the equal protection clause in terms of race, has yet to be realized in terms of wealth. A perusal of the voluminous literature on the subject reveals a very convoluted, ambiguous, and confusing history. Not only is there disagreement on what constitutes equality, but how it is to be done. Interpretations of equality range from the strict constitutional frameworks and rigid fiscal analysis, to the humanistic social science propositions. It appears that the legislatures, judges, and educators, are not able to reach an acceptable standard and measurement. However, while there isn't a consensus, it is apparent to decision-makers that public education coddles disparities and accommodates disequilibrium. Further, most agree that this unequal state of affairs in education is not desirable and must be corrected. The question then is what standards and formulas should prevail in the future?

Lesson One: Education, Constitution, Equality, Interrelationships:

Goal To understand the purpose of education in U.S. Society.

Objectives To be familiar with the social, political, and economic goals of education.

To examine the constitutional aspects of education.

To inculcate positive and personal education values and skills in academic area.

Procedure Students will read the first and fourteenth amendments of the U.S. constitution, the actual court transcripts in the Brown V. Topeka case and about one student's educational experience.

A. Vocabulary: Students should define all unfamiliar words.

The teacher will select terms from students list in addition to the following:

1. jurisdiction
2. citizens
3. abridge
4. immunities
5. due process
6. equal protection of the laws
7. freedom of speech
8. petition
9. redress of grievances
10. separate but equal
11. plaintiff
12. decree
13. docket
14. appeal
15. class action

B. Interpretation:

1. What rights do the First and Fourteenth Amendments guarantee?
2. Is the educational application of the articles apparent?
3. Explain why it was necessary to amend the constitution.

C. Analysis: Brown 1

1. After Reading excerpts from the Brown case, what is your opinion of the separate but equal doctrine?
2. How would you feel if you were denied the opportunity to attend a school because of skin color?
3. Does the law ensure that no one is segregated against?

D. Analysis: Brown 2

1. Why was the Brown cases reargued?
2. What was the final decision in the Brown 2 case?

3. What assurances does the second Brown case make to end racial segregation?

Lesson Two: Equality: The Idea

Goal To examine Connecticut's concept of equality and Connecticut's statutory obligation

Objectives:

To UNDERSTAND the controversy surrounding equality.

To RAISE awareness of the magnitude and the complexity of the problem.

To MOTIVATE on a personal level increased academic effort to overcome inequalities.

Procedure Students will read relevant excerpts from the Connecticut Constitution and an excerpt from Student Rights and Responsibilities.

A. Vocabulary: Students should identify and define terms that they are unfamiliar with. The list will vary. The following terms should be discussed by the teacher.

1. fundamental rights
2. mandate
3. statutes
4. compliance
5. implement
6. prohibit
7. discriminate
8. proficiency
9. quality
10. compulsory
11. responsibility

B . Thought-Provoking Questions

1. Who should provide suitable educational experiences, the state or the city?
2. Should all schools have the same facilities and resources?
3. What can students do to guarantee that the local and state educational authorities imply the constitutional statutes?

C. Funding: Review the proposal and answer the questions.

1. Which city has the most money? Which has the least?
2. How much money would Woodbridge have left if they used the House plan? Governor's plan?
3. What cities do the Governor's plan and the House plan agree on almost?
4. Do the plans give or take away more money?

Enrichment Exercises : Select one organization to write to regarding school law.

D. Play:

Students should act out the following play and discuss the situation and each character .

1. What is the principal's point? Is there a major distinction between African-Americans and Hispanics? In what ways do they share similar experiences?
2. What is the answer to Mr. Adam's question concerning few black voters?
3. Can a person who is not a member of a minority group be more knowledgeable than a minority member?
4. Is the distinction between light and dark-skinned blacks a real concern for the majority of blacks or whites as Tifarah suggests? Do you think light-skinned blacks have an advantage over dark-skinned blacks?
5. Is there gender discrimination?
6. Are community college students considered inferior to state colleges?
7. What is the connection between what the principal said in Scene 1 and what he said in Scene 4?
8. Do you agree with the principal's comment about racism ending? Think of some instances when this statement is/was proven false.
9. What does the principal mean by "...down to where we started"?

10. Is it an insult to be called Black? Why do you think the girl reacted in such a way?

11. Discuss the knowledge you have on the March on Washington and the *Brown vs. Board of Education* case.

12. If you were put in the same dilemma as Black people were years ago, which alternative would you choose? Why?

(figure available in print form)

1. Rank the municipalities in order of current funding.
2. What is the state funding average?
3. Which plan (Governor or House) is more beneficial to Westbrook, Old Saybrook, New Haven and Branford?
4. What is the amount of the increase to Clinton, Meriden, Seymour, and West Haven using the House plan?
5. Which municipality is hurt most by funding changes?

Does It Matter

Donna Hinton

Scene 1

Time: Now

Date: Today

Place: School Auditorium

Principal: (Wipes his forehead) I am—Tired! Yesterday I suspended a girl because she punched somebody else ! Why! Because the other girl said her mother was Black! It makes no sense to have people arguing over color in 1992! I thought the racism ended a long time ago! Now that White people aren't discriminating against us, we're hating each other! (Looking at a student) What was the point of the March on Washington? What was the point of the *Brown vs. Topeka Board of Education* case in 1954? (Bringing his attention back to the audience) We didn't accomplish these things so that we could be pulled right back down to where we started! It makes no sense to have people arguing over color in a predominately Black/Hispanic school! Outside here, you're the target of racism! (pause) All of you are in the same boat. (Tone of tenderness) So why don't you stick together. (A student giggles) There are people outside of here who think of you as animals and you prove them right!...

Scene 2

Place: 8th grade class

Mr. Adams: Can anybody tell me why, even after they were granted the right to vote, there were few Black voters? (He looks out questionably at the students) Lindsey? (a classmate “sucks” his teeth)

Lindsey: (stands) There were few Black voters because of the discriminating techniques used. The Black people trying to register were asked complicated and irrelevant questions.

(Letting her opinion become clear) (sits) Only the most educated Blacks passed the test and after they did pass, who knows when their papers would be processed?

Mr. Adams: Very good. However, don't forget that there was racism outside of the voting system also. (walks toward Lindsey) A lot of Whites were dead set against Blacks voting, so they put them in a dilemma. “Use my right to vote or lose my job.” (He walks back to his desk) Are there any questions on the chapter?

Billy: (he stands) Yeah. Why are you going to ask a White girl; about a matter concerning Black (extends his arm out) people?

(There are sounds of agreement from his classmates) As a matter of fact, (He moves from behind his desk) I don't understand why she's here! (he gives Lindsey a mean look)

Mr. Adams: If you'll turn to the introduction of your textbook (He picks up the book) you'll notice that the author is White! In fact many historians of Black History weren't Black. (he puts the book on Billy's desk)

Billy: (He pauses for few seconds) Naw! But that's part of my point. Things have gotten so bad that White people have to tell us our history! Why can't we learn it straight from the “Motherland”? (He tugs his Malcolm X cap)

Lindsey: Do you know what that X means? (she points at his cap)

Billy: Yeah. It's for Malcom X! (He says thinking he made a good come back)

Lindsey: I just asked you about Malcom X and that's all you can say? Didn't you read the last chapter? (He moves his head from left to right) The only person who is stopping you from learning Black History is your little brain! You would know a lot more than you do if you kept your mouth closed long enough to listen!

(She snaps her fingers) (the classmates “ooh” as Billy sits down quietly)

Scene 3

Place: Girl's locker room

Tifarah: (She takes her earrings out of her ears) Did you see Tony? That boy looks better everyday! He is the best looking boy in this school! (She puts her hands on her hips)

Rosie: He is also the stupidest! He cheated on a test and still failed! (A crowd of kids laugh while another crowd does not)

Tifarah: So, if Tony wanted to go with you (she laughs) (She looks around at her friends) You would say "non"? (she looks at Rosie with a look of disbelief)

Rosie: Yes, I would! He only wants one things. And he won't come from me! (Her friends give approval)

Tifarah: I'm talkin' about Tony with the light skin, "nice" hair, and pretty grey eyes. Whoo—child if he keep looking like that, he can be as stupid as he wants. (Her friends "give her five" and shake their heads)

Rosie: I don't even think he's cute! He can take his "high yellow self" back to where he came from! And speaking of stupid (She walks up closer) it is sad that you would turn down "a brother" for Tony. Thanks to people like him, our "brothers" need all the support they can get from a good women.

Tifarah: What have "cute" boys done to dark skinned boys? (folds her arm waiting for an answer)

Rosie: Who gets most of the jobs? Who gets most of the jobs from affirmative action? "Fake" Black people. That's two times the pressure for our Black "brothers" and three times the pressure for Black "sisters". (Looks at Tifarah hoping to see a look of comprehension)

Tifarah: (She meets her challenge) Excuse me, but don't talk that brother stuff to me. It's a known fact that light skinned boys are admired. Why? Because they have all the money and their choose of women because they look better than "dark, crispy" boys! (Rosie and her friends look disbelieving at the other crowd) Don't look at me like that! Ya'll know it's true!

(Pointing her attention back to Rosie) So you would still rather go out with "burnt" Joe just because he's dark?

Rosie: You'd rather go with "pale" Tony just because he's light! (Both crowds start arguing)

Tifarah: (She quiets down the crowd long enough to speak) You have your preference and I have mine. I don't care if you like ugly boys. That's your choice! But don't make a crime out of liking cute boys. It's not my fault your racist! (The crowd starts yelling at each other; the gym teacher calls everybody to the gym)

Scene 4

Place: Principal's office

Principal: (sits down) Have a seat Miss Lawrence. (He picks up some paper on his desk) You have excellent credentials. I'm sure anyone would hire you as a security guard. However, I filled the position two hours ago. (He sits up straight) I'm terribly sorry. (He gets up and extends his arm for a hand shake)

Miss Lawrence: (Stands) Why didn't your secretary tell me when I came in?

Principal: (He thinks a moment and in a "surprising" way speaks) I must have forgotten to tell her!

Miss Lawrence: (angrily) Goodbye, Mr. Semaj.

Time: 2 hours later

Principal: Well! I love this resume! Harvard! Canadian Police Academy! You have the job! I'm sure you're the right man!

Mr. Hodges: Thank you, Mr. Semaj. (He exists)

Principal: (on his intercom) Charlie, come in here!

Charlie: (enters) You found a guard. Did you hire that women that was here a few hours ago?

Principal: No! I don't want a women protecting my school!

Besides, (He lights a cigar) she was Stupid! She went to a community college!

Charlie: That doesn't matter! Just as long as she has experience. You shouldn't be so picky.

Where do you think you're gonna find an intelligent women?

Principal: So you're saying I should take what I can get?

(Charlie nods) Why should I do that when I can hire a man?

Right to Suitable Education Free From Discrimination

A free public elementary and secondary school education is a fundamental right guaranteed Connecticut children by the Connecticut Constitution. This constitution mandate is argued by state education statues

which require that each child be given equal opportunity to receive a suitable program of educational experiences. To ensure compliance with these statutes and to promote the state interest in education, the State Board of Education has the statutory responsibility to investigate substantial allegations and remedy any proven findings that indicates a local or regional school board is not complying with state law.

The educational statutes which implement and supplement the constitutional mandate ensure an equal educational opportunity for children. Thus, for example, each town must furnish by transportation or otherwise, school accommodations so that each student over five and under 12 years of age, who has not yet graduated from high school, may attend public schools. In addition, statutes prohibit discrimination in schools, require schools to have planned, ongoing and systematic curriculum offerings, require schools to be open 180 days a year and to provide at least 900 hours of instruction, require each school district to expend a minimum amount of money for education, require schools to conduct proficiency and mastery testing and remediation, and require special education and bilingual education. In order for the state to ensure that students receive a quality education, there are certification requirements which mandate that only qualified individuals may enter the education profession and instruct students.

Thus, providing an equal educational opportunity includes a variety of factors: funding; equal program access for all students; adequate human (teachers, administrators) and physical (facilities, equipment, books, material) resources; professional competence; and a suitable curriculum.

The mandate to provide a suitable educational experience rests primarily upon local school boards. However, there are also responsibilities placed on students and parents. For example, every student aged seven and under 16 has the responsibility to attend school. A student who does not attend school may be arrested for habitual truancy or adjudicated a delinquent. Parents have a responsibility to ensure that their children attend school regularly and failure to do so may result in legal penalties. With few exceptions, compulsory school attendance is a statutory mandate. However, the right to attend school is not absolute. If a student violates the educational rules and policies of the school, the student may be disciplined both to punish the student and to ensure that the learning process of other students is not interrupted.

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