

Equity Dispatch

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Decades of Impact: How Historical [De]segregation Legislation Remains Relevant Today



Did You Know?

Desegregation history impacts the present

Why it Matters.

Desegregation ≠ Integration

For Equity Now!

You can contribute to integration

[Image description: Martin Luther King Jr. Mural at the National Historic Site in Atlanta, GA.]

“
After 20 years of small, often difficult steps...the Court today takes a giant step backwards...Our nation, I fear, will be ill-served by the Court's refusal to remedy separate and unequal education.

~Justice Thurgood Marshall
”

Did You Know?

Desegregation history impacts the present



[Graphic image description: Scales of justices surrounded by colorful profiles of peoples' faces.]

2024 marks the anniversary of three landmark Supreme Court rulings that forever changed the United States racial and educational landscape: *Brown v. Board of Education of Topeka* (1954), the Civil Rights Act of 1964, and *Milliken v. Bradley* (1974). Each of these decisions is only between 50 and 70 years old! To put this into perspective, many of us have lived during a time when de jure segregation¹—discrimination based on race, color, religion, sex, and national origin—was codified through law by white supremacist ideology and governmental agencies at-large. As a result, disenfranchised peoples across the country demanded governmental accountability to

what was at the heart of the United States Declaration of Independence: that all citizens were equal and deserved to live a fruitful life.

In this edition of *Equity Dispatch*, we highlight each of these legislative milestones and their relationship to public pre-K-12 education. Then, we explore how such legislation continues to impact today's educational landscape. Finally, we offer ways to keep yourself and your educational communities informed about these historical issues and their contemporary impact, along with what to do to remain vigilant.

Brown v. Board of Education of Topeka (1954)

Originating in Topeka, KS, this Supreme Court ruling found that state-sanctioned racial segregation of public schools violated the 14th Amendment and was therefore unconstitutional. This decision directly disrupted the law “separate but equal” as a standardized practice (*Plessy v. Ferguson* [1896]), calling for the integration of schools to ensure Black students had access to proper educational facilities that had the same quality resources as white schools (Diem, 2019). Despite this ruling, it would be many years before all schools adhered to the *Brown* ruling due to a loophole in the language: *how* and *when* should these changes occur?

¹Segregation by law

Did You Know?

Desegregation history impacts the present (cont.)

As a result of state and local resistance to Brown (1954), the Supreme Court issued Brown v. Board of Education II of 1955, requiring that desegregation occur “with all deliberate speed.” However, Brown II contained a nebulous time frame in which schools had to adhere to the decision. So, although some states complied, many southern states did not (Patterson & Freehling, 2001). States' resistance sparked further desegregation activism such as bus boycotts and sit-ins, exemplars of which include the Montgomery Bus Boycotts and the Woolworth’s lunch counter demonstration. Such activism emphasized Black people’s rightful presence (Yeh et al., 2021), while exposing to the world how unjustly and violently the United States treated its Black citizens and allies to the cause.

The Civil Rights Act of 1964

This legislation outlawed discrimination, including employment discrimination, based on race, color, religion, sex, and national origin. More specifically, this act “prohibited discrimination in public accommodations and federally funded programs. It also strengthened the enforcement of voting rights and the desegregation of schools” (Office of the Assistant Secretary for Administration & Management, n.d.)

Even though Brown v. Board had passed 10 years earlier, it did not speak specifically to the

eradication of Jim Crow Laws; thus, the Civil Rights Act of 1964 both dismantled legalized segregation and enforced the civil rights of minoritized groups of people.

About Equity Assistance Centers

“The EAC program is authorized under Title IV of the Civil Rights Act of 1964. Originally referred to as the Desegregation Assistance Centers program, the EAC program is one of the Department’s longest-standing investments in technical assistance and plays a vital role in ensuring that all students have equitable access to learning opportunities, regardless of their child’s race, sex, national origin, or religion.”

(Office of Elementary & Secondary Education, n.d., Program History section)

The road was not easy after this ruling; there was still much resistance from individuals and collectives who were convinced that Black people, and other minoritized groups, were second-class citizens (Williams, 2004).

Regarding education, federally funded programs such as Desegregation Assistance Centers—now known as Equity Assistance Centers (EACs)—were born from this legislation. Administered by

Did You Know?

Desegregation history impacts the present (cont.)

the U.S. Department of Education, Office of Elementary and Secondary Education, the [Midwest & Plains Equity Assistance Center](#) (MAP Center) is one of four regional EACs whose mission is to provide technical assistance to both local and state education agencies in the areas of race, sex, national origin, and religion, including, and at, the intersection of disability and socioeconomic status. The goal of the EACs is reflected in the MAP Center's mission: *Equitable, Responsive Education for All*.

Milliken v. Bradley (1974)

Ruling on a lawsuit that originated in Detroit, MI, the Court's decision shed light on de facto² segregation that was still occurring via school district lines that separated white families from those of other racial groups. Parents and the NAACP filed a suit against the Detroit school system; after ruling against federal interference in district desegregation efforts, a lower court suggested that school buses be employed as a desegregation aid across city and suburban lines. Subsequently, the Supreme Court disagreed, ruling that the white suburban schools should not carry the burden of desegregation unless it could be proven that suburban segregation was intentional, and determined it was not.

Although *Brown v. Board* and the Civil Rights Act had passed two decades earlier, schools and districts were still dealing with housing segregation in the city, directly affecting school districts and school funding. Schools with less funding tended to be the Black schools, while more resources were present at white schools. In *Milliken v. Bradley*, the defense argued that white communities' self-segregation was not on purpose, and therefore did not warrant federal intervention. Thus, de facto segregation could be achieved if white families moved to white suburbs—making de facto segregation an issue among the people and not to be addressed by law (Nadworny & Turner, 2019). The *Milliken* decision reverberated across the country, sending a clear message to Black communities and those invested in the progress of desegregation and integration: maintaining white communities' access to resources in segregated neighborhoods was more important than the education and edification of Black communities, and although integration was a problem that Black communities did not create—it was theirs to fix.

²In fact; to decide to discriminate and self-segregate (Diem, 2019; Rothstein, 2017)

Did You Know?

Desegregation history impacts the present (cont.)

The aftermath of *Milliken*, in concert with the deeply embedded U.S. history of inequity and de jure/de facto segregation continues to be felt: schools are still highly segregated (Carrillo & Salhotra, 2022). When tactics like redlining and gerrymandering were brought to the fore and declared unconstitutional, other tactics began to emerge that continued to reinforce segregation in communities and schools. In the next section, we will explore how school segregation still has an impact.



[Image description: Flags of Detroit and USA painted on cracked wall.]

Why it Matters.

Desegregation ≠ Integration



[Image description: A stamp printed in USA shows desegregating public schools; includes the US flag, two white students and one Black student reciting the pledge of allegiance.]

The average person might say that schools have been successfully integrated; students of all backgrounds learn alongside each other in the classroom every day. However, we see the many ways in which schools continue to be de facto segregated based on race and class—and by extension, disability. These separations are more readily evident when we explore the physical make-up of schools and the ways in which they reflect the racial and social stratification of disenfranchised neighborhoods—or through the perpetuation of integration based on income [which inadvertently highlights racial income

inequities]. Notably, the *Brown* decision influenced future legislation related to disability desegregation, including the Education for All Handicapped Children Act (PL 94-142) and the Americans with Disabilities Act. Yet, a large body of research since 1968 has demonstrated various forms of segregation for students with disabilities, which research has demonstrated have been disproportionality BIPOC (Jacobs & Lopez, 2023), and/or separated altogether within school buildings via isolated classrooms (The University of North Carolina at Pembroke, 2023).

The necessity of current desegregation efforts illustrates that in the present day, issues of inequity often find ways to reinvent themselves. And in the midst of that reinvention, students, especially historically marginalized students, are still experiencing the brunt of the reality of school segregation. Studies have shown that integrated educational spaces benefit all students (i.e., higher test scores, likelier to enroll in college, lower instances of racial bias and stereotyping) (Kahlenberg et al., 2019; Mickelson, 2008; Mickelson & Nkomo, 2012; Schneider et al., 2022; Wells et al., 2016), so efforts towards integration should still be a priority for all school districts across the country.

Why it Matters.

Desegregation ≠ Integration (cont.)

Current State of Integration Efforts

Although some studies show that white families support the idea of desegregation, other studies suggest that by-and-large, their actions do not align with their ideological support. That is, oftentimes white families do not send their children to integrated schools because they are perceived as inferior to schools in white neighborhoods (Billingham & Hunt, 2016; Diem, 2022; Roda & Wellsco, 2013; Torres & Weissbourd, 2020). But we know that quality and quantity do not have to be synonymous.

During the time surrounding the landmark legislations we discussed in the first section, the stark differences between schools was incredibly evident to residents; whether you travelled a few blocks and saw the difference in the infrastructure of the neighborhoods and schools, or you lived in a place like [Detroit that literally built a wall to separate living areas](#) on the basis of race and class, the effects on residents who lived in spaces that were under-funded and neglected by their cities is a mirror of what students and families experience now. Relatedly, in an article by Nadworny and Turner (2019) focused on the *Milliken* decision and current schooling inequities due to district lines, one Black university study participant reflected that as she interacted more with white students in the university setting than

she ever had in her segregated school, she realized how much more access to resources they had in their schooling than she had; this realization led to anxiety about catching up with her white university student counterparts.

Inequities in education related to race, sex, national origin, religion, disability, and socioeconomic status are still prevalent and rampant. Resistance to framing and examining

The necessity of current desegregation efforts illustrates that in the present day, issues of inequity often find ways to reinvent themselves.

inequitable opportunities to learn in connection to school segregation as a systemic issue, reinforces a stance that disparate

educational experiences and outcomes are explained by inherent and innate shortcomings of minoritized groups (Owens, 2020). Local and state bills continue to be introduced and passed: bills that turn back the clock to 1953, and erase any semblance of progress.

So, how can you help?

For Equity Now!

You can contribute to integration

Now that we have gone through the history of desegregation and integration, and have been reminded or made aware that these issues continue to be relevant, what is it that school districts can do to persevere towards successful integration efforts?

◆ Reconfigure attendance boundaries

School districts can redraw their boundaries to disrupt de facto segregation, allowing for more diverse groups of students to be able to attend a broader range of schools. While charter schools and school choice have been proliferated as a way to combat segregation, those options alone are not sufficient; plans must include intentional strategies to integrate schools (Diem & Smotherson, 2022).

◆ Craft and execute authentic plans to diversify the workplace

Organizations like the [Midwest & Plains Equity Assistance Center](#) possess the expertise to work alongside districts to help them think through what a diversification plan could look like for their space. This plan could be specific to the schooling environment but could also extend to inform a larger scale plan that would include not only integration efforts, but also strategies to diversify the teaching workforce. [In-house professional development](#) related to integration efforts could also complement this approach.



[Image description: Three business adults creating a plan together.]

◆ Tend to more than just the technical

It is not enough to bring groups of students together; we also have to ensure that environments are safe and inclusive for all as more integrated schools are achieved. Thus, [professional learning that emphasizes school safety](#) can be subsumed within integration pursuits. Efforts to ensure inclusive and safe learning spaces represents a holistic approach to integration efforts that supersede quick fixes, towards expansion of the *interpersonal* and *social-emotional* effects of change.

For Equity Now!

You can contribute to integration (cont.)

Additional Resources

As always, one of the ways to stay active and abreast of issues related to educational inequity is to be informed. Please see a list of resources below to help broaden your scope of the state of desegregation and integration in schooling, as well as strategies to counter these issues:

- [Furthering School Integration Efforts in Local Communities: A Professional Development Manual for School District Stakeholders](#)
 - ◇ This *Equity Tool* seeks to further school integration efforts in school communities by offering a professional learning session that provides resources and activities for district stakeholders to engage in, better evaluate where their school communities are in the school integration process, and where they would like to go in the future.
- [Integration and School Choice: Challenges and Opportunities for School Leaders](#)
 - ◇ This *Equity by Design* brief describes new approaches to school choice, and considers how they might influence school integration.
- [Staying the Course for School Desegregation: Leveraging New and Prior Efforts](#)
 - ◇ School districts must not only be knowledgeable about the historical context of school desegregation, but also what current efforts are occurring across the U.S. to combat school segregation as they may help guide them in leveraging policy in their own school communities' school integration endeavors. Thus, the purpose of this *Equity by Design* research brief is to illustrate the importance of continuing to pursue the initial goals of Brown (1954).
- [Understanding the Housing-School Relationship: Achieving Integration in Racially Changing Cities and Suburbs](#)
 - ◇ The purpose of this *Equity by Design* brief is to provide information to parents, community members, and school district leaders and teachers about the relationship between housing policy and school policy.
- [What You Need to Know About School Desegregation and Integration and Why It Still Matters](#)
 - ◇ This *Equity by Design* brief provides practitioners and state-level education administrators with information regarding school desegregation and integration.

[Watermark image description: Group portrait of elementary school kids of diverse racial/ethnic backgrounds and gender expression in school corridor.]

Meet the Authors

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