Brown at 70: Progress, Pushback, and Policies that Matter[1]

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A white paper written for the Spencer Foundation, the Learning Policy Institute, and the California Association of African-American Superintendents and Administrators

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This year, 2024, marks the 70th Anniversary of the landmark court decision in education which sought to end legal segregation, *Brown v. Board of Education*. At the time, the hope was that ending segregation would address the vast and deep inequities in educational resources by race that had long been the legacy of schooling in the United States. Getting to the *Brown* decision was a long, hard battle, fought by civil rights attorneys, but also by educators, social psychologists, and members of the Black community—parents and students. And yet, despite the hopes for resource equity and higher quality education for Black students, inequities by race still plague our education system, and the promises of *Brown* remain substantially unfulfilled.

This paper is a part of a series, titled *Brown* at 70: Reflections and The Road Forward. The series consists of nine papers by leading scholars of educational equity, and each takes an honest look at the progress since *Brown*, documenting the shifts over time on key aspects of education including segregation levels of schools across the country, achievement trends in relation to policies and practices over time, the diversity of the teaching force, access to resources, the role of Black scholars and community activism, and the relationship between democracy and education. Taken together, the set of papers offers both an historical look at the impacts of the *Brown* decision, and, importantly, also offers guidance for the road ahead—promising policies, practices, and directions for the schools we need.

The cover art for this series is a reproduction of the Jacob Lawrence painting from 1960, *The Library*, which depicts the library as a vibrant learning setting for Black community members, and signifies the important of reading, learning, and education in the Black tradition.

— **Na'ilah Suad Nasir, Spencer Foundation President**
    Linda Darling-Hammond, Learning Policy Institute President

The Context of *Brown*

Although the United States has prided itself on the notion that equality is central to our national mandate, the Declaration that "all men are created equal" long meant that White men with financial means were created sufficiently "equal" to have access to the franchise and other social benefits enshrined in law. It has taken centuries to begin to imagine equality for all citizens of the United States, and that task is not yet accomplished. While the U.S. Supreme Court ostensibly rejected the doctrine of legal segregation in its 1954 ruling in *Brown v. Board of Education*, both segregation and the unequal access to educational resources that it enables persist to this day.

While progress has occurred, each major advance toward greater equality has been accompanied by strong pushback —a phenomenon we see today as Southern states legislate that the history of systemic racism be left untaught while actions to suppress voting and others to reinforce inequality proceed apace. These efforts reprise those described by Carter G. Woodson in *The Mis-Education of the Negro* (1933), when governments and influential leaders sought to prohibit the inclusion of documents like the Declaration of Independence and the Constitution in Black schools' curriculum, lest they raise questions about the meaning of these rights for Black citizens.

This paper takes stock of the current status of equity and outlines both the progress and pushback since *Brown* in four major areas that are critical to educational outcomes:

- Eliminating poverty and the accumulated effects of segregation in communities

- Ensuring access to equitable school resources

- Ensuring access to high-quality teachers and curriculum

- Ensuring access to safe, inclusive school environments

Continuing challenges in all of these areas build on a long legacy. Legally sanctioned discrimination in access to education is older than the American nation itself. From the time the Southern states made it illegal to teach an enslaved person to read, throughout the 19th century and into the 20th, African-Americans have faced de jure and de facto exclusion from schools throughout the nation enforced through both education policies and housing policies and maintained by redlining and other segregative practices.

Even in the North, when "common schools" were established, they were not integrated, nor were they treated equally. In 1857, for example, a group of African-American leaders protested to a New York State investigating committee that the New York Board of Education spent $16 per White child and only one cent per Black child for school buildings. While Black students occupied schools described as "dark and cheerless," White students had access to buildings that were "splendid, almost palatial edifices, with manifold comforts, conveniences, and elegancies." [2]

A century later, when *Brown* consolidated five lawsuits from different states in a complaint to the Supreme Court, there was consistent evidence that, in multiple states where schools were segregated by law, significant disparities in educational access and quality pertained. These began with the allocation of resources. For example, despite the 1896 *Plessy v. Ferguson* decision that articulated the principle of "separate but equal," Alabama spent $37 on each White child and only $7 on each Black child in 1930; South Carolina's ratio was more than 10 to 1, at $53 per pupil for White children and $5 per pupil for Black children. In Clarendon County, South Carolina, Black children comprised 87% of the student population but received only one-third of the county's total funding for their education. [3]

White schools had more and better-paid teachers and smaller class sizes, newer and more plentiful desks and textbooks, significantly better and safer facilities, longer school years, and a much richer curriculum aimed at more privileged vocations. The curriculum in Black schools was frequently geared to menial work and lacked courses in advanced mathematics, sciences, history, and world languages. In many communities, education for Black students ended after primary school, with no options for education after the 4th or 5th grade. The *Brown* decision heavily weighed these resource disparities in coming to the unanimous conclusion that "separate but equal has no place in the Constitution."

The judgment was to be implemented with "all deliberate speed," a phrase fraught with internal contradictions that allowed radically different interpretations. It was met with an organized campaign Southern authorities termed "massive resistance," ranging from ignoring the opinion to closing public schools while using public funds to send White students to private schools, and using force and intimidation to prevent Black parents from enrolling their children in White schools. Advocates had to sue hundreds of school districts across the country to enforce desegregation. It took nearly two decades to get a judgment from the Supreme Court in *Swann v. Charlotte-Mecklenburg Board of Education* (1971) that segregation was to be dismantled "root and branch," specifying factors to be considered to eliminate the effects of segregation and empowering federal district courts to act to do so. These efforts enabled a period of progress, though, as we describe below, pushback occurred again during the 1980s and at multiple junctures since, including today.

The Current Status of Equity

Extensive civil rights activity during the 1960s activated court cases and legislation that led to desegregation and school finance reform efforts. The passage of the Civil Rights Act of 1964[4] provided the federal government with a mechanism to enforce school integration for recipients of federal funds, enabling the Department of Justice to address violations of the law through investigation and litigation. And the 1965 *Elementary and Secondary Education Act* (ESEA) significantly expanded federal funding of education, with implications for recipients of those funds that they needed to comply with federal civil rights law.[5]

The Elementary and Secondary Education Act targeted resources to communities with the most need, recognizing that where a child grows up should not determine where he or she ends up. Congress enacted the Emergency School Aid Act, which supported desegregation, the development of magnet schools, and other strategies to improve urban and poor rural schools. These efforts to level the playing field for children were supported by intensive investments in bringing and keeping talented individuals in teaching, improving teacher education, and investing in research and development, and they were accompanied by increased investments in urban and poor rural schools through the Great Society's War on Poverty.

Childhood poverty was reduced by half during the 1960s, from 27% to 14%. Employment and welfare supports reduced childhood poverty to levels about 60% of what they are today and greatly improved children's access to health care.[6] These investments paid off in measurable ways. By the mid-1970s, urban schools spent as much as suburban schools and paid their teachers as well, perennial teacher shortages had nearly ended, and gaps in educational attainment had closed substantially. Federally funded curriculum investments transformed teaching in many schools. Innovative schools flourished in many cities and achievement gaps in reading and mathematics shrank considerably. Financial aid for higher education was sharply increased, especially for need-based scholarships and loans. For a brief period in the mid-1970s, Black and Latino high school graduates attended college at the same rate as Whites.[7]

K-12 Educational Achievement

As we detail below, the effects of these equity-oriented policies were substantial for a generation of students. Overall, the Black–White achievement gap was cut by more than half during the 1970s and early 1980s, as Figure 1 also shows. Had this progress been continued, the achievement gap would have been fully closed by the beginning of the 21st century.

Figure 1. *Trends in Student Performance by Race*
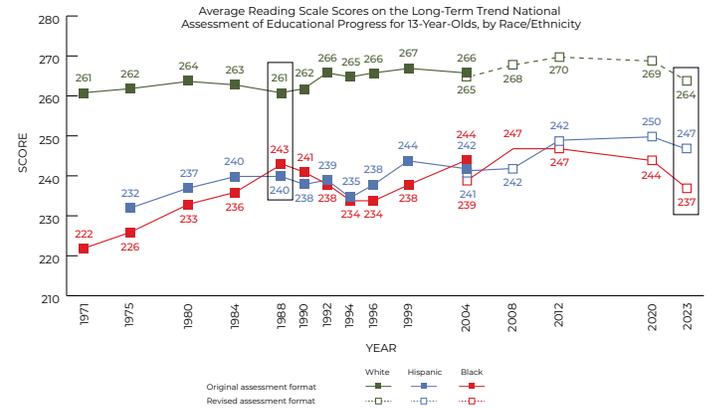
Source: U.S. Department of Education, Institute of Education Sciences, National Center for Education Statistics, National Assessment of Educational Progress (NAEP), various years, 1971-2023 Long-Term Trend (LTT) Reading and Mathematics Assessments

However, the gains from the Great Society programs were pushed back during the 1980s, when most targeted federal programs supporting investments in college access and K–12 schools in urban and poor rural areas were reduced or eliminated, and federal aid to schools was cut from 12% to 6% of a shrinking pot of total spending on education. Meanwhile, childhood poverty rates, homelessness, and lack of access to health care grew with cuts in other federal programs supporting housing subsidies, health care, and child welfare. Investments in the education of students of color that characterized the school desegregation and finance reforms of the 1960s and 1970s have never been fully reestablished in the years since.

President Reagan cut funding to the Civil Rights Division of the Department of Justice, and the federal government stopped advocating for enforcement of court desegregation orders.[8] Coupled with an end to federal payments to districts to support desegregation efforts in Reagan's first budget, along with state and district antipathy to desegregation, progress was reversed.[9] Racial desegregation efforts in public education peaked in the late 1980s, with 44 percent of African-American students attending majority-White schools.[10] Resegregation occurred as the federal government not only stopped encouraging courts to end desegregation, but also began weighing in on the side of districts seeking to end desegregation orders. After the *Parents Involved in Community Schools v. Seattle School District* lawsuit, decided by the Supreme Court in 2007, which challenged the efforts of the Seattle school district to assign students in ways that would create racially integrated schools, the Bush administration issued a "Dear Colleague" letter interpreting the case as prohibiting consideration of race in school assignments. While the Obama administration issued guidance to clarify how districts could constitutionally continue with voluntary desegregation plans, that guidance was rescinded by the Trump administration.

One account noted in 2017:

> During George W. Bush's administration, almost 200 districts shed their court orders. With just 176 districts left, Trump's Justice Department could bring an end to the 63-year-old effort to erase the legacy of Jim Crow in the American education system, at a time when nearly 8.4 million Black and Latino children are learning in segregated and high-poverty schools.[11]

Starting in 1988, the achievement gap began to grow again, and stark differences reemerged between segregated urban schools and their suburban counterparts, which often spent twice as much on education. Achievement gaps between Black and White students in reading and mathematics are 50% larger now than they were 35 years ago.

While some states have made investments that have translated into improvements, over the last 15 years, average achievement for 13-year-old Black students in reading has declined steeply on the *National Assessment of Educational Progress* (NAEP). (See Figure 1.) These drops began during the era introduced by the No Child Left Behind Act (enacted in 2002 and in effect until 2015), which focused the nation on closing test score gaps by applying punitive sanctions to schools with scores not moving fast enough to show "100% proficiency." Although the law was launched with a temporary increase in funds for high-poverty schools, the promised ongoing additional funding did not materialize, and many states focused on testing without investing in the resources needed to achieve higher standards. During the Great Recession (2008–2012) many states slashed education budgets, and most states were spending less on education in 2017 than they had in 2007. [12]

The law also required severe sanctions – including school closures, replacement by charter schools, or "reconstitution" of staff if test scores did not improve rapidly toward a "100% proficiency" benchmark. Ironically, the most under-resourced schools serving students of color in high-need communities—especially Black students—were those that, in the name of equity, were most often closed or reconstituted,[13] their teachers and leaders fired or reassigned on the assumption that they alone were the reason for low test scores. Large numbers of Black teachers, now known to be critical to the achievement of Black students, were lost to the profession during this time.[14] Communities that lost their schools suffered, as did students who were uprooted. The closures and mobility often negatively affected academic performance for those students,[15] and in many cases created "school deserts" in Black communities, such as those in parts of Chicago and Philadelphia, where there are no longer any public schools at all. As one study of this phenomenon noted: "areas with high-quality schools are significantly wealthier and Whiter than school deserts… (I)f students do not have geographic access to good schools, then school choice policies do not, in fact, offer choice."[16]

Many of these communities had just barely begun to recover when the COVID-19 pandemic set in. The effects of the pandemic have only exacerbated the challenges faced by children and families of color, as they experienced the results of greater infection and mortality rates, unemployment, housing and food instability, and the digital divide—which prevented many children from engaging in education and their parents from engaging in telehealth, job searches, access to benefits, or deliveries of groceries and medicine.

The share of families of color living in poverty increased immediately. Despite a gradual decline in rates prior to the pandemic, these numbers shifted for the worse between 2019 and 2020, with a reversal of progress, and a widening of the gap by race/ethnicity and family structure. As Child Trends reported in 2021:

> Poverty rates among Latino children rose by 4.2 percentage points, from 23.0 percent to 27.3 percent, and by 2.8 percentage points among Black children, from 26.4 percent to 29.2 percent… In contrast, the rates of White and Asian children in poverty remained relatively stable. In addition, children in female-headed families also saw a large increase in the poverty rate, by 4.1 percentage points, from 33.4 percent to 37.4 percent.[17]

President Biden's American Rescue Plan Act sought to address this growing poverty with income tax credits for low-income families that once again cut child poverty in half for one year, plus food and housing security initiatives that prevented evictions and ensured sustenance. However, these initiatives were not continued by the Congress after they expired.

Throughout the country, profound and long-standing inequalities were highlighted the moment schooling became remote: It became apparent that students from low-income families often had little access to computers and connectivity to use for distance learning, and their schools were often the least well-staffed and resourced to provide the tools and supports needed. Since school doors have reopened, educators have struggled to address student trauma and learning lags, as well as the results of personnel shortages that emerged with COVID-19 surges and quarantines and have continued with retirements and resignations, especially from the highest-need schools.

The effects of these challenges were made clear when the 2022 *National Assessment of Educational Progress* (NAEP) results were released for the first time since 2019. Drops in scores, seen for all students, were most severe for low-income students and students of color. Dr. Peggy Carr, Commissioner of the *National Center for Education Statistics* (NCES), which issued the report, described the results as "almost 2 decades of educational progress washed away."[18]

Indeed, as Figure 1 illustrates, by 2023, reading scores for Black 13-year-olds had fallen to their lowest level in the last quarter century, and the achievement gap between White and Black students grew wider than it had been since 1999.

High School Attainment

In 1950, only 14% of Black citizens over the age of 25 had graduated from high school, as compared to 36% of White citizens at that time.[19] Since then, high school attainment has grown more common, and 88% of Black Americans over the age of 25 now hold a high school degree.[20] However, there is still a noticeable racial/ethnic gap in 4-year graduation rates for current students. In 2019–20, the "on-time" graduation rate ranged from 93% for Asian students and 90% for White students to 83% for Latino/a students, 81% for Black students, and 75% for Native American students.[21] (See Figure 2.)

Figure 2. *Graduation Rates by Race/Ethnicity, 2019-2020*
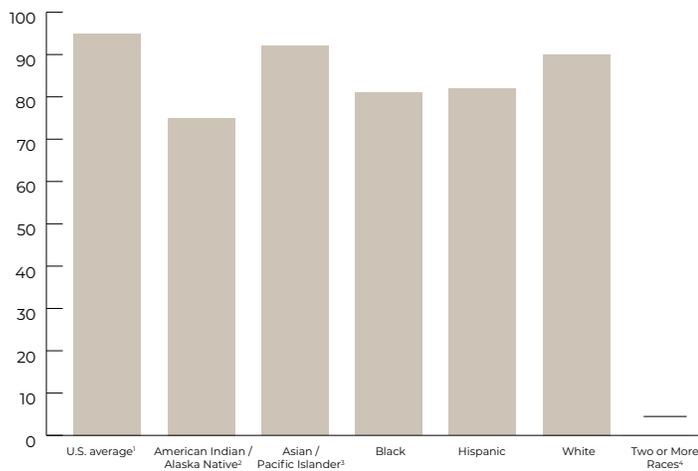
Source: National Center for Education Statistics (2023). Public high school graduation rates. *Condition of Education. U.S. Department of Education.* http://nces.ed.gov/programs/coe/indicator/coi#2

Higher Education

Educational limitations—including less access for Black students to advanced college preparatory classes in high school[22]—plus lack of family resources and cuts in federal funding for financial aid extend these disparities into higher education. While enrollment in higher education for Black 18 to 24 year olds increased from 15% in 1970 to 38% in 2010, the rates for White and Asian peers in 2010 were 43% and 64%, respectively.[23] Since 2010, total Black enrollment in higher education has dropped significantly, from 3.04 million to 2.38 million in 2020, a 22% decrease; and according to the National Student Clearinghouse, it continued to drop by another 9% over the next two years, until it stabilized in 2023.[24]

These declines, which occurred to enrollments for most other groups to a lesser degree, were a function of economic challenges encountered during the pandemic by many families—especially those that have been historically most economically vulnerable.

And Black students must go into greater debt to attend college. A recent Brookings Institution report found that Black college graduates carry about 50% more debt than their White peers when they receive their bachelor's degrees, and that gap more than triples over the next four years, as Black graduates have to borrow more for graduate school and pay more in interest on a growing loan balance. They also go on to earn less than White graduates, which makes these loans more difficult to pay off, and they have higher rates of debt default.[25] Financial challenges also contribute to the lower college graduation rates Black students experience, at 40% after six years for those who entered college in 2010, compared to those for Asian students (74%), White students (64%), Hispanic students (54%), and Pacific Islander students (51%). The rates for Native American students were comparable to those of Black students at 39%.[26]

In the face of these ongoing disparities, the Supreme Court's speculation in *Grutter v. Bollinger* (2003) that affirmative action in higher education would not be needed after 25 years seems laughable. However, as part of contemporary pushback, the Supreme Court effectively ended affirmative action in higher education in 2023 with its decision that the admissions programs at Harvard and the University of North Carolina, which account for race at various stages in the process, violate the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution.[27]

Policies that Matter

To achieve equality, it is important to understand the anatomy of inequality in the United States, so that it can be dismantled in full. This anatomy begins with a legacy of poverty and segregation, which were increasingly connected through segregated housing policies and redlining that prevented investments in Black neighborhoods for many decades. Though officially ended in 1968 with the Fair Housing Act, the practice continued for decades thereafter, and the effects live on today. Inequality in school funding is layered onto these conditions, producing unequal access to well-qualified educators accompanied by high rates of turnover in many poorly resourced, highly segregated schools. This, in combination with ongoing implicit bias and lack of resources, contributes to unequal access to high-quality curriculum, and, in many instances, to dysfunctional schools characterized by a punitive culture and high rates of exclusionary discipline that further disengage students from school (see Figure 3).

Under our current educational system, so-called "achievement gaps" for children of color begin early—even before they enter school—and widen over time.[28] This is a function of significant *opportunity* gaps in multiple areas of children's lives.[29] Addressing these conditions requires purposeful policies motivated by a vision that marries equity with educational quality by creating well-resourced schools that are also supportive, inclusive, engaging, culturally responsive, and culturally sustaining.

**Figure 3.** *The Anatomy of Inequality*
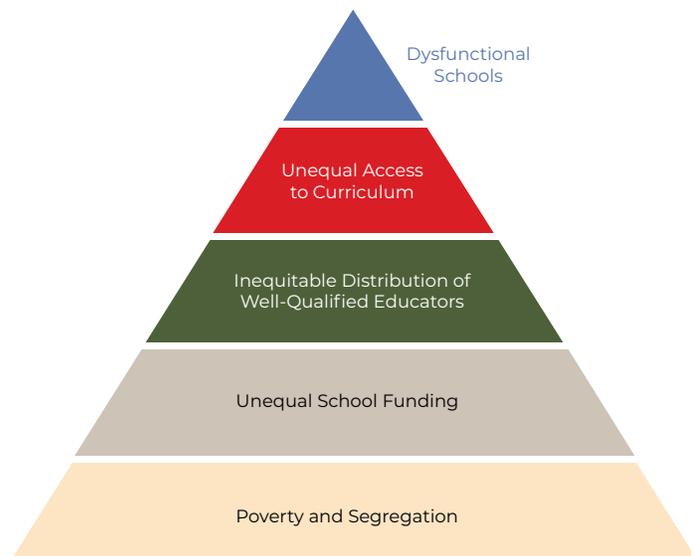
Source: L. Darling-Hammond, Learning Policy Institute.

Eliminating Poverty and the Accumulated Effects of Segregation

Following the theft of labor and wealth accumulation imposed by slavery, centuries of discrimination in employment, housing, and education have contributed to dramatic disparities in financial resources for Black and White families. The Federal Reserve estimates that in 2019, the average Black and Latino/a households in the United States earned about half as much as the average White household, and White families had about 7 times the average wealth of lack families, at $983,400 vs. $142,500, respectively. These disparities, and overall wealth inequality in the United States, grew dramatically during the 30 years between 1989 and 2019.[30] (See Figure 4.) The gap in median wealth was even more stark at $188,200 vs. $24,100, a comfortable 6-figure cushion for White families vs. a figure well below the poverty line for Black families.

These disparities began to grow as a function of the Reagan Administration policies described earlier that began the process of lowering taxes on the wealthy and reducing governmental expenditures for housing, income, and education that supported lower-income families, a set of policies further expanded in the two Bush Administrations and the Trump Administration.

**Figure 4.** *Household Net Worth and Income*
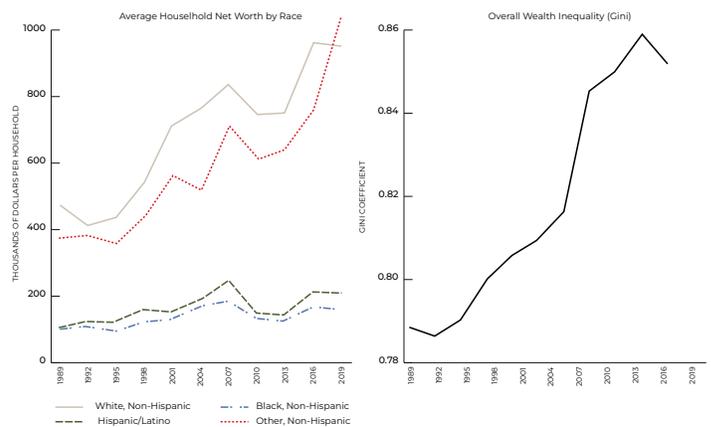
Source: Aladangady, A. & Forde, A. (2021). *Wealth inequality and the racial wealth gap.* FEDS Notes. Board of Governors of the Federal Reserve. https://doi.org/10.17016/2380-7172.2861

Today, more than half of children attending U.S. public schools qualify for free or reduced-price lunch—the highest percentage since the National Center for Education Statistics began tracking this figure decades ago. Furthermore, U.S. children living in poverty have a much weaker safety net than their peers in other industrialized countries, where universal health care, housing subsidies, and high-quality, universally available childcare are the norm. Recent data from the *Organization for Economic Co-operation and Development* (OECD) show that the United States falls in the bottom tier of countries in terms of child poverty, hunger, infant mortality, and access to books in the home.[31]

A 2023 report from the Federal Interagency Forum on Child and Family Statistics shows that, while child poverty rates were declining through 2021, more than one-quarter of Black children (27.3%) were in families below the poverty line ($27,479 for a two-parent, two-child family) (see Figure 5).[32] Because of the child tax credit that was part of COVID recovery dollars, this was the lowest rate in more than three decades. However, the overall rate of children in poverty more than doubled in the following year when the tax credit was discontinued—the largest year-over-year increase on record.[33]

Figure 5. *Percentage of Children Ages 0–17 Living in Poverty by Race and Hispanic Origin, 2000–2021*
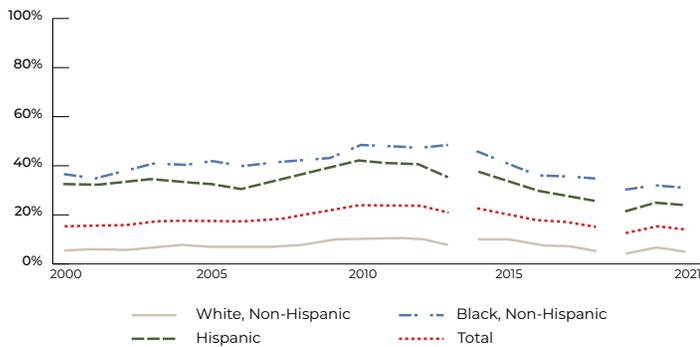
Source: Federal Interagency Forum on Child and Family Statistics. (2023). *America's children: Key national indicators of well-being, 2023.* U.S. Government Printing Office, p. 33. https://www.childstats.gov/americaschildren/eco1.asp

Citing the U.S. General Accounting Office, the *Centers for Disease Control and Prevention* (CDC), and a large body of research, Richard Rothstein's *The Color of Law* evaluates a long list of factors contributing to low achievement for low-income children and particularly students of color, ranging from lack of access to eyeglasses, disproportionate instances of lead poisoning, iron-deficiency anemia, asthma, and substandard pediatric care, to housing instability, food insufficiency, and neighborhood dangers.[34] All of these circumstances have been amplified by the aftereffects of redlining, which created legalized segregated neighborhoods in which banks and governments would not invest to improve housing, parks, or businesses.

These neighborhoods have also accumulated environmental hazards. In 1987, the Commission for Racial Justice published *Toxic Wastes and Race*, which found race to be the most potent factor in predicting the location of waste facility sites.[35] A 2021 study showed that "Black Americans are 75% more likely to live in close proximity to oil and gas facilities," resulting in "higher rates of cancer and asthma, [with] Black children twice as likely to develop asthma as their peers."[36] The catastrophe in Flint, Michigan, which left a predominantly Black community with levels of lead in their water that produced neurological disabilities for more than one-third of children was not an isolated event. There are millions of children exposed to lead in their homes and schools, with as many as 6% of Black children (and 2% of White children) experiencing levels associated with lead poisoning.[37]

Manuel Pastor and colleagues have further documented environmental inequalities such as the siting of toxic facilities in low-income communities of color, and estimate that the side effects of these hazards account for as much as half of the performance differential between students living in Los Angeles neighborhoods with the lowest and highest risk levels, even after controlling for poverty and other demographic factors.[38]

Clearly, addressing these conditions of children's lives —eliminating the opportunity gaps associated with poverty and environmental challenges—is a fundamental aspect of the march to equity. Another War on Poverty is needed, as is the return of a set of housing, income, employment, and environmental policies that support community health and well-being. The American Rescue Act suggested what is possible, with increased supports in all of these areas associated with sharp, though temporary, reductions in poverty. In addition, the Infrastructure Investment and Jobs Act of 2021 included a $3.5 billion superfund to clean up highly polluted toxic waste sites around the country, about 60% of which are in low-income communities of color, and nearly $3 billion more for lead pipe removal nationwide.[39]

Meanwhile, investments in community schools that are designed to support children's thriving can wrap around students with the supports they need. A growing number of states, including California, Maryland, New Mexico, and New York, have invested in such schools in high-poverty communities. These schools offer integrated supports for physical and mental health, as well as social services of many kinds; expanded and enriched learning time before and after school and in the summer with community connections both for enrichment and for project-based academic work; family and community engagement; and collaborative leadership and practices that engage staff, families, and community organizations in a common understanding of child development that guides joint efforts. Together, these features have been found to support stronger attendance, achievement, and attainment for students, and better life outcomes.[40]

Achieving Equitable School Resources

The conditions of family poverty and impoverishment of communities affect children's access to education from a very early age.

Resources for Preschool: Low-income children have less access to preschool in the U.S. In 2019, just over half (53%) of 4-year-old children living in poverty were enrolled in preschool compared with 76% of their counterparts in families earning $125,000 a year.[41] While affluent families can afford the hefty expense of private preschool, children from low-income families have to compete for limited slots in public preschool programs. The federal Head Start program and most state public preschool programs have never been funded to reach all eligible children.

Preschool has long been known to matter greatly for short-and long-term school and life success, with strong returns on investment well into adulthood. Studies find that quality preschool experiences are associated with stronger school achievement skills; a reduced need for special education or grade retention; increased high school graduation, college attendance, and completion rates; and increased wages and employability in adult life.[42] Nobel Prize–winning economist James Heckman has estimated that every dollar invested in a high-quality early childhood education produces returns of 7% to 10% annually.[43]

High-quality programs that get better results employ teachers with specialized training in early childhood[44] who focus on developmentally appropriate learning goals in small classes with low student-teacher ratios that enable personalization.[45] A recent study in California found that preschool quality is associated with larger developmental gains, but that, of all groups, Black students were least likely to have access to high-quality settings.[46]

Resources for K–12: Continued inequities deriving from our school funding systems mean that the best-supported students in our highest-spending states and districts experience school spending many times greater than our most poorly supported students. While some experience a rich array of curriculum offerings taught by highly experienced teachers in small classes supported by extensive resources, others attend school where buildings are crumbling, classes are overcrowded, instructional materials are inadequate, and staff are often transient and underprepared.

In 2018, only 12 states spent at least 5% more in the districts serving the greatest proportion of underserved students of color than those serving the fewest. (See Figure 6.) Meanwhile, twenty states spent less on those districts, despite the greater needs of their students. On average, districts serving the largest populations of Black, Latino/a, or American Indian students (those in the top quartile) received about $1,800 (13%) less per student in state and local funding than those serving the fewest (in the bottom quartile).

Figure 6. *School Funding by Race: Per Pupil Funding Differences Between Districts in the Top and Bottom Quartiles of Students of Color, by State*
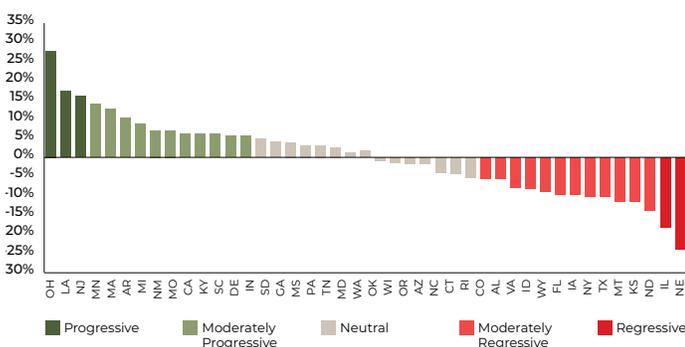
Source: Morgan, I., & Amerikaner, A. (2018). Funding Gaps 2018. The Education Trust. https://edtrust.org/resource/funding-gaps-2018/

The disparities in funding have serious consequences for academic outcomes: Research shows that money matters, as it is a precondition for resources that have significant impacts on student achievement, such as class sizes, curriculum, and access to qualified teachers.[47] Civil rights data show that the odds of high-minority schools having uncertified and inexperienced teachers are four times those of predominantly White schools, a function of lower salaries and poorer working conditions. These differences translate into differences in access to quality curriculum and teaching, and ultimately in achievement.[48]

A number of studies have found strong relationships between racial segregation and racial achievement gaps; indeed, the racial composition of a school has educational impacts for students beyond those associated with socioeconomic status, particularly due to resource inequities characterizing racially isolated schools.[49] In a case that challenged school desegregation efforts in Jefferson County, KY, and Seattle, WA, more than 550 scholars signed on to a social science report filed as an amicus brief, which summarized extensive research showing the persisting inequalities of segregated minority schools. The scholars concluded that:

> More often than not, segregated minority schools offer profoundly unequal educational opportunities. This inequality is manifested in many ways, including fewer qualified, experienced teachers, greater instability caused by rapid turnover of faculty, fewer educational resources, and limited exposure to peers who can positively influence academic learning. No doubt as a result of these disparities, measures of educational outcomes, such as scores on standardized achievement tests and high school graduation rates, are lower in schools with high percentages of non-White students.[50]

While school finance reform efforts have met with decades of opposition from state defendants and critics arguing that money doesn't make a difference[51], the relationship between funding and outcomes has been established over the last decade by multiple studies in a number of states using stronger data sets and statistical methods than were once available.[52] One comprehensive cross-state study of school finance reforms experienced by children born between 1955 and 1985 found that, in places where new formulas enabled 10% more funding for schools serving low-income students, thus improving staffing and programs and reducing class sizes, graduation rates improved by more than 10 percentage points, educational attainment increased, along with employment and adult wages, and the poverty gap for adults was substantially reduced, all of which are associated with large social benefits.[53] These improved outcomes were associated with smaller student–teacher ratios, larger salaries for teachers, and longer school years.

It is largely this greater access to resources that has driven improved outcomes from desegregation. A large-scale study on students born between 1945 and 1970 found that graduation rates climbed by 2 percentage points for every year a Black student attended an integrated school.[54] A Black student exposed to court-ordered desegregation for 5 years experienced a 15% increase in wages and an 11 percentage point decline in annual poverty rates. The differences are related to the fact that schools under court supervision benefited from higher per-pupil spending and smaller student–teacher ratios, among other resources.

The results of equalizing school district funding can be seen in Massachusetts and New Jersey. As a result of school finance litigation that resulted in progressive funding reforms during the 1990s, these states catapulted to the two top-ranked states in the nation in terms of student achievement and graduation rates. Achievement gaps also narrowed, as the reforms reallocated money on the basis of student needs, with more going to high-need students in low-income districts, establishing quality preschool for those students, and making investments in stronger teaching from pre-K through grade 12.[55]

Although the two states maintained these efforts for many years, steadily reducing disparities, litigators in both states are concerned about recent slippages in funding which have caused them to return to court. In both cases, ongoing segregation combined with poverty is at the root of the concerns. In New Jersey, a mediated settlement is expected to result in both interdistrict desegregation plans and new investments in schools.[56]

Access to Quality Teachers and Curriculum

Part of the rationale for ongoing school finance litigation has been the challenge of unequal access to well-prepared educators, as low-wealth districts offer poorer salaries and working conditions.[57] School equity cases in more than 20 states have found that by every measure of qualifications —certification, subject matter background, pedagogical training, selectivity of college attended, test scores, or experience—students of color and students from low-income families typically have the least qualified teachers and the least intellectually challenging curriculum. Data from the most recent *Civil Rights Data Collection* (CRDC) show that schools serving the largest number of students of color employ four times as many uncertified teachers and nearly twice as many inexperienced teachers as those serving the fewest.[58] CRDC data also show that these schools offer many fewer advanced courses and a more impoverished curriculum.[59]

Frequent shortages in high-minority schools are associated with increased class sizes, canceled course offerings, and the hiring of underqualified teachers. Research finds that individuals who enter teaching without having completed preparation —either through emergency permits or alternative pathways —are typically less effective and have significantly higher turnover rates, which both harm student achievement and create churn that exacerbates shortages.[60] Indeed, the percentage of underprepared teachers in a district is strongly and negatively associated with student achievement, especially for historically underserved students of color.[61]

Many studies have found that the most important in-school predictor of student achievement is teacher qualifications, and that the effects are largest for Black and Latino/a students.[62] In one vivid example, a large-scale study in North Carolina found that student achievement gains were significantly larger when students had teachers who were experienced, prepared and licensed before entry, and National Board Certified, an acknowledgment of expertise that is closely related to teachers' abilities to teach diverse students for deeper learning. Together, these variables had more effect on student achievement gains than the effects of race and parent education combined. However, these well-prepared teachers were inequitably distributed, with the most advantaged students disproportionately receiving the most experienced and expert teachers.[63]

Meanwhile, a growing body of research shows that Black teachers enable greater achievement and attainment for Black students.[64] Yet because training to become a teacher is costly and generally unsubsidized, comprehensive preparation programs have been less accessible to potential candidates of color, who carry significantly more college debt than White candidates.[65] This has produced a profession that is currently 80% White even as students of color are now a majority in public schools.

Ironically, as Ladson-Billings (this series) points out, many extraordinary Black teachers were a casualty of desegregation, and as Bristol and Carver-Thomas (this series) note, even when Black teachers are recruited, their likelihood of staying in teaching is reduced by the difficulty of affording preparation, as well as less access to mentoring and placement in especially challenging schools that are under-resourced.

Investing in strong teacher education and mentoring enables teachers to use strategies that encourage higher-order learning and that respond to students' experiences, cultural contexts, and learning approaches.[66] Among other things, knowing how to plan and manage a classroom allows teachers to focus on the kind of complex teaching that is needed to develop higher-order skills. Since the novel tasks required for complex problem-solving are more difficult to manage than the routine tasks associated with learning simple skills, lack of classroom management ability can lead teachers to "dumb down" the curriculum to control student work more easily.[67]

These teaching challenges reinforce the long-standing inequalities in access to a curriculum focused on higher-order thinking skills, which has long been denied to students of color both to justify lower investments in their schools and because of fears that young people would fail to accept their place in the social order if they had greater access to more empowering knowledge. Just as it was forbidden to teach enslaved people to read or to teach the nation's founding documents in Black schools in the South, it has been rare for schools to offer or admit Black students to the advanced curriculum reserved for the most advantaged students.[68]

Curriculum differences have been defended as appropriate to the different, socially sanctioned expectations the education system has held for children. In the 30 years of lawsuits to bring equitable funding to New Jersey, for example, education leaders justified as appropriate for the students the curriculum differences between places like predominantly White Princeton, which offered world languages starting in preschool and a bevy of Advanced Placement courses in high school, and predominantly Black Camden, which offered neither. In 1976, New Jersey State Education Commissioner Fred Burke expressed the view that has often surfaced in state resistance to equalization of funding: "Urban children, even after years of remediation, will not be able to perform in school as well as their suburban counterparts…We are just being honest."[69]

For these reasons, as Harvard professor Jal Mehta explains,

> Deeper learning has historically been the province of the advantaged—those who could afford to send their children to the best private schools and to live in the most desirable school districts. Research on both inequality across schools and tracking within schools has suggested that students in more affluent schools and top tracks are given the kind of problem-solving education that befits the future managerial class, whereas students in lower tracks and higher-poverty schools are given the kind of rule-following tasks that mirror much of factory and other working-class work. To the degree that race mirrors class, these inequalities in access to deeper learning are shortchanging Black and Latino/a students.[70]

This was part of the plan for the tracking systems that were developed in the early 1990s to separate students within school buildings according to decisions made about the specific vocations they would be enabled to hold. These tracks were justified by eugenicists' "evidence" about differential intelligence. Psychologist and IQ test developer Lewis Terman, a professor at Stanford University, declared that 80% of the immigrants he tested appeared to be "feeble-minded," and he further concluded in his 1922 book *Intelligence Tests and School Reorganization:* "Indians, Mexicans, and negroes…should be segregated in special classes…They cannot master abstractions, but they can often be made efficient workers."[71]

The conception of schools as a sorting mechanism, selecting only a few students for thinking work, has reinforced both tracking, starting early in elementary school, and cross-school differentials in curriculum opportunities, even as educational expectations in the society and the labor market have changed dramatically. The result of this practice is that challenging curricula are rationed to a very small proportion of students, and few students of color ever encounter the kinds of deeper learning opportunities students in high-achieving countries typically experience.[72]

There are exceptions to these established norms, and they demonstrate what is possible when teams of diverse and talented teachers are recruited to teach a challenging, deeper learning curriculum in schools designed to be student-centered, intellectually challenging, and supportive. Studies of schools that successfully support deeper learning for students of color and those from low-income communities engage in a number of common practices, including:

- Authentic instruction and assessment (e.g., project-based and collaborative learning, performance-based assessment, and connections to relevant topics related to student identities and the world beyond school);

- Personalized supports for learning (e.g., advisory systems, differentiated instruction, and social and emotional learning and skill building); and

- Supports for educator learning through reflection, collaboration, leadership, and professional development.[73]

In untracked settings in which students are receiving a message that all can succeed, they engage in mastery learning experiences through which they undertake meaningful questions, conduct inquiries together, present and vet their answers to one another, and continue to revise their findings and products until they have more deeply understood the concepts. By revising their work, students learn that they can become competent by applying purposeful effort (often guided by rubrics that identify what they have done well and what is left to do), and they develop cognitive strategies that they can transfer to future work. In many of these schools, students publicly present exhibitions or portfolios of their work at the end of a grade level or for graduation to demonstrate how they are mastering competencies that guide a school's curriculum. As students take agency in the learning process, they come to understand both how they learn and what they care about, which propels their work going forward. They develop a growth mindset and the motivation to continue to define questions and pursue deeper learning about matters they care about, including pathways to college and careers.

Examples include hundreds of public schools serving predominantly students of color and new immigrant students launched as part of the Boston and Los Angeles Pilot Schools, those associated with the Center for Collaborative Education in New York and Boston, the small schools initiative in Chicago, and networks like New Tech High, Big Picture, Internationals, Envision, and others. An example that has scaled significantly is Linked Learning, a network of schools which now number more than 600 in California, with many others across the country. The models are typically new small schools or academies within larger school buildings that integrate rigorous academics with career-based learning and real-world workplace experiences. They include schools with themes and industry relationships ranging from engineering and medical sciences to arts, technology, and law, among many others.

These student-centered environments eliminate the divide between academic and vocational tracks that once divided students substantially by race and class. They emphasize supportive relationships between students and teachers in academic environments that are challenging, culturally and community-connected, relevant, collaborative, and student-directed. Students are assessed on their mastery of knowledge and skills through projects connected to real-life situations, and they have multiple opportunities to demonstrate that mastery. The schools are connected to their communities through industry partners and relationships with other community organizations that provide internships and other learning opportunities; industry and community representatives participate, along with teachers, in evaluating authentic student work. Educators are supported in creating a student-centered learning environment as they design their school or academy and regularly evolve their work with feedback from student surveys and other insights.

Life Academy of Health and Bioscience in Oakland, a non-selective 6th through 12th grade public school focused on the health professions and the biological sciences, illustrates what is possible. Serving largely Black and Latino/a students, 99% of whom are low-income and 30% of whom are English learners, the school offers all students college and career preparation coursework through an inquiry-based pedagogy that includes cross-disciplinary projects, health and science career internships, a 4-year advisory program that ensures that each student has a staff member who knows them well and advocates for their needs, multiple performance-based exhibitions that include a scholarly senior exhibition completing a research paper defended much like a dissertation in graduate school. Like all schools in Oakland, the school is also a community school offering wraparound supports and extended learning time for students. The school had a 97% graduation rate in 2022–2023 and sends 100% of its graduates to 2 or 4-year colleges, with students going to schools like UC–Berkeley and UCLA, as well as Stanford, University of San Francisco, and Smith College.[74] This is the type of setting that achieves equity and excellence, enabling students to develop the skills to succeed in college, career, and life.

Access to Positive and Inclusive School Climates

These kinds of schools offer positive and inclusive contexts for learning that are critically important for student success. Advances in the science of learning and development have clarified that psychological safety is a biologically necessary condition for effective learning.[75] Thus, to achieve educational equity, we must ensure that students of all backgrounds have access to positive and inclusive scholastic environments.

However, despite long-standing concerns about the impacts of exclusionary discipline on student wellbeing,[76] schools across the country, especially those serving Black students, were encouraged to implement zero tolerance policies starting in the Reagan years, with rapidly increasing rates of suspensions and expulsions from school from the 1980s through 2010, when the harmful effects of these policies were brought to light by the Obama Administration.[77] These policies required educators to use exclusionary discipline approaches as responses for even minor and nonviolent offenses, including tardiness, talking, texting, sleeping in class, or failing to follow instructions —all with little consideration of the context or consequences. The inequitable implementation of these policies generated stark racial disparities in exposure to exclusionary discipline, and today, despite federal policy efforts to reduce reliance on such approaches,[78] many schools, and particularly schools that serve Black students, continue to suspend and expel students at alarming rates.[79]

As we have noted, teachers in schools that serve more Black students are on average less experienced and less well prepared than teachers in schools that serve more White students[80] and may, therefore, rely more heavily on discipline in part because they lack strategies for managing student behavior in positive ways. This is concerning, as mounting evidence indicates that exclusionary discipline reduces students' sense of connection to school and mental well-being and can lead to dropout and incarceration.[81] In short, research indicates that exposure to exclusionary discipline is anathema to the psychological safety necessary for learning, and that Black students are more likely to be exposed to exclusionary discipline. This section describes what is known about the impacts of exclusion and punishment on student achievement and well-being, racial disparities in exclusionary discipline, and the promise of alternatives to exclusionary discipline—such as restorative practices, social and emotional learning, and positive behavioral interventions and supports—to create educational environments that empower students of all backgrounds to learn.

Harms of Exclusion, Punishment, and Racial Disparities

As we describe below, exclusionary punishments harm students' academic performance, their mental and physical health, and their life paths, and, while they affect all students, those harms are more prevalent for Black students and other students of color.

Academic harms: Research has linked exposure to exclusionary discipline with declines in academic performance, including lower GPAs and higher rates of school dropout.[82] Econometric research has also estimated that exposure to punitive environments *causes* declines in academic achievement for students, generally, and particularly for Black students.[83] Researchers have also identified links between racial disparities in exclusionary discipline and racial disparities in academic achievement, suggesting that the persistent discipline gap discussed above may partially explain stubborn achievement gaps.[84]

Behavioral, mental health, and school climate harms: Many schools leverage exclusionary discipline practices to try to incentivize positive behavior changes. However, research has found that exposure to exclusionary discipline may lead students to distrust and feel defiant toward adults in their schools.[85] More recent research has even estimated that after being suspended, students misbehave *more* than similarly situated students who were not suspended,[86] suggesting that suspension may actually have criminogenic effects whereby suspensions beget more misbehavior and, subsequently, more suspension. Students who experience suspensions also exhibit higher rates of behavioral and mental health challenges, including substance experimentation and addiction, mental health disorders (including depressive symptoms and borderline personality disorder), antisocial behaviors in adolescence, suicide, and involvement in mental health systems.[87] The link between exclusionary discipline and suicide risk is particularly concerning given that the suicide rate among Black youth is currently growing at a rapid and unprecedented rate.[88]

Perhaps unsurprisingly, given the way exclusionary discipline may impact the mental health milieu of a school, research suggests that exclusionary discipline may harm the overall school climate both among students who are suspended and even among those who are not.[89] Many studies estimate that, for Black students specifically, direct exposure to exclusionary discipline harms a variety of academic, behavioral, mental health, and school climate outcomes. However, under the notion that *vicarious* exposure to exclusionary discipline may also harm Black students' sense of well-being, recent research has also explored the impact of exposure to discipline disparities and has found that Black students exposed to larger Black–White discipline gaps exhibit higher rates of adjustment problems[90] and that even among Black students who have not themselves experienced a suspension, being in a school with a larger Black–White discipline gap is related to lower feelings of belongingness in the school.[91]

Carceral harms: In a seminal exploration of the correlates of exposure to discipline, researchers followed tens of thousands of students for over a decade after graduation. They found that, compared to students who were not suspended in high school, those who were suspended were 2.6 times more likely to have been arrested, and were about 4.5 times more likely to have been sentenced to serve time in either a juvenile or an adult correctional facility.[92] Researchers leveraging econometric techniques have found, similarly, that exposure to exclusionary discipline causes increases in downstream arrest and confinement rates for students of all racial backgrounds, but particularly for Black students.[93]

Persistence and Pervasiveness of Racial Disparities in Exclusion and Punishment

Data collected by the Department of Education's Office of Civil Rights through the periodic *Civil Rights Data Collection* (CRDC) have demonstrated that racial disparities in exclusionary discipline and punishment appear across all student populations and scholastic contexts.[94] For example, whereas 3% of White students in 2017–18 received an *Out-of-School Suspension* (OSS), a full 12% of Black students in the same year received an OSS (see Figure 7). The Black OSS rate was approximately 3.6 times higher than the White OSS rate. The same was true when looking at specific student subpopulations (e.g., the OSS rate for Black girls was 5.2 times higher than the OSS rate for White girls) and when looking at students who attended particular types of schools (e.g., the OSS rate for Black preschoolers was 2.8 times higher than the OSS rate for White preschoolers, and the OSS rate for Black charter school students was 4.8 times higher than the OSS rate for White charter school students). Finally, the same was true when looking across each type of punishment a student might experience, including in-school suspensions, expulsions, corporal punishment, referrals to law enforcement, and school-related arrests. Similar trends emerged in an analysis of the most recent wave of CRDC data (collected in the 2020–21 school year), evidencing that racial disparities in exclusion and punishment are not only pervasive but also persistent.[95]

Figure 7. *Percentage of White Versus Black Students Receiving an Out-of-School Suspension (OSS) in the 2017-18 School Year, Across Student Populations and School Contexts*
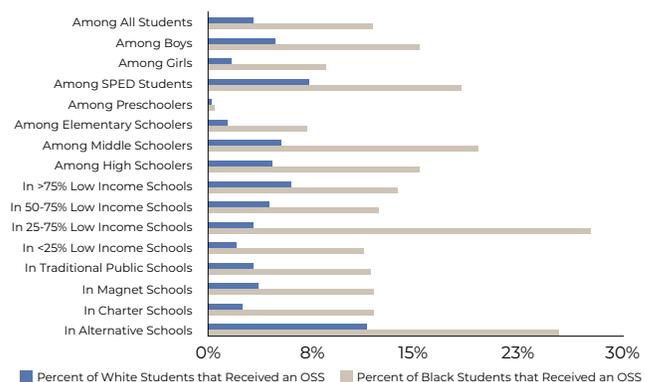
Source: Darling-Hammond, S., & Ho, E. (2023, October 27). No matter how you slice it: The persistence and pervasiveness of disproportionate punishment for Black students. SocArxiv. https://doi.org/10.31235/osf.io/khtsa

Sources of Racial Disparities in Exclusionary Discipline

Critically, research from a variety of fields has surfaced evidence that Black–White disparities in exclusionary discipline are not merely a function of racial disparities in misbehavior. Instead, differential treatment by educators seems to be a critical driver. In a randomized controlled vignette experiment, researchers documented that teachers respond to behavior by Black students more punitively than they do to identical behavior by White students.[96] Evidence of bias emerges as early as preschool. In an eye-tracking study, researchers found that when they asked preschool teachers to find instances of problem behavior in a video of children playing, these teachers focused a disproportionate amount of their attention on Black boys.[97]

Studies using student administrative data echo these points, finding that Black students are more likely to receive suspensions than White students, even when the students: have misbehaved a similar number of times, are engaged in the same incident of misbehavior (i.e., in a conflict with one another), have similar prior behavioral tendencies, or are in schools with similar racial compositions.[98] When researchers have conducted "decomposition analyses" to compare factors that might contribute to Black–White disparities in exclusionary discipline rates, they have concluded that differential treatment is the largest contributor and explains about five times more variation than differences in behavior.[99]

Safety Beyond Teachers: School Psychologists, School Counselors, and School Police

Psychological safety in schools is not merely a function of the practices of teachers. Instead, staff throughout the school play critical roles in creating psychologically appropriate conditions for learning.

School psychologists can play an instrumental role in improving outcomes for students and schools[100] by helping students address behavioral goals—such as reducing impulsivity, aggressive behavior, delinquent behavior, and social withdrawal[101]—and by helping schools improve teacher efficacy and reduce disciplinary referrals.[103]

School counselors can help students process challenging life situations and emotions (such as loss and grief).[104] Research indicates that school counselors can improve students' sense of connection to school[105], academic achievement,[106] college application rate,[107] and postsecondary enrollment rate,[108] and may help reduce schools' discipline rates.[109]

Research on the effects of student exposure to school psychologists, school counselors, and other school-based mental health providers has generally been positive. In contrast, research on the effects of exposure to school *police* has indicated that school police may increase exposure to discipline[110] and damage school climate,[111] and that, for Black students, exposure to racially biased school police may lead to anxiety, depression, and psychological distress.[112]

Despite the benefits of school counselors, and the comparative harms of school police, research has found that over 1.7 million students attend schools that have school police officers but lack even a single school counselor.[113] Black students are more likely than students of other races to attend a school with a school police officer.[114]

Of course, many schools employ school police, and recruit exclusionary discipline methods, to ensure safety. However, research suggests that these practices not only fail to enhance safety, but may actually increase misbehavior. What, then, *can* schools do to ensure students' physical safety, and create the kinds psychologically safe environments needed for students to learn?

Relational Alternatives to Exclusion and Punishment

In response to research documenting disparities in, and harms of, exclusionary discipline and punishment, many schools and districts have implemented alternative approaches to ensuring school safety. These include restorative practices, positive behavioral interventions and supports, and social and emotional learning. Research on these practices suggests that they have promise to increase the psychological safety of schools that serve students of all backgrounds.

For example, there has been recent growth in literature exploring the multi-faceted benefits of student exposure to *Restorative Practices* (RP). RP practices can be loosely grouped into two types of practices: community-building practices (e.g., weekly community-building circles where students and teachers share their emotional worlds and deepen social connections) and harm-repair practices (e.g., conflict resolution conversations and convenings to help students and staff heal social bonds when conflicts emerge). Studies of RP have found strong evidence that exposure to these practices is related to reductions in misbehavior[115] and exclusionary discipline[116], and improvements in school climate. More limited research evidence suggests that the implementation of RP can help improve academic performance,[118] improve student mental health,[119] and reduce racial disparities in both academic achievement[120] and discipline.[121]

Other alternatives to exclusionary discipline have found support in research evidence, including *Positive Behavioral Interventions and Support* (PBIS) and *Social and Emotional Learning* (SEL) programs. PBIS is a framework for responding to student behavior (whether positive or unwanted) in a consistent and strategic manner that is designed to generate intrinsic motivation for students to follow school rules. Research on PBIS has found that it can reduce misbehavior, victimization, and bullying,[122] as well as reduce office referral and discipline rates.[123] PBIS programs that prioritize recognizing and celebrating students' *good* behavior may also be particularly effective at reducing racial disparities in exclusionary discipline.[124] SEL programs provide curriculum and support to teachers and other school staff so they teach students core social and emotional skills such as self-awareness, self-regulation, empathy, and conflict resolution. Research on SEL has indicated that SEL programs can improve social and emotional skills, and can also improve students' attitudes about school, behavior, and academic performance.[125]

Taken together, research on RP, PBIS, and SEL suggests that these practices can be more effective than exclusionary discipline at reducing student misbehavior. Moreover, they can play a critical role in engendering environments characterized by psychological safety and, not surprisingly, can help improve student academic performance. When implemented equitably and effectively, these practices help reduce racial disparities in both discipline and academic achievement.

The Policies We Need

The long list of disparities we have recounted, which have come to appear inevitable in the United States, are not the norm in developed nations around the world, which typically fund their education systems centrally and equally, with additional resources often going to the schools where students' needs are greater. These more equitable investments made by high-achieving nations are also steadier and more focused on critical elements of the system: access to high-quality early learning, a universally high quality of teachers and teaching, the development of curriculum and assessments that encourage ambitious learning by both students and teachers, and the design of schools as learning organizations that support continuous reflection and improvement. With the exception of a few states with enlightened long-term leadership, the United States has failed to maintain focused investments on these essential elements.

As noted in *The Civil Rights Road to Deeper Learning*,[126] there is still a long road to travel to access quality learning opportunities for all students, and reaching the destination includes civil rights enforcement and equity policies to ensure access to healthy environments, supportive learning conditions and opportunities, well-resourced and inclusive schools, skillful teaching, and high-quality curriculum. To make good on our national obligation to provide equitable access to high-quality education, policymakers at the federal, state, and local levels need to cultivate universally available high-quality curricular opportunities within well-resourced schools, investments that ensure an adequate and equitably distributed supply of well-prepared educators, and supportive wraparound services (e.g., counseling, health care, social services, and academic supports) to counteract the adverse conditions that many students experience.

1) To create **healthy environments** for children's well-being, we need to mend the tattered safety net for children and families, as the American Rescue Act plan began to do, with investments in nutrition, health care, and child tax credits that reduced child poverty by half in 2021.[127] Those supports should be made permanent in federal law. Ongoing investments are also needed to reduce toxins in the environment, continuing the work of the Infrastructure Investment and Jobs Act of 2021, which re-established efforts to clean up toxic waste, mostly in communities of color.[128] And, like the economic investments that supported urban renewal in the 1970s, policymakers need to invest in rebuilding communities that have been cordoned off from investment and opportunity through decades of redlining, so that families in these communities can thrive. Rebuilding communities should include re-establishing and improving schools in neighborhoods that have become "school deserts"[129] as a result of punitive school closure policies, and developing community school models that organize whole child supports promoting students' physical and mental health, social welfare, and academic success, along with families' access to health care, social services, and adult education.[130]

2) To ensure **adequate and equitable resources** that address the needs of children and families, we need to redouble **school finance reform** efforts to achieve state policies that provide funding based on pupil needs—such as poverty, homelessness, English learner status, and special education status—rather than as a function of property tax wealth in local communities. Because school funding and segregation continue to be strongly linked, re-engagement of federal support for **desegregation** is also needed, through investments in such programs as the Magnet Schools Assistance Program and the Diversity Act to enable districts and states to pursue both intra-district and inter-district solutions to the conflation of poverty and segregation that has produced a growing number of apartheid schools.[131] A federal right to education can also be argued—despite the Supreme Court's 5-4 ruling in 1973 that the Constitution does not provide such a right[132]—as federal requirements have since created mandates sanctioning schools that do not follow federally-specified procedures and achieve federally-specified goals, without ensuring equitable access to resources — including dollars, qualified educators, and standards-based curriculum needed to accomplish those goals.[133] This right could be enforced both through existing, unenforced provisions of the *Elementary and Secondary Education Act* (ESEA) (such as those requiring comparability in educator qualifications across schools and those requiring resource audits of schools identified as in need of improvement) and through **accountability systems** that focus on students' opportunities to learn, along with multiple measures of meaningful learning and attainment. Such systems should emphasize indicators of students' access to educational resources, including well-qualified educators, a rich curriculum, high-quality instructional materials (including digital access at home and school), and a positive school climate.

3) A key onramp to equity is access to high-quality **preschool education** that offers key learning resources to close opportunity and achievement gaps before school begins, offering a deeper learning curriculum from the start, when children are developing their initial brain architecture as they explore, inquire, communicate, and play. Federal and state investments should ensure that all 3 and 4 year-olds have access to such learning opportunities, as those in many countries and in some American communities do.

4) Access to **equitable teaching and curriculum** requires both equitable investments in schools and in the development of a **diverse, well-prepared, culturally responsive and stable teaching force** in all schools. To achieve this goal a robust national teacher policy[134] would: fully cover preparation costs for recruits who teach in high-need fields or locations; support improved programs that prepare teachers to learn in partner schools connected to universities (like teaching hospitals) that instantiate best practices and support culturally responsive learning focused on 21st-century skills for all candidates; provide high-quality mentoring for all beginning teachers, which would reduce churn, enhance teaching quality, and heighten student achievement; and design recruitment incentives to attract and retain expert, experienced teachers who can teach and coach others in high-need schools—teachers like those certified by the National Board for Professional Teaching Standards who are skilled in teaching for deeper learning and have been found to be highly effective as teachers and mentors.[135]

In addition, access to a thinking curriculum for all students will require a recognition that all students deserve and can benefit from cognitively challenging, authentic learning opportunities that develop higher order skills and the ability to apply them. This, in turn, will require redesigning schools from the factory model assembly line designed to select and sort students for predetermined social roles to schools designed to find and develop students' talents in settings organized for engagement, development, and support.

5) Finally, developing **safe and inclusive schools** will require ongoing civil rights enforcement that has been essential to pave a path toward non-exclusionary school discipline practices for students of color and students with disabilities. The Office of Civil Rights' ability to monitor suspension and expulsion rates using the Civil Rights Data Collection has been critical, as has its guidance supporting school implementation of relational practices (e.g., restorative practices, social and emotional learning, and positive behavioral interventions and supports) that create strong communities, teach conflict resolution, and support positive discipline as an alternative. Though repealed by the Trump administration, the OCR guidance should be reissued to help districts support productive policies.[136] As in California, states can include suspension rates in their accountability systems and support access to training in positive discipline and restorative practices to substantially reduce exclusionary discipline and create environments in which all students know they belong.[137]

Ultimately, the promise of *Brown* rests on a widespread social understanding that the path to our mutual well-being is built on equal educational opportunity. In our current knowledge-based economy, all members of society benefit when every young person is prepared to find a successful pathway to their future, contributing through their talents and their taxes to the social progress and social safety net that support us all and to a world in which we can collectively solve the massive problems our world faces in the 21st century.

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