



## U.S. Department of Justice Civil Rights Division Fulfilling the Promise of *Brown v. Board of Education*

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The Civil Rights Division has worked for decades to ensure equal educational opportunities for all of America's schoolchildren, as promised by the Supreme Court's landmark decision in *Brown v. Board of Education*. As we mark the 60<sup>th</sup> anniversary of *Brown*, we continue to work towards having all students attend school free from discrimination or segregation on the basis of race, national origin, sex, religion, disability, and/or immigration or citizenship status.

**DISMANTLING SEGREGATION IN PUBLIC SCHOOLS:** Since the 1960s, the Division has fought hard to dismantle racial discrimination and segregation in our nation's public schools. The Division has secured significant victories to ensure that school districts fulfill their obligations in the nearly 200 cases on the Division's desegregation docket.

*Cleveland, Mississippi:* Cleveland, Mississippi, was ordered to desegregate its schools in 1969. At that time, the schools were racially segregated by law. Schools on the east side of the city's railroad tracks were black; those to the west were white. Forty years later, schools on the east side of the tracks are still virtually all-black, while schools on the west side remain disproportionately white. These schools are less than three miles apart. Since 2011, the Division has been actively litigating to ensure that the Cleveland, Mississippi school district meets its long overdue obligation to desegregate its schools and eliminate the vestiges of segregation.

*Monroe, Louisiana:* In the Monroe City School System, in 2010, the Division reached an agreement to end severe educational inequities between schools with virtually all black student populations and the school that served most of the district's white high school students. At one high school with 100% African American enrollment, for instance, the District offered only five gifted and honors courses and not a single Advanced Placement class. By contrast, the District offered nearly 70 Advanced Placement, gifted, and honors courses at a high school whose student population was 43% white. The consent decree requires the district to offer the same courses at all high schools.

**PROMOTING DIVERSITY IN HIGHER EDUCATION AND K-12 SCHOOLS:** In 2011, the Departments of Justice and Education issued joint guidance to higher education institutions and K-12 schools on the steps they can take to promote diversity and avoid racial isolation in schools. In 2013 and again in April 2014, the Departments issued guidance to help higher education institutions implement their admissions and other programs consistent with the Supreme Court's decisions in *Fisher v. University of Texas* and *Schuetz v. Coalition to Defend Affirmative Action*, and to make clear that the 2011 guidance issued by the Departments remains in effect.

**DISMANTLING THE SCHOOL TO PRISON PIPELINE:** Far too many students are diverted from the path to success by overly harsh discipline practices that exclude them from school for minor infractions. And often, these discipline policies are not applied equally—students of color and those with disabilities receive more severe punishments than their peers. The Division works to ensure that students stay in the classroom and out of the school to prison pipeline.

*Meridian, Mississippi:* In 2013, the Division entered into a first-of-its-kind settlement with the Meridian school system to prevent and address racial discrimination in school discipline. Under the consent decree, the district will provide students with supports and interventions before excluding them from school; establish clear guidelines for the limited circumstances when law enforcement intervention is appropriate; and ensure discipline is fair and consistent.

*School Discipline Guidance:* In 2014, the Departments of Justice and Education released guidance to public schools on their obligations to administer student discipline without discrimination on the basis of race, color, or national origin.

**EXPANDING OPPORTUNITIES FOR ENGLISH LANGUAGE LEARNER STUDENTS:** Each day, English Language Learner (ELL) students across our nation find themselves in schools that fail to meet their needs. Without effective instruction to learn English, these students are at risk of failing their classes and dropping out.

*Denver, Colorado:* In 2013, the Justice Department reached a comprehensive consent decree requiring the public school system in Denver, Colorado to provide language services to the more than 28,000 ELL students. This decree will ensure ELL students have access to qualified teachers, grade-appropriate curriculum, and dedicated resources to meet their learning needs. Similarly, to ensure that parents have equal access to information about their child's education, the decree requires the District to communicate with Limited English Proficient parents in a language they can understand.

**ENSURING EQUAL EDUCATIONAL OPPORTUNITIES FOR STUDENTS WITH DISABILITIES:**

All too often, students with disabilities face discrimination that makes it impossible for them to learn, be in the same classroom as their friends, to participate what schools and universities have to offer.

*Nobel Learning Communities, Inc.:* In 2011, the Division entered into a settlement agreement with Nobel Learning Communities, Inc. (NLC), which operates more than 180 preK-12 schools nationwide, for excluding children with disabilities, including autism, Down Syndrome, ADHD, and developmental delays. Under the agreement, NLC will prohibit disability discrimination, require schools to provide reasonable modifications for children with disabilities nationwide, and pay \$215,000 in damages to families.

**ADDRESSING HARASSMENT AND DISCRIMINATION BASED ON SEX:** The Division fights to foster safe learning environments for all students, no matter their sexual orientation or gender identity.

*Anoka-Hennepin, Minnesota:* In 2010, the Division investigated a complaint that the environment in the Anoka-Hennepin School District was unsafe and unwelcoming for students who did not conform to gender stereotypes—including LGBT students. Some students faced threats, physical violence, derogatory language, or other harassment every day. Several students stopped attending school; a few even contemplated or attempted suicide. In 2012, working with the Department of Education (ED), the Division reached a comprehensive consent decree to reform harassment policies and practices.

*Arcadia, California:* In 2013, the Division and ED entered into a landmark agreement with the Arcadia Unified School District to address discrimination against a transgender student. The student, a transgender boy, has presented as a boy at school and in all aspects of his life for several years. Yet before the Departments' investigation, the district had prohibited the student from accessing facilities consistent with his gender identity, including restrooms and locker rooms at school. Under the agreement, the district agreed to treat the student like other male students in all activities and to adopt policies to ensure nondiscrimination for all students going forward.

*Allentown, Pennsylvania:* In 2012, the Division entered into a consent decree with the Allentown School District addressing multiple complaints that six- and seven-year-old students were sexually assaulted by another student in the boys' bathrooms at the elementary school. The Division alleged that despite having notice of repeated assaults, the district did not take appropriate (or any) action to stop the harassment from recurring. The district was required to adopt and implement effective sexual harassment policies and procedures and to provide training to students, staff and parents.

**KEEPING THE SCHOOLHOUSE DOOR OPEN TO ALL:** In 1972, in *Plyler v. Doe*, the Supreme Court made clear that children have a right to enroll in public schools regardless of their immigration status. In 2011, the Departments of Justice and Education issued guidance intended to help schools meet their obligations under *Plyler* and federal civil rights laws; we released an update to this guidance in May 2014. The Division has also provided assistance to numerous school districts in understanding their responsibility to enroll students regardless of the immigration status of the students or their parents.