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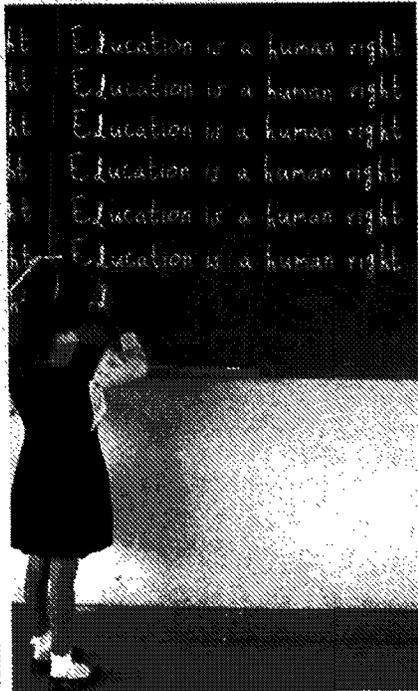


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Resegregation in Public Education

By Stephen Wermiel

Education is a human right
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It has been more than 50 years since the U.S. Supreme Court focused the nation's attention on the importance of education. The Court declared in *Brown v. Board of Education*, 347 U.S. 483 (1954), that education is "the very foundation of good citizenship . . . a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education."

In the half century since *Brown*, the focus has gradually shifted from inequality of opportunity for education to the inadequate quality of education. For many of the 47.9 million students currently enrolled in the nation's public elementary and secondary schools, both goals of eliminating inequality and raising educational quality have proven elusive. The advent of the No Child Left Behind Act and the desire for measured improvement have created a near obsession in some schools and school systems with national standardized testing. The testing, in turn, documents the slow pace of progress in the nation's schools.

In this issue of *Human Rights* we explore some of the challenges facing public education today, from issues in special education to enforcement of Title IX to the status of First Amendment rights for students to the inequity of school funding. There were other critical issues that we simply could not cover: the increased presence of military recruiters in high schools, their access mandated by the No Child Left Behind Act, and the impact this has on the career paths of students. These subjects deserve our future attention.

But there is no way in this issue to capture the enormity of the challenge facing many urban school systems, where resegregation has robbed public schools of the diversity that is so valuable to education. In a recent report, "Looking to the Future: Voluntary K-12 Integration," Harvard University's Civil Rights Project and other groups referred to resegregation's "staggering impact, particularly on urban school systems and the students who attend them." Add to the resegregation the problem of inadequate and still dwindling financial resources in many cities, and you have little hope of any significant progress.

No one has described what is happening in urban schools more dramatically than writer Jonathan Kozol, talking about the New York City schools, but in terms that could describe other cities as well. In the June 10, 2002, issue of *The Nation* magazine, Kozol wrote, "The issue is the chronic destitution of a system that devalues and sequesters kids of color almost as efficiently as did the schools of Mississippi half a century before but does so with a charming pretense of benign intent and just enough hand wringing on occasion to dispel the sense of shame the powerful might otherwise be forced to bear."

Stephen Wermiel is associate director of the Marshall-Brennan Constitutional Literacy Project, a program of law students teaching in Washington-area public schools through American University's Washington College of Law. He also specializes in the Supreme Court and constitutional law. He was the Wall Street Journal's Supreme Court correspondent from 1979 to 1991.