



## NATIONAL CAMPAIGN TO RESTORE CIVIL RIGHTS

### EDUCATION

There is no fundamental right to education in our country. Many people if asked to think of education and the courts can recall *Brown v. Board of Education*, one of the key legal victories for education. This landmark case ruled that the system of racial segregation in the schools in the South was not, in fact, equal and that it violated the equal protection clause of the United States Constitution. This case, more than 50 years old, and a few that followed it, removed formal segregation from Southern schools, but our educational systems in the United States still remain unequal. Children of color and poor white children are more likely to go to poorer schools with fewer resources, even in the public schools. And our public schools are as segregated as they were when segregation was legal.

In 1973, in a case called *San Antonio Independent School District v. Rodriguez*, a group of parents challenged the way the city of San Antonio, TX, funded its schools, which was almost exclusively through property taxes. The parents who brought this case lived in a poor district and paid a greater percentage of their incomes to the school than individuals in the wealthier districts, but the school was still underfunded. The case went all the way to the Supreme Court, and the Supreme Court dealt two blows to education. First, the court declared that there is no fundamental right to education in the United States. As a result, the Court then also ruled that funding schools unequally does not violate any law or any part of the Constitution.

After this case, children and parents were sometimes able to challenge racial discrimination in the schools under a law passed by Congress in 1964 if they could show that a school's policy-such as a discriminatory discipline policy or tracking system-has a discriminatory effect on the children of a particular race or national origin. But in *Alexander v. Sandoval*, the Supreme Court ruled that parents and children could no longer bring cases to court. The courts will only take cases if it can be proved that policymakers had a discriminatory intent.

Because of recent federal court decisions, parents may no longer be able to challenge the exclusion of children of color from special school programs like gifted and talented programs, or challenge more students of color from being placed in special education classes, even when this is not an appropriate place for them.

**For more information on education and the courts, please contact the National Campaign to Restore Civil Rights at: [rollback@nylpi.org](mailto:rollback@nylpi.org).**

**For detailed case information, please see the below:**

- [\*Brown v. Board of Education\*](#) (347 U.S. 483, 1954)
- [\*San Antonio Independent School District v. Rodriguez\*](#) (411 U.S. 980, 1973)