



Opening Statement

COMMITTEE ON EDUCATION & LABOR

EDLABOR.HOUSE.GOV

The Hon. Robert C. "Bobby" Scott • Chairman

Opening Statement of Chairman Robert C. "Bobby" Scott (VA-03)

House Committee on Education and Labor Full Committee Hearing

Brown v. Board of Education at 65: A Promise Unfulfilled

2175 Rayburn House Office Building

Wednesday, April 30, 2019 at 10:15 a.m.

Today, we are here to discuss our responsibility to fulfill the promise of educational equity, which was ordered 65 years ago in the Supreme Court's landmark decision in *Brown v. Board of Education*.

On May 17, 1954, the Supreme Court unanimously rejected the doctrine of *separate but equal* and struck down lawful school segregation in America. In the Court's opinion, Chief Justice Earl Warren wrote the following:

"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. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms."

He went to say that *"in the field of public education, the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal."*

But the Court's historic ruling was not the end of school segregation, it was the beginning of a long and difficult struggle to unwind centuries of systemic inequality that have influenced every aspect of American life.

Today's inequity in education, housing, economic opportunity, criminal justice, and other policy areas are the legacy of our history. Rather than seeking to forget the wounds in our past, we must confront them. The federal government contributed to racial segregation and inequality, so the federal government must be part of the solution.

Evidence and experience demonstrate that when we accept our responsibility to desegregate schools, we have the power to do so. The passage of the Civil Rights Act and the Elementary and Secondary Education Act – paired with strong federal enforcement of the Supreme Court's mandate to desegregate schools – produced a period of sustained progress from the late 1960s through the 1980s. The share of Black students attending majority white schools jumped from roughly zero percent to more than 40 percent.

Segregation does not just isolate people, it isolates opportunity. A recent report found that there is currently a \$23 billion racial funding gap between school districts serving students of color and school districts serving predominantly white students.

The relationship between integration and resources is often overlooked, but cannot be overstated. Court-ordered desegregation not only substantially reduced racial segregation, it also led to a dramatic increase in per-pupil spending – an average increase of more than 20 percent per student.

As a result, tests score for Black students improved and the achievement gap narrowed. Integration does not work because children of color are incapable of achieving without white peers. Integration works because it impacts school spending and school practices.

Even Stanford Professor Dr. Eric Hanushek, a consistent critic of federal investment as a solution to challenges in education, found that the period of federal investment coupled with strong enforcement of desegregation produced impressive learning gains for children of color without adversely affecting white students.

But just as we have demonstrated the power to fix this problem, we have the demonstrated power to make it worse.

The election of President Nixon started a steady retreat from federal enforcement of school desegregation, which was continued by Presidents Reagan and first President Bush. More importantly, conservatives recognized that the same institution that started the movement toward school desegregation could be used to stop it.

Starting in 1969, Republican presidents appointed the next 11 Supreme Court justices. In fact, all but four of the last 19 Supreme Court justices since 1969 have been appointed by Republicans. They have been able to form a bloc of conservatives who questioned the constitutionality of desegregation, chipping away at the federal government's ability to compel bold and meaningful strategies to fully integrate schools.

For example, a few years ago, when districts in Kentucky and Washington State wanted to voluntarily desegregate their schools, the Supreme Court said no.

Rather than standing firm in support of school diversity, Member of Congress in both parties bowed to political pressure and passed legislation that was intended to undermine school desegregation.

One example was the appropriations rider that started in the 1970s that prohibited the use of federal funds for transportation of students for the purpose of school integration. That rider was just removed last year.

After four decades without federal support for desegregation, we are right back where we started. A 2016 GAO report found that public schools had grown more segregated by race and class than at any time since 1960. According to GAO, high-poverty schools where 75-100 percent of the students were low-income and Black or Latino increased from 9 percent of public schools in 2000, to 16 percent in 2013.

That's 16 percent of public schools where students were both low-income and Black or Hispanic. And they said it's getting worse. It's not surprising the report also found that segregated schools offered demonstrably worse opportunity for a quality education.

Unfortunately, the key ingredients that combined to unwind our progress towards educational equity are once again in place today. We have a conservative Supreme Court that is likely to strike down school diversity policies rather than approve them and an Administration that does not accept its responsibility to promote diversity and equity in education.

One of Secretary DeVos' first actions as Secretary of Education was to eliminate *the Opening Doors, Expanding Opportunities* grant program, a voluntary program to support school districts in creating locally driven strategies to increase school diversity and improve student achievement and equity of educational opportunity for disadvantaged students. That program would have helped local jurisdiction develop desegregation plans that could withstand constitutional challenges.

In the two-and-a-half years since, the Department of Education has:

- Rescinded an Obama-era guidance that provided recommendations to schools seeking to boost diversity in classrooms and campuses;
- Tried to delay the implementation of a long-overdue rule designed to address racial disparities in the identification, placement, and discipline of children of color with disabilities. A recent court decision found that attempt to be illegal;
- Dismissed more than 1,200 civil rights investigations that were started under the Obama Administration;
- Produced a final School Safety report that cited bogus "research" and blamed federal civil rights enforcement – without evidence – for school shootings; and
- Eliminated a 2014 guidance package that was issued to help schools address the clear evidence that Black boys and students with disabilities receive harsher treatments than their classmates in punishments. The guidance showed how you could reduce those disparities without jeopardizing school safety.

As the White House and the courts continue to push us in the wrong direction, Congress cannot sit on the sidelines. The stakes are too high.

Beneath all of the slogans and soundbites, there is the simple fact that desegregating schools is the most powerful tool we have to improve the lives of children of color and their families.

Evidence shows that the racial achievement gap can be virtually eliminated just by exposing Black students to desegregated schooling.

One report – considered the most rigorous and comprehensive to date – showed that Black students who attended desegregated schools throughout their K-12 career were more likely to graduate from high school, attend college, attend a more selective school, and complete college.

The benefits are not merely limited to academics. Just five years of attending court-ordered desegregated schools significantly increased Black workers' earnings and significantly reduced their likelihood of experiencing poverty.

Attending desegregated schools starting in elementary school is highly correlated with reduced chances of adult incarceration.

These statistics reveal both the incredible value of desegregating schools and the tragic reality that we have failed to do so.

How many children have been disadvantaged because of our failure to desegregate schools? How many adults have been impoverished just because we have failed to uphold a Supreme Court decision rendered 65 years ago?

How many more will we lose until that promise is kept?

As our witnesses today will discuss, the work of desegregating schools and protecting students' civil rights will not be easy. Addressing America's legacy of racial discrimination is uncomfortable and complicated. And, as if we don't have enough to deter Members of this institution, it can be unpopular.

But the civil rights movement has always moved public opinion, rather than just waiting for it change. Today, 85 percent of Americans say Dr. Martin Luther King made things better for Black Americans.

But, in 1966, a Gallup survey found that two-thirds of Americans had an unfavorable opinion of Dr. King. Two years later, in the immediate aftermath of his assassination, another survey found that 31 percent of Americans felt that he brought it on himself.

If our approach is to wait until it is popular and easy, we will never do what is right, and generations students and communities of color will be robbed of the opportunity to reach their potential.

Today, we can and will discuss the benefits and trade-offs of various proposals for achieving educational equity. But the premise of this discussion is not open to debate.

Public education is not a private commodity. It is a public good. The federal government is obligated to ensure – just as Justice Warren wrote – that it is made available to all on equal terms.

Now I will yield to Ranking Member, Dr. Foxx, for the purpose of an opening statement.