Chapter 6 Protecting Students from Racial Discrimination in Public Schools

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Introduction

The school to prison pipeline has become an increasingly popular topic of research in the field of Criminal Justice. These analyses focus on the racial biases that affect how disciplinary measures are given in public schools, and the increased probability that a child will end up in the system of corrections after being disciplined. Moreover, evidence suggests that minority children are segregated into the "slower" classes or special needs groups. While the evidence suggests that these actions have been consistently manifested in the public school system, a combination of recent empirical studies from various disciplines has uncovered another disturbing, yet consistent trend. Economically disadvantaged families are consistently segregated into poorer areas, which consequently confines them to lower quality school districts.

Citizens who are overrepresented in the sample of those experiencing the harmful effects of societal discrimination are minorities, but specifically young African-American males. Regrettably, it seems as though these discoveries are consistently overlooked when new reform policies are created for public schools. Initial empirical findings suggest that homogenous schooling may be a viable solution to the plight juveniles in the public school system face, and could diminish the overrepresentation of minorities in the school to prison pipeline. The history of discipline in public schools will be discussed before addressing the school to prison pipeline data. Legal trends of forced integration will be described and compared to societal trends of segregation. Then, policy implications of what we know about these issues will be presented.

History of Discipline in Public Schools

In 1642, when the first educational law was enacted by the Massachusetts General Court mandating parents to guarantee that their children were able understand basic laws and religious principles, it was already an accepted societal norm for educators to assume the responsibility of guarding young minds on school grounds (Coulson 1999). Adopting the common law principle of *loco parentis*, American schools embraced their role as educators and protectors of future generations' wellbeing in order to mold citizens who would be able to contribute to society (Goddard et al. 2001). As time progressed, this idea that the state government has a unique, and powerful interest in effectively molding children while under its supervision has only become more entrenched in American ideology. To effectively shape children, schools have consistently relied on disciplinary measures. Although public schools have been granted broad and flexible powers believed to be necessary to cogently shape students, they have struggled to find a disciplinary approach that has the ability to punish while simultaneously nurturing students as well.

Initially, school discipline was handled by a swift application of physical force, more commonly referred to as a spanking (Ellison and Sherkat 1993). However, as time progressed, more and more parents became less supportive of such a level of discipline. The reduction in community endorsement of the tactic stemmed from increase awareness of the prevalence in which arbitrary abuse, or unwarranted acts of vitriolic chastisement occurred (Dupper and Montgomery Dingus 2008). The effectiveness of the punishment itself was disputed with escalating fervor as well, mainly because of the growing skepticism attributed to its efficacy in aiding a teacher's ability to control a classroom and deter students from engaging in misconduct (Dubanoski et al. 1983). Based on the shift in support for spanking, schools began to rethink their procedures (Farrell 2015). While several punitive measures were experimented with, a seemingly viable solution emerged from the rest: out of school suspensions. Following the supposedly commonsense logic that, if there is a bad seed, it should be removed lest it sprout and affect its surrounding environment, temporary termination of educational activities to teach students a lesson became commonplace in the American public school system (McNeely et al. 2002).

Retributive action became more prevalent in public schools to show a "get tough on delinquency" approach (Skiba and Peterson 1999, p. 337). Even though zero-tolerance approaches, such as suspensions, were initially created to remove students who were excessively violent or who brought weapons on campus, the stratagems soon became applicable to all actions that did not align with school codes (Skiba and Peterson 1999). An increasing number of students began to be removed from school grounds, and miss substantial amounts of instruction (US Bureau of Labor Statistics 2012). On a surface level, the approach seemed to be creating the desired effects. Students who did not take their studies seriously, or who were disrupting the learning experience of others were removed more frequently, allowing the "good" students to flourish and be able to strive towards becoming model citizens. Therefore, the strategy was viewed as a valid approach.

But, as time progressed, more recent studies have begun to show that out of school suspensions were based on invalid assumptions, and actually perpetuated a counterintuitive trend (Christle et al. 2005). Schools with higher rates of suspensions were shown to have lower rates of academic success.

Moreover, children and adolescents who were removed from campuses multiple times had an increased, and statistically significant likelihood of ending up in the criminal justice system (Wald and Losen 2003). Because educational success has been a fundamental foundation of numerous societies since the days of Plato, this quickly became a growing topic of concern (Barrow 2011). To put the seriousness of the situation into perspective, the Supreme Court even ruled that there is a major interest in keeping students in school in order to not put them on the streets, and inadvertently force them into criminal activity (*Goss v. Lopez* 1975). As if these discoveries were not enough, there was also a glaring problem with distributions of out of school suspensions between ethnicities. At the elementary level, Blacks were found to be suspended at a rate 5.5 % higher than Whites, and a mind-blowing 17 % higher during middle school, and high school (Losen and Martinez 2013).

The Switch from Retribution to Restorative Justice

Educational Reasons for the Switch

The switch from retribution to restoration in public schools became more widely used approximately 30 years ago, which is around the same time the criminal justice and juvenile corrections systems began to use similar techniques as well (Gonzalez 2012). The rationale behind the transition was established on proliferating amount of studies on how beneficial restorative justice could be if administered properly. Although the initial results were promising, they were limited and lacked significant funding to produce statistically significant results that could radically alter policies (Washington Research Project 1974). However, as more and more studies began to focus on the problems with schools' using punishments such as out of school suspensions, a greater amount of deficiencies were found in the practices. While suspending a student for a day or two (as is still common) may not appear to have drastic impacts on student success, studies began to reveal that just one suspension doubles a student's risk of dropping out, from 16 to 32 %. Additional studies concluded that 19,000 students were suspended per day during the 182 days in a typical public school year (Civil Rights Data Collection Data Snapshot 2014).

Previously conceived notions regarding the efficacy of retributive tactics have become less well-accepted over time. For example, one popular reason for the use of retributive punishments and added security measures like security guards, metal detectors, or heightened security systems was to improve the sense of safety for students and faculty (Steinberg et al. 2011). But, more studies on the topics

uncovered results that were not very supportive, such as discovering heightened security models did not seem to increase feelings of security for students in their own schools (Servoss and Finn 2014). Other works reaffirmed these findings, one of note being conducted by Balfanze and Byrnes in 2012, which focused on how seriously absences from schools can affect the overall learning experience.

Developmental Reasons for the Switch

As if educational problems were not enough, removal from school significantly inhibits other positive progression in other areas such as sexual, psychological, and social development. The normal advancement for children to develop socially acceptable behavior is directly contingent on the ability to be able to establish relationship with peers, and engage in sexually explorative behavior with children their same age (Cunningham and MacFarlane 1991). Hindrance to this evolution has been shown to significantly alter the normal integration of children and adolescents into society (Fine 1988).

Regardless of a person's belief as to which theory of human development is the most empirically sound or beneficial, it is logical to assume all are in agreement that there is a normal and healthy pattern of development that requires relationships with others in the environment (Erikson 1994). One example of empirical data on the subject is found in Lawrence Steinberg's "Cognitive and Affective Development" (2005, p. 72), in which he states:

Adolescence is often a period of especially heightened vulnerability as a consequence of potential disjunctions between developing brain, behavioral and cognitive systems that mature along different timetables and under the control of both common and independent biological processes. Taken together, these developments reinforce the emerging understanding of adolescence as a critical or sensitive period for a reorganization of regulatory systems, a reorganization that is fraught with both risks and opportunities.

Research on cognitive and biological development such as this, combined with studies focused on the sensitive issue of adolescents and children discovering their identities and autonomy during the time they are being introduced to a school setting, only strengthened the idea that students need to be kept in the confines of school, and not rejected and expected to fend for themselves.

Another example of developmental research that reaffirmed the importance of the age range 6–18 was conducted by Cole et al. in 2004. According to their research, this time period is crucial for developing competence, fidelity, independence, and identity, and is directly shaped by experiences in school (Cole et al. 2004, pp. 320–324). During the earlier stages, every experience a child lives through has a significant impact on his or her development. For instance, removing a child from school, even temporarily, will most likely create feelings of inferiority in the child which may only continue to fester as long if such treatment continued. Adolescence is even more precarious because minors in this stage of life are

struggling to find their identity and sense of morality. They usually find their place in society by peer integration and adaption, and any alteration to this cycle could proliferate confusions with their role in life (Cole et al. 2004, p. 330). Removing them from school could conceivably confound the already arduous task of finding their identity by introducing potentially negative peer group influences from youth who also have been suspended and removed from school.

Financial Reasons for the Switch

A final addition to the scientific findings employed by proponents of abolishing retributive tactics to sway the tide against retributive punishments in schools is the increase in economic expenditures caused by students dropping out of high school and grade retention, direct symptoms of suspending students from school. Alvarez et al. (2009) conducted a longitudinal study of the injurious effects of children and teens dropping out of high school caused by multiple pejorative punishments such as out of school suspensions. The study concluded that there was a 24 % increase directly associated with those who were disciplined when compared to students who were not disciplined, which in turn costs the state an estimated between \$5 and \$9 billion dollars (Alvarez et al. 2009, p. 53).

The estimated costs were presupposed on lost sales tax revenue over the course of a lifetime (\$279–507 million), the increase in welfare costs associated with dropout rates (\$404–736 million), and the subsequent increase in court costs due to the established connection between students dropping out and entry into the correctional system (\$595 million–\$1 billion) (Alvarez et al. 2009, p. 56). Any savings generated by not having to pay for a student's education are wiped out by the other hidden costs associated with having to support those who cannot find work for themselves.

Other investigations have delved into other ways retributive disciplinary measures could hurt society in the long run. One such study conducted by Booth et al. (2012) accentuated the terrifying fact that retaining a student cost the state of Texas and its school districts an average of \$11,543 a year per student (Booth et al. 2012, p. 14). The more a student is suspended, the less likely they are to graduate on time, thereby, extending the time and money required to accommodate them. If a student was not suspended, or disciplined so much that they were forced to miss time in the classroom, they might be able to increase the likelihood that they could graduate on time and contribute to their society while simultaneously eliminating the need for society to pay their school fees for another year (Booth et al., p. 12). These costs added together, when multiplied across Texas' annual retention rate of 6603 students resulted in an annual cost of \$76 million (Booth et al. 2012, p. 12). These costs do not even include the other unseen costs associated with repeated confinement of students like purchasing power, earning potential, and sales tax revenues (Booth et al. 2012, p. 12).

Other alternative punishments that have been used with an increasing rate of occurrence are making students who break the rules are, but not limited to: having students pick up trash, using in school suspensions, requiring students to talk to other students they were disrespectful or mean to, and mandating that those who disobey policies attend school counseling sessions instead of being removed from campus (Casella 2003). As a result, out of school suspensions have been declining sharply, as have the overall number of school disturbances (Jennings et al. 2008). Money is being afforded to researchers and schools who are adopting this system with flourishing consistency, and it is being heralded as a final solution to the shortcomings retributive policies have been sustaining.

Initial Results from the Switch

In light of the overwhelming data accumulated on the subject, schools have begun to implement restorative measures at an increasing rate. Assurances have been taken to try and increase the sense of accountability restoration in employees, and students alike (Morrison 2003). A study of relative importance that determined the significance of restorative justice in high schools was a longitudinal study conducted by Thalia Gonzalez for over 5 years. The study indicated that a drop in the suspension rates of schools were seemingly correlated to an increase in feelings of school safety, standardized test scores, and graduation rates (González 2011, p. 15).

Other studies have examined alternative punishments that have been used with an increasing rate of occurrence are: making students who break the rules are, but not limited to: having students pick up trash, using in school suspensions, requiring students talk to other students they were disrespectful or mean to, and mandating that those who disobey policies attend school counseling sessions instead of being removed from campus (Casella 2003). Although juvenile delinquency rates have been declining since the mid-90s, the increased usage of curative techniques for punishment has also been correlated to the decline (Sickmund and Puzzanchera 2014). Plus, the school to prison pipeline issue has been addressed with increasing success. Regrettably, there is another issue that has not been handled as efficiently: the disproportional amount of discipline levied against minorities, and the over-representation of young Black males in empirical data.

Persistent Issues

Unfortunately, there is one element in America's educational system that has not been changing. The seemingly ubiquitous discovery found by past and present empirical studies is that even with the increased use of less stringent reformatory measures, minority children, and teenagers are still consistently disciplined more habitually than their peers, and consistently labeled as special needs (Gregory et al. 2010).

Additionally, African-American males are habitually overrepresented in these findings. Quantifiably, the problem of the school to prison pipeline may seem to be improving from the decreased occurrence of students being removed from campuses, but the consistent unearthing of racial discrimination sheds light on the much more disturbing issue that lies beneath the surface (Gegory et al.). While a restorative system of punishment is currently thought to be an effective panacea to the problem of children acting out in schools, and the disproportionate numbers between rates of ethnic discipline, its initial results appear as unable to remove the systemic casteism in public schools (Skiba et al. 2002).

Whether it be teachers, other faculty, or principals, racial biases have been found to affect the decision-making process involved in meeting out disciplinary measures, regardless of their level of severity. These trends are evidenced by the fact that schools with higher than average enrollments of blacks have a higher than average number of matters that are handled punitively (Wallace et al. 2008). In addition, it has been shown that, even though out of school suspensions have been used less and less frequently, African-American males are still dealt more punishments, restorative or not, for actions for which their white or other ethnic counterparts are not punished (Puzzanchera 2000).

The belief catalyzing these training techniques is that, if people are made aware of their biases, they will be able to actively fight against them. For example, the My Teaching Partner professional development program was supposed to enhance emotional, organizational, and instructional ties that students and teachers have to each other which was supposed to balance the equilibrium of discipline between races (Allen et al. 2011; Gregory et al. 2014). While there was a decrease in overall disciplinary rates in experimental groups, and a decrease in disparity between Black and White students, these results do not appear to be representative, or generalizable.

Although nascent, these restorative procedures and training seminars do not appear to have done much to eradicate the underlying issues that are consistently uncovered in public schools. While numerous plans and ratifications have been created, and there has been some drop in the statistics of different treatment of minorities, there is still a significant disparity between disciplinary measures given to minorities and Whites. While this may not make sense to some, or mean to others that these things just take time to work, there is a potential, psychological explanation for the inability for the gap to be closed: aversive racism.

Possible Causes of Persistent Issues

As Dovidio and Gaertner point out in their article "Aversive Racism" (2004), just because legal adaptions are made to protect African-Americans does not mean that society will internalize these changes and act accordingly. At the heart of the idea of aversive racism is that people will outwardly say that they are not discriminating against minorities because of their race, they are only doing so because the law tells

them they must, and will find other ways to discriminate against them whether it be consciously, or even subconsciously. This relates to a myriad of psychological research that all centers on the idea that humans like being around their own race, and identify with people of their own race as well (Katz 1964). All these empirical understandings, while seemingly unrelated, point to one conclusion: racism is an inherent, innate, and irremovable flaw of human character. Policies should be enacted that acknowledge these flaws in human character. By ignoring innate prejudices, which admittedly can range widely in their strength and expression, the issues inextricably connected to them cannot be solved.

The above has been supported by more relevant research conducted by Skiba et al. (2011) where they studied race-neutral techniques were implemented in schools. While, the overall disciplinary rate went down after implementing a restorative system in 426 schools in the study, there was still a glaring difference in the amount of African-American students when compared to the White students (Skiba et al. 2011). Empiricists appear to be surprised by these findings, or unconcerned about their prevalence (Puzzanchera 2000; Wallace et al. pp. 9–10). However, if de jure (legal) integration and de facto (actual) segregation patterns are examined, the current public school predicament is not very surprising.

De Jure Integration, de Facto Segregation in Public Schools, and de Facto Segregation in Society

Legally Mandated Integration

The renowned 1954 case of *Brown v. Board of Education*, a rare decision of unanimity on a hotly contested issue, firmly cemented the idea into American society that it is the Nation's goal to ensure fundamental rights to all ethnicities. In order to do so, abolishing segregation was necessary to maintain that one group is not inherently favored above others in society. The established practice of "separate but equal" in the 1896 case of *Plessy v. Ferguson* was ruled to be unequal based on the knowledge created by psychological research that separate educational facilities are congenitally unequal (*Brown v. Board*). The Justices involved went on to conclude that race based segregation was a violation of the Equal Protection Clause of the 14th Amendment (*Brown v. Board*).

States were immediately forced to begin integrating ethnicities into public schools of the 17 states that had laws establishing segregation. The backlash of the ruling was significant, as there were multiple violent outbursts where Whites used physical force to keep Blacks out of schools (Bickel 1964). However, over time, integration became the norm. The established systems of de jure segregation were slowly dismantled, and biracial systems of education became the norm. One specific implementation of de jure, or legally enforced, segregation has been efforts to support affirmative action through the 14th Amendment. A seminal case in the

relation of affirmative action to desegregation was *Green v. County School Board* (1968) in which the Court ruled that school boards would have to show meaningful, and statistical change in the racial construction of their schools. Busing was one of the first constructed means of implementing this rapid, and seemingly necessary system of forced integration.

While busing was not a new idea, as described by Sears et al. (1979), and had been used to transport Black children to segregated schools before, using specific percentages to transport a required number of children to different schools was unfamiliar (p. 372). Apart from the racial tensions that manifested in these schools where disgruntled children, both minority and majority, are displaced in order to create what was described in *Green* as a cohesive mix of students that can be used to create an environment optimal for learning, busing did not appear to imbue many positive changes. Regrettably, it soon became clear that, although integration was publically professed, minorities, especially Blacks, were and still are subjugated to segregation in the classroom (Barrett 2011; Levesque 2015).

Current Segregation in Schools

Research conducted by Katz (1964, p. 58) showed results that made it seem doubtful "whether school systems that desegregate under court order are willing to make the painful efforts necessary to bring harmony and mutual respect to a biracial classroom." It appears that those results were not far off. The Individuals with Disabilities Education Act of 1997 revealed that African Americans, who only constituted 16 % of elementary and secondary students in the U.S., composed 21 % of the total population in special education. Moreover, Black children from lower class families were almost two and a half times more likely than their peers to be identified by their teacher as having mental retardation (GAO 2013, p. 320).

The Act also recognized that mostly African American boys were misdiagnosed and misplaced into special education programs. Even though the act called for a change, and stated that there needed to be more education on the plight of young minority males in schools, the overrepresentation of African-American children in special education continues to be a critical problem. This directly contributes to the school to prison pipeline issue, as a national study focusing on secondary school enrollment discovered that 36 % of black male students with disabilities were suspended from school in 2009–2010 (Losen and Martinez 2013).

Another egregious example of segregation in public schools is the tracking strategy. Tracking refers to students' being grouped into classes that are composed of students with similar academic abilities (Rosenbaum 1976). However, it has been shown with increasing prevalence that the grouping of classes has become more based on ethnic and socioeconomic factors than on alleged academic indicators (Gamoran and Mare 1989, pp. 1173–1175). This research bolsters the persistent notion that there is a drastic gap in opportunity for students in the public school

system, and that attempting to implement restorative justice may not be able to extract the pervasive issues that integrated schools have been founded upon.

Current Segregation in Society

There is also a possibility that restorative justice and other proposed alternatives could be thwarted by historical trends of families with enough money leaving urban public school districts and placing their children in private schools (Frey 1979). This process is referred to as "White Flight." White flight is the tendency of White families to take their children out of public school, and place them into private or suburban schools in order to get them away from the poorer, urban families that can only afford to put their children in public schools (Kruse 2013). This follows a similar pattern found in Park and Burgess' criminological Concentric Zone Theory, and many other ecological theories as well. The main idea of these theories is that when something new and dominant is introduced to the environment, those that can escape it, will so as expeditiously as possible (Harris and Ulman 1945).

Numerous legislative proposals have been passed to regulate the harms caused by the prevalence of racism in areas other than schools. For example, the Civil Rights act of 1964 was a landmark moment in United States history because it eliminated segregation in public places (Civil Rights Act of 1964). After that, a litany of changes have been made to increase awareness, and decrease discrimination such as, but not limited to Civil Rights Acts of 1968, 1991, the Employment Non-Discrimination Act, the Fair Housing Act, and the Voting Rights Act of 1965 (Civil Rights Act of 1991). The majority of legal responses have focused on increasing access to education, creating more racially inclusive policies, and producing more opportunities for minorities, especially young Black males. Other measures deemed more radical, such as segregation based on racial quotas, have been discussed as well.

An embodiment of these new ideas is exemplified in acts such as President Obama's 2014 My Brother's Keeper initiative, which was supposed to decrease racial disparities by creating more opportunities for hardworking African-American Males (The White House, Office of the Press Secretary 2014). Other initiatives taken that are more appropriate to schools are the School Discipline Consensus Project, Supportive School Discipline Initiative, and other positive behavior and support systems in grades K-12 (Request for Information on Disproportionality Under IDEA 2014). But, it appears that legislative entities are simultaneously allowing zoning law to segregate poorer families through location-based discrimination or residential discrimination.

Residential discrimination refers to the zones that are established in every city or town that sanctions off areas into little boxes. If you live in a certain box, you can only go to the school or schools that are in that geographic area. Because wealthier families have the financial means to leave undesirable urban or rural areas that are heavily populated and put their children in other schools, the minority families who

cannot leave are forced to go to the schools in their area (Ladson-Billings and Tate 1995). Because of this, property values are lowered, which lowers property taxes, which takes away money from public schools (Hamilton, p. 648). Even attempts at creating more opportunities for poorer, minority children have been subverted by these processes.

In an attempt to alleviate the harmful effects of these societal trends, Magnet Schools were created in order to foster a more racially diverse environment for students to thrive in, and ensure racial integration as well. They are still operated under the same public school system that other schools are, but they are outside of the zoning confinements (Gamoran 1996, p. 8). However, because of the noticeable occurrence of White flight, these schools have very low representation of minority children, poorer children, and children with disabilities (Archbald 2004). These programs have also been criticized because it is said that they take money away from the regular public schools, and disadvantage children even more by not allowing students whose families cannot afford better schools to be afforded the same opportunities to succeed.

Policy Reform Implications

Economically disadvantaged and minority children need to be protected. They should not be victimized by arbitrary measures such as those that can derive from excessive discretion of school officials. Additionally, biases and prejudices that public schools and society were built on cannot continue to be ignored. Instead, a plausible alternative could be that legislative officials accept that de facto segregation occurs and will continue to occur. While other solutions have been proposed to address this problem, none seem to effectively, and quickly protect minority children currently in public schools. Based on the wealth of empirical knowledge on the subject, it seems a viable option for lessening racial biases in public schools would be state sanctioned homogenous schooling. To be clear, this proposal is different from forced segregation because these schools could be optional for students. The reasons that segregation is harmful listed in *Brown* includes: it places a discrepancy between races in society, it leads to feelings of inferiority in minorities, it distorts society's sense of reality, and it is frustrating for minorities (Cummings 1992, p. 730).

While these reasons for discrepancies between schools were undoubtedly true at the time, one needs to consider the possibility that these feelings of inadequacy could be eliminated if the schools, technology provided, and level of teaching given in these schools were created equal to other public schools. Would minority parents mind if their children went to homogenous schools if (1) they chose for them to go there; (2) the facilities were the same as other public school facilities; (3) the education they were receiving was equal or better than heterogeneous schools; (4) and their children were not being singled out in schools because of their race?

While any definitive answer is conjectural, recent studies have provided results that would suggest numerous parents would answer "No" to the previous question.

Single-sex schools have already been established, and continued upon conflicting findings that students score better on standardized test scores than those in co-ed schools (Truely and Davis 1993). As such, All Male Black Schools, an idea that has been proposed for some time, could be an acceptable alternative. The government would have to appropriate more funds toward the establishment of homogeneous schools in order to create a learning environment that is truly dedicated to change. Without the racial disparities that occur due to the biases that are inextricable in heterogenetic systems, homogenous schools need to be encouraged so that students will not harbor feelings of inadequacy from their peers, or by teachers discriminating against them. To be clear, no race or ethnicity would be forced to go to a school they did not want to go to. Rather, they would just be encouraged to go to schools primarily comprised of students of their same race and those schools would be supported with the resourced needed.

A school voucher program for minorities that would pay for expenses to go to schools where the majority of the population are of the same race is a feasible, and logical possibility. Although this would be undoubtedly challenged as unconstitutional (see Parents Involved in Community Schools v. Seattle School District No. 1 2007), there may well be some room for them. For example, schools have been challenged when they have been developed in a way that favors religious schools. A possible interpretation is that it would just be presenting parents with options, which they would not be influenced to accept in any way, according to the ruling established by the Supreme Court in Zelman v. Simmons-Harris (2002). In addition, if states are able to demonstrate compelling interests, they can implement policies that otherwise would be counter to the Constitution; and that actually was what permitted Brown v. Board of Ed to use racial characteristics to remedy the effects of discrimination. A compelling argument could be made in support of homogenous schools. Some will argue that segregating minority students seems atavistic, myopic, and facile on the surface. However, it truly addresses the issues that minority youth face in public schools without trying to assume that people are not inherently flawed. The government has a narrowly tailored, and significant interest in assuring children are protected in the institutions that were created to mold them into citizens that contribute, and do not take away from the advancement of society.

Conclusion

It is difficult to ignore the harms that come from discrimination in public school systems. To ensure that travesties stemming from discrimination happen the least amount of times as possible, it is time to consider alternatives. A system of homogenized education that is not required, but encouraged by the state is an option that merits consideration. The Supreme Court has repeatedly stated that children

have a unique, and delicate place in society that needs to be safeguarded at all costs. Society appears as if it wants to come together in order to protect its future generations from the inequities they suffer. However, it also appears that the methods by which the United States has tried to achieve this goal have not been working. Based on these perceptions, it seems that opportunistic isolation for minorities may yield a more promising future for some of them. Not isolated in the current sense of the term where they are given differential treatment through lessened financial and educational opportunities, but in the sense where minority and disadvantaged youth do not have to fear being ostracized in school for being different, or fear having an increased risk of being classified as special need. Acceptance of a problem is the first step to recovery; then, and only then, will the plight of disadvantaged children actually begin to improve.

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