Opening Statement
COMMITTEE ON EDUCATION & LABOR
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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 Markup
H.R. 2574 Equity and Inclusion Enforcement Act & H.R. 2639 Strength in Diversity Act
2175 Rayburn House Office Building
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Sixty-five years ago tomorrow, the United States Supreme Court unanimously struck down lawful school segregation in the landmark case of *Brown v. Board of Education of Topeka*. In a unanimous decision, the Court noted that, "In these days, it is doubtful that any child may reasonably be expected to succeed in life if 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."

Chief Justice Earl Warren went on to write that "in the field of public education, the doctrine of 'separate but equal' has no place."

Yet, more than six decades later, the promise of this landmark ruling has not been fulfilled. According to a 2016 Government Accountability Office report, public schools are more segregated by race and class today than at any time since the 1960s.

Just last week, researchers at UCLA and Penn State revealed that the share of racially segregated schools has tripled to nearly 20 percent since the 1980s. That's one in five schools in America where students are both of color and low-income.

History and evidence demonstrate that protecting civil rights in education is a necessity for expanding the opportunities of students historically disadvantaged by systemic discrimination.

Strong federal support for school integration policies in the 70s and 80s cut the achievement gap in half in just 17 years.

More recently, a report from Dr. Rucker C. Johnson of the University of California Berkeley—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, and complete college. Today, we are considering two bills—H.R. 2574, the *Equity and Inclusion Enforcement Act*, and H.R. 2639, the *Strength in Diversity Act*—that honor the important holding of *Brown v. Board of Education* **and** take important steps toward making equity in education a reality for students across the county.

The first bill—the *Equity and Inclusion Enforcement Act*—would secure the right of students, parents, and communities to address racial inequities in public education under the *Civil Rights of 1964*.

Under the *Civil Rights Act*, individuals had the right to challenge discriminatory public school policies if those practices disproportionately hurt marginalized students on the basis of race, color, or national origin.

However, in 2001, the Supreme Court's 5-4 decision in *Alexander v. Sandoval* struck down the right of individuals to challenge such policies or practices under Title VI of the law. In sum, the decision barred victims of civil rights violations from pursuing justice against entities who were ***federally*** funded but engaged in practices or carried out policies that disparately impacted racial groups. The victims of discrimination now have to wait for the Department of Education to take action. As the Department fails to act, nothing happens.

In response, the *Equity and Inclusion Enforcement Act* restores the private right of action of students, parents, and communities to bring lawsuits against inequities in education.

The legislation also designates an Assistant Secretary of Education to oversee equity and inclusion programs.

Finally, the *Equity and Inclusion Enforcement Act* creates Title VI monitors—similar to Title XI monitors now in effect for sex discrimination and sexual harassment and violence—to ensure that every school has at least one employee specifically designated to investigate complaints of discrimination based on race, color, or national origin.

The second bill—*the Strength in Diversity Act*—introduced by Congresswoman Marcia Fudge, provides public school districts the tools to develop voluntary community-driven strategies for promoting diversity.
Recognizing the long-lasting benefits of school diversity for students, some districts have now developed their own innovative strategies for desegregation.

Yet, developing programs may be complicated. In fact, in two locations, Kentucky and Washington, the Supreme Court actually struck down voluntary school desegregation plans.

When the Trump Administration came in, the Department of Education eliminated the voluntary *Opening Doors, Expanding Opportunities* grant program, which was designed to support district seeking to pursue locally driven strategies to increase school diversity.

To restore federal support for school integration, the *Strength in Diversity Act* dedicates funding for communities to study racial isolation in their schools and tackle segregation through evidence-based plans.

Unfortunately, House rules prevented this bill from taking the additional step of eliminating the nearly five decades-old prohibition on using federal funds to desegregate schools by helping students travel to and from school. However, this bill is a step in the right direction by nullifying the prohibition as it applies to the *Strength in Diversity Act* and allowing federal funding under the bill to go toward transportation for the purpose of integration.

The legacy of systemic inequality and racial segregation continues to deny millions of children the opportunity to reach their full potential. Instead of confronting this injustice, the federal government has continually retreated from its role in promoting school diversity, erasing decades of progress towards educational equity. These two bills will help reverse that trend.

Sixty-five years after the landmark decision in *Brown v Board*, we must commit to finally delivering on its promise. I therefore urge Members of the Committee to support the *Equity and Inclusion Enforcement Act* and the *Strength in Diversity Act*.