

Public Interest Law Reporter

Volume 14

Issue 3 *Summer 2009 Symposium Issue*

Article 2

2009

Forward

Michael Kaufman

Dean, School of Law, Loyola University Chicago, Chicago, IL, mkaufma@luc.edu

Follow this and additional works at: <http://lawcommons.luc.edu/pilr>



Part of the [Education Law Commons](#)

Recommended Citation

Michael Kaufman, *Forward*, 14 Pub. Interest L. Rptr. 1 (2009).

Available at: <http://lawcommons.luc.edu/pilr/vol14/iss3/2>

This Article is brought to you for free and open access by LAW eCommons. It has been accepted for inclusion in Public Interest Law Reporter by an authorized administrator of LAW eCommons. For more information, please contact law-library@luc.edu.

Foreword

by DEAN MICHAEL KAUFMAN

In his inaugural address, the 44th President of the United States warned that “our schools fail too many.” President Obama, however, declared that we can “transform our schools to meet the demands of a new age,” but only if “our imagination is joined with common purpose, necessity with courage.”

In the articles presented in this important *Public Interest Law Reporter* Symposium Issue, “Separate and Unequal? The Socioeconomic Realities of Public Education in America,” the authors join their “courage” with the “necessity” to improve our nation’s schools, and their “imagination” with the “common purpose” of providing educational equity and excellence for our children. Each of these authors recognizes that there are gross disparities in educational funding in Illinois and throughout the country. As a consequence, many children do not receive even a minimally adequate education, particularly children of color, children in high poverty districts and homeless children.

In his article, Jonathan Baum, Director of Pro Bono at Katten Muchin Rosenman, LLP, demonstrates that the Supreme Court's recent decisions have undermined the promise of *Brown v. Board of Education*, frustrating efforts toward racial integration and educational equality. Mr. Baum answers the question, "What did *Brown* do for you?" from two perspectives: as a practitioner of civil rights law, and as a steward of a racially integrated school system. Mr. Baum contends that the Supreme Court's recent opinion *Parents Involved in Community Schools v. Seattle School District No. 1* represents the ultimate retreat from the promise of *Brown*. Accordingly, Mr. Baum concludes that whatever *Brown* was going to do, it has already done.

In their companion article, "What Did *Brown* Do For You: *Brown v. Board* 50 Years Later," Dr. G. Robb Cooper and James Prescott share Mr. Baum's analysis of the legacy of *Brown*, but offer practical steps towards bridging the racial gap in education. Mr. Cooper and Mr. Prescott argue that more funds should be precisely tailored towards prenatal care, early childhood education and parental training.

In his article, "Educational Impact of Resource Allocation Differences Between Suburban and Urban High Schools," Allan Alson, Associate Director for Leadership Consortium for Education Change, and Elizabeth Nelson, a Loyola Law Student, demonstrate just how much money really "matters" in the educational opportunities afforded children. By comparing a suburban high school with urban high schools in the Chicago Public School District, Dr. Alson and Ms. Nelson persuasively show that the allocation of additional resources toward effective educational programs significantly improves learning outcomes.

Michael Klonsky, the Director of the Small Schools Workshop, questions the efficacy of various efforts to "reform" the Chicago Public Schools. In "The Terms of Chicago's Consent Decree: There are No 'Miracles' Here," Mr. Klonsky analyzes the small schools movement and Chicago's proposed "solutions" to an inadequate school system, including selective enrollment schools, charter schools, and Renaissance 2010. Mr. Klonsky argues that none of these proposed solutions have substantially narrowed the dramatic gap in achievement that persists along racial and socioeconomic lines.

This symposium issue also brings together authors who show how the educational system works to the particular disadvantage of homeless students. Eric S. Tars, Children and Youth Staff Attorney at the National Law Center on Homelessness and Poverty, contends that the deprivation of education to

homeless children is not just a violation of federal law, it is an affront to human rights. In his article, “Separate & Unequal in the Same Classroom: Homeless Students in America’s Public Schools,” Mr. Tars describes the barriers to homeless students’ education and the legal mechanisms developed to address those barriers. He believes that advocates for homeless students and advocates for minority students face similar legal and political hurdles, and therefore should adopt a unified strategy to remove those hurdles.

Laurene M. Heybach, Director of the Law Project at the Chicago Coalition for the Homeless, exposes the fact that more than 10,000 children in the Chicago Public Schools are homeless, most of whom are children of color. These children face unique educational challenges. In her article, “Advocacy and Obstacles in the Education of Homeless Children in Illinois,” Ms. Heybach argues that homeless children are overlooked by public school districts, which often take legal positions that effectively push them away.

Cary M. Martin, an attorney at Sidley Austin LLP, tells her own story of the barriers she confronted to education while a homeless student. In “Homeless Education: Unveiling the Truth Behind Beating the Odds,” Ms. Martin argues that children who are identified as homeless need not have a certain level of skill or intelligence to overcome the odds that they will remain victims of poverty. Rather, they need the assistance of adequately funded local and national support networks. She exposes the common misperception that children who do not break free from the cycle of poverty fail to do so due to a “lack of intelligence, drive or self-motivation.” As Ms. Martin’s personal experience as a homeless child reflects, this misperception itself perpetuates poverty and homelessness. Ms. Martin also critically analyzes the scope and limits of the federal McKinney-Vento Homeless Assistance Act.

Together, all of these authors confront the reality that American public education is both separate and unequal. Despite the promise of *Brown*, disparities in educational opportunities persist, and have dramatic consequences in the lives of too many children. These authors have, however, offered imaginative and courageous approaches toward coming at least a bit closer to the goal of educational equity and excellence. As such, this special issue of the *Public Interest Law Reporter* will prove to be both timely and timeless.