



***50 Years After Brown:
What Has Been Accomplished and What Remains to Be Done?
April 22-24, 2004***

**Taubman Building, 5th Floor Conference Rooms
J. F. Kennedy School of Government
Harvard University**

Sponsored by: Program on Education Policy and Governance, Taubman Center for State and Local Government, Sutherland Asbill & Brennan LLP, with the support of the Lynde and Harry Bradley Foundation and the John M. Olin Foundation, Inc.

Thursday, April 22nd

8:00 PM **Keynote Address- “Beyond *Brown*: Unfinished Business”
Rod Paige - Secretary, United States Department of Education
John F. Kennedy Jr. Forum, KSG Littauer Building**

Friday, April 23rd

8:00-8:45 AM **Registration and Continental Breakfast**

8:45-9:00 AM **Opening Remarks**
Paul E. Peterson, Harvard University
Al Lindseth, Sutherland Asbill & Brennan LLP

9:00-10:45 AM **Panel 1: “How Well Have We Done Over the Past 50 Years?”**

Much has changed since *Brown*, but a surprising amount has not. The actual level of school integration has not changed much since the school desegregation began in earnest in the early 1970s, and black-white differentials in college graduation rates remain. Of greatest concern is the stability in the gap in tests of cognitive skill, a gap that appears in the earliest years of life before children even begin school and inexplicably appears to grow as they proceed through school. What explains these trends? How has court doctrine evolved in desegregation cases?

Chair: Charles Glenn, Boston University
Papers: “Leaving No Black Children Behind”
Chester E. Finn, Jr., Fordham Foundation
“The Course of Federal Desegregation Litigation Since *Brown*:
How Conflict Gave Way To Collusion”
Charles Cooper, Cooper & Kirk
Discussants: Christopher Jencks, Harvard University

10:45-11:00 AM Break

11:00-12:15 PM Panel 2: “Can Preschool Programs Close the Gap?”

The test-score gap is evident from the earliest years. Many have long thought that the problem will remain intractable unless students can be placed on an even footing from the time they enter school. Unfortunately, the success of the large, federally funded preschool program, Head Start, remains uncertain at best. Is this because Head Start programs focus too much on socializing skills, and not enough on academic ones? Is it because family life is so much more important for student achievement than any preschool program can ever be?

Chair: Ellen Condliffe Lagemann, Harvard University

Paper: “Preschool Programs and the Achievement Gap: The Little Train that Could”

Ron Haskins, Brookings Institution

Discussants: Deborah Stipek, Stanford University
Roland Fryer, Harvard University

12:15-2:00 PM Lunch

Brief Welcoming Remarks

Lawrence Summers - President, Harvard University (tentative)

2:00-3:30 PM Panel 3: “Is Increased Desegregation a Practical Remedy to Close the Gap?”

A vast body of research has attempted to identify the benefits and costs of school integration on student achievement. On the whole, the answer seems to be, “it depends.” Racial integration is most successful if it is embedded in integrated communities; it is least successful if imposed on a reluctant or hostile citizenry. Whatever the benefits, can desegregation remedies be legally required any longer? In the last decade federal courts have rarely ordered remedies involving increased levels of integration. What does the future hold?

Chair: Lovida Coleman, Jr., Sutherland Asbill & Brennan LLP

Papers: “Black Achievement 50 Years After *Brown*”

David Armor, George Mason University

“The *Grutter-Gratz* split doubleheader: The Use of Student Race in School Admission, Attendance, and Transfer Policies at the K-12 Level”

John Munich, Sutherland Asbill & Brennan

Discussants: David Grissmer, RAND

John W. Borkowski, Hogan and Hartson

3:30-3:45 PM Break

3:45-5:15 PM Panel 4: “Will More Resources Help?”

Many believe that the black-white education gap is due to the insufficient financial resources devoted to the education of at-risk students, a large proportion of whom are African-American. Substantial research suggests that monetary resources available for blacks and whites may not differ substantially, and, moreover, that variation in most educational resources - per pupil expenditures, teacher salaries, class size, and so forth - seems to have little effect on student test score performance. How can we achieve a tighter connection between school fiscal resources and student achievement? What is the role of the courts in this regard? As Federal courts no longer order “Milliken II” remedies that focus on providing additional resources to predominantly black schools, plaintiffs’ groups have turned to state law “adequacy” suits as a means to funnel more money into the education of at-risk children. What are the costs and benefits of this legal development?

Chair: Robert Costrell, Massachusetts Executive Office for Administration and Finance, and University of Massachusetts at Amherst.

Papers: “Resources and Racial Skill Gaps”
Derek Neal, University of Chicago
“Educational Adequacy Lawsuits: The Rest of the Story”
Al Lindseth, Sutherland Asbill & Brennan LLP

Discussants: Henry Levin, Columbia University
Howard Fuller, Marquette University
Michael Rebell, Campaign for Fiscal Equity

Saturday, April 24th

8:30-9:00 AM Continental Breakfast

9:00-10:30 AM Panel 5: “Will Stronger Accountability Measures Help?”

The recently enacted federal legislation, No Child Left Behind, seeks to achieve racial parity by asking states to create strong accountability systems that expect higher performance from students of all ethnic and racial backgrounds. How successful will this strategy be? How successful will this strategy be? What are the legal issues that will affect the implementation of the law? How are minorities impacted by the legislation?

Chair: Caroline Hoxby, Harvard University

Papers: “School Accountability and the Black-White Test Score Gap”
Margaret Raymond and Eric Hanushek, Hoover Institution
“Education Accountability: Motivation or Discrimination? A Survey of Legal Theories Used to Challenge and Defend State Accountability Systems”
Jane Wilensky, Office of the Attorney General, State of Michigan.

Discussants: Ron Ferguson, Harvard University
Al Kauffman, Harvard University, The Civil Rights Project

10:30-10:45 AM **Break**

10:45-12:15 PM **Panel 6: “Is School Choice the Answer?”**

School choice has long been part of American education. Parents frequently choose a place to live in order to give their child access to the neighborhood school of choice. But residentially based school choice places a premium on income and creditworthiness, resources lacking among many poor African Americans. Will broader systems of school choice, including school vouchers, charter schools, etc., help reduce the test score gap? Given that many states have legal impediments to these arrangements, what is the future of litigation in this area?

Chair: Paul E. Peterson, Harvard University
Papers: “School Choice by Mortgage or by Design: Implications for the Black-White Test-Score Gap”
Patrick Wolf, Georgetown University Public Policy Institute
“Delaying the Dream: Legal Obstacles to School Choice”
Clint Bolick, Alliance for School Choice
Discussants: Steven K. Green, Willamette University
Lawrence Patrick III, Black Alliance for Educational Options

12:15 PM **Luncheon and Closing Remarks**
William Coleman, Jr. - Sr. Counselor, O’Melveny & Myers LLP
Paul E. Peterson, Harvard University