

## Applying *Brown: Parents v. School District* [A Hypothetical Case]\*

Educators around the country have recognized the special needs of certain inner-city African-American and Latino male students and of certain female students of all races. Growing up in severely distressed economic environments marked by gangs and drugs, and often the product of fatherless households, boys in these circumstances often fall well below their educational potential and the average progress for their grade. Faced with the intense sexual pressures of a co-educational environment and the documented learning challenges in mathematics and the sciences, certain girls are at risk of early pregnancy and falling well below their educational and workforce potential.

To address these problems, one city has established special academies offering enriched education programs for these boys and girls. These public schools feature low enrollment, high teacher-student ratios, and courses designed to improve learning skills. They have special programs and coaches to promote self-esteem and discipline, and they feature well-equipped labs, libraries, and computer centers. Each of these special academies also has a policy limiting admission: the boys' schools deny admission to girls, with only African Americans admitted to an all-black academy and only Latinos admitted to an all-Latino academy; the girls' schools exclude any boys from attending.

In general, the academies are better equipped and better funded than regular schools in the city. Several parents file suit in Federal Court, claiming that the academies are much better than the regular public schools and that their admission policies violate the U.S Supreme Court ruling in *Brown v. Board of Education*. The School District claims that the academies have a real chance to improve the education of the targeted students and help solve community problems. They argue that since the academies were not set up to discriminate, they do not violate the *Brown* ruling.

### **Instructions**

You will take part in deciding the case of *Parents v. School District*. Working in groups, you will be assigned the role of a Supreme Court Justice, an attorney representing the Parents, or an attorney representing the School District. You will be arguing the question of whether this policy violates the Equal Protection Clause as understood in the case of *Brown v. Board of Education of Topeka*.

You will prepare your case with the other persons assigned to your role: Attorneys for Parents together, Attorneys for the School District together, and Justices together.

When your teacher gives the signal, everyone will break into a three-person group or triad—one Supreme Court Justice, one Attorney for the Parents, and one Attorney for the School District. Your teacher will be in charge of keeping time.

## Moot Court Instructions

Parents Attorney Instructions	Supreme Court Justice Instructions	School District Attorney Instructions
It is your job to represent the Parents by developing and making arguments that the School District's regulations violated the Equal Protection clause of the Fourteenth Amendment of the U.S. Constitution and are different from those in the <i>Brown</i> case.	It is your job to review the case of <i>Brown v. Board of Education</i> and the facts of the case in <i>Parents v. School District</i> . Prepare for hearing the case by trying to think about arguments both sides might raise.	It is your job to represent the School District by developing and making arguments that the regulations are permitted under the Equal Protection clause of the Fourteenth Amendment of the Constitution and by the Court decision in the <i>Brown</i> case.
You will have no more than three minutes to present your case. The Justice may interrupt you to ask one question during that time.	When hearing the case, each attorney has no more than three minutes to give its arguments. The Parents side goes first. You may ask one question to each side during this time.	You will have no more than three minutes to present your case. The Justice may interrupt you to ask one question during that time.
	When both sides have finished, you will have three minutes to decide the case and give the reasons for your decision. Stand up in place after you have given your decision.	

### Group Questions for Thinking About Arguments:

1. How are the facts of *Brown* different from the facts in *Parents v. School District*?
2. What are some benefits to society or to education if the decision for the academies are upheld?
3. What harm to society or education might result if the decision for the academies is upheld?

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\* Adapted from: *Foundations of Freedom*, Teacher's Guide, © Constitutional Rights Foundation 1991.