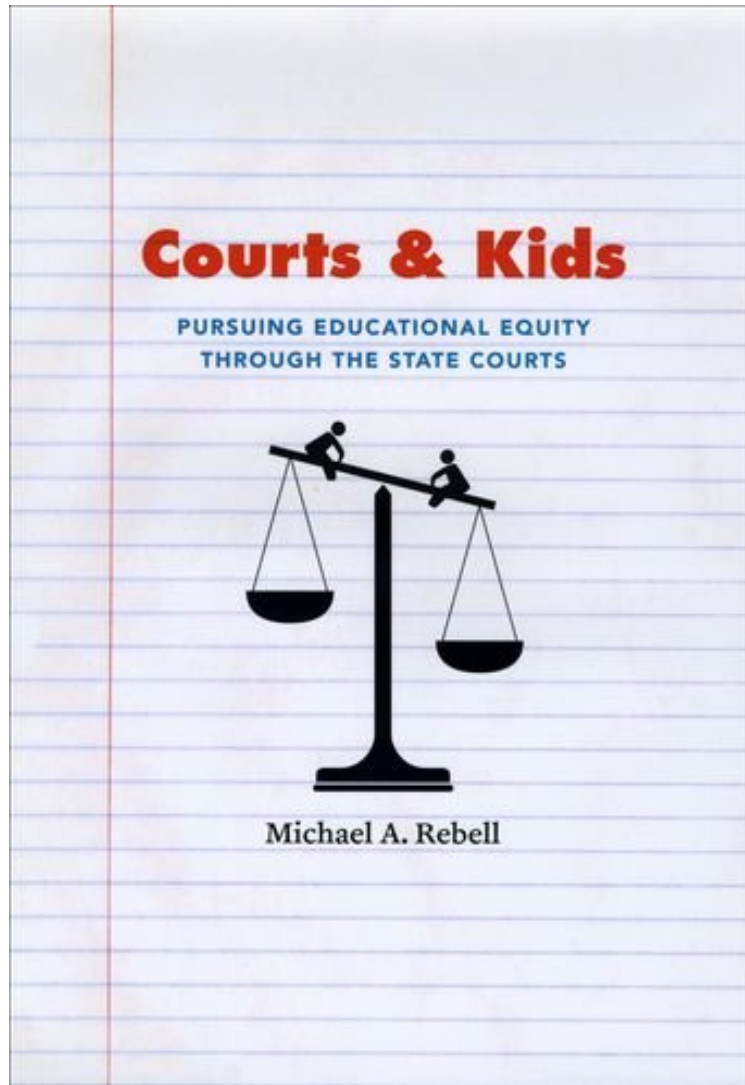


[Free pdf] Courts and Kids: Pursuing Educational Equity through the State Courts

# Courts and Kids: Pursuing Educational Equity through the State Courts

*Michael A. Rebell*

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**Michael A. Rebell : Courts and Kids: Pursuing Educational Equity through the State Courts** before purchasing it in order to gage whether or not it would be worth my time, and all praised Courts and Kids: Pursuing Educational Equity through the State Courts:

0 of 0 people found the following review helpful. The author argues that the greatest advances have been made when all three branches work ...By JamesThis review concerns Courts Kids: Pursuing Educational Equity Through the State Courts by Michael A. Rebell. It was published in 2009, by The University of Chicago Press, Chicago. The print

version is for sale for \$31.65 and is 193 pages long. My name is James Roen, I am an Educational Policy graduate student at the University of Wisconsin Madison. The authors main goal is to eliminate achievement gaps and to provide every student with opportunities to achieve academic proficiency. The strategy for attaining this goal is to increase the interactivity of the three branches of government, executive, legislative, and the judiciary. The main argument rests upon the acknowledgement that most advances in educational equity have sprung from the judiciary followed by action by the legislative and executive branches. The author argues that the greatest advances have been made when all three branches work in tandem throughout the remedial stage of a case. The author throughout the course of the book uses a comparative institutional approach, to propose a conceptual framework and practical model for how the three branches of government should work together to advance educational equity. Chapter 1 reviews the history of judicial activism and the various perspectives on this activism and illustrates despite negative perceptions the courts modern role is legitimate and integral to the functioning of our government. Critics of judicial activism have argued the courts are not sufficiently qualified to interpret social science data and that the courts lacked clear guidelines on how to resolve policy conflicts. Proponents have responded that the courts have always been deeply involved with complex socio-economic issues and that a lack of clear guidelines is a positive rather than a negative aspect. Finally, the author concludes that Congress and state legislatures are passing legislation that explicitly or implicitly demands that the judiciary expand its purview. Chapter 2 is a more in depth follow-up of Chapter 1. It goes into more detail regarding state judicial involvement in education, and especially focuses on the large number of plaintiff victories following 1989. Chapter 3 provides a framework on how to assess the effectiveness of educational litigation cases. Compliance can be measured many ways and the author argues for concrete standards. A key component of this is sustainability. The author argues that often the other branches of government or a local school board will comply or make changes in the short term, but not the long term. Chapter 4 compares the pros and cons of the three branches of government in terms of developing educational equity. Chapter 5 provides a detailed outline of a successful-remedies model. This model calls for the courts to outline to the other three branches its expectations, but allow the other three branches to come up with specifics. Where the model differs from current practice in most states is that the author calls for the court to maintain jurisdiction until after the court approves the specifics proposed by the executive and legislative branches. Chapter 6 acknowledges the political reality, and the obstacles that the aforementioned model will face. The author acknowledges every difficulty one could imagine with the implementing such a model including the intrinsic difficulties that arise from the current structure of most state governments. The book is well structured and provides a comprehensive look at the state court system which is often overshadowed by federal efforts. I believe the book to be especially relevant considering the recent election. With two branches of government dominated by one party and the judiciary to be dominated by that parties picks, proponents of equity are going to have to take the fight to state courts.

0 of 0 people found the following review helpful. Are courts doing enough for our students? By Customer

Courts and Kids by Michael A. Rebell offers a look into how the court system in the United States influences educational policy. Rebell describes the common issue in education of adequacy versus efficiency and lays out the question of how to provide a quality education to American students while maintaining budgetary needs, specifically the role the judicial system plays in enacting policy to address this issue. He highlights the great societal benefits to having an educated population, including having more informed voters. Rebell then gives his opinions of how courts have historically acted concerning education reform and funding, and offers suggestions of where courts should focus their efforts to improve our countrys education system for all students. Rebell argues that courts have played an active role in our countrys educational history, including the ruling in *Brown versus Board of Education* and in implementing *No Child Left Behind*, but have since been more passive in taking a leading role in enacting educational policy. Rebell makes the point that many courts falter at the remedy stage of education. They are very useful in determining whether or not something is constitutional, but not as forthright in prescribing a fix to the problem. Rebell describes his belief that the three branches of government, not just the court system, need to work together to ensure a sound basic education for every student in our country. He gives four suggestions on how to make this a possibility: making sure every state has clear and thorough standards for learning, ensuring every school district has the adequate funding needed to achieve those standards, having a system in place that holds schools accountable for meeting those standards, and increasing student performance. Overall, Rebells argument and justification are sound. His explanations on how courts have historically handled major education decisions as either being right or wrong instead of working towards a solution to these issues is interesting. As this book was written in 2009, I am curious how he would respond to the widespread use of the Common Core State Standards, as well as many other shifts in educational policy over the past seven years.

0 of 0 people found the following review helpful. Is Educational Equity in Sight? By K. Miller

Public education took, what most people hoped, a turn for the better after the U.S. Supreme Court ruled to abolish segregated schools in *Brown vs. Board of Education*. However, since that ruling many fear that the vision of equal educational opportunity that the United States Supreme Court had articulated in *Brown* had not yet been achieved (Rebell, 2009, p. 1). In *Courts Kids*, Michael A. Rebell discusses the involvement the state courts have had and should continue to have in making sure that ALL students are provided a sound basic education. Even with the famous ruling in *Brown* and the effort of state courts to ensure educational equity, there continues to be

educational inequity for traditionally marginalized students. Rebell argues that without the cooperation and involvement of all three branches of government, traditionally marginalized students will continue to take the back seat to being provided a sound basic education. In *Courts Kids*, Rebell describes four components he believes are essential for providing all students a quality education: (1) challenging academic and performance standards, (2) adequate funding, (3) effective programs and accountability mechanisms, and (4) substantially improved student performance. Throughout the book, he uses various court cases to provide evidence of the judicial branches involvement in educational equity/adequacy cases, both positive and negative. His belief, articulated throughout the book, is that only with court involvement has our nation made significant inroads into our intractable educational inequities (p. 5). Rebell makes several valuable arguments in favor of our kids; however, he continually raises the question as to why we still have a wide range of inequities throughout our educational system. He acknowledges that several state courts, including New York, have turned away from the issue, yet he continues to hold the belief that change will not occur without the judicial system. Rebell clearly states in his preface that he has an advocates point of view (p. xiii) and has worked to understand how the law can be used to help bring about positive social change (p. xiii). Through the numerous court cases that he sites, Rebell's book serves as a reminder as to how far our educational system has come, yet how far we have yet to go. It continues to leave one involved directly with education frustrated with the amount of time it is taking to ensure that all students, no matter their background, are provided a sound basic education. With the amount of faith that Rebell puts into the courts and their authority to make a difference, one cannot help but wonder if this faith is misguided, doomed to continue, with no positive end in sight.

Over the past thirty-five years, federal courts have dramatically retreated from actively promoting school desegregation. In the meantime, state courts have taken up the mantle of promoting the vision of educational equity originally articulated in *Brown v. Board of Education*. *Courts and Kids* is the first detailed analysis of why the state courts have taken on this active role and how successful their efforts have been. Since 1973, litigants have challenged the constitutionality of education finance systems in forty-five states on the grounds that they deprive many poor and minority students of adequate access to a sound education. While the plaintiffs have won in the majority of these cases, the decisions are often branded judicial activism a stigma that has reduced their impact. To counter the charge, Michael A. Rebell persuasively defends the courts authority and responsibility to pursue the goal of educational equity. He envisions their ideal role as supervisory, and in *Courts and Kids* he offers innovative recommendations on how the courts can collaborate with the executive and legislative branches to create a truly democratic educational system.

Mr. Rebell has a brilliant legal mind and a tremendous heart for children, particularly those who have been poorly served by public education. He challenges all of us to think differently, and to do so with a sense of urgency, because our children cannot wait.