

Racial Discrimination in Education

ECDE 7017

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Racial Discrimination In Education

- Differential treatment
- Differential access to quality education
- Differential outcomes of seemingly neutral policies
 - > based on race, ethnicity, or national origin
 - > based on other factors that produce a racial effect

(2004; The Annie E. Casey Foundation, 2024)



Racial Discrimination

The Aim of My Presentation

- Explain why this issue matters
- Introduce one policy response
- Evaluate that policy through text, context, and consequences
- Examine how the media, academic literature, and international community treat my issue



The Issue

Why “Racial Discrimination”?

- **My chosen country:** America, because it is an immigrant society (Arendt, 2006)
- **The chosen issue:** policies respond to it, news still covers it, and the current U.S. president has neglected it, yet it remains *historically* significant:
- U.S. discrimination ranges
 - from the anti-literacy laws of 1740 to 1867, which barred Black learning
 - to recent data: in 2017 African American students faced harsher punishment
 - and in 2022 more non-white than white students missed reading and math goals

(The Annie E. Casey Foundation, 2024)

The Policy

Title VI of the Civil Rights Act of 1964

- It has five sections
- **“SEC. 601. No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance”**
- Section 1 states its aim: schools or programs, public and private, that receive U.S. government funding must not discriminate on the basis of race, color, or national origin.

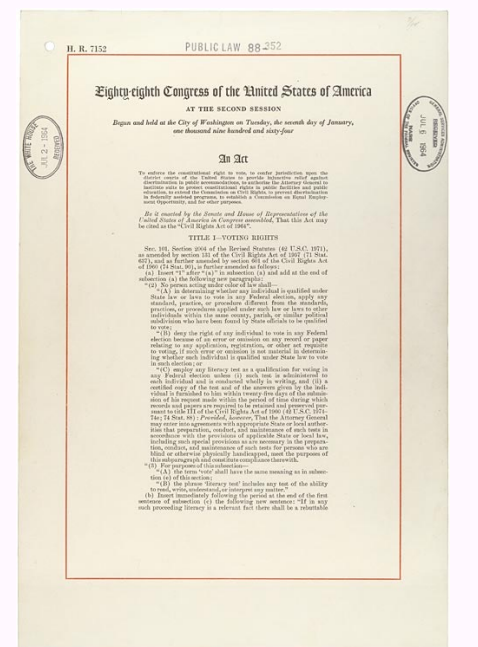
(Civil Rights Act (1964) 2022)

Government Policy

TITLE VI - NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

- SEC. 601. - a major statement of the resolution to the issue; aim of the policy
- SEC. 602. - says that on violation the government first seeks voluntary correction and may then cut funding, but only with the approval of Congress
- SEC. 603. - lets recipients challenge funding cuts in court
- SEC. 604. - sets boundaries: employment issues fall under Title VII, not Title VI
- SEC. 605. - sets boundaries: programs backed by federal insurance or guaranty contracts are excluded

(Civil Rights Act (1964) 2022)



Government Policy

TITLE VI - My Evaluation of The Policy & Why This Approach Matters?

- **Textually:** Title VI lets agencies like the Education Department ban racial discrimination in federally funded programs, programs funded through grants, loans, and contracts, but not insurance or guaranty contracts, so funded programs must avoid hostile environments, racial harassment, differential treatment, and segregation
 - Not cover: sex/gender, disability, age, or socioeconomic discrimination
 - Not cover: non-funded institutions
 - Not cover: international students and tourists
- **The context** traces back to:
 - ➡ the 1865 Reconstruction, when laws first gave Black Americans equal rights
 - ➡ only to meet rejection: Jim Crow imposed a segregated-but-equal principle that was never equal
 - ➡ In 1954 Brown v. Board of Education ended segregation
 - ➡ afterward Kennedy introduced Title VI to enforce desegregation, protecting all Americans rather than only African Americans. After Kennedy's death in 1963, Johnson signed Title VI

Government Policy

TITLE VI - My Evaluation of The Policy & Why This Approach Matters?

- **Central to implementation and interpretation** is deciding what counts as a discriminatory act. The Education Department read Title VI as covering both intentional discrimination and **discriminatory effect**, the latter judging the outcomes of neutral policies
 - But in 2025 the Department deleted the discriminatory-effect regulations, claiming they stop punishing minority students for bad behavior. Trump opposed diversity acts as reverse discrimination against whites and men, so sixty civil rights and education groups denounced the change
- **Title VI matters** also because the value of Title VI rest on three concepts:
 - **Race** means inherited physical and behavioral differences used to classify people
 - **Color** means physical appearance such as skin color
 - **National origin** means birthplace, ancestry, culture, or language

(Civil Rights Act (1964) 2022; Robinson & Herbert, 2024; *Impact of the Civil Rights Laws* 2025; *Discrimination in education* 2026; Singh, 2026)

Media Treatment

October 5th, 2026

- The news I stress, published on October 5, 2026, reported the Justice Department accusing UCLA School of Law of discriminating against white applicants
- noting that in 2025 African American applicants were seven times and Hispanic applicants twice as likely to be admitted as similar white applicants

(Hill, 2026)

- Such coverage shows the crisis has shifted the emphasis in diversity cases, especially under Trump, from protecting non-white students to protecting white students



The University of California at Los Angeles School of Law

Literature Treatment

The River Runs Dry: When Title VI Trumps State Anti-Affirmative Action Laws (April 2009)

- **Minority students, especially African American and Latino applicants, with lower SAT scores** observed Title VI aided minority admissions until state bans
- **Higher-scoring White and Asian applicants** used Title VI to call race-conscious admissions discriminatory
- **Universities receiving federal funds:** balanced federal and state rules by stressing the necessity of SATs and race-conscious remedies
- The article concludes that Title VI prevails over state laws that oppose racial equality

(West-Faulcon, 2009)



The River Runs Dry: When Title VI Trumps State Anti-Affirmative Action Laws

Author(s): Kimberly West-Faulcon

Source: *University of Pennsylvania Law Review*, Apr., 2009, Vol. 157, No. 4 (Apr., 2009), pp. 1075-1160

Published by: The University of Pennsylvania Law Review

Stable URL: <https://www.jstor.org/stable/40380263>

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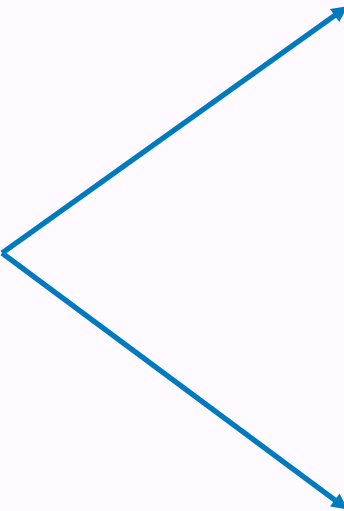
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- 
- by blocking biased SATs unless their use is proven necessary
 - and by prompting universities to override state laws for fear of losing federal funding, restoring minority enrollment and reopening equal access

International Treatment

United Nations Human Rights

- Declaration on the Elimination of All Forms of Racial Discrimination of November the 20th, 1963 (United Nations) which likewise counters discrimination by race, color, or national origin
- “the existence of racial barriers is repugnant to the ideals of any human society” (December the 21st, 1965)



- The United Nations hopes that everyone will profoundly and immediately reflect on and react to manifestations of racial discrimination



**United
Nations**



**UNITED NATIONS
HUMAN RIGHTS**
OFFICE OF THE HIGH COMMISSIONER



Conclusion

Racial Discrimination in Education

- Racial discrimination in U.S. education has long been a problem, and Title VI was a breakthrough
- [the policy's] **text** reminds one whose interests are at stake
- Its **context** shows the history of the government's legal action against racial discrimination and demonstrates that anti-discrimination efforts are always essential to equal rights
- And the policy's **implementation** reveals the changes a policy may undergo, which may worsen or mitigate discrimination and sometimes even reverse progress

Conclusion

Racial Discrimination in Education

- By my readings, a policy against racial discrimination should benefit everyone who suffers from it and everyone who has benefited from it, yet it often seems to help only the previously disadvantaged, while others who once enjoyed excessive privilege now resent the new landscape of equality
- So, should white people protest the loss of their sense of superiority when competitors saved by anti-discrimination laws now stand before opportunities that once belonged to whites, or should they join non-whites for equality across races? I believe cross-racial cooperation is essential
- and only through this can good nondiscrimination policies become effective and be reasonably revised. A final question remains: does action come before policy, or vice versa? I believe both are indispensable