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MIXED LEGACY

50 Years After Brown, the Issue Is Often Money

By GREG WINTER

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TOPEKA, Kan., May 11 — Even after the Supreme Court outlawed segregation here, it still took four and a half decades for the schools to become fully integrated, for the vestiges of educational discrimination to be rooted out and for the remnants of the case finally to be closed.

"And that was the easy part," said Barbara J. Davis, who now oversees the elementary schools here that once segregated her and her cousin Linda Brown, the little girl at the core of the court case. "You can force integration. You can do all the busing. But how do you give all the students the education they need, especially in a place with so much poverty? That's the harder part."

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Indeed, as the hotels in this usually sleepy city filled with dignitaries to celebrate the 50th anniversary Monday of *Brown v. Board of Education*, in which the United States Supreme Court banned school segregation, many eyes were anxiously fixed on an entirely different case, one that demands more money for districts, particularly the poorest ones.

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Ozier Muhammad/The New York Times
Students at Lowman Hill Elementary in Topeka, Kan., which is fully integrated but badly overcrowded.

"It's our lifeline," said Linda G. Wiley, the associate principal at Topeka High School, who has been watching the case with the kind of interest that farmers nearby look for rain.

As the clamor for integration wanes, the fight for opportunity in the nation's public schools has largely become a battle over money. While new desegregation cases are exceedingly rare, dozens of states are embroiled in other lawsuits, accusing them of skimping on education spending, often in violation of their own constitutions.

The change in legal strategy comes alongside a significant shift in the tenor of the courts. Just as federal judges have started to look less favorably on desegregation cases over the last decade or so, state courts have become more receptive to the argument that money — with or without integration — is the surest path to equal opportunity.

Since 1989, when many argue that the "adequacy movement" was born with a case in Kentucky, school districts and parents have won about 70 percent of the school-financing cases, according to the National Conference of State Legislatures, a success rate that integration proponents have long ceased to expect.

At the center of these victories are not only the guarantees for access to a good education inscribed into most state constitutions, but also the widespread adoption of state exams that make it plain when students are falling short.

"Clearly, the plaintiffs have been winning more and more of these cases, particularly in the last year alone," said Al Lindseth, a private lawyer who defends states against these adequacy lawsuits. "Ironically, the standards movement has fueled this fire, because states are passing standards and for the first time they're being held financially liable for meeting them."

Here in Topeka, for example, only days before the Brown v. Board of Education festivities were set to begin, a state judge took the drastic step of ordering the schools shut down unless lawmakers increased the "hugely insufficient dollars" going to all districts, particularly those with poor minority students.

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Months earlier, the judge, Terry L. Bullock, had railed against the Legislature for depriving poor schools so thoroughly that minority students were failing the state math test "at alarming rates."


Only a month ago, judges in Massachusetts and Montana took similar stances, noting that state exams and the federal No Child Left Behind law set concrete academic goals that students have little chance of meeting without more money.

"For the standards-based approach to have any chance of success," wrote Judge Jeffrey M. Sherlock of Montana last month, "the state must assure that districts have sufficient resources."

Because there is often an overlap between poor schools and those with a lot of minority students, the leaders of the adequacy movement see their cases as the progeny of Brown v. Board of Education. Better yet, they contend, their cases pick up where Brown left off — that is, making sure that schools with minority students have enough money to actually educate them.

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Linda Brown, who was at the center of Brown v. Board of Education, during a commemoration on Sunday in Topeka, Kan.

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