

The 14th Amendment—150 Years Later

Ratified on July 9, 1868, the 14th Amendment to the Constitution provides, in part, that no state can “deny to any person within its jurisdiction the equal protection of the laws.” Over the past 150 years, Congress and the courts have applied this “**Equal Protection Clause**” to our right to equal educational opportunities. Noteworthy court decisions include:

- ***Mendez v. Westminster School District***, decided in 1947, in which the placement of Mexican-American students into separate “Mexican schools” was found to violate their rights under the Equal Protection Clause;
- ***Brown v. Board of Education of Topeka***, decided in 1954, in which the placement of white and African-American students in different public schools on the basis of race was also found to violate the Equal Protection Clause;
- ***Lau v. Nichols***, decided in 1974, in which the lack of supplemental language instruction in public school for students with limited English proficiency was found to have violated the Civil Rights Act of 1964;
- ***Regents of the University of California v. Bakke***, decided in 1978, and ***Grutter v. Bollinger*** and ***Gratz v. Bollinger***, decided in 2003, in which certain affirmative action policies used by two universities to increase minority enrollment were upheld while others were struck down; and
- ***Andrew F. v. Douglas County School District***, decided in 2017, in which public schools were required, under the Individuals with Disabilities Education Act, to provide disabled students with opportunities to make meaningful, “appropriately ambitious” progress, such as grade-level advancement.

Congress applied the **Equal Protection Clause** to education by enacting laws governing state school programs or activities:

- **Title VI of the Civil Rights Act of 1964**, which prohibits exclusion of a student based solely on race, color or national origin;
- **Title IX of the Civil Rights Act**, enacted in 1972, which prohibits exclusion of a student solely on the basis of sex;
- **The Rehabilitation Act of 1973**, which prohibits exclusion of a student based solely on the basis of a disability; and
- The **Individuals with Disabilities Education Act of 1990**, which provides protections and educational opportunities for students with disabilities.

The prompt for the 2018 FJA and FBA Essay and Video Contests is “What does equal protection mean to students?”

Students should consider how the Equal Protection Clause applies in high schools, colleges and graduate schools, whether in admissions, classrooms or on athletic fields. Individual students can express their thoughts and ideas in an essay. Individuals and teams of up to three students can produce a 3-5 minute video on the theme. A student may submit both an essay and video. A student may submit only one essay and be involved in the production of only one video.

The essay or video should:

1. Demonstrate an understanding of the historical background of the Equal Protection Clause;
2. Explain the constitutional powers and rights relevant to the court cases and laws mentioned above; and
3. Discuss the important role of the Judicial Branch in preserving the rights of Americans to equal education.

See official rules at www.fedbar.org/Civics18.

Contact fba@fedbar.org with questions or for more information.