

## ABSTRACT

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*Achieving Excellence and Equal opportunity in Education: No Conflict of Laws*

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Abstract by Camelia Lopez-Fernandini

The author discusses the historical and current theoretical framework governing the federal role in education. A background in legislative and political developments in education since *Brown v. Bd. of Education* lays the foundation. While acknowledging the continued lack of both equality and excellence in education with respect to racial minorities and the economically disadvantaged, the author focuses on the positive developments in policy achievements through legislation in the federal education scheme. Among these achievements was the Clinton administration's ability to secure passage of the 1994 reauthorization of Title I of the Education and Secondary Education Act.

The reauthorization provides the proper initiative and statutory framework to improve public education of children "at risk." In addition to federal legislative action during the 1990's, the author cites the promulgation of state curriculum and/or testing standards as a positive development in creating accountability for schools that receive federal funding pursuant to Title I. The article also makes the important distinction between twentieth century civil rights education litigation, which focused on achieving parity in financial resources for disadvantaged students, versus recent twenty-first century education litigation, which strives not just for equality but also for parity in educational outcomes. The author demonstrates how the policy debate has shifted away from an equality-based argument to a demand for educational excellence across the board.