

EDUCATION LAW INTO PRACTICE

ABILITY TRACKING: WHAT ROLE FOR THE COURTS?*

by

School boards and other local-level educational policy makers have, in the past, had considerable discretion in crafting curriculum in accordance with

the Civil Rights Act of 1964.³ In the former category, one finds *Hobson v. Hansen*,⁴ in which the court's finding of intentional discrimination was grounded in significant part upon the district's use of tracking. Twenty-seven

impact of tracking. (*Georgia State Conference of Branches of NAACP v. Georgia*,¹³ *Montgomery v. Starkville Mun. Separate School Dist.*,¹⁴ *Quarles v. Oxford Mun. Separate School Dist.*¹⁵) Most recently, however, in *Simmons v.*

whatever race or background, is placed in a class generating lesser achievement

to generally offer an academic education. Moreover, the legislation effectively provides parents with mid-level education the right to

exit exams (generally framed as a violation of substantive due process) when their underlying schooling provided insufficient preparation for the assess-

IMPLICATIONS FOR PRACTITIONERS

Tracking is an educational policy issue that has been discussed in the