



## Summary of *Wygant v. Jackson* 1986

In 1972 the Jackson, Michigan Board of Education added a layoff provision to the Collective Bargaining Agreement between the Board of Education and the Jackson Education Association that would protect employees who were members of certain minority groups against layoffs. The provision stated that if it became necessary to lay off teachers, those with the most seniority in the district would be retained, except that at no time would there be a greater percentage of minority personnel laid off than the current percentage of minority personnel employed at the time of the layoff. In no event would the number given notice of possible layoff be greater than the number of positions to be eliminated. Each teacher so affected would be called back in reverse order for positions for which he or she is certificated, maintaining the above minority balance.

In 1974, layoffs became necessary, and the tenured teachers were retained and the probationary minority teachers were laid off. This resulted in the failure to maintain the percentage of minority personnel that existed at the time of the layoff. The Jackson Education Association and the two minority teachers who had been laid off filed suit on the basis that their equal protection rights provided in the Fourteenth Amendment had been violated due to the Board's failure to adhere to the layoff provision.

The District Court upheld the constitutionality of the layoff provision and stated that the racial preferences were permissible under the Equal Protection Clause as an attempt to remedy societal discrimination by providing "role models" for minority schoolchildren. The Court of Appeals affirmed.

A petition for certiorari to the United States Supreme Court was granted based on the importance of the issue. The main issue in petitioners' claim was that they were laid off because of their race, and that was a violation of the Equal Protection Clause of the Fourteenth Amendment. In reviewing the decision, the Supreme Court looked to the precedent set in *Brown v. Board of Education*, in which the central issue was that of ending segregation based on race. The Supreme Court found there was no place for racial discrimination in public education and applied this principle not only to students, but to everyone. Based on this principle, the Supreme Court reversed the decision.

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