



## Neither Separate Nor Equal: Hispanics in the Education System

While the battle for equal rights has often been played out before the U.S. Supreme Court, the nature of discrimination and the ambiguous legal status of Hispanics in Texas has posed a unique set of challenges for Tejanos.

For decades, the official position of the state of Texas was that Hispanics were not a distinct race from whites and therefore did not need the equal protection for races promised in the Fourteenth Amendment. In the 1930s, about 90 percent of South Texas school districts maintained separate schools for Hispanic students and made no attempt to disguise this segregation. Many of these schools carried the official designation of “Mexican School.” Although schools for African American children had some obligation to be separate but equal after the

1896 decision in *Plessy v. Ferguson*,<sup>i</sup> Mexican schools were generally neglected.

In *Delgado v. Bastrop Independent School District* (1948), federal district judge Ben C. Rice declared that it was unlawful and unconstitutional to segregate Hispanic American children in Texas public schools. The decision did, however, permit the segregation of students based on English proficiency. Thus, because they were judged not fluent in English, Hispanic students could still be placed in inferior schools. Of course, putting these students into crowded, inferior schools helped ensure that they did not improve their English and therefore never moved into the mainstream Anglo schools. Some Hispanic students received bad grades regardless of their actual language skills. And in some cases, students with Hispanic

surnames were placed in Mexican schools even though they spoke only English.

Eventually, in *Herminca Hernandez et al. v. Driscoll Consolidated ISD* (1957), a federal court declared the segregation of Mexican American students unconstitutional. As the case had been with racial segregation following the *Brown v. Board of Education*<sup>ii</sup> decisions, however, local school districts resisted change and equality has remained elusive. Supported by the League of United Latin American Citizens and other groups, parents continue to battle local school districts to guarantee a quality education for Hispanic students.

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i. 163 U.S. 537.

ii. 347 U.S. 483 (1954); 349 U.S. 294 (1955).