

Class Action Filed against State of Florida for Decadeslong Underfunding and Neglect of Historically Black Colleges & Universities (HBCUs)

Noted civil rights attorney and reform advocate [Joshua Dubin](#) and national plaintiffs' firm [Grant & Eisenhofer](#) bring suit alleging education policies starve Florida A&M University and other HBCUs of financial and academic support, in violation of Civil Rights Act and US Constitution – entrenching and perpetuating long-outlawed model of 'separate but equal'

Plaintiffs are students at FAMU, one of the nation's largest HBCUs; shortchanged of state funds, FAMU suffers housing and staff shortages, delayed improvement projects, decrepit facilities, flood damage and pest infestations

TALLAHASSEE/NEW YORK (September 22, 2022) – Leading plaintiffs' law firm Grant & Eisenhofer and noted civil rights attorney Joshua Dubin filed a class action complaint today in federal court in Florida, alleging that the state deliberately and systematically maintains a racially segregated higher-education structure that favors traditionally white schools over Historically Black Colleges & Universities, known as HBCUs.

The suit was filed on behalf of six graduate and undergraduate students at Florida Agricultural and Mechanical University (FAMU), in Tallahassee, whose more than 9,000 students make it one of the nation's largest HBCUs. Their complaint names the state, the board of governors of the State University System and system chancellor Marshall M. Criser III as defendants. The complaint was filed in U.S. District Court for the Northern District of Florida.

Plaintiffs seek declaratory and injunctive relief under Title VI of the 1964 Civil Rights Act, the equal protection clause of the 14th Amendment and federal and state laws. Specifically, the suit demands that the state of Florida commit to complete parity in its support of HBCUs and traditionally white institutions (aka TWIs) within five years.

The five-year horizon would not be the first time the state has pledged to enhance minority access to quality higher education: it has faced investigation and intervention by the US Dept. of Education going as far back as 1970. In the late 1990s Florida agreed to improve HBCU education through enhanced recruitment of students and staff, upgraded activities and programming, capital improvements, more reliable and substantial funding, and unique courses of study not duplicated nearby. In all of these areas, the lawsuit asserts, the state has failed FAMU.

The complaint filed today outlines the stark discrepancy in state treatment of FAMU and Florida's TWIs, as illustrated by examples of FAMU as compared to other traditionally white universities in the state. According to the complaint, the University of Florida receives a larger state appropriation per student than FAMU – over 33 years, from 1987 to 2020, that shortfall amounted to approximately \$1.3 billion, though the two schools share the distinction of being the state's only public land-grant colleges.

Moreover, the complaint alleges that the state supports programming and courses of study at Florida State University (FSU), a traditionally white university also located in Tallahassee, that unnecessarily duplicates programming at FAMU, which steers prospective students toward FSU. The state's underfunding and

allowance of program duplication serves to perpetuate the “separate but equal” standard that was in place during the Jim Crow era and was ended by the US Supreme Court’s decision in Brown v. Board of Education in 1954. Comparatively under-supported and -financed, FAMU has greater difficulty recruiting and retaining students and quality faculty and staff.

Mr. Dubin said, “FAMU is more than 130 years old, opened as the result of a federal land grant to the state. It produces more African-American BA graduates than any four-year public college in the nation. Yet it’s still playing catch-up in the state of Florida, which we feel has acted with an astonishing lack of good faith, despite decades of directives from the federal government that all students in the state receive equal educational opportunities. This deliberate indifference toward HBCUs is not unique to Florida, but FAMU is where we’re joining the fight to ensure the education is fair for everyone.”

There are approximately 100 HBCUs in the US. Their uphill battle for fair treatment was recently the subject of a New York Times article on the rocky road of the FAMU Rattlers, the school’s Division I football team, to prepare for the new season. “Athletes at historically Black colleges and universities often are no stranger to struggle, their institutions routinely deprived of the resources common at predominantly white institutions,” said the Times.

This past August FAMU football players released an open letter to the university’s president over poorly maintained, inadequate or incomplete facilities. Recent housing shortages partly prompted by flooding damage and insect infestations forced the relocation of hundreds of FAMU students; some slept in their cars. “Florida has continually failed to provide the appropriate contracts, contractors, supplies, and appropriations for timely completion of projects at HBCUs,” says the complaint.

Britney Denton, a first-year doctoral student at FAMU’s College of Pharmacy and Pharmaceutical Studies and a named plaintiff in the suit, said, “Our school has always made a little go a long way, but we shouldn’t have to. There are bright and determined people here who deserve the same level of support and quality of resources as FSU next door or any other state school in Florida. We’re proud to be here, and we want Florida to be proud to support us, and other HBCUs, equally.”

Bobby Brown, an attorney in Grant & Eisenhofer’s Civil Rights group, added, “As I was growing up in Florida, the son and brother of proud HBCU grads, most of the professionals I admired had gone to HBCUs. The complaint filed today isn’t about simple state oversight or forgetfulness: FAMU and FSU are neighbors – literally and figuratively across the railroad tracks from one another – yet the shortfall in Florida’s support for FAMU is starkly evident. Britney and her fellow plaintiffs are standing up for nothing less than just and equal funding for all state schools in Florida.”

Mr. Dubin’s co-counsel, Barbara Hart, a partner at Grant & Eisenhofer and a leader of the firm’s Civil Rights group, said, “While Florida works to provide a quality education at traditionally white institutions, its treatment of HBCUs has hardly evolved from the middle of the 20th century. FAMU is more dependent on state funding than other schools, yet Florida education policy treats it as little more than an after-thought. Thirty years ago, the US Supreme Court held that Mississippi’s education system violated the equal protection clause of the 14th Amendment – it remained for all intents and purposes segregated. Here we are well into the 21st century and Florida treats its HBCUs as Mississippi did then. This lawsuit isn’t about history, though – it’s about changing things here and now and for the future.”

In addition to injunctive relief and a declaration that the state of Florida and its education system violate the Civil Rights Act and the 14th Amendment, the FAMU students seek appointment of a special referee or mediator to draw up recommendations for alleviating the state’s statutory and constitutional violations.

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