



Resegregation in American Schools

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Executive Summary : Trends of Segregation

This report focuses primarily upon four important trends. First, the American South is resegregating, after two and a half decades in which civil rights law broke the tradition of apartheid in the region's schools and made it the section of the country with the highest levels of integration in its schools. Second, the data shows continuously increasing segregation for Latino students, who are rapidly becoming our largest minority group and have been more segregated than African Americans for several years. Third, the report shows large and increasing numbers of African American and Latino students enrolled in suburban schools, but serious segregation within these communities, particularly in the nation's large metropolitan areas. Since trends suggest that we will face a vast increase in suburban diversity, this raises

challenges for thousands of communities. Fourth, we report a rapid ongoing change in the racial composition of American schools and the emergence of many schools with three or more racial groups. The report shows that all racial groups except whites experience considerable diversity in their schools but whites are remaining in overwhelmingly white schools even in regions with very large non-white enrollments.

Though we usually think of segregation in racial and ethnic terms, it's important to also realize that the spreading segregation has a strong class component. When African-American and Latino students are segregated into schools where the majority of students are non-white, they are very likely to find themselves in schools where poverty is concentrated. This is of course not the case with segregated white students, whose majority-white schools almost always enroll high proportions of students from the middle class. This is a crucial difference, because concentrated poverty is linked to lower educational achievement. School level poverty is related to many variables that effect a school's overall chance at successfully educating students, including parent education levels, availability of advanced courses, teachers with credentials in the subject they are teaching, instability of enrollment, dropouts, untreated health problems, lower college-going rates and many other important factors. The nation's large program of compensatory education, Title I, has had great difficulty achieving gains in schools where poverty is highly concentrated. When school districts return to neighborhood schools, white students tend to sit next to middle class students but black and Latino students are likely to be next to impoverished students.

Therefore, while debates over the exact academic impact of desegregation continue, there is no question that black and Latino students in racially integrated schools are generally in schools with higher levels of average academic achievement than are their counterparts in segregated schools. Desegregation does not assure that students will receive the better opportunities in those schools—that depends on how the interracial school is run—but it does usually put minority students in schools which have better opportunities and better prepared peer groups. In a period in which mandatory state tests for graduation are being imposed, college admissions standards are rising, remedial courses in college are being cut back, and affirmative action has already been abolished in our two largest states, the harmful consequences for students attending less competitive schools are steadily increasing.

We are clearly in a period when many policymakers, courts, and opinion makers assume that desegregation is no longer necessary, or that it will be accomplished somehow without need of any deliberate plan. Polls show that most white Americans believe that equal educational opportunity is being provided. National political leaders have largely ignored the growth of segregation in the 1990s. Thus, knowledge of trends in segregation and its closely related inequalities are even more crucial now. For example, increased testing requirements for high school graduation, for passing from one grade to the next, and college entrance can only be fair if we offer equal preparation to children, regardless of skin color and language. Increasing segregation, however, pushes us in the opposite direction because it creates more unequal schools, particularly for low income minority children, who are the groups which most frequently receive low test scores. Educational policy decisions that do not take these realities into account will end up punishing students in inferior segregated schools, or even sending more children to such schools while simultaneously raising sanctions for those who do not achieve at a sufficiently high level.

In addition to its focus upon the trends of Southern resegregation, Latino student segregation and suburban segregation, this report documents basic national trends in enrollment and segregation for African-American students, Latinos, White and Asian students by region, by state, by community type — allowing comparison across the country. In the final section, we offer recommendations on how to reverse the trend of rising segregation, concluding that there has been very little national leadership on this issue for the past quarter century, recalling the positive steps taken in the 1960s and 1970s, and

suggesting a number of steps that would support successful desegregated schools.

Introduction

As this century nears its end, we are a decade into the resegregation of our nation's schools. At the beginning of the twentieth century, the great black sociologist, W.E.B. DuBois, said that "The problem of the twentieth century is the problem of the color line." In the middle of this century the Supreme Court directly challenged the color line in American schools and began decades of political and legal struggle over access for minority students to integrated schools. For several decades it appeared that a permanent turning point had been reached for African American students as the South became the nation's most desegregated region even through the Reagan administration's efforts to end court orders, desegregation continued to increase. By the 1990s things began to turn back.

As the new century approaches we have become a far more racially and ethnically mixed nation, but in our schools, the color lines of increasing racial and ethnic separation are rising. There have not been any significant political or legal initiative to offset this trend for a quarter century. Although the Clinton Administration has seen the largest increases in segregation in the last half century, it has proposed no policies to offset the trend and has not included the issue among its priorities for education policy. Secretary Richard Riley's recent speech on the 45th anniversary of the *Brown* case praised the great decision but said nothing about the increasing turn toward segregation. Most important, the Supreme Court, which opened the possibility of desegregated education in the 1950s has taken decisive steps to end desegregation plans in the 1990s and some lower courts are prohibiting even voluntary local plans.

It has been 45 years since *Brown v. Board of Education* outlawed intentional segregation in the south, but a series of Supreme Court decisions in the 1990s helped push the country away from *Brown's* celebrated ideals and closer to the old idea of "separate but equal." Separate but equal was a concept articulated in the 1896 *Plessy v. Ferguson* Supreme Court decision that justified laws segregating schools and other institutions. Separate but equal was overturned six decades later by *Brown's* declaration that separate schools were inherently unequal. When the Supreme Court prohibited discrimination by state law in the 1950s, it called for only gradual change with "all deliberate speed" supervised by conservative Southern federal courts. During the next thirty years, however, the law developed in a series of decisions to require immediate and complete desegregation in states with a history of official discrimination, even when busing was required to overcome residential segregation. In 1973, the Supreme Court in a case from Denver, *Keyes v. School District No. 1, Denver, Colorado*, extended desegregation requirements to Northern and Western cities with a history of local policies that fostered but did not directly require segregation. This case also recognized the right of Latino as well as African American students to desegregated education.

But the expansion of desegregation rights ended 25 years ago, with the Supreme Court's decision in *Milliken v. Bradley*, which would have desegregated students from the largely minority city schools with suburban students in metropolitan Detroit. This rule was made in spite of findings of intentional discrimination by both state and local officials, which intensified segregation in the metropolitan area. Since many big cities, like Detroit, had rapidly declining white minorities in their schools, this meant that the large metropolitan areas with many separate suburban school districts would lead the nation in segregation, which they continue to do today. In the second Detroit case, *Milliken v. Bradley II*, the Supreme Court seemed to offer a new version of separate but equal when it authorized federal courts to order money for programs in segregated schools to make up for the history of discrimination.

In the 1990s, a Supreme Court reconstructed by the appointees of Presidents Reagan and Bush handed down three very important decisions limiting desegregation rights and triggering a flood of lawsuits designed to end desegregation in major U.S. districts. In the 1991 *Dowell* case the Court held that desegregation orders were temporary and that school boards could return to segregated neighborhood schools. The next year, in the *Freeman v. Pitts* decision the Court authorized piecemeal dismantling of desegregation plans. Finally, in the *Jenkins* case in 1995 the Court rejected the effort of a lower court to maintain the desegregation and magnet school remedy in the Kansas City case until it produced actual benefits for African American students, thus drastically limiting the reach of the separate but equal promise of *Milliken II*. According to the Supreme Court, the courts could order payments only for several years, and could not require that the programs produce measurable gains for the students subjected to a history of discrimination.

After the termination of court orders, under these recent decisions, the school districts would be declared "unitary" and free of all taint of discrimination. Once that happened, school boards were free to make decisions that had the effect of creating unequal opportunities for minority students unless civil rights lawyers could prove that they had intended to discriminate, a standard that is virtually impossible to meet. In addition, once a district is unitary, individual white parents can sue to try to prevent any conscious effort to maintain desegregation in any school, claiming that it discriminates against whites. Though the Supreme Court has not yet spoken on this issue, lower courts have ordered the end to special provisions to maintain interracial magnet schools in a number of districts. Some districts, like Boston, that bitterly fought desegregation for years, have now been forbidden to take voluntary steps under this doctrine. Many major school districts are in the process of phasing out their desegregation plans, so the trends reported in this study will surely accelerate in the next few years. Among school districts recently ending or phasing out their desegregation plans are Buffalo, NY; Broward County (Fort Lauderdale) FL; Clark County (Las Vegas) NV; Nashville-Davidson County, TN; Duval County (Jacksonville) FL; Mobile, AL; Minneapolis, MN; Cleveland, OH; San Jose, CA; Seattle, WA; and Wilmington, DE. A number of other major districts are now in litigation over the issue, with some of them struggling to be permitted to continue their desegregation plans.

Plessy permitted generations of unequal education and prompted decades of legal struggle against it. The resegregation decisions of our present period may well have a similar impact on the next century since there is considerable evidence that the resegregated schools of the nineties are profoundly unequal.

Data in the Report

This study will examine changes in the racial composition of American schools, national patterns of segregation, the relationship between segregation by race and schools experiencing concentrated poverty, the difference in segregation in different regions and types of school districts, and the segregation of multiracial schools. For both African American and Latino students, the study reports differences in segregation by region and state and the most segregated states. The report concludes with a discussion of policies that could help reverse the trends toward intensifying segregation. The key data is reported in the following tables and figures:

- national changes in enrollment by race and ethnicity (tables 1-5, 7)
- broad national trends of segregation (tables 6, 8-11; figures 1-4)
- relationship between segregation by race and poverty (tables 12, 13, 14)
- segregation by size of community (table 22)
- multiracial schools and multiracial exposure for students of each race (table 11)

- state and regional Latino trends (tables 19-21)
- state and regional African American trends (tables 15-18)
- levels of integration for whites (tables 6, 11)

Demographic Changes

American schools are changing rapidly. The changes are the result of several factors including: the surge of non-European immigration since the 1965 law ending discriminatory immigration laws, the low birth rate among native whites, and much larger families among Latinos, who are the youngest population group. The steady rise in the proportion of minority children in our communities and their schools is not caused by white flight from public schools. In 1996, 11% of U.S. students were in private schools, compared to 12% a half century earlier, before *Brown*, and 15% in the mid-1960s, just before significant desegregation began.¹

Since the beginning of the civil rights era the proportion of Hispanics in the nation's public school population has more than tripled. Census statistics for the 1940 to 1960 period show that non-white students totaled only 11 - 12% of the total enrollment.² By 1996, the non-white enrollment was 36% and the Census Bureau projected that the total school age population would reach 58% non-white by 2050. Since the Office for Civil Rights of the Education Department³ began collecting national school data in 1968, the enrollment of Hispanics has increased by 218% while African Americans have grown more than a fifth and the white enrollment is down by a sixth (table 1). In the 1996-97 school year, the African American enrollment was 16.9% of the total enrollment and the Latino enrollment accounted for 14% (table 2).

The public schools of the U.S. foreshadow the dramatic transformation of American society that will occur in the next generation. We are a society in which the school age population is much more diverse than the older population. The social reality in our schools is far removed from the reality in our politics, since voters are older and much more likely to be white. When the modern school desegregation battles took shape in the 1950s, the issue was often described as the problem of opening up a white school system to the one-tenth of students who were black. Latino students received very little attention nationally and Asian students were a virtually invisible minority in a society that had prohibited Asian immigration for many decades. Today, Asians are nearly 4% of all students, and on a path to become one-tenth of the school population in mid-century, if existing trends continue. For the first time we have a large racial group whose average achievement scores and family incomes exceed those of whites, requiring us to rethink some of the assumptions about who benefits from desegregating with whom.

Table 1

Public School Enrollment Changes, 1968-1996 (In Millions)