

**HOW *BROWN* BECAME COLOR BLIND:
SCHOOL DESEGREGATION, RESEGREGATION,
AND EDUCATIONAL REFORM**

**A thesis submitted to the faculty of
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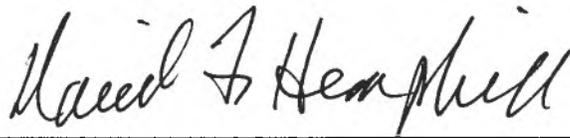
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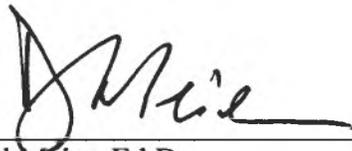
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CERTIFICATION OF APPROVAL

I certify that I have read *How Brown Became Color Blind: School Desegregation, Resegregation, and Educational Reform* by Emily Starr Bean, and that in my opinion this work meets the criteria for approving a thesis submitted in partial fulfillment of the requirements of the degree: Master of Arts in Education: Special Interest at San Francisco State University.



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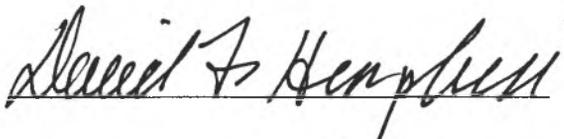
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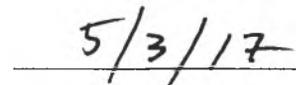
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In this study, I review the history of school desegregation, the attempts to integrate schooling, and propose renewed efforts in this direction. I begin with the promises of the *Brown v. Board of Education* (1954) ruling and an analysis of evolving contemporary segregation patterns. I then provide an overview of the ways in which the failure of the courts, housing segregation, and community resistance have contributed to the continuation of segregated schooling. I next review the current role of privatization within the education reform movement, focusing on school choice policies, and analyze the ways in which these policies contribute to contemporary issues of segregation. I conclude by providing policy suggestions that could, despite the obstacles that have emerged since *Brown*, continue to make integrated schools a reality in many communities. These include joint efforts to desegregate schools and housing, controlled choice diversity programs, and an increase in magnet schools and dual immersion programs.

I certify that the Abstract is a correct representation of the content of this thesis.



David Hemphill, Ed.D Advisor



Date

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Thank you so much to my parents, Michael and Sandy Bean, for continuing to support my education well into adulthood. More importantly, however, thank you for sending me to an “inner-city” public school where I had the opportunity to learn alongside and from a vastly diverse community of people. In a district where most White families sought other options, the decision not to flee the public school system has influenced my entire life. Second, thank you to my loving partner, Ryan Cole, for your patience, support, and understanding as I spent most evenings and weekends over the course of several months pursuing this research. Third, thank you to my principal, Moyra Contreras, for your relentless commitment to the vision of an integrated and equitable dual immersion school. Your 30 plus years in Oakland are demonstrative of the long-term commitment true educational reform requires. Thank you for including me in the path toward the realization of this vision and your flexibility with my return to graduate school while also working full-time in the classroom. Finally, and most importantly, thank you Dr. Hemphill for your limitless guidance, support, and encouragement both through the research process as well as through your belief in me that I have important contributions to make to the field of education.

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Introduction

Since the late 20th and early 21st centuries, education reform in the United States has been dominated by terms and initiatives such as school choice, No Child Left Behind, high-stakes testing, standards-based education, Race to the Top, and many others. All of these reflect a particular neoliberal ideology of education reform that has come to dominate educational policy discourse in the United States and several other countries (Berman, Marginson, Preson, Edward McLellan, & Arnove, 2003). People from many walks of life—from Wall Street bankers, to Silicon Valley entrepreneurs, to young Teach for America recruits—have entered and often controlled the conversation about what the country needs in order to bring educational quality and equality to all of its children. And yet, the topic of school integration, once so fundamental to the quest for educational equity, has largely been pushed to the sidelines, if not abandoned altogether.

In July and August of 2015, the National Public Radio program *This American Life* produced a two-part series (“The Problem We All Live With”) on the segregation of public schools. In this series, the show hosts discuss the ways in which schools have become dramatically re-segregated since *Brown v. Board of Education*, the landmark 1954 Supreme Court ruling which declared that separate schools were inherently unequal. Since the release of “The Problem We All Live With” (This American Life, 2015), school segregation has become a topic of growing interest for journalists, with frequent publications and stories appearing in *The New York Times*, *The Washington Post*, *The Atlantic*, and other media outlets. The stories are often presented with a sense of

astonishment at the failed promises of *Brown*. There are resulting calls to reignite efforts to integrate public schools and emerging challenges to current education reform rhetoric that remains largely silent on the issue of desegregation.

As a critic of racial and economic segregation and a proponent of integrated schools, I exercise caution in oversimplifying the gargantuan task of integration. In the communities where integration has been made possible, there is convincing evidence of its value. Yet, the promises of integrated schools have been limited by subsequent decisions made in federal courts, racially segregated residential patterns, and community resistance. In order to engage productively in critical conversations about integration and educational equality, integration proponents must understand the key ways in which *Brown* has been prevented from realizing its goal of fully integrated and equitable schools. Given school integration's history of a brief window of success in the late 1960s through the 1980s followed by political and judicial abandonment, this study offers a lens through which to critically examine the current education reform movement and its failure to address desegregation, one of the fundamental ways known to improve equity in schools. This study provides an historical overview of *Brown*, reviews the research demonstrating its strengths and shortcomings, and critically examines contemporary educational reforms. Based on the findings of my literature review, I argue that lasting educational reform must include desegregation as a central tenet of its efforts and that there are still ways to accomplish this goal, despite the many ways in which the potential of *Brown* has been and continues to be limited.

In Chapter 1 of this paper, I review the significance and promises of *Brown*. I summarize empirical evidence from the brief window of time when substantial numbers of students experienced school integration. This evidence sheds light on the educational and societal benefits of integrated schooling. A review of the empirical evidence is followed by a brief overview of some of the challenges and alternative perspectives that have been advanced to counter integration. Chapter 2 describes the current state of schools and their demographic compositions, revealing a return to sobering levels of racial and economic segregation, despite legal and nominal desegregation.

Chapter 3 offers an historical overview of *Brown's* trajectory, examining three of the main factors that have limited the ruling's ability to realize its promises. These factors include housing segregation, the failure of the courts to enforce and continue to support desegregation, and community resistance. Chapter 4 discusses the current education reform movement, examining the role of school "choice" policies in furthering racial and socio-economic divides in schools. I argue that the neoliberal approaches guiding such policies are misguided and unlikely to succeed as long as they fail to address the core issues of poverty and segregation that remain responsible for the achievement and opportunity gaps.

Chapter 5 provides evidence of ways in which there is still hope for *Brown*. The 21st century battle for integrated schooling will look dramatically different from attempts to integrate in the 20th century. This is due to demographic shifts of the past 60 years and precedents that have been set by federal courts and communities which confound

integration efforts. Yet, there are still opportunities to pursue integration, such as dual immersion schools, controlled choice programs, and joint efforts between the Department of Housing and Urban Development and the Department of Education. While a recommitment to the promises of *Brown* is possible, the continuing trend toward privatization that currently dominates educational reform discourse lacks any substantial critique of segregation or economic inequality. The last several decades have witnessed the transformation of education from a public good into an increasingly privatized commodity, driven by a belief in the superiority of the free market, competition, academic outputs, and drastic accountability measures (Berman et al, 2003; Carnoy, 2014). In this market-based framework, the worth of education can be evaluated based on an individual's test scores and economic potential in the global economy. In this study, I argue against this position and believe that if there is hope for education to fulfill its promise as "the great equalizer," contemporary neoliberal discourse of educational reform must be exposed for its faults, dismantled, and replaced by one focused on integration, economic equity, and racial justice practices that are known to both improve student achievement and collectively lift society.

Chapter 1: Promises and Realities of *Brown*

Hopes, Promises, and a Brief History of *Brown v. Board of Education*

In 1954, educational equality for all students in the U.S. finally became an obtainable goal. In *Brown v. Board of Education*, the “separate but equal” doctrine upheld in *Plessy v. Ferguson* (1896) was declared unconstitutional by the U.S. Supreme Court. Under *Plessy*, the federal government had sanctioned the segregation of facilities for Black and White populations, provided these facilities were “equal.” *Brown*, departing from the belief that schools could be “separate but equal,” ruled that segregated schools were “inherently unequal” and therefore unconstitutional. This landmark decision exposed segregation for its discriminatory nature and, for a time, shifted educational discourse toward a future where race should not determine the quality of a child’s education.

Heralded as one of the greatest civil rights victories of the century, *Brown*, unfortunately, had no “teeth” (Ogletree, 2004; Orfield & Eaton, 1996). It included no implementation power and no timeline to guide the desegregation of schools. The very communities that had initiated and long upheld segregated schools were suddenly expected, in unrealistic fashion, to spearhead the desegregation of the same educational institutions they had been complicit in segregating. To address this situation, the *Brown II* ruling was issued one year later, in 1955. Under *Brown II*, the Supreme Court stated that desegregation must occur with “all deliberate speed,” under the guidance of federal district courts (*Brown v. Board of Education II*, 1965 at 301). This statement remained

ambiguous and unenforceable, allowing segregated schooling to continue virtually untouched for another decade (Orfield & Eaton, 1996). In fact, by 1963, 99% of Southern Black students had yet to attend integrated schools (Orfield, 2014).

Not until the Civil Rights Act of 1964 did the government elaborate the enforcement mechanism that would be used to bring about school desegregation, withholding federal funds from districts that were out of compliance with their desegregation orders. In that same year, a unique convergence of all three branches of government paved the way for a civil rights-focused agenda, which allowed for the broad implementation of desegregation orders. Under President Lyndon B. Johnson's guidance, Congress passed the Civil Rights Act, giving *Brown* the "teeth" it had historically lacked. Faced with the threat of losing federal funding, school districts were required to begin actively integrating their students. At unprecedented levels, schools in the South, in particular, finally began to work toward desegregation (Orfield, 2014). By 1971, only 20 percent of Southern Black students attended schools populated entirely by other Black students (Reardon, Grewal, Kalogrides, & Greenberg, 2012).

The Civil Rights Act was bolstered by additional congressional and judicial decisions. One year later, as part of Lyndon B. Johnson's "War on Poverty" program, the 1965 Elementary and Secondary Education Act (ESEA) was passed. The ESEA provided a massive investment in schools, with a focus on equalizing educational opportunity for all students and reducing academic disparities through targeted funding, research and professional development, classroom and curricular resources, and

investments in the Departments of Education in each state (ESEA, 1965). The Title I provision, which provides additional funding to schools serving high numbers of low-income students, was also established through this act.

Concurrently, under Chief Justice Earl Warren's powerful Supreme Court, the trend toward the enforcement of desegregation was further solidified. In 1968, *Green v. County School Board of New Kent County* was brought before the Supreme Court. In this case, a rural county in Virginia had created a school choice plan in order to avoid losing federal funding. The plan effectively allowed its two schools serving 1300 students to remain largely segregated under the premise that families were choosing to remain in segregated schools. While it was now legally permissible for students to attend either school, district policy was to re-enroll children in the school they had attended the previous year. Families wishing to transfer had to actively seek that option. However, no White students opted to change their school, and only 115 Black students made that change. The remaining 85% of Black students continued to attend the all-Black school. The decision in *Green* declared that the school choice option failed to meet the mandates under *Brown II*, in which the school district itself—and not the families of students—must actively engage in efforts to desegregate its schools. In Justice Brennan's majority opinion, he stated that school boards must "take whatever steps necessary to convert to a unitary system in which racial discrimination would be eliminated root and branch" (*Green v. County School Board of New Kent County*, 1968 at 437-438). With this opinion, partial attempts to desegregate were no longer acceptable. It was now the

judicial expectation that districts would aggressively tackle issues of racial inequality “which promise realistically to convert promptly to a system without a ‘White’ school and a ‘Negro’ school, but just schools” (*Green v. County School Board of New Kent County*, 1968 at 442). In 1968, only 6% of districts had seriously begun implementing their desegregation orders. Four years after *Green*, that number increased to more than 56% (Johnson, 2011).

When Richard Nixon succeeded Johnson in 1968, a more conservative ideology guided the executive office. The desegregation advances born from the alignment of the judicial, legislative, and executive branches under Johnson’s administration started to unravel. The Civil Rights Act, which had forced districts to respond to *Brown II*’s mandate to desegregate with “all deliberate speed,” significantly lost momentum as well as its enforcement power. Furthermore, Nixon radically shifted the sway of the courts through his appointment of four conservative Supreme Court justices: Burger, Blackmun, Powell, and Rehnquist (Orfield, 2001).

With two exceptions, the Emergency School Aid Act (ESAA) of 1970 and the Supreme Court ruling of *Swann v. Charlotte-Mecklenberg* (1971), desegregation efforts began to decelerate. In a departure from his typically conservative stance, Nixon helped push one key desegregation initiative through Congress. This initiative, the ESAA, allocated a total of 1.5 billion dollars to be spent over the course of two years (1971-1972), helping districts that were working to undo the repercussions of *de jure* segregation or were attempting to combat *de facto* segregation, either through school

policy or programs aimed at bringing children from different racial backgrounds together for “inter-cultural educational programs” (Nixon, 1970). *Swann v. Charlotte-Mecklenberg Board of Education* (1971) eliminated “racially neutral” school enrollment practices that had upheld segregated schools since student assignments were previously based on a child’s geographic residence. Busing was ruled the appropriate measure for districts to use in order to facilitate school desegregation.

While *Swann* and the ESAA offered some continued attention to desegregation, the overall trend of the 1970s shifted away from the anti-segregation political climate of the 1960s. Despite the loss of momentum, many of the successes gained from desegregation efforts of the 1960s were widely employed throughout the 1970s and 1980s. These included busing, ratios, redrawing district boundary lines, school choice options, inter-district transfers, and the founding of magnet schools (Clotfelter, 2004; Weiler, 1998). However, in 1974, just 20 years after the landmark civil rights decision, the Supreme Court began substantially weakening the potential of *Brown*.

The beginning of the end of judicial support for desegregation occurred in 1974. In *Milliken v. Bradley* (1974), the Supreme Court rejected desegregation attempts that required busing students across city-suburban lines in the greater Detroit area. White flight had led to heavy concentrations of Black students in the inner city, while the surrounding suburbs remained largely White. The ruling, however, held that as long as deliberate segregation by the state or the involved suburbs could not be proven, schools were not required to integrate across district lines. Lacking the racial composition needed

to integrate its schools, Detroit's dreams for desegregation were now impossible to realize. This was the first of what would become many, Supreme Court decisions to "dismantle" desegregation (Orfield & Eaton, 1996).

With Ronald Reagan as president, beginning in 1981, desegregation continued to lose steam. Under Reagan's new budget, federal funding that had previously been earmarked to support research into understanding race and desegregation in schools was eliminated. His administration took an oppositional stance to desegregation litigation and federal desegregation assistance programs (Orfield, 2001). With an anti-desegregation stance now firmly rooted in government, nearly all vestiges of desegregation litigation were reversed by the mid-1990s (Orfield & Eaton, 1996; Orfield, 2001). In its place was born the contemporary education reform movement with its market-based focus on accountability, privatization, and high-stakes testing. A more in-depth analysis of the approaches of the education reform movement and their relationship to school desegregation will be presented in Chapter 4.

When *Brown v. Board of Education* declared segregated schools "unequal," a naïve expectation might have envisioned children of all races immediately learning alongside each other in schools that were equipped with adequate resources, qualified teachers, and modernized buildings. Unfortunately, these visions of *Brown* remained completely elusive for over a decade. Even then, it took a robust Civil Rights movement as well as the ideological convergence of all three branches of the government to pull together the necessary executive orders, congressional acts, and judicial decisions to

make desegregation a reality (Orfield & Eaton, 1996). The difficulty of enforcing *Brown* amid community resistance, segregated residential patterns, and subsequent obstructive judicial decisions largely explain to why *Brown's* idealistic vision never fully materialized. While *Brown* was never given the chance to fully realize its promises, during its brief window of opportunity, desegregation demonstrated a number of substantial academic, economic, and socio-political benefits to the children experiencing integrated schools, all of which will be presented in subsequent sections.

Contextualizing the Impacts of Desegregation

It is important to note that while integrated schooling was, and I argue, *is*, necessary to bring about equal educational opportunity for minority children, it is not simply the act of sitting next to and learning beside a White child that is responsible for this change (Kirp, 2012; Orfield & Eaton, 1996; Ravitch, 2013). Rather, by bringing children together, the negligible conditions that had been commonplace in schools attended by Black children became less acceptable. Arguing the benefits of integration, Kirp (2012) explains that “By itself, racial mixing didn’t do the trick, but it did mean that the fate of Black and White students became intertwined.” No longer could people turn a blind eye or a deaf ear to funding inequities, structural incongruences, and separate sets of expectations for different children. “That’s what shifted the arc of their lives” (Kirp, 2012).

One would be remiss to assume that the mere presence of White children can raise academic achievement for minority students. Comparing schools purely by racial

composition could lead to the misunderstanding that there is something inherently inferior about schools and institutions serving minority communities. However, it is not the physical presence alone of White children that can improve a school. Rather, it is the systemic advantages that accompany the presence of those children (Rothstein, 2013). These advantages include better resources, more highly qualified (and better paid) teachers (Adamson & Darling-Hammond, 2011; Clotfelter, Ladd, & Vigdor, 2005) reduced concentrations of poverty (Orfield, 2005), and the expectations and resources that enable children at the school to attend college (Kuh, Kinzie, Buckley, Bridges, & Hayek, 2006). Orfield (1996d) states, “Segregated schools are unequal not because of anything inherent in race but because they reflect the long-term corrosive impact on neighborhoods and families from a long history of racial discrimination in many aspects of life” (p. 37). The history of discrimination and marginalization (or, for some, a history of privilege and power) is central to the schooling experience of a child.

School integration, at its core, concerns the equitable distribution of resources. In particular, integrated schooling addresses an attempt to provide equal opportunities to all students, especially those who have historically attended segregated and, often, racially and economically marginalized schools. It does not imply any deficit within the segregated community itself. In fact, empirical research shows that when Black students began integrating formerly White schools in the 1970s and 1980s, they started to gain some of the advantages previously held primarily by their White peers, including access to better resources as well as improved academic outcomes (Ashenfelter, Collins, &

Yoon, 2006; Clotfelter, 2004; Guryan, 2004; Hanushek, Kain, & Rivkin, 2009; Johnson, 2011; Reber, 2010; Rivkin & Welch, 2006; Weiner, Lutz, & Ludwig, 2009; Wells, Holme, Revilla, & Atanda, 2009). The next section reviews a number of these empirical studies demonstrating the impacts of integrated schools.

Empirical Data on the Effects of Integration

While *Brown* was never able to fully realize its promises, there was a brief window of time when integration expanded and schools became more equitable in terms of access and resources. Through pressure from the federal government, Congressional Acts, and Supreme Court decisions from the late 1960s through the early 1990s, many schools successfully brought children from different race and class backgrounds into the same classrooms. A number of studies have been conducted evaluating the impacts on the students who were enrolled during this period of time (Ashenfelter et al. 2006; Clotfelter, 2004; Guryan, 2004; Hanushek et al., 2009; Johnson, 2011; Reber, 2010; Rivkin & Welch, 2006; Weiner et al., 2009; Wells et al., 2009). Other studies have explored the impacts of integrated schooling from the 1990s to the present (Card & Rothstein, 2006; Kamenetz, 2015; Kurlaender & Yun, 2000; Suttie, 2014). These studies provide evidence of the positive academic and social effects on the newly integrated community as well as the broader benefits that accompany desegregated schooling.

The gains resulting from integration can be academic, social, economic, and physiological. Johnson (2011) conducted an extensive, longitudinal study on the long-term impacts of desegregation on the health and socioeconomic well-being of adults who

had attended desegregated schools. In this comprehensive study, Johnson analyzes data from 9,156 people from 39 states who attended court-ordered desegregated schools in the 1960s through the 1980s. He examines data for the Black and White populations and compares it to the studied populations' siblings who attended schools while the districts were not under court orders to desegregate. His findings demonstrate improvements among the Black students in terms of their high school graduation rates, the total years they attended school, the selectivity of the colleges where they enrolled, their earnings and incomes as adults, their incarceration rates, and their overall health.

Specifically, Johnson (2011) found that the Black population's "exposure to court ordered desegregation" for five years led to an increased chance of high school graduation of 14.5% and academic gains of an additional half-year of school. Five years of exposure also increased their adult wages by around 15%. Each subsequent year of exposure added an additional \$1,000 a year to the household income and a yearly reduction of poverty by 1.3%. Desegregation during the primary years, in particular, reduced the likelihood of the incarceration of the Black population during adulthood by 22%. Additionally, Johnson found an 11% increase of reporting by Black adults that they were in "excellent/very good health." All of these results are especially strong when the child attended desegregated schools during their elementary school years. Furthermore, his findings demonstrate that these advantages occurred with no detriment and perhaps, as subsequent studies suggest, some benefit to their White counterparts attending the same integrated schools.

While a growing body of research demonstrates the positive impacts of desegregated schools, perhaps most relevant to the contemporary education reform movement is how integrated schools are associated with narrowing the achievement gap, while segregated schools coincide with its widening. The “achievement gap” is a sometimes polemical term that refers to the scores students receive on standardized tests. While the privileging of standardized tests as the central metric of student achievement should be questioned, it is nonetheless currently the key operating term and leading evaluative measure employed in dominant educational discourse. For that reason, some mention of the achievement gap will occur throughout this study. Given the privileged status of test results, there is irony in the fact that contemporary education reforms, such as the proliferation of charter schools and school choice options, have been shown to increase levels of segregation (Bell, 2009; Bifulco & Ladd, 2006; Frankenberg & Lee, 2003; Garcia, 2007; Rapp & Eckes, 2007; Saporito & Sohoni, 2006; Stein, 2015; Weiher & Tedin, 2002). In turn, this segregation may be contributing to the widening of the gap which the education reform movement aims to narrow.

During the 1970s and 1980s, there was a substantial narrowing of the gap in math and reading between Black and White students¹ (NAEP, 2012). This was the same

¹ As measured by the National Assessment of Educational Progress (NAEP), a series of evaluations in reading, math, and other subjects that are administered to students in 4th, 8th, and 12th grades.

period of time when court-ordered desegregation hit its highest point. While a number of other factors may have contributed to this narrowing of the gap, including smaller class sizes, an emboldened Civil Rights movement, increased funding in schools serving lower income students, and less disparity between Black and White families' resources, the fact remains that this was the period of time in which Black students made their greatest academic gains (Barton & Coley, 2010). Nonetheless, the precise causes for the improved academic outcomes by Black students are still inconclusive and cannot confidently be attributed exclusively to school desegregation (Vigdor & Ludwig, 2008).

Other measures demonstrate the ways in which school segregation or integration impacts student achievement. Exploring more contemporary research, evidence supporting the role of desegregation specifically in the narrowing of the achievement gap can be found in the fact that Black students attending less segregated schools score about 45 points higher on the SATs (Card & Rothstein, 2006) and have improved K-12 standardized test scores (Orfield, 2001). When large concentrations of Black students attend the same school, the inverse can also be found—the higher the concentration of Black students in a school, for example, the lower the levels of academic achievement (Hanushek et al., 2009). Given the current pattern toward increased segregation in schools, these findings are especially significant if closing the achievement gap is an authentic goal of education reform.

The reasons for these disparities are multi-fold and result from various economic, social, and political structures that impact the experience of students attending highly

segregated, high-poverty schools. To name a few factors, children attending these schools may be subject to a variety of disadvantages including, but not limited to, lower levels of high-quality preschool attendance (U.S. Department of Education, 2015), substantially smaller investments in their education ranging from the resources of the school to the quality and preparation of their teachers (Clotfelter, Ladd & Vigdor, 2005; Adamson & Darling-Hammond, 2011), inferior access to health care starting with the pre-natal care their mothers received (or possibly did not receive) when the children were *in utero* (Rothstein & Wilder, 2005; Tough, 2008), higher rates of exposure to violence or trauma, lower levels of parental education, or greater chances of housing instability (Rothstein, 2013; Rothstein & Wilder, 2005) leading to absences and transfers between schools or districts. These factors can profoundly impact a child's school experience. When schools are largely populated by students who share these same disadvantages, it becomes increasingly challenging for them to thrive.

On the other hand, academic success is more easily obtained in integrated schools. For example, students who attend integrated schools are also more likely to graduate and enroll in college. Guryan (2004) studied dropout rates of students attending schools that desegregated in the 1970s. Based on census data, he found that there was a 3.6% decrease in dropout rates for the Black students attending districts that desegregated their schools during this decade. As a comparison, the dropout rates of Black students in districts without desegregation orders remained constant. White dropout rates also did not change. Similarly, Reber's (2010) study of students in Louisiana attending integrated

schools between 1960 and 1975 demonstrates how this window of time brought a 42% increase in per-pupil funding, which led to a 15% increase in high school graduation rates. These studies are corroborated by Lutz's (2011) inverse analysis showing that dropout rates of Black students began to rise after districts were released from federal oversight in the 1990s.

While the evidence suggests that dropout rates are impacted by desegregation orders, Reber (2010) is careful to draw attention to the fact that the additional investment in education, and not the exposure to White students, may have played a greater role in the gains of Black students. Potentially, this means that the money that accompanies desegregation, and not the mixing of the students themselves, could be primarily responsible for the gains recorded during this period of time. If so, Bell's (2004) argument that the impact of *Brown* would have been greater if it had focused more on the "equal" and less on the "separate" doctrine may be a valuable consideration. However, other research has shown that money itself, even when strategically invested, cannot undo the impacts of highly concentrated poverty and segregation (Bryk, Sebring, Allensworth, Luppescu, & Easton, 2010), which bolsters the original argument in *Brown* that separate will never be equal.

While the specific factors leading to the advantages gained by Blacks during the 1970s and 1980s remain inconclusive, a result of the increased educational attainment and high school graduation rates is the potential for economic gain. Comparisons of the earnings of Blacks in the South who attended integrated schools after *Brown* show that

they earned more than their Black counterparts who attended pre-integration schools in relation to the incomes of northern-born Blacks of each respective time period (Ashenfelter et al., 2006). Card and Krueger (1991) conduct a similar study analyzing the Black-White wage gap between 1960 and 1980, which fell from 40 to 25%. The desegregation of schools cannot be explicitly credited for these gains, especially since the window of time studied signifies that many of the people included in the research could only have attended integrated schools for a brief period of time. However, the authors' findings conclude that 15-20% of the narrowing of the gap in wage differentials can be attributed to the increase in school quality attended by Black students. The improvement in student-teacher ratios, length of the school year, and teacher salaries may have increased the likelihood that Southern Black students would have returned to school and received a stronger education. Given today's inequities of school funding and resources (Baker, 2016; Heuer & Stullich, 2011; Miller & Epstein, 2011; Ostrander, 2015; Ushomirsky & Williams, 2015), the findings of this study suggest that school integration, which provides access to better school quality for low-income, minority students, could potentially have a similar impact.

There is also evidence that students who attend integrated schools are more likely to avoid incarceration and the criminal justice system. Weiner et al. (2009) explore the impact of court-ordered desegregation of schools and its impact on homicide. They look at districts that responded to the federal mandate to desegregate and found impressive results. In these districts, Black people were the victims of homicide and arrested for

homicide at a reduced rate of around 25%. These findings are corroborated by Johnson's (2011) study demonstrating a 22% reduced chance of adult incarceration by people attending schools in districts with court ordered desegregation, especially during their primary school years.

Of note is that while there are considerable benefits for Black children who attend integrated schools, there are no proven disadvantages for White children who also attend these schools. It is likely that there are even social benefits to both White and non-White² students attending school together. A recent study released by the U.S. Department of Education looks at the impact on academic achievement of White students attending schools with the highest and lowest concentrations of Black students. They found that the level of concentration of Black peers had no impact on White student achievement (NCES, 2015b). Furthermore, it has been suggested that integrated schools provide a number of other benefits including increased empathy for people from different backgrounds and the ability to work well and more effectively when collaborating with a diverse group of participants (Kamenetz, 2015). These interactions also demonstrate a decreased tendency toward prejudice. In Suttie's (2014) review of several studies, she finds that people who have had more extensive interactions with people of different races,

² As will be discussed in Chapter 2, segregation in the United States is now multiracial and no longer exists within a Black-White framework. When discussing more recent trends, the terms "non-White" and "minority" will be employed.

ethnicities, and religions also report less fear of rejection and “negative associations” of people in those groups.

A number of studies demonstrate the ways in which interracial settings lead people to an enhanced ability to work together, and to do so comfortably, in personal and professional settings. Kurlaender and Yun (2000) administered the Diversity Assessment Questionnaire to 1,164 high school students in Louisville, Kentucky, a district famous for its successful and long-lasting school integration plan. This questionnaire sought to explore how students understood the role of diversity in their education and their future. The results demonstrated that students—from all racial backgrounds—recognized the importance of being able to function in multiracial settings, as well as the positive benefits they had already gained by attending integrated schools. Similarly, ethnographic research with students attending integrated schools in the 1970s and 1980s demonstrated how Black graduates had an increased comfort and increased sense of their own ability to operate within an economy dominated by White people (Wells et al., 2009).

Integrated environments may even reduce stress. Page-Gould (2010) reviews a number of studies examining cross-race interactions and their impacts on people’s stress levels. In the studies she examines Black and White participants engaged in various activities together such as a game of Boggle, one-on-one conversations, or mock job interviews. Prior to engagement, they were given “prejudice evaluations” to gauge their level of prejudice against people from different racial backgrounds. Then, during the activities, information was collected pertaining to their nervous systems (breathing and

heartbeats) and changes in cortisol levels. The studies found that people who had higher levels of prejudice also exhibited higher levels of stress during these interactions. Given the multicultural society in which we live, particularly in urban areas, this means that people can potentially experience a reduction in daily stress levels as a result of integrated schools and other integrated environments.

In addition to empirical studies, first-hand accounts from Black students who were children of the *Brown* era demonstrate the opportunities that were made available to them by attending integrated schools. Charles Ogletree, Jr., a professor at Harvard Law School, provides a powerful narrative, describing the ways *Brown v. Board of Education* influenced his own personal path from humble beginnings in the Central Valley of California, through his education at Stanford, and on to his law degree from Harvard. Ogletree (2004) describes how the journey from the Central Valley to Harvard was not always easy or simple. However, he recognizes that without the opportunity to attend well-resourced schools alongside his White classmates, his path otherwise would have been unimaginable.

Considerable evidence demonstrates that integration works. It works to improve academic achievement as well as address many other ills of society, including improving people's health, incomes, relationship to the criminal justice system, and reducing bias and prejudices (Ashenfelter et al. 2006; Clotfelter, 2004; Guryan, 2004; Hanushek et al., 2009; Johnson, 2011; Kurlaender and Yun, 2000; Reber, 2010; Rivkin & Welch, 2006; Weiner et al., 2009; Wells et al., 2009). Integrated schools make opportunities available

to parts of the population that are otherwise virtually impossible to obtain. Central to all of these benefits is that they come at no cost—and, potentially, at a substantial gain—to the White population. Given that the U.S. is a multiracial, multiethnic society, integrated schools offer one of the most profound opportunities to cultivate and maximize the benefits borne of diversity.

Critiques of Integration

Despite evidence of the benefits of integration, many people argue that *Brown* came with additional consequences for the Black community (Bell, 2004; Morris, 2016; Ogletree, 2004; Patterson, Mickelson, Hester, & Wyrick, 2011). There is no debate that segregated schools were unequal in terms of resources and facilities and that integration provided access to these additional resources that had previously been available only to White students. From that perspective, the benefits of integration were clear. However, despite improved material conditions, integrated schools also came with various costs. For example, through integration, many Black teachers lost their jobs. Since Black people had routinely been denied employment in other fields, teaching had been among the most prestigious available to them (Morris, 2016; Patterson et al., 2011).

As schools became integrated, a narrative about the inadequacies of Black teachers emerged (Morris, 2016; Patterson et al., 2011). Patterson et al. (2011) challenge this notion of inferiority and argue instead that Black schools played a unique role in the lives of Black students. They argue that contemporary educators should learn from these teachers in order to best support Black students. Based on oral histories conducted with

55 former students who had attended Douglass School, a segregated school in Kentucky that existed from 1908 to 1958, the authors found evidence of practices that had led to the educational success of its students. These practices were contextualized in Beauboeuf-Lafontant's (2002) "womanist caring" framework. In this framework, caring is not simply based on kind acts between individuals but is indicative of a deeper connection and purpose between children, teachers, and their communities. Among the practices at Douglass School were the encouraging of high expectations and high quality instruction, with explicit attention to the unique obstacles Black students would later face, curricula that both "affirmed students' racial identity" (Patterson et al., p. 279) and located the classroom within a broader social context, authentic relationships between teachers and their students and families, and the fostering of cooperative learning environments. As all-Black schools with all-Black teachers waned, the unique role of schools as bedrocks of the Black community was lost.

The devaluing of segregated schools had a number of consequences. One of them was to generate the stigma that schools attended by Black students were inherently inferior, encouraging an exodus out of these schools (Morris, 2016). This resulted in the detrimental psychological impact of privileging White schools over their Black counterparts. Some districts, like St. Louis, where an inter-district transfer plan was initiated to encourage desegregation, were guilty of employing harmful rhetoric to degrade schools in the Black community and extol those in surrounding White communities. This led to the disproportionate burden of integration being placed on the

shoulders of Black children. For example, in the 1997-1998 school year, of the 14,224 students who transferred between counties, 12,746 were Black and only 1,478 were White (Morris, 2016). Ogletree (2004), in an analysis of busing programs, addresses the problematic nature of sending Black children into White schools rather than demanding White integration into Black communities. He states,

As I reflect on these early efforts to promote the *Brown* mandate of integrated education, I'm struck by our failure ever to ask the hard and obvious questions about what we were doing. Why were black children being forced to go to white schools, without anyone's raising the question of more resources for black schools?...What message were we sending to our children, having them leave their neighborhood schools, and sending them to white, presumably better, schools? We didn't ask these questions then, to our regret, and perhaps to the harm of our children. (p. 77-78)

While magnet schools and compensatory funds later funneled more money into schools within city lines, the stigmatization of Black schools had long placed the onus on Black families to seek education elsewhere.

Others consequences included the exclusion of Black voices in desegregation policy and the continued inequity of resources between schools serving majority White versus majority Black populations. Morris' (2016) qualitative study of Black educators in Saint Louis who shared their perspectives on the impact of *Brown* on the Black community provides evidence of both of these factors. While Black children were the center of the integration debate, the voices of Black educators were not included in conversations about how to best serve Black students and the potential negative repercussions of integration. Furthermore, integration has, in some cases, led to the

financial gain of majority White counties. One such example can be seen in the \$68 million that were provided to a St. Louis county school that received incoming Black students between the years 1984 and 1993 (Morris, 2016).

The skepticism toward sending Black children out of their communities is connected to a deeper critique of the view that *Brown* is an indisputable victory for civil rights. Derrick Bell (2004), one of the founders of Critical Race Theory, argues against the benignity of *Brown*. Instead of simply critiquing the harmful ways in which busing impacted communities' senses of self and self-worth, he goes one step further, arguing that *Brown* has been completely misguided in its focus on tearing down the "separate" at the expense of the "equal." Rather, he operates on the premise of what he terms the interest-convergence theory, which argues that civil rights advances only occur when those advances are also in the self-interest of the White community. From this perspective, rather than presenting a challenge to the status quo, *Brown* was a nominal court case that largely failed to address systemic issues of racial inequality but allowed the White community to abnegate itself of culpability for perpetuating racist systems. Highlighting multiple historical examples such as Northern abolition, the Emancipation Proclamation, and Constitutional Amendments following the Civil War, key to his argument is the idea that "benefits for blacks...are more symbolic than substantive" (Bell, 2004, p. 56).

The idea behind the interest-convergence theory was especially significant in the 1950s as the United States emerged as a leader of freedom and democracy in the wake of

the Second World War and the beginning of the Cold War with the Soviet Union. Given the United States' newly elevated status, its blindness toward Jim Crow laws and the apartheid school system operating in the South was antithetical to the image it wished to convey and use to build continued global support. Therefore, *Brown*, while hailed as a great civil rights victory, may also have had strategic benefits for the image of the United States and the White population whose reputation was at stake. As Bell (2004) remarks “[*Brown*] provided a symbolic victory to petitioners and the class of blacks they represented while, in fact, giving a new, improved face to the nation’s foreign policy and responding to charges of blatant racial bias at home” (p. 67). As long as *Brown* presented no challenge to White, nationalistic advantage, its merits would continue to be applauded.

Despite conflicting perceptions of *Brown* as a civil rights victory or simply a rhetorical nod to racial justice, there is consensus among civil rights lawyers of the decision’s inability to quickly effect change (Ogletree, 2004; Bell, 2004). In *Brown II*, issued one year after *Brown I*, the ambiguous timeline of desegregation was provided through the clause in the Supreme Court decision stating that the desegregation of school must occur with “all deliberate speed.” While the opportunities provided by desegregated schooling were unimaginable in the *Plessy v. Ferguson* era, this clause allowed communities to substantially resist, stall, or temporarily avoid school integration (Anderson, 2010; Bell, 2004; Bolton, 2005; Ogletree, 2004; Orfield & Eaton, 1996). Furthermore, once desegregation was codified into law, the responsibility to thrive rested on the shoulders of the Black community (Bell, 2004).

Chapter 2: Current Segregation Patterns

While *Brown v. Board of Education* recently celebrated its 60th anniversary and is frequently cited as one of the most profound civil rights decisions in this country's history, the reality of integrated schooling is less triumphant. Since the 1980s, there has been a steady decline in school integration as measured by the exposure of Black or Latino students to their White³ counterparts. Despite demographic changes that have led to an increase in millions of minority students and a 30% decrease in White students attending our nation's public schools (Orfield, 2001; Orfield, Frankenberg, Ee, & Kuscera, 2014), White and non-White children are increasingly segregated from each other in different classrooms, schools, and districts across the country. In 2000, 20% of White students attended schools in which 0-1% of their classmates were minorities (Logan, 2004). On the other hand, nearly one-third of Blacks and one-quarter of Latinos currently attend schools where over 95% of their peers are other minorities (Orfield et al., 2014).

Desegregation Trends by the Dissimilarity/Unevenness Index

When analyzing desegregation trends, there is debate around how to measure segregation, leading most researchers to use one of two approaches. These two

³ Asian students have far lower levels of segregation from their White counterparts than do Blacks and Latinos (Orfield et al., 2014). For the purposes of this section, segregation of "minority students" refers primarily to the Black and Latino populations.

approaches produce different, and sometimes conflicting, ways of interpreting the data (Fiel, 2013; Reardon & Owens, 2014). The first measures “indices of unevenness or dissimilarity,” and the second measures “indices of exposure or isolation” (Massey & Denton, 1988). The first approach, indices of unevenness, examines the level of student racial distribution across all of the schools within a district. For example, an “evenly distributed” district with 20% minority students would equally distribute its minority population throughout its schools, such that each school was ~20% minority. This approach is less concerned with overall shifts in demographic patterns that have led to high levels of racial concentration and focuses instead on the “evenness” with which districts disperse their populations throughout their schools. An underlying belief of some of these researchers is that while it is true that there are now larger concentrations of minority students in certain districts leading to greater levels of racial isolation, it is “beyond the scope of desegregation policies” (Fiel, 2013, p. 843) to address these demographic and geographic shifts. Researchers favoring the index of unevenness contest the use of the term “resegregation” when changes result from population shifts and prefer to focus on the extent to which districts are balancing the students in their schools, independent of their racial diversity or homogeneity.

As a result, a number of researchers (Clotfelter, Vigdor, & Ladd, 2006; Fiel, 2013; Reardon, Yun, & McNulty Eitle, 2000; Stroub & Richards, 2013) employ the measure of unevenness to shed light on how well districts are implementing or upholding their desegregation plans. They found that segregation increased significantly throughout

the 1990s following several Supreme Court decisions that loosened control over federal oversight. However, since the late 1990s, the trend has reversed, leading, again, away from growing levels of segregation. According to their findings, while demographic shifts have, cumulatively, led to more minority and fewer White students in public schools in general, widespread resegregation has not returned (Logan, 2004; Reardon et al., 2000; Stroub & Richards, 2013). Logan (2004) notes that in 1968, the dissimilarity index was slightly more than 80, meaning that more than 80% of the students within a typical district would need to change schools in order to reach racial balance. By 1990, this number had fallen to 50. In the 1990s, dissimilarity grew by only 1 point, suggesting that district policies of the 1990s did not contribute substantially to school resegregation.

Further evidence suggests that the trend toward segregation that occurred in the late 1980s throughout the 1990s has slowed and even slightly reversed in the first decade of the 21st century. In Stroub and Richards' (2013) study in which they analyzed segregation levels in 366 metropolitan areas across the U.S. between 1993 and 2009, they found that segregation peaked in 1998 and has since reversed its trend. While there has been a "downward trend in segregation" since 1998, only Black-White segregation has fallen (4.4%) below its 1993 levels⁴ (p. 512). Due to the increased segregation that

⁴ It is important to note that 1988, and not 1993, was the year in which the highest percentage (43.5%) of Black students attended majority-White schools (Orfield et al.,

occurred throughout the 1990s, even with the downward trend, Latinos and Whites in 2009 were 4.8% more segregated from each other than they were in 1993, and Asians and Whites have experienced a modest 0.5% increase in segregation.

However, the authors are careful to note that while the study produced an overall trend against rising segregation, 35% of the districts in the study, many of which are in the South, actually witnessed growing segregation levels since 1998. Furthermore, while the general trend toward increased segregation has slowed and even improved for the Black-White comparison, the highest overall levels of segregation still exist between Blacks and Whites, the original focus of *Brown v. Board of Education*. Latinos, while less segregated from Whites, are still far more segregated than their Asian counterparts. This bolsters Clotfelter's (2004) finding, in his study of the districts in 332 metropolitan areas, that Blacks remain the most segregated racial group, even more so than Latinos.

The index of unevenness shows that changing demographics, not increases in segregation by school districts, are primarily responsible for the declines in exposure between White and non-White students (Fiel, 2013; Logan, 2004; Reardon & Owens, 2014). Logan (2004) demonstrates that the rise of segregation in the 1990s resulted from an increase in the overall minority student population attending public schools and does not suggest the resegregation of students per district policy. For example, in Gwinnett

2014), so the start date of this study occurred after the height of integration and therefore does not reveal the full extent of growth in segregation levels.

County, California, segregation by the dissimilarity index decreased by 4 points. However, a static white population and growing minority population led the Black-White exposure index in this same district to decrease from 67.2% in 1990 to 48.8% in 2000. Logan's study aligns with Fiel's (2013) research, which examines segregation patterns between 1993 and 2010 in urban metropolises. He finds that "student composition" and not a "growing" racial imbalance/unevenness led to decreased rates of exposure (p. 839). For example, over this period of time, Black-White and Latino-White exposure levels decreased by 13.5 and 14.1%, respectively. However, had the compositional levels of racial groups not changed, "racial imbalance" would have increased Black-White exposure by 10.3% and Latino-White exposure by 9.2%. This data bolsters the argument that absent the balancing measures employed by districts, resegregation would have occurred at even higher levels.

Researchers have also found a trend toward increased levels of inter-district segregation since the early 1990s (Clotfelter, 1999; Clotfelter, 2004; Fiel, 2013; Stroub & Richards, 2013;), which has increased the isolation levels of White and Asian students and reduced their exposure to Blacks and Latinos. Clotfelter (2004) describes a "balkanization" pattern, in which larger metropolitan areas are broken up into numerous smaller school districts, facilitating racial separation and segregation in a geographic area that may otherwise have the potential for more integrated schools. Fiel (2013) claims that if inter-district racial imbalances were eliminated, the average Black student would attend schools alongside 13% more White students. Stroub and Richards (2013) note that

while inter-district segregation continues to present a significant barrier to reducing desegregation, accounting for 61.7% of the segregation within a metropolitan area in 2009, this number at least has stabilized since the late 1990s. In Clotfelter's (1999) review of 331 metropolitan areas, he found that 70% of the segregation in Atlanta's schools and a staggering 96-97% in Detroit, Boston, and Long Island, resulted from inter-district segregation. Unfortunately, due to *Milliken v. Bradley* (1974), the Supreme Court decision complicating inter-district desegregation remedies, this trend is not likely to be reversed without significant policy interventions.

Overview of Desegregation Trends by the Exposure Index

The second approach, measuring indices of exposure/isolation, calculates the likelihood of students studying alongside children of the same versus other races. Measurement by the exposure index presents a much different and more alarming story of segregation. While it is frequently noted that both measures provide important information (Fiel, 2013; Clotfelter et al., 2006; Reardon and Owens, 2014), the "indices of exposure" is of particular significance in light of the *Brown* ruling. Given the majority opinion that "separate educational facilities are inherently unequal" (*Brown v. Board of Education*, 1954 at 495), it is important to examine the racial composition of schools today not only in terms of how districts are distributing their students but also in terms of how districts themselves have, in many cases, become so segregated that even in light of desegregation measures, they maintain high levels of racial separation. In 2009, nearly half of all White students studied in schools that were over 90% White (Logan, 2004).

Simultaneously, 38.5% of Black students and 40% of Latino students attend schools that are populated by over 90% minority students (Orfield et al., 2014). Following the logic of *Brown*, nearly 2 in 5 Black and Latino students attend schools that would be deemed “inherently unequal.” For this reason, the exposure index is employed for the remainder of this chapter.

This approach has been adopted by Gary Orfield, Professor of Education, Law, Political Science and Urban Planning at the University of California, Los Angeles, and co-founder and director of the Harvard Civil Rights Project (now the Civil Rights Project/Proyecto Derechos Civiles at UCLA)⁵, a policy research center which provides the most prolific and comprehensive analysis of national trends in school segregation. Furthermore, given the research suggesting that “majority minority” (majority Black and Latino) schools are often staffed by less qualified and experienced teachers (Adamson & Darling-Hammond, 2011; Clotfelter, Ladd, & Vigdor, 2005), receive inequitable funding relative to schools attended by majority White or Asian students (Baker, 2016; Heuer & Stullich, 2011; Miller & Epstein, 2011; Ostrander, 2015; Ushomirsky & Williams, 2015), and have lower overall academic achievement levels (Card & Rothstein, 2006; Hanushek

⁵ The Civil Rights Project was originally founded in 1996 at Harvard University by former Harvard Professors Gary Orfield and Christopher Edly, Jr. The Civil Rights Project has overseen more than 400 studies and published 14 books (Civil Rights Project, n.d.).

et al., 2009; Orfield, 2001), the concentration of students by racial group, and not the evenness of their distribution, appears to be the most salient factor in understanding contemporary issues of segregation.

Fifty years after *Brown*, Orfield and Lee (2004) examined segregation data and found high rates of separation between different racial groups. In 2004, the average White child attended a school that was 79% White. The average Black and Latino student studied in schools that were 31% and 28% White, respectively. On the contrary, 2 out of 3 of the average Black and Latino's classmates were other Blacks and Latinos. The average Asian student attended the least segregated schools, with nearly half of their classmates being White. Around 22.3% of the rest of their peers were other Asians (Orfield & Lee, 2004).

Every decade, the Civil Rights Project produces a retrospective on the 1954 Supreme Court decision. In 2014, the most recent edition reported an ominous view of integrated schooling in the U.S. Orfield et al.'s (2014) study shows that while a great deal of progress has been made since *Brown*, especially in the South, that progress has largely halted, and schools are increasingly re-segregating. Analyzing data from the National Center for Education Statistics within the U.S. Department of Education, which provides extensive demographic information on schools, the authors of the report find that desegregation is on the decline.

Integration, in its heyday, was not equally distributed in all states and regions across the country. In fact, prior to 1954, the South—which, due to *de jure* segregation,

had zero Black students learning alongside White students—has subsequently integrated its schools more profoundly than any other region in the country. While there has been a trend toward the resegregation of its schools (Orfield et al., 2014; Hannah-Jones, 2014a), the South remains the least segregated region in terms of exposure to students across Black-White lines and the concentration of students by racial groups (Orfield et al., 2014). In 1988, 43.5% of Black students in the South attended majority White schools. In 2011, 23.2% attended majority White schools. This number has continued to decline (Orfield et al., 2014).

This pattern is indicative of other trends toward segregation that are occurring across the nation. Depending on where one lives, whether in rural areas or the cities or suburbs of various-sized metropolises, there is great variation in the level of segregation students will experience (Orfield et al., 2014). However, as a national trend, schools are becoming increasingly segregated. In fact, since 1991, every region across the U.S. has seen an increase in Black students attending 91-100% minority schools (Orfield et al., 2014). Shifting demographics and residential patterns have interrupted the trend of White suburbs and Black inner cities. There is now an increasing trend toward the suburbanization of minority communities, in particular Latino communities (Frankenberg, 2013; Frey, 2014). In fact, by 2014, 16 of the 100 largest metropolitan areas in the U.S. were surrounded by majority minority suburbs, in which a majority of the population consisted of racial “minorities.” In 2000, there were only 8 (Frey, 2014). Despite shifting demographics and declining residential segregation, segregated schools

prevail. The Blacks and Latinos living in these suburbs are, on average, attending schools composed of 70% other minority students. In cities, the highest levels of segregation can still be found. The average urban Black or Latino student attends a school in which fewer than 10% of their classmates are White (Orfield et al., 2014).

Furthermore, not all geographic regions have experienced the same trends in desegregation. In part, this is due to the unequal distribution of racial groups in different regions across the United States, but it is also due to residential patterns that impact the likelihood that different groups will live in the same places (Fiel, 2013). According to Clotfelter's (2004) study of 332 metropolitan areas, White students in the West attend schools with the highest number of minorities (28%), while Whites in the Midwest are the most isolated (89%). Whites in the South are the most likely to attend schools with the greatest number of Black classmates. This could be due to the South as the central focus of desegregation measures and also the tendency to have larger districts covering broader geographic regions, thus limiting the likelihood of White flight. Nationally, Latinos are more likely to attend schools with Whites than Blacks are. However, they are even more likely to attend schools with higher Black than White populations, suggesting a concentration of minority racial groups within certain districts. In the North-South Border region, for example, 19% of the students are Black. Yet, the typical White student attends a school that is 9% Black, while a typical Latino student attends a school that is 24% Black.

Shifting Demographics

One of the biggest changes since *Brown* is the shift in the racial demographics of this country's student population. At the time of the case, Whites composed 88% of the population, Blacks composed 10%, and Latinos (mostly Mexicans and Puerto Ricans) were a meager 1.5% (Clotfelter, 2004). As immigration and birthrates have changed over the last 60 years, however, the integration conversation is no longer simply cut across Black and White lines. Instead, segregation is now, undeniably⁶, a multiracial issue. According to the U.S. Census Bureau, in 2015, the four largest racial groups were Whites (61.6%), Latinos (17.6%), Blacks (13.3%), and Asians (5.6%) (U.S. Census Bureau, 2015). As evidenced by these statistics, the most rapidly growing population in the United States is the Latino population. While the White student population has decreased by 28%, there has been a 19% increase in Black students, and nearly a 500% increase in Latino students (Orfield, et al., 2014, p. 6). In 2014, Latinos constituted 23.9% of all students attending schools in the U.S. (Gándara & Aldana, 2014). In some states, like California, Latino students are the largest community composing its public schools. At

⁶ Of course, the U.S. was a multiracial society in 1954, as well, but the surge in Latino children attending U.S. schools did not begin until the 1960s. Despite the smaller population, it is significant to note that the first case in which desegregation was declared unconstitutional (*Mendez et al. v. Westminster (sic) School District of Orange County et al.*) occurred in 1946 in California's federal courts and involved Mexican American students.

54% of the population, by the 2015-2016 school year, they composed a larger percentage than all other racial and ethnic groups combined (California Department of Education, 2015).

While there were, of course, Latinos living in the United States at the time of the *Brown* decision, the courts were mainly preoccupied with the *de jure* Black-White segregation that proliferated in the 17 southern and border-states and the District of Columbia. In only two of these states (Texas and Florida), were there sizeable Latino populations. Countrywide, Latinos composed less than 2% of the total population (Gándara & Aldana, 2014). The emphasis of the Supreme Court decision and subsequent desegregation efforts was on the Black-White divide. Desegregation continued as though the country were biracial and not multiracial.

As the desegregation movement reached its zenith in the 1960s and 1970s, before beginning its slow decline, a major transformation in the student demographics of schools in the U.S. had begun. While desegregation efforts were focused on bringing more Black and White students together in the same classrooms, the demographics of segregated schools were shifting⁷. Despite this shift in demographics, Latino students were not significantly on the radar until 1964, when the Civil Rights Act required that they be

⁷ The government formally recognized the segregation of Latinos in schools in Denver, Colorado, through the Supreme Court decision *Keyes v. School District No. 1, Denver, Colorado* (1973).

included in school counts. It was not until the 1970s when the U.S. Commission on Civil Rights started collecting information about segregation patterns of Latinos and their (segregated and unequal) experiences in schools (Gándara & Aldana, 2014). While efforts to bring Black and White children into the same classrooms were made, Latinos were slowly becoming increasingly segregated. In 2014 in California, for example, the average Latino student attended a school in which 16% of his/her classmates were White. In 1970, this student would have attended a school in which 54% of the classmates were White (Orfield et al., 2014). In the 1990s, the number of Latinos nationwide attending majority minority schools grew from 13.3% to 28.1% (Logan, 2004).

Despite the trend toward the concentration of minority students, the average child, including the average White child, attends a school with a decreasing White population (Logan, 2004). Throughout the 1990s, over one million fewer students attended predominantly White Schools (in which 90-100% of the students were White). The number of White students attending these predominantly White schools fell from 52.9 to 44.9% in the 1990s. More than half of this reduction was simply due to schools that became majority White (50-90%) rather than predominantly White (90-100%), but a little under half shifted to majority minority schools. Within the majority White schools, 87.4% of their students were White in 1990 versus 85.6% in 2000. Despite decreasing numbers of White students, nearly half of all White students still attend schools in which over 90% of his/her classmates are White (Logan, 2004).

While differing perspectives about the utility of the exposure/isolation versus the dissimilarity index of segregation persist, there is consensus on the role of shifting demographics in the increasing rates of racial isolation of minority communities (Clotfelter et al., 2006; Logan, 2004; Lutz, 2011). In fact, in many districts in the past decade, it has not been the distribution of students between schools that has led to higher concentrations of minority populations. Rather, the shift is attributed to White flight, declining White birth rates, and the recent growth of the Latino population. Clotfelter et al.'s (2006) study of 100 districts between 1994 and 2004 shows that while the exposure/isolation index grew, the dissimilarity index remained relatively constant throughout the decade. This suggests that districts are not abandoning desegregation measures, but rather, that recent demographic trends are leading to higher concentrations of minority populations in certain districts. As Logan's (2004) research found, the average White student is attending schools with larger minority populations. However, simultaneously, the average minority student also attends a school with a growing minority population. The average Black student attending a majority White school fell from 30.7 to 24.4% in the 1990s, increasing the likelihood of attending majority minority and predominantly minority schools. Latinos and Asians experienced the same trend. While the debate may loom over how to measure segregation and if it is appropriate to refer to the result of shifting demographics as "resegregation," the lived experience of increasing numbers of minority students is to attend school with other minority students.

In many of these cases, poverty, an additional complicating factor, is central to that experience.

Double Segregation

Race and class—particularly in schools—go hand in hand. As desegregation policy has increasingly receded into the past, there has been a tendency for students to become concentrated in schools by both race and income. In The Civil Rights Project’s 2014 analysis, Orfield et al. describe the commonality of what they term “double segregation,” in which students of color are segregated both by race and class.⁸ They note that in schools in which 81-100% of the students are Black and Latino, more than 70% of the students qualify for free and reduced lunch, a common metric used to measure poverty levels in schools. Schools serving populations that are 91-100% Black and Latino provide 90% of their students with free and reduced lunch. “These figures,” the authors note, “represent extreme overlaps of poverty and racial concentration and help explain why schools with high concentrations of Black and Latino students often have fewer educational resources and lower student outcomes” (Orfield et al., 2014, p. 15). When the analysis is made for majority White and Asian schools, the poverty statistics are inverted. In other words, schools enrolling mostly White and Asian students also generally serve children whose families are above the national poverty line. In fact, the

⁸ Gándara and Aldana (2014) argue for triple segregation, including language (or the segregation of English Learners) as the third factor.

2004 Civil Rights Project retrospective found that only 15% of the country's predominantly White schools offered free and reduced lunch to a majority of their students versus 88% of predominantly minority schools (Orfield & Lee, 2004).

In contemporary education reform rhetoric, people who raise the role of poverty in student achievement may be criticized for their failure to address the "real issues" of low expectations and incompetent teachers and administrators (Brody, 2014). In George W. Bush's 2000 address to the National Association of the Advancement of Colored People (Bush, 2000), he attributed the failure of schools serving minority students to "the soft bigotry of low expectations" and not other systemic issues that may play a role in their school experiences. Bush continued, stating that we had

to raise the bar of standards, expect every child can learn; to give schools the flexibility to meet those standards; to measure progress and insist upon results; to blow the whistle on failure; to provide parents with options to increase their option, like charters and choice; and also remember the role of education is to leave no child behind.

Completely absent from Bush's perspective is the mention of class or the equalization of resources. In this discourse, poverty is secondary to other factors. And yet, poverty is central to the experience of many children in the most segregated—and lowest performing—schools in the country. Poverty is also directly correlated with race. In fact, 60% of Blacks and Latinos and 30% of Asians attend high poverty schools compared with 18% of Whites. Even more severe, 12% of Black and Latino, 4% of Asian, and 1% of White students attend schools in which over 90% of the students fall under the federal poverty level (Orfield & Lee, 2005).

Rather than the “soft bigotry of low expectations,” the most crucial issues driving inequitable academic results in our schools can be attributed to poverty, segregation, and unequal distribution of resources (Ravitch, 2013). Ravitch (2013) details how poverty impacts the material conditions of children’s lives, including their pre- and post-natal health, their school attendance, and their relationship to learning. “Poverty matters,” she states:

Poverty affects children’s health and well-being. It affects their emotional lives and their attention spans, their attendance and their academic performance. Poverty affects their motivation and their ability to concentrate on anything other than day-to-day survival. In a society of abundance, poverty is degrading and humiliating.” (p. 93-94)

If Ravitch is right, and studies suggests that she may be (Rothstein, 2004; Orfield & Lee, 2005), then it is significant that one in three children at the typical White child’s primary school qualifies for free or reduced-lunch, while that numbers is 2 in 3 for the typical Black or Latino child (Logan, 2004).

Schools populated entirely by Black and Latino students are often the schools where student achievement is at its lowest. While on the decline, so-called “dropout factories,” of which there are still approximately 1200, are attended overwhelmingly by poor Black and Latino students (DePaoli, Hornig Fox, Ingram, Maushard, Bridgeland, & Balfanz, 2015). Similarly, while there has been a slight narrowing in recent years, there remains a wide “achievement gap” between Black-White and Latino-White students, especially among students attending majority minority schools (Hanushek et al., 2009). While there are a few examples of highly segregated, high-poverty schools which have

been able to “close the achievement gap” and send many of their graduates to college (such as the KIPP Charter School network and the Frederick Douglass Academy in Harlem, New York), these are exceptional success stories⁹ whose methods have not been able to be widely replicated or, in some cases, sustained for long periods of time (Ladd, 2012; Orfield, 2001; Ravitch, 2013). Despite the popular education reform rhetoric about high expectations and every child’s ability to achieve, there is little evidence that all children actually can succeed if they attend highly segregated schools (Bryk et al., 2010; Rothstein, 2013).

⁹ There are several issues that deserve further attention. The first is the measure used to define success and the aforementioned debate around the test-based “achievement gap” as the central metric. The second is the ways in which charter schools may have greater selectivity than regular public schools. The factors include, but are not limited to, self-selection in the student population, the ability to more easily expel children for not complying with school expectations, and the smaller populations of English Learners and students with special needs (Frankenberg, Siegel-Hawley, & Wang, 2010). Third, there is debate around the actual levels of success in these schools. Sometimes they have only achieved strong test results in certain grades or inconsistently throughout the years. Furthermore, charters—and KIPP schools in particular—often receive additional funding unavailable to most public schools serving similar populations (Ladd, 2012).

In fact, research has shown that money and strategy alone cannot undo the impacts of highly concentrated poverty and segregation. Bryk et al. (2010) analyze Chicago's public schools, examining what led to the improvement of 100 schools and what prevented an additional 100 schools from reaping that same success. They found that, in many cases, strategic organizational investments in areas such as school leadership, professional development and capacity-building, and student and community relationships, can, in fact, lead to school improvement (although improvement does not necessarily signify that these schools can become comparable to wealthier schools). However, they also found that "truly disadvantaged schools" in which nearly all of the students are poor, in crisis, and live in communities lacking strong social capital could not routinely reap those same results. This suggests that the most high-poverty, highly segregated schools, even those privy to the most savvy "turnaround" strategies, may not be able to transcend their circumstances without integration.

Schools serving students with higher levels of poverty—and, in turn, higher concentrations of minority students—routinely suffer from the aforementioned systemic issues such as inferior health care, limited access to high-quality preschools, smaller investments in their lifetime education, higher rates of exposure to violence or trauma, lower levels of parental education, or greater housing instability (Orfield & Lee, 2005), that place additional strains on the education provided to the students attending these schools. These "double segregation" schools are often staffed by less qualified and less experienced teachers (Adamson & Darling-Hammond, 2011; Clotfelter, et al., 2005;

Hannah-Jones, 2014a) and offer fewer Advanced Placement courses (US Department of Education, n.d). All of these realities add complicating factors that make it challenging, if not nearly impossible, to provide an equitable education to the students attending schools with such high concentrations of poverty and need. Ultimately, poverty matters greatly in determining the experience a child will have at school and the experience that will be provided to that child by his/her school.

Inequitable School Funding

Poverty matters, but wealth matters too. In fact, one of the most profound results of segregation is the cumulative impact it has on widening the resource gap. Children with the greatest needs are often given the fewest resources. Meanwhile, children with the fewest needs are typically provided the most resources, allowing them to continue to accrue advantages (Baker, 2016; Heuer & Stullich, 2011; Miller & Epstein, 2011; Ostrander, 2015; Ushomirsky & Williams, 2015). An in-depth analysis of school funding is beyond the scope of this paper, but a few patterns about how districts are financed bear mentioning. School funding comes from a combination of local, state, and federal investments. At the local level, a significant amount of funding comes from property taxes, which predisposes districts to inequitable financing. In fact, due to housing segregation and the correlation between property values and the racial makeup of a neighborhood, districts with the lowest property values tend to be found in urban areas and areas with large Black and Latino populations (Ostrander, 2015). Unfortunately, most states do not compensate for these local funding inequities, which further

exacerbates differentials between districts. Furthermore, while federal funds are targeted at districts serving high numbers of certain categories of students, such as low-income, English Learners, or students with disabilities, the amount of funding is small relative to state and local money (Miller & Epstein, 2001). For example, the US Department of Education study by Heuer & Stullich (2011) showed that over 40% of Title I schools were receiving less funds for personnel than non Title I schools.

Ushomirsky and Williams' (2015) analysis of state and local funding finds that, on average, schools with the highest percentage of students under the federal poverty line receive about \$1,200, or 10%, less per pupil than districts with the lowest levels of poverty. In their review of the data, they draw attention to the distinction between equal and equitable funding distribution. The former guarantees that all schools will receive the same amount of funding, which, as they demonstrate, is not currently the case. The latter, equitable funding, is focused on providing resources to all schools in response to their level of need. They note that some researchers have estimated this could be as high as 200% in high poverty districts. However, Ushomirsky and Williams use a more modest estimate of providing 40% more to schools with high levels of poverty. By this adjustment, they find that districts with the highest levels of poverty would be receiving 18%, or \$2,200, less funding per student than their counterparts in the least poor districts.

In Baker, Farrie, Johson, Luhm, and Sciarra's (2017) even more current analysis of school funding across the country, they found that 21 states use "regressive" funding, or provide less money to districts with higher levels of poverty. This number increased

from 14 states in 2016. On the contrary, there are only a few states using “progressive” funding and providing greater amounts of funding to higher poverty districts. These include Delaware, Massachusetts, Minnesota, and New Jersey. They also found, unsurprisingly, that this inequitable funding has real impacts on the conditions of schools. For example, in states with more regressive policies, there are lower rates of preschool attendance by poorer children. Additionally, student-to-teacher ratio in high-poverty districts is the same as or higher than that in low-poverty districts in more than half of all states in the country.

Due to the close relationship between race and class, inequitable funding also persists according to the number of minority students a district serves. While Ushomirsky and Williams’ (2012) study reveals a 10% reduction in funding for high poverty districts, this disparity is even greater for districts with large minority populations. Districts with large Black, Latino, and/or Indigenous populations receive, on average, about \$2,000 or 15% less per pupil than districts with the smallest minority populations. Miller and Epstein (2011) corroborate this finding, noting that while there are differences that can be found in funding between states, several states are still providing around 10% less funding to high minority districts. Illinois, New York, and Pennsylvania are three such examples. On a somewhat promising note, states such as Massachusetts and New Jersey fund their high minority districts by a respective 18 and 17% more than schools enrolled primarily by White students.

Kozol (2005) examines the inequitable funding of schools and the role this plays in widening the opportunity gap. He looks extensively at the inequitable resources in New York's wealthiest and poorest districts. His analysis shows that per-pupil spending is lowest in areas with the highest poverty and lowest teacher salaries. In 1997-1998, when he conducted his research, students in New York City's public schools received about \$8,000 per year on their education. A student in a typical white suburb around New York received around \$12,000—\$18,000 if they happened to live in the wealthiest suburbs. The average third grade teacher in the wealthiest district earned around \$30,000 more than her equivalent in the Bronx. Additionally, extra money from the community is channeled into schools serving middle and upper-class students. Through fund raising and parents' knowledge of and ability to apply for (and receive) grants, the resources available to the schools serving different groups of children continue to widen. Kozol compares one school attended mostly by poor immigrants that was able to raise \$4,000 in one year. P.S. 6, a school attended mostly by wealthy children on the Upper East Side, managed to raise \$200,000 in that same period of time (p. 45-49).

Over time, the advantages are multiplied for the children who were born into greater advantage. Given the current national climate, with its demise of unionized labor and its near-requirement that a person has a college degree in order to have a chance at being middle class, extreme concentrations of poverty are contributing to the wealth and opportunity gap. For example, in 2001, people without a high school degree earned half the wages they would have earned in the 1970s (Orfield, 2001, p. 14-15). Only 1 in 2 of

these people is employed, and he/she earns more than a third less than the “national average” (Orfield & Lee, 2005). This is not promising for the aforementioned 1200 “dropout factories” populated overwhelmingly by minority children who most likely will not obtain their diplomas (DePaoli et al., 2015).

For some, there has been a long-held belief that funneling additional money into schools is money misspent that will not result in great changes for poor students (Hanushek, 1986). The focus, they believe, should be on efficiently using money rather than seeking additional funds. However, as Baker (2016) demonstrates, this belief is contrary to empirical evidence and does not account for the fact that some districts are starting from a place of inadequate funding, which inhibits their abilities even in the most financially savvy of circumstances. Additionally, the disparate funding between districts leads to different abilities to provide resources and high-quality education to the various students. Baker demonstrates that money, in districts where it is both available and spent well, leads to higher academic achievement and better school conditions including greater preschool availability, lower student-to-teacher ratios, out-of-the-classroom supports, and increased teacher pay. The argument that money does not matter, in addition to being inaccurate, fails to recognize the role of a lack of investment in poorer students’ lives throughout their childhoods—limited early childhood education, lack of adequate health care, the underfunded educational experiences of their parents, and the state and upkeep of the buildings where the children attend school (Kozol, 2005, Orfield, 2011; Ravitch, 2013, Rothstein & Wilder, 2005). Viewing per-pupil funding on a yearly basis in such a

tight vacuum fails to understand the role of a child's education as part of a longer trajectory of investments or divestments in his or her life.

On the contrary, wealthy districts fully understand the value of money when there is a threat to their funding. In 1981, for example, parents in the New Jersey cities of East Orange, Camden, Irvington, and Jersey City filed a lawsuit claiming that their school systems were vastly unequal to neighboring districts with more money. While the judge recognized that the disparities were real, he placed the responsibility on local decisions and infrastructures, abnegating fault at the state level. However, when principals, parents, and representatives from nearby affluent communities were asked about how they would be able to continue to provide education to their children in light of extreme cuts, they were flummoxed by the idea. "Money, the message seems to be, is crucial to rich districts but will be of little importance to the poor" (Kozol, 1991, p. 207). This example sheds light on the way in which money and resources are central to the educational experience of all communities. In light of the stagnation of desegregation efforts and the high levels of racial and socioeconomic isolation experienced by many minority students, inequitable school funding is likely to exacerbate, rather than alleviate, the inequality.

Chapter 3: Impediments to *Brown*

While *Brown* represented the greatest opportunity yet to dismantle segregated schooling, its implementation remained a constant struggle. From the judicial unraveling of *Brown*, to the residential segregation that often complicated school integration, to the reoccurring threat of community resistance, school integration has faced many obstacles. It was not until 1968, fourteen years after the original *Brown* case, in *Green v. County School Board of New Kent* that precise criteria were laid for the ways in which districts must desegregate their schools. “*Brown*, and its implementation decision, *Brown II*,” Orfield states, “might most accurately be viewed as flawed compromises that combined a soaring repudiation of segregation with an unworkable remedy” (1996d, p. 7). Although morally profound, *Brown* was pragmatically shallow. The struggle to implement, enforce, and, over time, uphold the law in subsequent court decisions led *Brown* slowly toward its demise (Orfield & Eaton, 1996).

This chapter will review three of the main factors that prevented *Brown* from reaching its full potential: key court decisions following *Brown* that restricted or reversed desegregation efforts, housing segregation and its direct connection to segregated schools, and the rise of community resistance in response to integration attempts—at times blatant, other times more latent. These three factors are central to understanding the impediments faced by *Brown*. They also help contextualize the current education reform movement and its abandonment of desegregation policies. If future attempts to

desegregate are to occur, it is critical to have an understanding of the ways in which the implementation of *Brown* was complicated or prevented entirely.

Failure of the Courts

In 1974, following nearly a decade of civil rights advances in both the courts and Congress, the first major judicial blow to desegregation occurred (Fife, 1996; Orfield & Eaton, 1996). In *Milliken v. Bradley I* (1974), the Detroit area attempted to integrate children living in Detroit proper with those living in the surrounding suburbs through cross-district busing. In the aftermath of World War II, White-flight had led to heavily segregated urban and suburban communities (with the Black populations in Northern cities largely concentrated within city limits and the surrounding suburbs populated by their White counterparts). Residential segregation rendered integration nearly impossible within many urban school districts. Even if equally distributed, the population of White students needed to create integrated schools in the city of Detroit simply did not exist.

Milliken, recognizing the geographic challenge of integration given the segregated housing patterns, attempted to create a desegregation plan that would cross urban-suburban district boundaries. In this plan, they would integrate schools from 85 districts in three counties in the larger Detroit area. By the time *Milliken* reached the Supreme Court, it was rejected by a 5-4 vote, with the majority arguing that unless the suburbs or the state could be found explicitly culpable in the segregation of an urban district by “draw[ing] district lines in a discriminatory fashion” they were not responsible for whatever segregation may exist (*Milliken v. Bradley I*, 1974 at 747). President Nixon’s

conservative court had profoundly altered the path of desegregation. Four of the five majority votes had come from his judicial appointees, effectively terminating what could have been a powerful and feasible approach to integration that would have had broad reach beyond the Detroit area in other cities in which White flight had led to the concentration of communities of color within the city limits (Orfield, 1996d). *Milliken* set the precedent that desegregation would primarily be an “urban phenomenon” (Fife, 1996, p. 51) and severely limited the scope by which districts could desegregate.

While the suburbs were deemed innocent in the plight of Detroit’s segregated schools, the battle for equitable conditions continued. Following the denial of urban-suburban districting, the Detroit School Board continued to outline ways in which their schools would need to desegregate and improve academic levels, albeit within district lines. They focused on improving literacy, professional development, evaluation systems, and counseling. Three years later, in *Milliken v. Bradley II* (1977), the Supreme Court supported the request of the Detroit School Board, stating that the state of Michigan must play a role to “restore the victims of discrimination to the position they would have occupied in the absence of such conduct” (*Milliken v. Bradley II*, 1977 at 280). To do this, they created “compensatory programs,” in which districts serving highly segregated populations were given additional funds by the state to make up for harm caused by previous segregation (Fife, 1996).

Compensatory funds, however, could not sufficiently meet the goal of restoring victims of segregation to the position they would have otherwise occupied. Eaton,

Feldman, and Kirby (1996) conducted four case studies examining the effects of compensatory programs on schools. Their findings were overwhelmingly critical. In particular, they focused on the failure to articulate how these funds would undo harm caused by past segregation and the absence of accountability systems to evaluate the compensatory programs and provide financial oversight. They argue that the effects of segregation are deep-seated and will not be overcome without strategic use of the additional money coupled with a commitment to “systematic structural changes” that will desegregate and maintain desegregated schools (Eaton et al., 1996, p. 178). Despite these criticisms and the lack of oversight or guaranteed continuation of funding at each school, compensatory funding has become the federal government’s most utilized and persistent method of educational reform (Orfield, 2001).

One of Eaton et al.’s (1996) case studies examines Little Rock, Arkansas, where the district created “Incentive Schools” or schools that were given extra money provided by *Milliken II* to create upscale magnet programs. These programs were provided with twice the per-pupil expenditure as other regular public schools in Little Rock. The belief was that by creating well-funded “exemplary” schools, the White population would request transfers into the district. Unfortunately, the programs were designed quickly and with disconnect between the program designers and the financial institutions providing the additional funds. Furthermore, they had not methodically created evaluation measures to analyze their progress. At the end of the study, tens of millions of dollars had been

spent, only 1 of the 20 schools had been even remotely integrated, and no substantial progress on test scores had been made.

Another case study concerned the schools in Prince George's County, Maryland. Here, under *Milliken II*, some schools received extra funding but were held to no clear standard determining their plans of implementation or their goals for undoing the harm of past discrimination and did not develop measures to evaluate the success of their programs. Absent these criteria, schools were able to use the money at their disposal without substantial checks in place to evaluate the efficacy of their decisions (Eaton et al., 1996). Eaton et al.'s research also sheds light on the way that compensatory funding foments inequity between schools. Many other schools in Prince George's County that had not received money from *Milliken II*—but had become increasingly segregated—also wanted more funding. Unfortunately, the district, due to budget cuts, was not able to provide extra money to all the schools requesting it. Therefore, the schools were in the doubly bad situation of continued segregation and inequity of resources between similarly segregated schools.

The 1980s and 1990s ushered in a new period in which the tools that had been used to dismantle segregation started to be abandoned as districts were more easily released from federal oversight (Orfield & Eaton, 1996). In 1983, Norfolk, Virginia, chose to eliminate their cross-district busing policy for elementary school students, arguing in support of “neighborhood schools” and against the White flight that, they claimed, had resulted from busing. A few black families living in Norfolk challenged the

end of busing, and the case made its way to the Fourth Circuit Court of Appeals where it was argued in *Riddick v. School Board of the City of Norfolk, Virginia* (1986). Despite the fact that this policy would likely lead to the immediate resegregation of ten or more schools in a county that was already witnessing growing segregation, the courts ruled against the plaintiffs (Eaton & Meldrum, 1996). The district had previously been released from federal oversight and therefore was to be treated as though it had no history of intentional segregation. As in *Milliken*, as long as the plaintiffs could not demonstrate intentional segregation on the part of the school board, the schools were once again freed of the responsibility to integrate. *Riddick* marked the beginning of federal approval to terminate districts' desegregation plans.

This trend continued throughout the 1990s as districts were increasingly released from federal oversight. The aforementioned 1968 case *Green v. County School Board of New Kent County* laid the groundwork, in explicit detail, of what districts must do to be declared integrated. The goal of these efforts was to reach "unitary status" or the point at which a school district could demonstrate that it had properly implemented desegregation mandates and that it had interrupted its history of past segregation. Schools would be granted unitary status when they could provide evidence that they had eliminated racial discrimination in six areas known as the "Green factors": (1) student assignment, (2) faculty, (3) staff, (4) transportation, (5) extracurricular activities, and (6) facilities (*Green v. County School Board of New Kent County*, 1968 at 435). These factors laid out the requirements of desegregation that *Brown II* had failed to clarify.

Throughout the decades of the 1990s, the interpretation of unitary status slowly unraveled (Orfield & Eaton, 1996; Reardon et al., 2012; Russo & Scholler III, 2000; Williams & De Lacy, 1996). Through a number of Supreme Court cases, most significantly *Dowell* (1991), *Pitts* (1992), and *Jenkins II* (1995), unitary status transformed from the “long-term, permanent goal” (Orfield, 1996d, p. 19) to a benchmark that, once met, would free local educational systems from federal oversight. As long as a district reached the benchmark, it could be released from federal oversight and, possibly, return to patterns of segregation. Unless there was clear proof that a district made decisions to intentionally further segregation and not simply as remedies to deal with other emerging issues such as White flight or community desire for neighborhood schools and “legitimate ends” such as increased parental participation (Christopher, 1992, p. 2), there would be no more federal intervention. In other words, once granted unitary status, these districts, despite their histories of state-sanctioned segregation, were now innocent until proven guilty.

In 1991, in *Board of Education of Oklahoma City v. Dowell*, districts were freed from the obligations under *Green* (1996) to create long-term, sustainably integrated schools. As in Norfolk, Virginia, Oklahoma City’s white student population had dwindled after the adoption of a busing program and residential patterns had also shifted, prompting the school board to request a return to neighborhood schools (Sendor, 1987). This led over half of the district’s 64 schools to become highly segregated with over 90% of a school’s students either Black or White. In the late 1980s, a group of people

challenged the unitary ruling Oklahoma City had been granted in 1972. The Supreme Court decided that as long as a district could show that it “had complied in good faith with the desegregation decree” and that “the vestiges of past discrimination had been eliminated to the extent practicable,” it would no longer be subject to judicial oversight (*Board of Education of Oklahoma City v. Dowell*, 1991 at 238). Federal oversight, Rehnquist’s majority opinion argued, was never meant to be permanent. In fact, takeover of local control by the federal government would be deemed unconstitutional (*Dowell* at 238). Once freed from judicial oversight and declared unitary, which became much more obtainable under *Dowell*, districts could implement decisions that would likely lead to increased segregation. However, as long as that was not their explicit intent, they would not be held accountable to the previous standards of their desegregation court orders.

It appears that once judicial supervision is eased, schools run the risk of returning to segregation (Clotfelter et al., 2006; Lutz, 2011; Reardon et al., 2012). One such example can be found in Eaton et al.’s (1996) case study, which examines the Austin Independent School District (AISD) in Texas. In 1970, AISD was charged with intentionally segregating schools by race. Following the mandate, AISD implemented various desegregation measures such as intra-district transfers and busing programs. Less than 15 years later, they applied for unitary status, arguing that their desegregation measures had been sufficiently effective and that they could now operate without judicial oversight. This request was granted, and within three years (the amount of time required for continued oversight after being granted unitary status) they were again operating

autonomously. Once freed of external oversight, they redrew district lines, ceased their busing plan, and invested compensatory funds into the burgeoning newly resegregated schools.

Similar trajectories unfolded elsewhere. In Tuscaloosa, Alabama, the declaration of unitary status led what was once the poster-child of a successful integration story back to extreme levels of segregated schooling (Hannah-Jones, 2014a). In 1979, Tuscaloosa had two high schools that were largely segregated along race lines. Acting on the mandate of a federal judge, the two schools were combined to create Central High, one large, integrated school. For years, Central High and other schools around the district successfully educated Black and White children side by side. In 1998, however, with increased national pressure to discontinue federal desegregation orders, Tuscaloosa schools also began their process seeking unitary status. Although the district swore to continue efforts to desegregate, since receiving unitary status, the city's schools have slowly returned to high levels of segregation. The White population went from 13,500 in 1969 to 10,300 (or one-third of the total population) in 1995. By 2007, that number had fallen to 22%. Once granted unitary status, the district redrew school attendance lines leading to a return to heavy levels of segregation. One-third of Tuscaloosa's Black students now spend the entirety of their educational experience in highly segregated schools. Rock Quarry, one of the most coveted elementary schools, had stated it would maintain a 50-50 racial balance once released from federal oversight. In 2014, only 9% of its students were Black. Central High, the focus on the investigation, is now 99%

Black (Hannah-Jones, 2014a). While not as extreme as Central High, Lutz's (2011) quantitative analysis examining the resegregation of schools granted unitary status suggests that the typical school loses around 60% of the gains achieved under the original desegregation order.

Freeman v. Pitts (1992) and *Missouri v. Jenkins II* (1995) continued the trend toward local control. In *Pitts*, the Supreme Court ruled that school districts were allowed to gradually meet the criteria stated in *Green* (1968). In 1986, DeKalb County, Georgia, had been incrementally released from its court-ordered desegregation plan issued in 1969. The Supreme Court held that this incremental return to local control was constitutional as long as the district had sustained at least one *Green* factor and could provide evidence that it intended to uphold desegregation measures (Williams & De Lacy, 1996). It was no longer mandatory to have satisfied all of the criteria at once in order to be released from federal oversight. Instead, piecemeal, districts could be released from federal oversight pertaining to each *Green* factor separately (Fife, 1996). Because DeKalb County had balanced their schools racially in 1969 for one year before demographic shifts led the district back toward segregated schools and because they had continued to follow court orders to desegregate, the court found that "racial imbalance after 1969 was not a result of state action and need not be remedied by the school board" (Christopher, 1992). They had complied "in good faith" (*Freeman v. Pitts*, 1992 at 491) with the student reassignment measures of their desegregation order and could therefore be released from federal oversight for that *Green* factor. *Missouri v. Jenkins II* (1995), a

particularly drawn-out case that started in 1977 and continued for over twenty years (Mawdsley, 2000), clarified that districts would only be held accountable for the damage done by previous discrimination. They were not financially responsible for the indefinite support of Black students until equal educational achievement had been obtained.

In *Jenkins II*, the “compensatory programs” provided to segregated districts agreed upon under *Milliken II*, were truncated. Despite continued disparities between White and minority student test scores and the inability to prove that the ills of segregation had been removed, the court decided that financial assistance to the Kansas City Missouri School District (KCSMD) could be limited in time and scope (Eaton et al., 1996; Weiler, 1998). The district would be granted unitary status, provided with compensatory funds for a predetermined period of time, and be given school improvement goals toward which it was expected to work. However, the ruling stated that the continuation of low test scores among minority children was not sufficient enough data to be attributable to past segregation. If the origin of these low test scores could not be identified, the district could still be granted unitary status. Local control would return, and there would be no continued need for additional state and district financing to undo the harms of segregation (Eaton et al., 1996).

In a settlement, the State of Missouri committed to spending \$320 million over the next three years in exchange for future relief of financial responsibility to KCSMD. Unfortunately, despite the large total investment in the schools of over \$2 billion (including the settlement money), academic and desegregation gains had been limited. In

fact, by 1999, highly segregated schools (over 90% minority) had increased from 16 to 27, and standardized test scores and reading level results were very low (Mawdsley, 2000). In 2000 the district lost its unitary status, but the precedent set by *Jenkins II* (1995) remains.

The move toward rapid granting of unitary status throughout the 1990s has limited the ability of families to challenge district decisions. While under court-ordered desegregation mandates, families simply have to demonstrate how a particular initiative would further segregation. Once freed from federal control, however, the onus is on the families to prove that those same initiatives are intentionally created to cause further segregation (Hannah-Jones, 2014b). At the beginning of George W. Bush's term in 2001, 595 districts were responsible for desegregation under court orders. Eight years later, only 380 of those remained. In 2014, that number had fallen to 340 (Hannah-Jones, 2014a).

The long-term risk of the lenient granting of unitary status or the granting of unitary status without any further desegregation measures is that districts will return to segregation. This segregation may not reach pre-*Brown* levels but likely could mirror the level of housing segregation in a district. Reardon et al. (2012) have conducted the most ambitious study yet examining what happens in districts after being declared unitary. In their study, they examine 483 districts, both within and outside the South, with populations of greater than 2,000 pupils, which had not been declared unitary by 1990. Among their findings, they discovered that more than half of the studied districts were

released from court order between 1990 and 2012, with an increasing rate of release after 2000. This suggests that the general trend is toward unitary status even if desegregation has not been realized. Furthermore, their evidence demonstrates that release from federal oversight leads to gradual, but significant, increases in segregation. These increases are biggest at the primary level and in districts that had been especially effective at implementing desegregation measures prior to being granted unitary status. Unitary status has not led to a re-entry of the White population into these districts, leaving many of them with large populations of minority students.

Not all scholars agree that unitary status leads to the resegregation of schools. Like the debate over contemporary segregation patterns, there is disagreement about the best way to measure segregation. In review, the competing approaches are the index of dissimilarity/imbalance (which examines the distribution of students among schools relative to their proportion of the total population) and the index of isolation/exposure (which identifies the concentration of students of particular races, especially those attending highly segregated (90-100% non-White) schools). Clotfelter et al. (2006) make a compelling argument that both indices serve distinct purposes, but the dissimilarity index allows for a more precise analysis of the ways that intra-district policies either maintain or loosen desegregation efforts upon release from federal oversight. In their study, they examine demographic information from 100 of the largest southern and border state districts between 1994 and 2004 in order to understand the impact of judicial rulings on segregation levels. Their conclusions suggest that the easing of unitary status

restrictions may not bear the primary responsibility for increased levels of racial isolation. While the authors find that the racial isolation of Black students from White students increased during this period of time (27% in 1994; 34% in 2004), they attribute the change primarily to shifting demographics rather than as a result of actions taken by the school districts. To the authors' surprise, the dissimilarity indices for the 100 studied districts reveal only a small increase in segregation if any increase at all. This is consistent with many of the findings presented in Chapter 2 claiming that districts have not overwhelmingly returned to segregation since the 1990s.

One exception to their findings, however, occurs in school districts in the Fourth Circuit. In this judicial circuit, where rulings had eliminated the use of "race-based student assignments," racial imbalance has grown (Clotfelter et al., 1996, p. 373) from 17.3% (meaning 17.3% of the students would need to move from their schools to other schools in order to reach a perfect balance) to 20.3%. In the Fifth and Eleventh circuits, these numbers shrank from 19.1% to 18.1% and 21.1% to 20.3%, respectively. The fact that the imbalance has grown following the elimination of assigning students based on racial categories is of particular importance since within 15 years of *Dowell* a subsequent Supreme Court case (*Parents Involved in Community Schools v. Seattle School Dist. No. 1*, 2007) would preclude race from being used as the qualifying factor in school enrollment patterns across the country. In other words, the current reality of demographic shifts, high numbers of districts receiving unitary status, and the elimination

of student assignments by race is likely to increase segregation levels whether measured by the index of dissimilarity or isolation.

Dowell, Pitts, and Jenkins II significantly altered the landscape on which districts pursued desegregation measures. Now, under *Dowell* and *Pitts*, districts can more easily be granted unitary status. *Dowell* and *Jenkins II* clarified that providing long-term financial and judicial oversight was never the intention of the federal government. Being granted unitary status did not license a return to discriminatory practices since the Equal Protection Clause of the 14th Amendments to the Constitution and the Civil Rights Act of 1964 still pertained. However, reason remains—as evidenced by the case studies in Little Rock, Prince George’s County, Austin, and Tuscaloosa—to be skeptical of the ability of districts to maintain their commitments to policies that will be in the best interest of desegregated schools (Williams & De Lacy, 1996). Based on the national increase in segregated schools discussed in Chapter 2, this skepticism appears to be well founded.

Parents Involved in Community Schools v. Seattle School Dist. No. 1 (2007) was the final nail in the coffin of the dismantling of *Brown*. In this case, measures to voluntarily desegregate public schools using race-based classifications of students were declared unconstitutional. A group of largely White parents formed an organization

called Parents Involved in Community Schools (PICS) to fight against Seattle's¹⁰ policy of using race as a deciding factor when selecting students for overenrolled high schools. Seattle had adopted this policy to offset the effects of *de facto* housing segregation and to make integrated schools available to all its residents. The parents in PICS claimed that race-based decision-making imposed an unfair burden on White children hoping to gain acceptance at Seattle's top high schools (Donnor, 2011). Furthermore, since Seattle was never subject to court-ordered desegregation, this plan did not meet the criteria of "strict scrutiny"¹¹ in which the defendant must argue that there is a "compelling interest" behind their course of action in order to "remedy the effects of past intentional discrimination" (*Parents Involved in Community Schools v. Seattle School Dist. No. 1*, 2007). While "avoiding racial isolation" qualifies as a compelling interest, Justice Roberts argued that it could not be done through the narrow classification of each child with a racial identity.

Following this case, voluntary desegregation efforts using race as the central criterion are now ruled unconstitutional, regardless of the support that may exist within a

¹⁰ As well as Louisville, Kentucky (Jefferson County). The case covered both *PICS* and *Meredith v. Jefferson County Board of Education*, where similar race-based classification measures were used to integrate their schools.

¹¹ "Strict scrutiny" is legal term that originated in the 1930s in order to protect the equal rights of minorities against government discrimination. It was later adapted under the courts of Rehnquist and Roberts as a tool to dismantle affirmative action (Bell, 2007).

community for such a measure (Orfield, 2014). *Parents Involved in Community Schools* (2007) shifted the purpose of *Brown* from one focused on providing opportunity and equity to non-White students to one in which White people became the victims of integration. The ideologies that drove *de jure* segregation prior to *Brown* live on in this ruling as “*PICS*” arguments are “part and parcel a reaction by Whites to the perceived loss in their absolute right to exclude non-Whites from meaningful learning opportunities” (Donnor, 2011, p. 746). With the ruling in *Parents Involved in Community Schools*, the power of *Brown* (1954) was eliminated. No longer could race, the original driver of desegregation, be used to guarantee equal access to a district’s schools. Instead, the “colorblind” doctrine reigned supreme (Bell, 2007). Some consider *Parents Involved in Community Schools* (2007) to be the death of *Brown* (Donnor, 2011). Others argue that while integration has had benefits for many minority students, it is no longer the site where the battle for equal education should be fought (Bell, 2007).

Since 1954, the desegregation debate has come nearly full circle. Now, instead of courts being forced to implement desegregation orders, many judges around the country are proactively working to end those very same orders. Even when people are not requesting the termination of their district’s desegregation plans, some judges have intervened anyway to expedite the process (Orfield, 2001; Reardon et al., 2012). Furthermore, many districts are still under court order but are unaware of the mandates that they are supposed to be carrying out or are operating under the belief that their orders had previously been terminated. In Hannah-Jones’ (May 2014) investigative journalism,

she discovered that “scores” of districts around the country are unaware of their court orders, complicated by the fact that many of the judges and lawyers who originally oversaw the orders are no longer alive or working. The result of this is that local school districts are now in charge of their own oversight. Given the trend since 2000 toward unitary status followed by increased levels of segregation (Reardon et al., 2012; Hannah-Jones, 2014a), and now, the illegality of using race as a measure for school enrollment, hopes for desegregation are not promising.

As the courts slowly rolled back the potential of *Brown* from *Milliken* (1974) to *Parents Involved in Community Schools* (2007), an explanation justifying the inevitable return to segregated schools emerged. The underlying belief is that people live, work, and attend schools in different areas, because they like to be with people similar to themselves. Instead of critically examining the historical factors and forces that lead to segregated housing and schools, this argument allows people to rely on the belief that the current reality of segregation patterns has come into existence through choice and free will (Orfield, 1996a). This belief makes invisible the active forces that have perpetuated segregation and inequality. A closer look at history reveals that individual and governmental decisions were instrumental in today’s realities of segregated schools and neighborhoods. The next section examines the connection between the two.

Segregated Housing

History

Housing segregation and school segregation are inextricably linked in American history (Coates, 2014; Gooden & Thompson Dorsey, 2014; Rothstein 2013). In order to understand the segregation of schooling, it is imperative to have an understanding of the complex web of policies that were enacted by the government, realtors, and individuals to guarantee the residential separation of the races (Rothstein, 2013). As the Black population fled the rural South in search of jobs in the North during World Wars I and II, many intentional, government-backed measures were enacted to guarantee that housing, and, consequently, schooling, would be segregated. Through zoning laws, denied loans and mortgages, steering, blockbusting¹², and—when all else failed, community intimidation¹³, housing segregation became entrenched (Coates, 2014; Gooden & Thompson Dorsey, 2014).

¹² Steering was a practice in which real estate agents guided Black and White clients toward neighborhoods populated by their respective races. Blockbusting was a scare tactic used by realtors and developers in which Black people would be hired to walk through White neighborhoods, incentivizing fear-based sales such that homes could be purchased at a discount and resold to Black people at a substantial profit (Gooden & Thompson Dorsey, 2014).

¹³ For a discussion of this intimidation, see Clotfelter (2004). He recounts how in 1956, the mayor of Dearborn, Michigan, one of several virtually all-White Detroit suburbs, takes pride in his community's ability to forcefully exclude Blacks from their town.

While the New Deal brought unprecedented resources and opportunities to many White families, Black families were excluded from these beneficial programs. Black families were denied federally-insured mortgage loans through the Federal Housing Administration (FHA) and the Veterans Administration. These very same loans offered their White counterparts housing in the suburbs with down payments and monthly mortgages at historically low prices. “Deed restrictions” prevented resale of the properties to Black families, guaranteeing the continued segregation of these neighborhoods. Despite the legal abolition of this practice in 1948 by the Supreme Court (*Shelley v. Kraemer*), deed restrictions continued informally for another 30 years (Rothstein, 2013). As Black people were denied loans and homeownership in neighborhoods with increasing property values, this had the dual impact of segregating communities and leading to an inequitable accumulation of wealth between the home-owning White population and their Black counterparts.

Meanwhile, as many White families reaped the benefits of newfound homeownership, the options for the Black community both narrowed and became financially precarious. Redlining practices, the brainchild of the government-sponsored Home Owner’s Loan Corporation, founded in 1933 as part of the New Deal, delineated space on a map in which federally-backed loans would be either given or denied. These boundaries corresponded directly to the racial composition of the residents in those neighborhoods. This had the effect of further preventing the acquisition of loans by Black families, leading many of them to buy houses on “contract,” in which the buyers

paid an individual—and not a bank—an inflated down payment and the monthly mortgage¹⁴. If the buyers failed to make a payment, they would be evicted, receiving in return none of the money that had previously been invested. Black homeowners buying on contract reaped all the financial responsibilities of home-ownership with none of the benefits (Coates, 2014). This policy was overturned in 1968, but at that point housing patterns and the inequitable distribution of wealth stemming from segregated housing practices had already been established (Coates, 2014).

Discriminatory housing practices led to the rapid decline in the quality of the neighborhoods occupied by Black people. Unstable housing at high costs coupled with low wages earned by the residents, resulted in overcrowded, congested living spaces. Meanwhile, the internal migration of Blacks from the South to the North reached 1.5 million people in the 1950s. Given the lack of options available to Black families, they became “clustered” in urban areas and rented from landlords who little incentive to keep their properties in good condition, leading to urban blight (Clotfelter, 2004, p. 79; Rothstein, 2013;). Furthermore, highways were frequently and intentionally routed through neighborhoods occupied by Black residents, particularly those on the edge of

¹⁴ Many of these houses were bought from White owners at dramatically reduced rates through scare tactics pertaining to the imminent arrival of Black residents to the neighborhood. See Coates (2014) for a discussion of block-busting and contract buyers in Chicago neighborhoods from 1930-1960.

White communities, forcing the Black residents to retreat further into the central city (Rothstein & Santow, 2012). Citing the U.S. Commission on Civil Rights, Clotfelter (2004) notes that in 1965 in Philadelphia, Detroit, and Cleveland, more than 90% of the students were Black.

The development of public housing added to the concentration of the Black population within city limits (Gooden & Thompson Dorsey, 2014). As public housing units were built, the suburbs shunned their construction (Editorial Board, NY Times, 2015). Consequently, densely populated buildings were erected in the inner city while suburbs abnegated themselves of responsibility. New construction of public housing was built almost exclusively in the inner city. Under mandate by the Public Works Administration in the New Deal, it was stated that public projects could not shift the racial demographics of the neighborhood. Previously, many White people had lived in public housing units in these very same cities. However, as FHA-backed loans became available to purchase houses in the recently-developed suburbs, many White families left. Black families, who were forbidden from purchasing those homes, remained in the city, filling up public housing (Rothstein, 2012).

The children living in public housing attended urban schools. Sometimes they even attended schools that were built specifically for residents of the housing units. As the inner city schools became nearly all Black, the well-resourced suburban schools were nearly all White. These schools were out of reach to their Black counterparts who were quarantined inside the boundaries of the city and the schools located within those

boundaries (Orfield, 1996b). While recent years have shown a trend toward the suburbanization of some minority communities (albeit in suburbs occupied largely by other minorities such as Prince George's County, MD, in the greater Washington, DC, area and Inglewood, CA, outside of Los Angeles (Clotfelter, 2004)) and a re-entry of the White population into city lines (Frankenberg, 2013; Frey, 2014), the Black-White, urban-suburban divide that existed during the era of intense desegregation efforts presented a formidable challenge that lives on in today's segregated schools.

Occasionally suburban subsidized housing units have emerged and have made integrated schooling a reality for some families. Unfortunately, access to information about their existence is not always widely distributed (Orfield, 1996b). When notification of the availability of suburban subsidized housing units makes its way into the urban communities, however, there are many people who willingly move into the units. One such example can be found in a New Jersey suburb called Mount Laurel. Mount Laurel, after a long battle that ended with the termination of discriminatory zoning laws, began building public housing units in 2000. Fifteen years later, the community is thriving and people who were able to access housing in Mount Laurel have demonstrated a number of advantages compared to other people who applied for, but did not receive, a space in the community. These advantages include more positive relationships to school, fewer people with welfare dependency, and higher household incomes and rates of employment (Editorial Board, NY Times, 2015). The National Coalition on School Diversity (Tegeler, 2015) references a number of other cities such as Baltimore, Dallas,

and King County, Washington, where housing and school policy are closely linked. In these cities, people seeking housing are provided information on school options and quality both in their informational packets as well as during their initial and annual meetings. While practices that should be replicated broadly, most low-income families are not informed of nor offered such opportunities.

De jure vs. de facto Segregation

Housing segregation and the school segregation that followed is a result of the intentional decisions made by individuals as well as the government described above. And yet, the impact was to act with an invisible hand as though certain communities of people were naturally oriented toward the suburbs, while others were oriented toward the cities. This led to the conversation of *de jure* versus *de facto* segregation that dominated court decisions for decades following *Brown*. However, *de jure* versus *de facto* is a false binary (Gooden & Thompson Dorsey, 2014; Rothstein, 2012; Rothstein, 2013; Christopher, 1992). The *de facto* housing conditions of today directly stem from the *de jure* discriminatory housing practices that preceded them. White flight, a term often cited in defense of the impossibility of integrated schools is “a triumph of social engineering” (Coates, 2014, p. 66). There was nothing inevitable about this trajectory. It was orchestrated by public and private interests.

Rulings by the courts contributed to the solidification of the distinction between *de jure* and *de facto* segregation, cementing the idea that individual choice, and not

historical factors, determined where a person could and would live¹⁵. Suburban communities—under the aforementioned *Milliken* (1974) decision—were protected from the obligation to integrate their schools. White communities had fled Detroit for the suburbs, leaving the inner city virtually impossible to integrate due to the fact that the vast majority of its inhabitants were Black. With *Milliken*, the “theory of suburban innocence” emerged (Orfield, 1996b, p. 293). In order to have been able to integrate schools across urban-suburban lines, the population wishing to integrate (Black people living in Detroit proper) would have to prove in court that there had been intentional residential exclusion or discrimination against them. As long as the discrimination was not overt or easily provable, the *de facto* concentration of White people in the suburbs was presumed innocent and natural.

Gooden and Thompson Dorsey (2014) demonstrate how the decisions made in *Milliken* (1974) had precedent in the rulings made in *Deal v. Cincinnati Board of Education* (1971). In this case, the Sixth Circuit court attributed residential segregation to individual decisions. Since attending an integrated school was legally an option for anyone, the judges decided, it was a choice when individuals did not do so. This

¹⁵ See *Deal v. Cincinnati Board of Education* (1971), *Milliken v. Bradley* (1974), *Oklahoma City Board of Education v. Dowell* (1991), *Freeman v. Pitts* (1992), *Parents Involved in Community Schools v. Seattle School District No. 1* (2007), and *Meredith v. Jefferson County Board of Education*.

argument, however, ignores the economic and historical forces that made living in an integrated neighborhood with integrated schools virtually impossible for most Black families. In turn, “de facto housing segregation served then as an acceptable gatekeeping mechanism preventing many Blacks’ access to a high-quality public education” (Gooden & Thompson Dorsey, 2014, p. 773-774). It was housing segregation that later led the Seattle and Louisville school districts to find innovative ways to integrate their schools until race-based classification systems were deemed unconstitutional in *Parents Involved in Community Schools v. Seattle School District No. 1* (2007) and *Meredith v. Jefferson County Board of Education* (2007).

Sometimes school systems have even been active members in the relationship between segregated housing and segregated education. In Norfolk, Virginia, a number of public housing units were constructed in the 1950s through the 1970s. These units were intentionally created to house an exclusively Black population. School officials worked in conjunction with city officials to assign the schools that would then serve the children living in the projects. As Norfolk dissolved its desegregation plan in 1983, ten schools were considered “target” schools, or schools needing additional resources pumped into them. Of these ten, five served a population composed by at least 50% of its students residing in these housing projects. And yet, when the 4th Circuit Court of Appeals decided on the constitutionality of this decision three years later in *Riddick v. School Board of the City of Norfolk, Virginia* (1986), the *de jure* segregation that led to the concentration of Black people in various neighborhoods was not strong enough to

override the argument that busing had been the main force that led to White flight and resegregation of the district's schools. Norfolk was free to return to local governmental control, which has yet to hold the city to account for its role in the connection between housing and school segregation (Eaton & Meldrum, 1996).

While school desegregation is now the legal mandate, given the history of housing discrimination and its role in creating segregated communities and major wealth disparities, the ability to choose a school for one's child has largely been predetermined for many people. In fact, "financial differences may hide behind the legally permissible disguise called *de facto* segregation, but it is still indeed segregation" (Gooden and Thompson Dorsey, 2014, p. 770). When one has limited school choices due to historical factors that prevented the accumulation of wealth and the ability to choose one's neighborhood, *de jure* and *de facto* segregation lose their stark distinction.

Housing-School Connection

The consequence of decades of racially discriminatory housing policy has created differential access to the neighborhoods and housing prices that people can afford. Families with more capital have more choices of where to live and where to send their children to school. People who have been systematically denied those privileges have no such choice. Gooden and Thompson Dorsey (2014) credit "housing identity privilege" for the continuation of segregated schools. They argue that this privilege grants certain people advantages in the housing—and therefore the school—market as a direct result of former exclusionary housing practices. While *Brown* addressed schooling directly, it

failed to tackle housing discrimination and the ease with which White families could leave communities attempting to integrate their schools. This failure to connect the two systems has vastly complicated the implementation of *Brown*.

While discriminatory housing is now technically illegal through the Fair Housing Act and the reversal of many of the overtly racist lending policies enacted after the New Deal, discriminatory housing practices have persisted. Most recently, the 2008 mortgage lending crisis is a direct embodiment of the racist policies of the past. In the previous three decades, as Black and Latino families were increasingly given loans rather than simply denied them through the redlining practices employed at the beginning of the era of mortgage lending, “reverse redlining” became the new norm (Rothstein, 2012). Reverse redlining involves the granting of mortgages to minorities but often at a higher cost and with greater risks—practices that were intentionally, albeit surreptitiously, implemented by Bank of America, Countrywide, Wells Fargo, and other large corporate lending institutions. In fact, minority residents of segregated communities¹⁶ received subprime loans at a rate of 35% more than their peers living in majority White neighborhoods. In 2006, 54%, 47%, and 18% of African Americans, Hispanics, and Whites, respectively, were granted subprime loans (Rothstein, 2012).

¹⁶ In this study cited by Rothstein (2012), a segregated minority community is one in which over 50% of the occupants are minorities. White communities are over 50% White.

Predictably, these discriminatory lending practices have had a detrimental impact not only on the forfeited community wealth of the targeted populations, many of whom ultimately faced foreclosure, but also on the further concentration of segregated housing. Without a home and with deteriorated credit, many people had few options. For those who had been able to purchase homes in middle-class neighborhoods, they now were faced with homelessness or the return to segregated communities (Rothstein, 2012). This has had the dual impact of destabilizing communities and increasing residential segregation, which leads to greater concentrations of school segregation. Within these segregated schools, all of the ills of housing instability—stress, financial troubles, inconsistent attendance and continuity in one school—accompany the children into the classroom (Rothstein, 2012).

Without housing integration, school integration faces serious obstacles. While some evidence suggests decreases in residential segregation since the 1990s (Glaeser & Vigdor, 2012), it is not enough to offset the high levels of segregation in schools (Frankenberg, 2013). Glaeser and Vigdor received much attention for their Manhattan Institute Study published in 2012. In this study, they found that racial segregation has been slowly but steadily falling since its apogee in the mid-20th century and that the phenomenon of “all White neighborhoods” has been reduced by over 90%. Using the index of dissimilarity/unevenness, they find that while in the 1960s, the average Black person in a city lived in a neighborhood that was 60% more Black than the total urban population, that number had dropped to 30% in 2010. Similarly, 80% of the Black

population in that city would have previously had to relocate to obtain racial evenness. Today, a little over 50% would need to relocate.

These statistics represent significant declines in residential segregation. Of particular importance is the finding that there are few remaining neighborhoods with complete racial isolation, which had formerly been the norm as the Black population left the South in search of employment opportunities. Glaeser and Vigdor note that these changes are, in part, due to changing demographics and the growing Latino population. However, the more significant causes can be found in reduced racial prejudice and discriminatory housing laws and the suburbanization of minorities. Nonetheless, while the trend away from segregation should be acknowledged, it is equally important to note that residential segregation, particularly between Whites and Blacks, still remains high. Pockets of concentrated racial segregation also persist. In fact, Rothstein and Santow (2012) note that the Black-White exposure index is lower today than it was in 1940 and has changed very little since 1950.

Furthermore, segregation by race and class tell a more nuanced story. While it is more likely today for White people to live in communities with at least some minority members, the income levels of those people impact their likelihood to live in the same or different neighborhoods. Sharp and Iceland's (2013) research on residential segregation patterns demonstrates some of the disparate patterns that have emerged since 2000. They found, somewhat unsurprisingly, that Whites are more likely to live in communities populated by minorities with higher socio-economic status. However, wealthier Whites

are more segregated from Blacks and Latinos and less segregated from Asians than the general White population. Whites and Blacks across all income categories continue to be the most segregated from each other, even when both groups come from high socio-economic categories. That said, segregation between Whites and Blacks modestly declined between 2000 and 2010 while segregation between Whites and both Latinos and Asians appeared to be growing.

Despite fewer single-race neighborhoods and the overall reductions in residential segregation, school segregation has persisted. Frankenberg's (2013) study of school segregation indices in large metropolitan areas reveals that in the year 2000, Black and White students attended schools that were less segregated than their neighborhoods (controlling for neighbors under 18). By 2010, Black and White students attended schools that were just as segregated as the neighborhoods where they lived. Frankenberg notes that the recent trend toward releasing districts from federal oversight by being granted unitary status and a weakening of the enforcement of desegregation measures may be in part responsible for the increase in the school-neighborhood segregation ratio. Latino students, who historically have not been the focus of desegregation measures, demonstrated a greater level of segregation from Whites in their schools than in their neighborhoods than their Black counterparts in both 2000 and 2010 (Frankenberg, 2013).

Segregation patterns are not synonymous throughout the country. In fact, segregation in the Northeast persisted more than in many places in the South. Because of the pattern of suburbanization more typical in the North and Midwest, these areas have

been able to resist integration in a way that was more challenging in the South, where Black and White populations were more likely to be found within the same towns, rural areas, and cities. Additionally, whether one lives in a city, town, or suburb impacts the level of segregation that is likely to exist. Segregation within cities is more severe than what Black or Latino students experience if they live in towns, rural areas, or suburbs (Orfield, 1996c). However, segregation in the suburbs is becoming increasingly common for the Latino population (Frey, 2014; Orfield et al., 2014). Clotfelter et al.'s (2006) study of segregation levels in the 1990s of 100 southern and border districts shows that many suburban districts have also witnessed high levels of racial isolation. They found that the likelihood of Black students attending highly segregated schools was just as great in the suburbs as the inner city. 42 of the 100 districts were suburban. By the end of the study, seven of these were populated by at least 80% minorities and an additional ten districts had increased their minority population by at least 20% (p. 362).

Due to continued housing segregation, even when possibilities for integration are presented, they are often nominal at best. For example, under No Child Left Behind, parents were given the right to apply to change their child's school if it did not meet "adequate yearly progress." This offer, however, was often nothing more than "teasing rhetoric that had no realistic application" (Kozol, 2005, p. 203). Because housing—and therefore school districts—are already so segregated, the options available to families wishing to transfer are actually quite limited. Schools with middle class families in urban districts are usually filled to capacity and therefore unable to accept many transfer

students. In 2002 in New York, for example, only 8,000 of the 275,000 students who applied for a transfer actually changed schools. In Cleveland, 58 of 17,000. In Chicago, 1,100 of the 19,000 applications were approved (Kozol, 2005. p. 203).

Community Resistance: Evasion, Violence, and White Flight

Political Evasion

The unraveling of *Brown* through subsequent judicial decisions compounded with segregated residential patterns limited the opportunity to fully integrate schools. Whatever avenues remained were further inhibited by a third factor: community resistance. As Clotfelter (2004) mentions, desegregation “confronted an entire social system of racial separation” (p. 7). While this segregation had been *de jure* in the South, resistance to integration was found all around the country regardless of its legal history. The entrenched “social system of racial separation” manifested itself in myriad ways. Among these were political attempts to stall or avoid integration, white flight, and, when other options were exhausted, overt pressure from the White community to ensure that their children would not be forced to study alongside their Black peers.

The first form of resistance was simply to avoid the mandate of *Brown*. *Brown* presented a unique scenario in which the very same communities responsible for segregating their schools were now entrusted with the task of carrying out the desegregation of those schools. Orfield (1996a) states that “the courts and many political leaders decided that the same state and local governments that had historically engaged in blatant discrimination would now be fair, and that race-related issues could safely be

settled at the local level” (p. 35). In many instances, however, this “fairness” did not materialize. Instead, many districts in the South, with wide support from the White population, ignored the mandate and continued operating predominantly separate schools for over a decade. Rather than adhering to the law, it was commonplace for federal courts to stall or seek nominal remedies such as the transfer of a few singular Black students to a previously all-White school (Anderson, 2010; Bolton, 2005; Orfield & Eaton, 1996). The evasion of *Brown* persisted for nearly a decade in the South after the court decision had been made. It was not until the 1970s, after *Keyes v. School District No. 1, Denver* (1974), that the Supreme Court started overseeing Northern desegregation cases (Orfield & Eaton, 1996).

Following *Brown*, many attempts to circumvent the law and avoid integration were made. One method was for local legislators to close schools rather than comply. In Arkansas in 1958, for example, Governor Orval Faubus called a special state legislature meeting to craft new laws in response to mandatory desegregation (Anderson, 2010). Together, he and the legislators decided that schools could be temporarily closed if there were a threat of violence, educational disruption, or if the National Guard were likely to be called (disregarding the fact that the instigators in these situations would likely be the White segregationists). The community would then vote for or against integration, which would determine the fate of the school. Meanwhile, the unused public funds would be distributed to various (segregated) schools (public, private, in other districts) where the

displaced students would now attend. All but one state legislator voted to pass the new laws, leading to the prompt closure of several schools.

Another evasion tactic included last-ditch efforts to try to negotiate with the law and refocus the conversation on the equalization of schools. In Mississippi, for example, lawmakers turned *Brown* into an opportunity to focus on equalization measures as long as segregation was maintained. Prior to *Brown*, Governor Hugh White had drafted a plan focused on the equal financing of Black and White schools. Despite the ruling, local politicians persisted in trying to accomplish the aims of the plan. Meeting with prominent members of the Black community, White Mississippians tried to hatch deals to bring more money into Black schools provided no compromise on segregation was made (Bolton, 2005). While some people welcomed the additional funds, ultimately, the two communities could not come to an agreement. While they were not able to reach consensus, the White community succeeded in stalling the implementation of desegregation for several years and moved forward as though *Brown* did not exist. The disconnect between the lofty ideals of the judicial decisions and the resistant realities of local governments, created a situation in which, for a period of time, evasion was omnipresent and enforcement nearly impossible.

When the federal government took a more aggressive stance toward desegregation, including the withholding of federal funds and active litigation by the Justice Department against non-complying districts, it became more challenging to ignore the mandate to desegregate. However, it was not until the Elementary and Secondary

Education Act of 1965 channeled unprecedented money into the schools that avoiding integration became unsustainable, and many states began to comply (Bolton, 2005). Nonetheless, as local governments began to accept that complete avoidance was no longer feasible, there were still additional ways to try to perpetuate the physical separation of Black and White students—some of which continue until today. Among these were “siting” schools in neighborhoods occupied predominantly by one race, altering school attendance zones, allowing transfers out of schools and districts, initiating “freedom of choice plans” and within-school systems of academic tracking (Delmont, 2016; Donnor, 2011; Oakes, 1985; Ogletree, 2004)

Violence and Community Resistance

As it became increasingly complicated for local politicians to evade federal desegregation orders, regular community members started to take matters into their own hands. Their methods included both overt as well as more covert forms of resistance. Some of the more famous examples of overt resistance include the events of 1957 in Arkansas, where nine children needed to be escorted by federal troops in order to avoid the protesting crowds and enter Little Rock Central High School. Three years later in New Orleans, Louisiana, six-year old Ruby Bridges attended her first day at William Frantz Elementary, a school that had previously been entirely White. On that day, she too needed federal protection and spent her first day alone while White families kept their children at home and protested outside the school.

Resistance was not simply confined to the South. Rather, it occurred in multiple places across the country (Delmont, 2016). In the North, opposition became increasingly heated after the *Swann v. Charlotte-Mecklenberg* (1971) decision that allowed busing to be used as a means to create racially balanced schools. Sometimes resistance to busing became violent. In Detroit, for example, in response to the court-ordered mandate to begin busing students across district lines, the Ku Klux Klan blew up ten school buses. Meanwhile, death threats were made against the judge who had enforced the order (Semuels, 2015). While bombings and death threats did not occur in every district's response to school desegregation, tensions and other forms of violence ran high as desegregation became mandatory.

Two examples, Louisville/Jefferson County, Kentucky, and Boston, Massachusetts, shed light on the ways that White communities came together and openly resisted integration. The Louisville/Jefferson County story is unique in that it has become one of the few districts in the country that overcame the initial resistance and has even created a model integrated school system that has sustained itself and fought to maintain its desegregation plan despite race-based assignments being ruled unconstitutional in *Meredith v. Jefferson County Board of Education/ Parents Involved in Community Schools v. Seattle School District No. 1* in 2007 (Semuels, 2015). Boston, on the other hand, has had less long-term success and has continued to struggle with integrated schools (Rimer, 1993). While disparate paths have ultimately resulted, both

areas offer archetypal examples of the resistance initially launched by the White community and the subsequent departure of a sizeable portion of that community.

Despite the ruling in *Milliken*, which freed suburbs of the responsibility to integrate across district lines unless discriminatory intent could be found, the majority White Jefferson County school district, which surrounded the majority Black Louisville District, was found guilty of intentional racial discrimination in the drawing of district boundaries¹⁷ and therefore was not privy to the same protections of the Supreme Court case. Therefore, in 1975, three years after Louisville's desegregation plan was first initiated, 11,300 Black children from Louisville and 11,300 White children from Jefferson County were ordered to attend schools in the other district. In all, around 250 buses were used to transport children to 165 schools (Quick & Damante, 2016). Dividing the students based on the letter of their last name, all schools in the county were required to have school compositions that were between 15 and 50% Black (Semuels, 2015). When the day finally came to implement the desegregation order on September 4, 1975, families showed their dissatisfaction through marches, protests, boycotts, and riots. By the end of the week, thousands were rioting in the streets, leading to the arrest of more than 500 people. The situation became so heated that 800 members of the Kentucky National Guard were called in to quell the violence and ensure that the buses could deliver students safely to their schools (Quick & Damante, 2016).

¹⁷ *Newburg Area Council, Inc. v. School Board of Education, Kentucky*, 1974

While the resistance ultimately subsided, the Louisville area population had shifted significantly in just a few years. In particular, many White families moved, and the district was left with a much higher Black population. In 1972, when the desegregation order had first been introduced, the Louisville/Jefferson County area had been 80% White and 20% Black. The White population started to fall, however, as soon as the order was made. By 1976, 23,000 White people had left the county, reducing the White population by 21% (Clotfelter, 2004).

Boston's response to desegregation was even more heated. In 1965, despite efforts by the Boston School Committee and broader community to deny and ignore the segregation rampant in Boston's schools (Delmont, 2016), Massachusetts passed the Racial Imbalance Act. The Racial Imbalance Act aimed to racially balance a district's school population and avoid majority minority schools. This was met with resistance, but in 1972, several Black parents sued the Boston Public Schools, (BPS) claiming intentional segregation. U.S. District Court Judge Garrity ruled in favor of the plaintiffs in *Morgan v. Hennigan* (1974) and ordered that, on September 12, 1974, 18,000 students would be bused to schools outside their neighborhoods. This led to riots by the White community, particularly in the working-class South Boston area, where many students from the majority Black Roxbury were being bused. Residents protested, spit, shouted racial epithets, and threw rocks and bricks at children in the buses. Violence continued, and the State Police were ordered to patrol the streets for the next three years (Formisano, 1991).

Meanwhile, South Boston parents created a group called ROAR (Restore Our Alienated Rights), calling for a boycott and demanding to be able to attend neighborhood schools. This boycott, combined with fear for the safety of people's children, was effective. On day one of the busing order, 20 White students showed up for school at Roxbury High, and not a single White student attended South Boston High School. The next day, of the 4,000 total students at South Boston High, 321 Blacks, 50 Whites, and 11 students of other ethnicities came to school (Gellerman, 2014a; Gellerman 2014b). The next several years were riddled with continued resentment, resistance, and violence both inside the walls of the newly desegregated schools as well as in the Boston area in general (Formisano, 1991).

Boston, much like Louisville, also witnessed a dramatic decline in its White population attending public schools. In 1974, there were 86,000 students in BPS. Over half of these students were White. In 2014, the total student population had declined to 54,000 (Gellerman, 2014a; Gellerman 2014b). While nearly half of the people in the city are White, White students currently compose only 14% of Boston's public schools (Boston Public Schools, 2016)

White Flight

The violence that erupted in Boston and the need for the Kentucky National Guard in Louisville represent the overt resistance upon the initial enforcement of the court orders. While these events were sure to make headlines, another, less obvious, form of resistance was occurring through White flight. As evidenced by Boston and

Louisville, one of the central ways in which people could reject school desegregation was through their ability to leave the district. While *Swann* was met with significant opposition, three years later, *Milliken v. Bradley* (1974) limited the scope of busing. This Supreme Court case, arguably due to the public outcry that followed *Swann* (Orfield & Eaton, 1996), eliminated cross-district desegregation unless it could be proven that “district lines [had] been deliberately drawn on the basis of race” (*Milliken v. Bradley*, 1974 at 745).

Given the history of housing segregation and the inability of Blacks to move into the suburbs while Whites were offered subsidized loans in these very neighborhoods, intentional segregation had undeniably led to the concentrations of racial groups in various districts. However, in the eyes of the court in the *Milliken* case, formerly discriminatory housing policy and current school policy are not the same. Thus, unless there is substantial proof of purposeful racial discrimination on the part of the suburban school district or the state, desegregation measures cannot extend beyond a district’s boundaries. The opposition to busing and other desegregation remedies combined with the suburban protection granted under *Milliken*, created the ideal conditions that facilitated further White flight out of certain districts.

The exodus of White families from districts that were attempting to desegregate their schools created a substantial obstacle to the breadth and success of *Brown*. Clotfelter (2004) examines the “White flight” trend that occurred as many districts were subject to compulsory integration measures throughout the 1970s and 1980s. In his

review of many studies, he understands white flight both as the active departure of families from one district to another as well as the choice to avoid or select certain districts to establish residence. Clotfelter finds that desegregation orders played a significant role in the departure of many white families from those districts. While other factors likely contributed to the declining White populations in urban districts, such as reduced birth rates and other pulls to the suburbs (including lower taxes and lower levels of poverty and crime), it is White flight as a reaction to desegregation orders, he argues, that bears substantial responsibility for these demographic shifts.

Several researchers substantiate this argument (Coleman, Kelley, & Moore, 1975; Reber, 2004; Rivkin, 1994; Rossell & Armor, 1996; Welch & Light, 1987). Coleman et al. (1975) studied the impact of desegregation orders on racial enrollment patterns in 57 large urban school districts between 1968 and 1973. Their study reveals that the desegregation orders led to reductions in the White population. These losses were particularly large in districts with a higher “absolute proportion of Blacks” in the city compared to the surrounding areas (p. 79). In other words, the higher the concentration of Black people in one community, the more probable that White families would leave under a mandatory desegregation order. Reber’s (2004) analysis of enrollment data from 108 large school districts that implemented desegregation plans between 1968 and 1998 reaches the same conclusion. The higher the starting White population, the less likely White families were to leave the district. The higher the Black population, the more

likely they were to leave. In the longer term, Reber estimates that White flight reduced the gains of the average desegregation plan by around one-third.

Another key factor that influenced the tendency toward white flight was the accessibility of surrounding districts. Both Reber (2004) and Coleman et al. (1975) found that White population loss was greatest in bigger cities with several districts in close proximity. Metropolitan areas that were “balkanized” (Clotfelter, 2004), which is most areas outside of the South (where it is more likely to find counties that include urban, suburban, and rural areas), allowed families to more easily relocate or establish themselves in one of various districts while still residing in the same general metropolitan area (Reber, 2004). Similarly, Rivkin’s (1994) study of residential and school segregation shows that between 1968 and 1988, the overall White student population in the U.S. declined by 9.2%, but urban districts experienced far more dramatic losses. In cities such as Birmingham, Boston, Dallas, Houston, Long Beach, Los Angeles, Milwaukee, and Seattle, the proportional declines were as large as 35%. In Atlanta, Chicago, Denver, Seattle, Fort Worth, Memphis, Minneapolis, and Oklahoma City, the losses exceeded 25%.

Given the history of housing discrimination and how it largely privileged White people and disadvantaged minority communities, the ability to choose one’s district was inequitably available. If a family did not wish for his/her child to be bussed across town to a school several miles away or attend a school with “too many” minority students, relocating to a different district was an option that was both available and, as the research

demonstrates, utilized. This is an important component of White flight, because it suggests that attempts to desegregate schools without combined efforts to desegregate housing will face many obstacles, some of which may be insurmountable.

Welch and Light (1987) wanted to understand if different types of desegregation plans impacted White enrollment patterns in different ways. To conduct their analysis, they analyzed desegregation plans from 108 districts between the years of 1967 and 1985. Examining the different plans, they categorized them based on the types of actions and combinations of actions that were taken by districts (for example: pairing (resorting the students from two segregated schools to balance the populations), rezoning, clustering (busing), magnets, pairing and rezoning, etc.). They found that pairing and rezoning as well as pairing and magnets led to the greatest losses of the White population, coming to a loss about 9% greater than the general trend (which had already been steadily declining for several years). The plans with the greatest reduction in the White population also happened to be the most effective at reducing segregation in terms of exposure of minority students to their White peers. Welch and Light's findings confirm the conclusions of Rossell and Armor's (1996) study of White flight in 600 districts with voluntary (magnets, for example) or mandatory (reassigning students, bussing, etc.) desegregation plans between 1968 and 1991. Not surprisingly, they found that White flight was significantly higher in districts with mandatory versus voluntary desegregation plans. Where there was no or simply a voluntary desegregation plan, the typical district

in their study lost about 2.9% of their White population. Where plans were mandatory, the loss reached 33%.

Resistance Continues

Resistance to segregation has continued in the subsequent decades. In *Shame of the Nation*, Kozol (2005) documents an experience he had visiting schools in Roosevelt, a segregated suburban area in Long Island. In these schools he found the crumbling conditions documented in his acclaimed work *Savage Inequalities* (1991). Just one year prior to his visit, he notes that the State Commissioner of Education and the New York Board of Regents had considered dismantling the Roosevelt schools. Instead of concentrating Roosevelt's population in a district populated by other low-income families, there was hope of sending the students to schools in surrounding districts. However, as the public gained awareness of these plans, resistance emerged. The most powerful resistance could be found in the neighboring affluent communities, where parents united in their opposition: flyering, generating fear that integration would lead to violence, and warning others of the imminent drop in their property values, should integration occur (Kozol, 2005). Ultimately, the state backed down and did not combine the districts. Roosevelt is not unique. In fact, this deep-seeded community resistance has been and continues to be commonplace when faced with the threat of integration

Recently, a gentrifying neighborhood in Brooklyn, New York, received national attention for the conflict between two schools serving racially and socio-economically disparate populations (Taylor, 2015). Public School 8 (P.S. 8), which is 59% White and

where 15% of the population receives “some form of public assistance,” was overenrolled and was even having to turn away families living within the school’s zone. Meanwhile, P.S. 307, which is 90% Black and Latino and where 90% of the students are recipients of public assistance, was in the same general area and could accept the overflow from P.S. 8. New York’s Education Department decided that rezoning the schools was the logical solution so that all families would have a school to attend within their neighborhood that also had sufficient space. However, families from both schools reacted with strong opposition to this plan, attending meetings and voicing their frustrations. At a town hall meeting, the families from P.S. 8 expressed their fears of low test scores, unqualified teachers, and their White children being in the minority. Families from P.S. 307 addressed their concerns of being displaced and the impact of the arriving population on an established institution within the community. In January of 2016, the Board ultimately decided to move forward with the rezoning. P.S. 307 is currently in its first year as an integrated school. While its fate is yet to be determined, at the very least it has seen a substantial increase in its population (kindergarten enrollment grew from 18 to 56), which brings additional funds to a school (Venugopal, 2016).

The battle over P.S. 307 was relatively civil compared to some other more contentious disputes. Hannah-Jones’ (2015) *This American Life* radio story on school integration discusses a controversy, unusual for contemporary times, which developed in Missouri in 2013. In this story, she discusses the Normandy School District, where 98% of the students are Black and over 90% are below the federal poverty line. This also

happens to be the district where Michael Brown, who was killed by a police officer in 2014, attended school (This American Life, 2015). After 15 years of poor performance and quality, the Normandy School District lost its accreditation. Under the Missouri “transfer law,” students in unaccredited districts are allowed to select and attend schools in any surrounding district. One caveat, however, is that Normandy is only required to provide transportation to one district, which it may select. Despite a high-performing district within 5 miles, it chose the Francis Howell School District, which is 85% White and 30 miles away.

To Normandy’s surprise, 1,000 students or one-quarter of the Normandy School District chose to accept the transfer offer. While not the original intention, a desegregation plan with the magnitude of a previous era had materialized through the transfer law. Similar to the 1970s, when such occurrences were more commonplace, the Francis Howell community refused to passively accept this arrangement. One week after receiving word of the imminent influx of new students, over 3,000 families filled the Town Hall and openly voiced their concerns about money, class sizes, and fears of violence. Appealing to fear, families wanted to know if metal detectors would accompany the new students, how they could protect their children from becoming involved in drugs, and if there were ways to manipulate the system to discourage a transfer, such as changing the school start time to make it less appealing. The students ultimately were allowed to transfer, but one year later, the State took over the Normandy School District, renamed it the Normandy Schools Collaborative, erased its history of

non-accreditation since it was now deemed a new district, and sent all of the transfer students back to Normandy (This American Life, 2015).

Reasons for White Resistance

The reasons for resistance are multiple and challenging to articulate. For some, overt racism may motivate their actions. However, this is harder to measure since it is unpopular to express such views publicly and hard to isolate race from other accompanying factors like class and location. Even in situations like Boston, where opposition to busing was among the most vehement, some argue that the resistance was founded not only on issues of race but also on issues of class, ethnicity, and neighborhood “pride” (Formisano, 1991, p 7). For others, the reasons behind their desire to place their child in majority or predominantly white schools may be more subtle. One of the driving forces is the parental focus on the best interest of his or her child, even when that best interest may run against political ideals proclaimed by the very same people choosing to send their children to segregated schools (Roda & Wells, 2013). Knowing that schools attended by mostly White children are commonly equipped with better resources, more qualified teachers, and higher academic results influences the wishes and decisions of parents who are in a position to choose (Clotfelter, 2004).

Another factor that may influence families is generated by fear, which can be unsubstantiated. In Francis Howell, for example, when the families spoke out against the influx of students from Normandy, fear was central to many of the parents’ concerns. Fear manifested through phrases such as “discipline records,” “metal detectors,” “drugs,”

and “violence” (This American Life, 2015). Without ever explicitly mentioning race, a racialized fear is invoked through these terms and images. As Donnor (2011) argues in his critique of *Parents Involved in Community Schools* (2007) and the resulting colorblind approach to school assignments that districts are now federally mandated to take, “the absence of race does not preclude the implicit oppressive uses of race” (p. 748).

A result of community resistance is that a counter narrative to the promises of *Brown* was allowed to proliferate during the anti-integration efforts. Instead of recognizing the obstacles to integration—community opposition, segregated housing, a weakening of the Civil Rights movement, and struggles to enforce judicial decisions—it is commonly stated that integration efforts “did not work” and therefore should not be reignited (Orfield & Eaton, 1996). This view is dangerous, because, in addition to being inaccurate, it de-historicizes the conversation. It fails to recognize the profound impact of nearly a century of segregated schooling, discriminatory housing and employment practices, and the social and psychological effects of discrimination.

The same people who dismiss integration may lack deeper knowledge about the successes and struggles of desegregation efforts. Kozol (1991) describes an experience he had engaging children in the wealthy New York suburb of Westchester about their beliefs on integrated schooling. Of note is the way in which these children, who had never experienced integrated schooling and had rarely interacted with the students about whom they were speaking, had largely internalized the popular view about the negative consequences of integration. Among their ideas, they expressed concern that their

school's resources would diminish as poorer schools were given a larger slice of the educational funding pie. Similarly, they expressed doubt that children from poor families have the motivation and family support to excel. Based on what was communicated to them through media, their parents, and their communities, the desegregation debate appeared predetermined (Kozol, 1991, p. 152-158). This conversation highlights the ways in which ideas about education are formed without a deep knowledge of history, experience, or the empirical evidence of certain practices. While these were just children engaging in the integration debate and not policy-makers or judges, their ideas exist within a specific cultural framework that has been created for them and that they may later perpetuate as they make educational choices for their own children.

One impact of segregation is to believe in the inevitability or the superiority of segregation. However, as people's life experiences change, so too can their belief systems. After the *Brown* decision, an opinion poll by the Supreme Court was conducted in the South, soliciting people's opinions on the ruling. In this poll, 81% of White Southern respondents were against the ruling. Another poll was conducted in the 1990s, after two decades of leading the nation in its efforts to successfully integrate schools. At that time, only 15% of the respondents believed the ruling had been wrong (Orfield, 1996b). This finding is significant, because it speaks to the way that people's views of the world—albeit not necessarily their practices, given the continued pattern of segregation—can shift as circumstances change around them. This is an important consideration to make as new ways to integrate schools are envisioned.

While segregation arguably comes at a cost both to the minority population and society as a whole, there are some benefits reaped by the White population when segregation is upheld. One of these benefits can be found in the ability of segregation to reduce competition for students attending more competitive schools. In particular, competition for entry into America's most competitive universities and, later, high-paying jobs, is diminished. While White middle class students who overwhelmingly attend schools alongside other White, middle class children prepare their applications for college or the job market, their Black and Latino counterparts who attend segregated schools are often less competitive. As demonstrated throughout this study, not only do majority minority schools tend to have lower test scores and less qualified teachers, there is also often disparity in the funding and resources that are offered at different schools (Baker, 2016; Heuer & Stullich, 2011; Miller & Epstein, 2011; Ostrander, 2015; Ushomirsky & Williams, 2015). Effectively, this decreases competition and privileges those lucky enough to have attended the most resourced schools.

Kozol (1991) notes the direct impact of this inequity of opportunity on students living in Chicago's suburbs and attending renowned public schools such as New Trier. While suburban seniors ready themselves for college admissions, their poor Black and Latino counterparts in the Chicago Public School district are often less competitive applicants. By excluding a large part of the population from the pool, even more space is made available to children who have already reaped economic and racial advantages in

their lifetimes and, possibly, the lifetimes of the generations that preceded them (Kozol, 1991, p. 82).

Research on white avoidance is challenging, although not impossible, to conduct. While most research focuses on how to support low-income and segregated students, perhaps more attention should be paid to the families who benefit from this system of separation. As Kozol (1991) remarks, there is a need to shift the focus onto the population responsible for perpetuating segregation. Gaining a deeper understanding of the people who benefit from segregation and why they continue to make choices that perpetuate segregation, despite expressing views to the contrary, would provide an important perspective to the research. The educational reform movement, which will be discussed next, offers a small amount of insight into this query.

Chapter 4: The Segregating Effects of Educational Reform

History and Traits of Contemporary Education Reform

As the promises of *Brown* receded into the background in the 1990s, the seeds of an alternative approach to education reform had already been planted. In 1983, Ronald Reagan's Secretary of Education, Terrel H. Bell, oversaw the National Commission on Excellence in Education, which released *A Nation at Risk: The Imperative for Educational Reform*. The report claimed that schools in the U.S. were failing and lagging behind the educational systems of other countries around the globe. Presented in alarmist language that focused on the national security of the country, the authors of the report write, "The educational foundations of our society are presently being eroded by a rising tide of mediocrity that threatens our very future as a Nation and a people." Furthermore, they state, "If an unfriendly foreign power had attempted to impose on America the mediocre educational performance that exists today, we might well have viewed it as an act of war." As an antidote to these problems, *A Nation at Risk* recommends the need to improve curriculum, establish clear standards, and invest in better teacher training and pay. None of these recommendations was particularly novel, but the report, nonetheless, resulted in a renewed focus on, and battle over, the future of public education.

Following the release of *A Nation at Risk*, concern about the direction of the country and its ability to be globally competitive took hold. Instead of focusing on other economic and political factors that may have contributed to the struggles that manifest themselves in schools, blame was placed on teachers and the educational system, setting

the stage for a new wave of reforms. The approach that would present itself within two decades under George W. Bush was one based on a neoliberal, market-driven ideology, in which standardization, accountability, “choice,” and competition became central tenets of educational reform (Apple, 2001; Ravitch, 2013). The accountability movement presents a “compelling narrative,” Ravitch (2013) argues. “It appeals to values Americans have traditionally cherished—choice, freedom, optimism, and a latent distrust of government” (p. 4). Unfortunately, she demonstrates, this narrative is inaccurate, and the focus on accountability has morphed into a race toward privatization.

At the turn of the 21st century, schools began what would become a long journey of educational reform. Despite the historical precedent of leaving many educational matters to the states, newly elected President George W. Bush was able to gain bipartisan support to pass the *No Child Left Behind Act* (NCLB) in 2001. Republicans and Republican President George W. Bush were responsible for the single most far-reaching federal education policy in U.S. history, an antithetical concept to the traditional conservative skepticism of federal control. Likewise, the Democrats, who had historically been corporate watchdogs, welcomed the neoliberal policies embedded in the new legislation (Ravitch, 2010).

NCLB, an updated version of Lyndon B. Johnson’s Elementary and Secondary Education Act, that had complicated the evasion of desegregation orders in Southern states, now focused on high-stakes testing, standards, data-driven performance evaluations, measurable outcomes, competition, privatization, deregulation, and school

closures. Each state developed its own tests and reform strategies, such as allowing transfer options for consistently underperforming schools. Schools were then responsible for setting yearly improvement goals with the ultimate aim of reaching 100% proficiency by the year 2014. Schools receiving federal funding would need to demonstrate Adequate Yearly Progress (AYP) or risk various escalating consequences. When schools did not meet their AYPs, they were labeled “in need of improvement,” subject to staff and school closures, and ultimately, if they had not met their targets for five consecutive years, could be deemed “turnaround schools” that would be taken over by the state or converted into charter schools (U.S. Department of Education, 2002). Predictably, this bar was impossible for many schools to reach. In 2012, even Massachusetts, a state previously applauded for its strong educational system, witnessed 80% of its schools labeled “in need of improvement” (Ravitch, 2013).

NCLB ultimately fell out of favor as it became clear that the stipulations of the law positioned many schools to fail. Schools serving low-income and high-minority students were particularly, although not exclusively, impacted. The irony of NCLB is that while it extols a data-driven, results-based approach to education, the policies furthered by the legislation were not evidence-based themselves (Ravitch, 2013). In other words, the practices that would become commonplace in school reform did not have extensive empirical data proving their ability to raise student achievement. Despite this dearth of evidence and a substantial body of evidence demonstrating that integration, equitable funding, and an investment in teachers will bring about the desired changes, a

belief in accountability, competition, and privatization as necessary components of a strong educational system have continued into subsequent administrations. Notably, the Race to the Top program, initiated by Arne Duncan under President Barack Obama, was founded on an ethos of competition between schools and teachers, a continued faith in and focus on data and standardized tests, and the proliferation of charter schools and choice programs (Ravitch, 2013). Most recently, the appointment of Betsy DeVos to Secretary of Education reveals a continued intention to pursue choice in the form of school vouchers and charters as a central tenet of educational reform.

Despite substantial evidence that segregation and inequitable funding exacerbate the learning conditions for many poor and minority students, educational policy has demonstrated amnesia of this knowledge since the passage of NCLB. Convinced that schools must be run more like businesses, testing, choice, competition, charters, and corporate-trained leaders are becoming increasingly normalized. In the Oakland Unified School District, for example, Antwan Wilson, the superintendent from June of 2014 to February of 2017, received his training in administration and leadership at the Broad Superintendents Academy, founded by Eli Broad, the billionaire entrepreneur. During the two and a half years he spent in Oakland, he tried to create a system of “common enrollment,” which, save the backlash that resulted, would have brought the 37 charters and 81 public schools closer together (O’Connor, 2016). Meanwhile, corporate money has flooded the most recent school board races. In 2016, Michael Bloomberg, billionaire

and former mayor of New York City, donated \$300,000, supporting 3 pro-charter school board members (BondGraham, 2016).

While there has been a resurgence of interest in education, absent from the reforms is a focus on integration, a strategy that has been tried and has successfully accomplished some of the stated goals of the reform movement (improving academic outcomes, increasing graduation rates, more equitable funding, etc.) (Frankenberg, Siegel-Hawley, & Wang, 2010). However, as Kozol (2005) notes, “educational reform” is a somewhat misleading term. It suggests a revamping of the entire educational system, but the reforms are not occurring unilaterally across all districts. Rather, they are most highly concentrated in the same schools attended overwhelmingly by low-income Black and Latino students. He explains,

Although generically described as ‘school reform,’ most of these practices and policies are targeted primarily at poor children of color; and although most educators speak of these agendas in broad language that sounds applicable to all, it is understood that they are valued chiefly as responses to perceived catastrophe in deeply segregated and unequal schools” (Kozol, 2005, p. 64).

While each component of educational reform merits analysis, the remainder of this chapter will discuss school choice, focusing on charter schools and district ranking systems, that research suggests is likely contributing to further school segregation while simultaneously failing to improve educational quality (Bifulco & Ladd, 2006; Carnoy, 2014; Frankenberg & Lee, 2003; Frankenberg et al., 2010; Garcia, 2007; Rapp & Eckes, 2007; Saporito & Sohoni, 2006; Stein, 2015).

School Choice

“School choice” has become a popular buzzword in education, evoking images of parental agency in their children’s education. In particular, choice has been touted as an opportunity for children attending “failing schools” to seek their education elsewhere, expanding opportunities beyond the limits of their attendance zone and traditional public school system (EdChoice, 2017; Strong, 2008; Cunningham, 2016). A number of choice options have emerged in the past two decades including vouchers, charters, and district open enrollment or “lottery” policies that allow parents to rank schools in order of their appeal. The ability to choose may sound desirable, but the term is somewhat misleading. While these programs are technically equally available to all families, they have not led to a general improvement in the quality of education received by most students. In fact, evidence suggests that families who have greater access to social, economic, and cultural capital, may be most benefited by these programs, while families without these advantages are being negatively impacted (Bell, 2009; Frankenberg et al., 2010; Roda & Wells, 2013). Instead of interrupting inequities, choice options appear to be increasing segregation between students by race and class rather than reducing it as many of its proponents have claimed. To gain a better understanding of the choice movement, I will first review its origins. Then, I will examine the impact it is having on school segregation and explore some of the reasons for this impact.

School choice originated in the South as families sought creative ways to avoid integration. This occurred through the granting of funds that allowed White families to enroll their children in private schools where Blacks could not attend, as well as

programs that operated under the guise of choice but effectively functioned to maintain segregation. As discussed previously, the *Green v. County School Board of New Kent County* case that was brought before the Supreme Court in 1968 was premised on a dispute over the school choice plan that overwhelmingly maintained the racial separation of 1,300 students in its two schools. Ultimately, the choice program was dismantled in favor of a sincere attempt to desegregate schools on the part of the district, but this provides the origins of the term. As Ravitch cautions, “Wherever you hear the term “school choice,” remember that it was started initially by the Southern segregationists like George Wallace of Alabama and the many segregationists who, like him, wanted to keep the schools absolutely divided” (Brave New Films, 2017). While the origins of school choice can be found in the conservative South, the philosophy eventually spread across party and geographic lines and became a central tenet of education reform (Forman, Jr., 2005).

Charter schools have become a popular arm of school choice policies, although their origins are more recent. In the late 1980s, Albert Shankar, former president of the American Federation of Teachers, and University of Massachusetts Professor Ray Budde were, separately—although concurrently—developing an idea of creating alternative schools for the most marginalized students for whom the regular public school system was not working. These schools would have the freedom to experiment with various practices and then would bring those ideas back into the public school system to be shared and implemented (Ravitch, 2013). In 2001, when NCLB was passed by Congress,

this once experimental idea was brought into the mainstream, as low-performing schools were encouraged, if not required, to be converted into charter schools and to operate under private leadership (U.S. Department of Education, 2002, at 1485). Despite no conclusive evidence that charters are more effective for children, they have solidified a place for themselves in education (Frankenberg et al., 2010). In fact, since the first charter opened in 1991 in Minnesota, the number has grown to more than 6,600 charter schools across the country in 41 states and Washington, DC. In 2014-2015, over 2.6 million students attended charter schools (National Alliance for Public Charter Schools, 2017). Despite their recent population and expansion, they still serve only about 2.5% of all students in public schools, a nominal amount relative to the attention they receive (Frankenberg et al., 2010).

Charter schools are widely diverse in terms of the populations they serve, their relationship to public schools, and their academic outcomes (Frankenberg et al., 2010). However, some of the shared principles of many charters include private management and oversight (although they also receive some public funds), corporate investment, deregulation, anti-unionism, and a business approach to education. While individual examples of successful charter schools certainly exist, Shankar had never envisioned that the charter idea would gain so much momentum and transform into such a widespread reform championed by the business community (Kahlenberg & Potter, 2014). In fact, as Shankar witnessed the transition, he distanced himself and publicly denounced the charter movement in 1993 (Ravitch, 2010).

Hypothetically, school choice could offer an antidote to the rising levels of school segregation and inequality. Choice allows students to attend schools outside of their attendance zones, and therefore outside of what are often segregated neighborhoods. In fact, proponents of school choice make this very argument in defense of their programs, claiming that by creating more options and competition, schools that are currently not serving their students will be forced to improve, thus elevating the overall quality of education (Chubb & Moe, 1990). Appealing to the logic of the free market, choice allows “parents and students [to] be able to become active consumers of an educational product” (Stein, 2015, p. 599). The marketization of schools, supporters argue, requires that schools both improve their quality and be responsive to the needs of the community (Bifulco & Ladd, 2006).

Given the optimism of school choice advocates, it is disheartening to find that these policies have not transformed education. In fact, to the contrary, many school choice options appear to be contributing to rising levels of school segregation while simultaneously not leading to consistently improved educational quality. Charter schools, in particular, demonstrate the ways in which unregulated school choice can lead to increased segregation without improved academic performance (Bell, 2009; Bifulco & Ladd, 2006; Frankenberg & Lee, 2003; Frankenberg et al., 2010; Garcia, 2007; Rapp & Eckes, 2007; Saporito & Sohoni, 2006; Stein, 2015). While exceptional examples of charter schools exist, some of which are even intentionally focused on integration (Kahlenberg & Potter, 2014), this is not the general trend. Despite high hopes, school

choice has not transformed education, and some of its practices are enhancing school segregation.

School Choice and Segregation

Regulated school choice programs such as magnet schools or various forms of “controlled-choice,” which allow parents some degree of selection for their children, while simultaneously enacting balancing measures to avoid segregated schools, have been known to be effective both at improving student achievement and reducing segregation (Frankenberg et al., 2010; Koedel, Betts, Rice, & Zau, 2009). However, the most popular forms of choice that are currently proliferating and supported by the education reform movement tend not to include such regulations. Charter schools, in particular, are a popular form of school choice. Despite the common misconception that they are better than traditional public schools, there is no empirical evidence that can consistently demonstrate this claim (Frankenberg et al., 2010). To the contrary, research is mixed, and they appear to perform, on average, no better or worse than public schools. However, charters and other unregulated choice programs are having a segregating effect on schools. Given what is known about the positive effects of integrated schools, it is concerning that there is so much political support for programs that are not consistently demonstrating academic superiority and are contributing to segregation.

While education policy continues to support school choice, it is important to examine the impact of choice programs on segregation. Several studies have looked at charter schools, in particular, at both the state and national level and have concluded that

charters are more segregated than regular public schools (Bifulco & Ladd, 2006; Frankenberg & Lee, 2003; Frankenberg et al., 2010; Garcia, 2007; Rapp & Eckes, 2007; Saporito & Sohoni, 2006; Stein, 2015). Frankenberg et al. (2010) from the Civil Rights Project have conducted one of the most comprehensive reviews of charter schools to date, analyzing charter school enrollment and segregation patterns by race, class, and language. Using data from three different sources of information (the 2007-2008 Common Core of Data (CCD) from the National Center for Education Statistics (NCES), the 2006 Civil Rights Data Collection from the Office of Civil Rights at the Department of Education, and the 2007-2008 Schools and Staffing Survey from the NCES), their analysis focuses primarily on the 28 states and Washington, D.C., where charter school enrollment exceeded 5,000 students in 2007-2008 and explores national and regional trends. Since their study is one of the most ambitious available, I will first review their findings before comparing it with the findings of other studies.

Based on the data from their analysis, Frankenberg et al. (2010) reach the conclusion that charter schools are contributing to increased levels of segregation. Different trends exist depending on the geographic region and different racial groups, but the general impact of charter schools is to be less regulated than public schools and to contribute to increased segregation. The authors acknowledge the challenges of analyzing data from charter schools, including issues of reporting, attrition rates, different trends that emerge at the district versus the metropolitan level, and the overrepresentation of charter schools in urban, often already segregated, settings. Nonetheless, their findings

suggest that charter schools are likely exacerbating, rather than alleviating, segregated and inequitable schools.

Black students, in particular, are experiencing increased segregation through their attendance at charter schools. While White students tend to be underrepresented in charters, Black students are disproportionately enrolled. Latinos, Asians, and Indigenous populations are, on the whole, more equitably distributed between charter and public schools, although this may be changing for the Latino population. Specifically, Frankenberg et al. (2010) find that 70% of the Black students attending charter schools are in schools in which 90-100% of their peers are other minority students. This is almost twice as many as the 38.5% of Blacks in public schools who attend such intensely segregated schools (Orfield et al., 2014). Furthermore, Frankenberg et al. (2010) find that 43% of Black students attend charter schools in which the minority population is at least 99%, almost three times the rate of Black students in public schools with this extreme level of racial isolation.

While Whites tend to be underrepresented as a general trend, in some states (such as California, Arizona, and Colorado) they are overrepresented, raising a red flag that charters are possibly being used as “havens” for White flight. Similarly, while not reaching the same levels of racial isolation as the Black population, Latinos in many states are increasingly attending segregated schools. In 2007-2008, more than half of all Latinos in charters attended schools that were more than 90% minority. Asians and

Indigenous students are also more likely to attend majority minority charter schools than majority minority public schools.

Segregation by class is more difficult to measure, because nearly 25% of charter schools fail to report data on whether or not their students qualify for Free and Reduced Lunch, the metric commonly used to analyze poverty levels. However, based on the available data, Frankenberg et al. (2010) cautiously suggest that there appears to be a disproportionate number of low-income students enrolled in charter schools. In 2001-2002, for example, 43% of the students in charters were eligible for Free and Reduced Lunch versus 38% in the general public school population. Additionally, they note that while 20% of the charter schools in their sample did not participate in the Free and Reduced Lunch program, this was the case for only 1.5% of public schools. Adding some weight to the concern that White students may be attending more racially and socio-economically isolated charter schools, they find that schools not reporting their Free and Reduced Lunch data are twice as likely to be populated by majority White students (p. 67).

The double-segregation of class and poverty discussed in Chapter 2 appears to be occurring in charter schools at an even higher rate. While around 16% of public schools are considered high-poverty (76-100%), almost 25% of charter schools fall into this category. In line with the racial isolation statistic mentioned previously, 70% of Blacks in charters attend schools that are not only racially isolated but also predominantly poor schools. For Latinos, this number is 60%. Conversely, the average White charter student

attends a school in which 33% of her classmates are poor, which is a little lower than in public schools (Frankenberg et al., 2010, p. 73).

Several empirical studies confirm the findings of the Civil Rights Project. In Stein's (2015) analysis of racial sorting of students in the schools of Indianapolis, he finds that students are leaving more integrated public schools for more segregated charter schools. Black students, on average, are moving to charter schools that are 9.2% more Black, 5.6% less White, and around 5% less Latino than the public schools from which they came. White students, on the other hand, are switching to charter schools that are around 13.9% more White, 13.1% less Black, and 3% less Latino than their previous public schools. Latinos break from the trend of moving into schools with more Latinos, which Stein claims is likely due to the fact that they are more heavily concentrated in the public school system (14.6%) versus the charter school system (5.4%). This study shows that while both Black and White students are selecting to move into more racially isolated charter schools, the extent of that isolation is even greater for White students. Furthermore, Stein shows that the segregation of individual schools grows with each additional year, suggesting that the schools will become increasingly racially isolated with time.

While Stein's (2015) research provides some evidence confirming an original fear of school choice—that it would lead to the racial isolation of Whites—there is more evidence that increased levels of segregation may be due to minority self-isolation and not the result of White “flight” to charters. Garcia's (2007) study on the impact of school

choice on racial segregation in Arizona provides an interesting perspective, especially since Arizona is also one of the most charter-heavy states in the country. In 2004, around the time of the study, for example, there were 694 charter schools serving over 8% of the student population, second only to Washington, D.C. in terms of the percentage of students in charters. In this study, disaggregated by elementary and secondary school, Garcia examines all second through ninth graders who left district schools to attend charter schools between the years 1997 to 2000 (14,676 in all). He, in line with other research (Bifulco & Ladd, 2006; Frankenberg & Lee, 2003; Frankenberg et al., 2010; Garcia, 2007; Rapp & Eckes, 2007; Saporito & Sohoni, 2006; Stein, 2015), finds that students leaving public elementary schools are entering into more segregated charter schools. For example, the average White person attending a public elementary school left for a charter school that was 10% more White. The average Black student switched to a charter school that was 29% more Black. Indigenous students also tended toward more segregated charter schools. Latinos, on the other hand, did not attend more segregated schools. These results shed light on the way in which minority students, particularly Black and Indigenous students, are selecting schools that are more racially segregated than their public school counterparts.

Interestingly, while elementary segregation was higher in charter school switches, this same pattern does not hold for high school (Garcia, 2007). In high school, people of all races tended to switch into schools that were just as segregated as the public schools they had attended. Sometimes the high schools were even slightly more integrated.

While this finding is promising for charter school advocates, attention must be made to segregation at the elementary level, in particular. Given the beneficial impacts of desegregation reviewed in Chapter 2 and the findings by Johnson (2011), Kurlaender and Yun (2000), and Wells et al. (2009) of the positive impacts gained by people who attended integrated elementary schools, this finding may be cause for concern.

Bifulco and Ladd's (2006) analysis of North Carolina's schools provides further evidence that charters are leading to increased racial isolation. Using data from the CCD of the NCES from 2001-2002, they find that students in charter schools are two and a half times as likely to attend a "racially unbalanced" (20% higher or lower than the average percentage of Black students in the district) school than if they were enrolled in a public school. In districts with high concentrations of charter schools, such as Durham, Wake, and Charlotte/Mecklenburg, it becomes three times more likely. Examining data from 1996 to 2000, in which they trace 6,480 students who left public schools to attend charter schools, they find that White students transfer into schools with higher levels of White students and lower levels of Black students than the public schools they had previously attended. Black students, on the other hand, change to charter schools in which 72% of the population is Black versus public schools which, on average, are 53% Black.

Rapp and Eckes (2007) broadened the scope of their analysis and looked at the racial makeup of charter schools in the 32 states where more than 1,000 students attended charter schools in the year 2002-2003 based on statistics from the CCD. While their research, much like the research of Frankenberg et al. (2010), demonstrates great

variation between states in terms of their racial enrollment, they found that 66% of the states they examined had higher numbers of minority students in their charter schools relative to public schools. Furthermore, while 19 states have laws to enforce that the racial populations of charter schools must be consistent with the racial population of the district (a policy that was adopted to prevent charter schools from becoming havens for White people), enforcement appears to be an issue. Frankenberg et al. (2010) and Frankenberg and Lee (2003) share the concern that balancing measures are not being seriously enforced.

The pattern of students moving from schools that are less to more segregated is further confirmed by Weiher and Tedin's (2002) findings in their examination of 1,006 students attending charter schools in Texas. However, they add a layer to their study, in which they examine how parental preference impacts the choice of school their children will attend. Parent survey responses claim that test scores, moral values, and discipline are the most important factors for Whites, Blacks, and Latinos, respectively, and that common race/ethnicity is not an important factor influencing their school preference. However, despite these stated preferences, families tend to move their children into schools in which their own race/ethnicity is more highly represented and where test scores are lower. On average, Blacks transfer into schools that are 14.88% more Black, Whites into schools that are 8.1% more White, and Latinos into schools that are 3.7% more Latino. While race alone likely does not account for the choices made by these families, this research suggests the disconnect between people's stated interests and the

segregating impact of charter schools. “Paradoxically,” Weiher and Tedin claim, “almost none of the respondents in this sample identified racial compatibility as a factor in the choice of a charter school, but race is one of the best predictors of the race/ethnicity of the charter schools that students transfer into” (p. 89). This research suggests that race alone does not seem to be the determining factor of parental choice. Rather, there are multiple factors are at play that influence parental choice, including issues of location, transportation, type of program offered by the school, and the social stigma against claiming the importance of race. These issues will be explored in the next section.

Increased racial isolation may also be responsible for a widening of the test gap between Black and White students in charter versus public schools. Since the focus of this section is on the segregating effects of charters and not on disparities in academic achievement between public and charter schools, I will not explore this topic in depth. Furthermore, given the narrow perspective that standardized tests can provide on notions of academic achievement, it is arguable whether this should be the privileged measure used to evaluate schools and student outcomes. Nonetheless, it is significant to note that both Bifulco and Ladd (2006) and Weiher and Tedin’s (2002) studies demonstrate relationships between racial isolation and a simultaneous widening of the test gap. In Weiher and Tedin’s study (2002), they find that Black students often transferred into charter schools where students received a lower test average on the Texas Assessment of Academic Skills than the scores recorded by the public school from which they came. Similarly, Bifulco and Ladd (2006) find that Black students moving into more racially

segregated schools performed lower on both math and reading exams. However, they are careful to note that it is not race alone that may lead to this result but the other factors that accompany racially isolated schools, such as less prepared teachers and fewer resources (Adamson & Hammond, 2011; Baker, 2016; Clotfelter, Ladd, & Vigdor, 2005; Miller & Epstein, 2011; Ushomirsky & Williams, 2015).

In addition to charter schools, another popular program that is becoming increasingly common is called “open enrollment” school choice or a practice in which families rank the schools in a district in order of their stated interest. Open enrollment, like charters, could hypothetically transcend the limitations imposed on families by segregated neighborhoods since people can choose to attend schools outside of their attendance zones. However, unregulated open enrollment has not been able to accomplish this goal. In fact, there is evidence that open enrollment, like charter schools, is also contributing to increased segregation levels and inequitable academic outcomes.

Koedel et al. (2009) compare three choice programs in San Diego and how they contribute to further segregation or integration. In addition to examining levels of racial integration, they also explore integration by language, test scores, and parental education levels. The first two programs, born from the desegregation policies of the 1970s, include the Voluntary Ethnic Enrollment Program (VEEP) and a magnet program, both of which provide transportation and have desegregating measures such as cross-enrolling students between predominately minority and predominately White parts of the city. Previously, race was used to balance enrollment, but since that was outlawed in

California in 1996 following Proposition 209, other geographic and socioeconomic measures are used. The third program, open enrollment, does not provide transportation and has no measures to encourage desegregation.

Examining data from 2000-2001, Koedel et al. (2009) find that VEEP and the magnet program have desegregating effects on race and parental education level. VEEP has additional desegregating effects on language. Open enrollment, on the other hand, which attracts a disproportionate amount of the White participants, tends to contribute to segregation in all domains. While the district itself is 73% minority, only 66% of the people using the open enrollment option are minority students. Notably, while VEEP and magnet programs increase the exposure of minority students to White students, open enrollment has the effect of increasing White exposure to Asians but not to Blacks or Latinos. Additionally, another important finding of this study is that “demand for school choice exceeds supply” (p. 127). The impact of this is that, while choice options are technically available, they are not able to meet all of the requests of the student population. In other words, not everyone can attend the school of their choice, although there is demand to be able to do so.

Why School Choice Segregates and Exacerbates Inequities

A number of factors are responsible for the inequity that has emerged alongside school choice programs. These factors include the different social networks and access to information that influence parental choice (Kimelberg & Billingham, 2012; Roda & Wells, 2013), the neighborhood where the school is located and the accessibility of

Latina mother enrolled her children in the neighborhood school, despite it being one of the lowest performing. Her reasons for this choice include its proximity, familiarity, and a community of other Spanish-speakers. While this story focuses on the experiences of only a few families in one city, it sheds light on many of the issues that compromise the equitable ambitions of school choice policies.

School choice programs, while proclaiming to equalize, function in a system of unequal social networks and information distribution, in which families share their knowledge and encourage or discourage people in their communities from attending various schools. As described above by Smith (2015), the middle class families in San Francisco came together to discuss their options before methodically ranking their school choices. More in-depth research reveals a similar pattern in which parental access to information leads middle class, usually White, families to make decisions that result in further intra-district segregation. Roda and Wells (2013), explore the role of “colorblind” choice policies in their study of New York City’s public schools and how parents approach the selection process. Through interviews with 59 parents, they find that, while most parents want their children to attend integrated schools and are, often, disturbed by the level of segregation they witness in public schools, the actual choices they make for their own children contribute to that segregation. Guiding their decisions are concerns about the lack of truly diverse schools, an interest in providing the “best” opportunity for their child that will procure future advantages (p. 279)—an idea that is often formed through interactions with their social peers—and the ways they collectively develop

notions of schools as either “good” or “bad” (p. 283).

Kimelberg and Billingham (2012) reach similar conclusions on the ways in which parents, even those desiring to send their children to public schools in diverse environments, often contribute to intra-district segregation. In their qualitative study, they interview 32 middle-class parents in Boston who send their children to public school or seriously considered it. They find that while these parents express the importance of diversity for their children, they also value neighborhood schools and schools attended by a substantial number of other families with similar racial and socio-economic backgrounds. These often competing interests lead to a “clustering effect” (p. 200), in which the middle class, usually White, families share information and end up attending a small number of select schools in the district. While these schools maintain racial diversity, this may, in turn, be increasing the racial isolation of the students in the remaining schools. While racial segregation reached a low level of dissimilarity in 1993-1994 in Boston (0.362, meaning that only about 36.2% of the students would need to change schools to reach racial balance), by 2010-2011, this number had increased to 0.582. Furthermore, while there has been a recent rise in the White population of Boston’s schools, they are not equally attending all schools. In fact, of the 27 (of 75) schools in which White enrollment increased between 2004 and 2011, 21 also saw a decrease in Black enrollment. Similarly, 12 schools in which Black enrollment increased also witnessed reduced White enrollment.

Even if families have equal access to information and similar desires for the type

of school their child will attend, the location of that school and their ability to get there can provide further barriers to their exercise of choice. Most charter schools, for example, are overrepresented in urban areas, which, as has been discussed in this paper, are also often sites of the most segregated neighborhoods and schools. Frankenberg et al. (2010) postulate that one reason for the overrepresentation of Black students in charter schools in every region of the country is the trend of “siting” charter schools in urban areas that are often already segregated and with high levels of poverty. In fact, over 50% of the country’s charter school students attend schools in cities. This is nearly twice the national rate of students in urban public schools (p. 57). Similarly, in Bifulco and Ladd’s (2006) study, they find that Durham, North Carolina, is home to a higher concentration of charters than other districts in North Carolina. This district also serves a population that is more than 75% minority.

Although school choice programs allow for families to select schools outside of their attendance zone, residential segregation and the tendency for families to choose neighborhood schools continue to influence enrollment patterns. Jacobs’ (2011) analysis of parental choice decisions finds that parents of all economic, racial, and linguistic backgrounds, prefer schools that are closer to their homes than those that are farther away. This research focuses on Washington, D.C., a city with high levels of residential segregation and a robust charter school presence that is equipped with regulatory measures such as a “first-come, first serve principle” (p. 469), a lottery system if demand is greater than school capacity, and free or subsidized transportation to low-income

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families. Despite these regulatory measures, he finds that parents consistently choose neighborhood schools over schools that may have better test scores or racial homogeneity, suggesting that proximity may be the most salient factor. However, Jacobs' study is one of the few studies focusing specifically on location as a factor in the choices parents make, and this topic deserves further attention before conclusions can be drawn.

While proximity may in fact largely influence parental choice, the availability of transportation is also a factor that either limits or expands the amount of choice a family has. As evidenced by Smith's (2015) example above, the middle-class family considered and ranked all of the available schools in San Francisco, while the woman living in a poor neighborhood simply selected her neighborhood school. For wealthier families, even if they do not get selected at their top school, they are more likely to be able to travel across the city or send their children to private schools (Smith, 2015). Robinson (2015) examines the transportation difficulties that influenced parental approach to school choice in Smith's (2015) study of San Francisco schools. She finds, unsurprisingly, that wealthier people with cars have more choice. Often in San Francisco, there is no convenient public transportation that can be used by families without cars. As a result, the highest performing schools have kids from all over the city who's parents can drive them to school or can find alternative ways to transport their children. The lowest performing schools, on the other hand, are increasingly drawing from families that live within a mile of the school.

Koedel et al.'s (2009) aforementioned study of the three different choice programs in San Diego suggests that access to transportation likely influenced the programs that parents chose for their children. The two programs that had overall integrating effects on the district (magnet schools and the VEEP program) also happened to provide busing to participating students. Open enrollment, on the other hand, which led to increased levels of segregation and fewer minority applicants, was the only program that did not offer transportation to its students. In turn, people dependent on district-provided transportation actually have fewer choice options than their peers who can transport themselves to any school in the district. While San Diego suggests that failure to provide busing will negatively impact the integrating effect of choice programs, districts across the country have various transportation policies, and charters vary widely in terms of the services they can offer (Frankenberg et al., 2010, p. 60). So while choice is not inherently connected to transportation struggles, this information suggests that without providing equitable transportation resources to all students, choice may be more limiting than it presents itself to be.

An additional issue that could be causing the increased segregation that accompanies school choice is the pattern of moving students from less to more segregated schools. As demonstrated above, by creating more school options, there has been a trend for both Black and White families to select charter schools attended by more people matching their own child's race and socio-economic background than what they experienced in their traditional public schools (Bifulco & Ladd, 2006; Frankenberg et al.,

2010; Garcia, 2007; Stein, 2015). The reasons for this are complicated and do not appear to be solely dependent on a desire to separate children from children of other races, particularly for the Black population. In fact, Bifulco and Ladd's (2006) research showed that Black parents, when possible, preferred more integrated schools. Black families in their study were most likely to attend charter schools in which 40-60% of the population was Black. However, these more integrated institutions are often not available, which can lead families to choose more segregated schools. In part, this lack of availability is due to the pattern of White families, who tend to choose schools that create segregating pressure. White families in Bifulco and Ladd's study, in contrast to their Black counterparts, were more likely to attend schools in which less than 20% of the population was Black and extremely unlikely to attend schools in which over 80% of the students were Black (p. 52).

Given Weiher and Tedin's (2002) research on parental preference showing that racial similarity was a less important factor for families when choosing a school for their children, there are probably other issues at play that lead families to make decisions that result in more segregation. The factors are likely not working in isolation but in conjunction with each other, much as race and class often operate alongside one another. Most influential among these factors are likely differential access to schools based on one's neighborhood and availability of transportation (Jacobs, 2011; Koedel et al., 2009), the ways in which social networks and a desire for a "critical mass" of students like one's own child lead many more privileged families to "cluster" into certain schools

(Kimelberg and Billingham, 2012), the siting of most charter schools in urban areas that are often already segregated by de facto housing segregation (Frankenberg et al., 2010), and sometimes appeals to specialty charter programs, such as those serving “at-risk” youth (Weiher & Tedin, 2002). The intersection of class, resources, school program type, social networks, neighborhood, and availability of transportation result in a de facto proclivity toward schools in which one’s own race is more highly represented.

A final issue that impacts the ways in which school choice programs are utilized by various members of a community is the rates at which they participate. Citing Orla O’Keeffe, the district’s policy director, Smith (2015) reports that 21% of African American and 15% of Latinos submit their school choice applications late or never versus 4% of Whites and 3% of Chinese-Americans. Therefore, while the design of the choice program may not intend to provide preferential treatment to Whites or Asians, the end result is that they are given priority to schools. By placing the children of these participating parents in highly desired schools, that means that fewer spaces are available to families who either fail to submit their forms or submit them late. In turn, this exacerbates racial segregation. Koedel et al.’s (2009) study of school choice programs in San Diego reached similar conclusions about differential rates of participation. While the magnet and VEEP programs attract many minority students, they are underrepresented in the open enrollment process while Whites are overrepresented. Therefore, while choice is technically available to all, how it is utilized appears to vary based on race.

School choice does not inherently have to exacerbate inequities. In fact, given

housing segregation and the ability to cross attendance or sometimes even district lines, school choice may provide some of the best options for desegregation. However, the current iteration of school choice policies predicated on neoliberal principles of privatization and competition are misguided and likely to fail. In order for them to be successful, careful and thoughtful structures must be institutionalized into choice programs that guarantee that they promote equity rather than exacerbate inequalities. For example, there must be outreach measures taken to more equally distribute information about schools and how the choice policies function to all communities. There also must be subsidized transportation that allows everyone to choose from all options. Finally, regulatory desegregation measures that aim to balance students by categories such as neighborhood, income, and parental education levels can help to alleviate some of the segregating effects of school choice policies.

Chapter 5: Recommendations for Moving Forward

It has been over 60 years since *Brown* condemned and declared illegal the intentional segregation of schools in the United States. While the notion that separate is “inherently unequal” profoundly altered the legal landscape of education, it has not been as successful in eradicating segregated schools. On the contrary, the strength of *Brown* has been dramatically limited by housing segregation, community resistance, and subsequent Supreme Court decisions. The strategies of the current education reform movement appear to be exacerbating, rather than alleviating, issues of racial and socio-economic segregation. And yet, the hopes of the Civil Rights Movement, once finally considered obtainable following the *Brown* decision, are not entirely elusive.

Desegregation in the 21st century will look substantially different. The contemporary context comes with multiple new complications. These include a multiracial population, the illegality of race-based classification systems, racially and socio-economically isolated districts, and the continued efforts to marketize education. Nonetheless, there are still some ways in which communities can pursue policies and renew efforts to integrate their schools. There is no “one-size-fits-all” approach to integration. Indeed, complex problems will inevitably have complex solutions that will need to be responsive to evolving circumstances. Nonetheless, there are several concrete and feasible ways in which desegregation can continue to be pursued by vested community members interested in reviving the hopes and promises of *Brown*.

I propose three approaches, in particular, that should be considered by desegregation advocates of the 21st century. The first concerns housing and the need to concurrently tackle both residential and school segregation. As long as residential segregation persists, particularly segregation across district lines, school integration will be seriously limited. I focus on an example from Montgomery County, Maryland, that demonstrates how one community has been able to develop a system of integrated housing while also establishing itself as a thriving school district. The second approach involves developing “controlled choice” plans with an explicit focus on integration by a variety of criteria. Jefferson County, Kentucky, and Berkeley, California, offer two examples of communities where, despite the *Parents Involved in Community Schools* (2007) decision that eliminated the use of classification systems based on an individual child’s race, they have creatively designed plans that balance parental choice with integration goals. While not applicable to every context, in particular districts with highly segregated populations, these examples, nonetheless, provide a useful model that should be adopted by districts interested in continued efforts to desegregate and improve their schools. The final approach is a (re)investment in magnet schools and dual immersion programs. Such programs, when implemented strategically and with proper oversight, can help ameliorate some of the segregation that exists both within and between districts.

Housing-School Desegregation

The first approach, housing integration, will be a fundamental component to any attempt to address school desegregation. As demonstrated in Chapter 3, the segregation of neighborhoods and the segregation of schools has been and continues to be intricately connected. Today, segregated housing remains one of the largest obstacles to successful school integration. Any comprehensive effort to integrate schools must be combined with corresponding attempts to interrupt segregated housing trends and encourage mixed income and multiracial communities. Accomplishing this goal can take many forms and will need to occur at the local, state, and federal level (Tegeler, 2015).

One example of a racial and socio-economically integrated district with integrated housing and high quality schools can be found in Montgomery County, Maryland. Montgomery County is a suburb of Washington, DC, and also one of the richest counties in the country. While wealth abounds, Montgomery County has a growing number of low income and minority students. In 2015-2016, more than 156,000 students attended the Montgomery County Public Schools (MCPS). Consistent with many other urban metropolises around the country, the White population has been slowly declining over the previous decades, while the Latino population has seen a steady increase. MCPS is now a majority minority district: 29% of the population is White, 30% is Latino, 22% is Black, 14% is Asian, and 5% of the students are multiracial. Since 2007, there has been a 53% increase in the number of students receiving free and reduced lunch, bringing the total percentage to just over a third of all of the students (Montgomery County Public Schools, 2016).

In spite of the fears that may have driven many families to flee districts serving large minority populations, the schools of MCPS are thriving. In fact, Montgomery County was named one of the five finalists for the Broad Prize for Urban Education and was recognized for its success in closing the achievement gap and increasing the rigor of classes offered to its minority students. Relative to other districts with similar demographics, the students in Montgomery County perform better on math and reading tests throughout the K-12 system. Both African American and low-income students in MCPS receive higher scores than their peers in other demographically similar districts. Montgomery County also narrowed the achievement gap between its minority (Black and Latino) and White students as well as increased the number of Black and Latino students who took Advanced Placement courses between 2006 and 2009. (Montgomery County Public Schools News Center, 2010). While standardized test results and a focus on the achievement gap are not the indisputable metric of success, how Montgomery County was able to produce these results deserves closer examination.

In addition to a strong school system serving a diverse population, Montgomery County also has some unique and beneficial housing policies that are directly connected to its educational results. In 1974, as the county witnessed a decline in affordable housing, various community groups came together to pass an inclusionary zoning law that called for the creation of a “Moderately Priced Dwelling Unit” program (MPDU). Under this program, developers were required to reserve 15% of the new units to be rented or sold at subsidized rates. As an incentive, the developers would be allowed to

develop units at 20% greater density, facilitating the creation of more housing stock in a smaller space (National Low Income Housing Coalition, 2014). Additionally, the Housing Opportunities Commission, which oversees public housing, can buy one-third of the homes developed under inclusionary zoning and make them available to low-income families. This arrangement has created over 12,000 units available to mid-income families and nearly 1,000 units that have been rented to low-income families. The housing is spread around the entire district and zones children into each of MCPS's 131 schools (Schwartz, 2011).

Montgomery County's innovative inclusionary zoning practices bring low-income, moderate-income, and wealthy families into the same communities and the same schools. This has positively impacted the academic experience of low-income students, particularly those attending the wealthiest schools. Schwartz (2011) reviews data from 850 elementary school students in Montgomery County who lived in public housing located in low-poverty or moderate-poverty neighborhoods between 2001 and 2007. Consistent with the data on the benefits of integration, Schwartz finds that low-income students attending schools in the wealthiest communities "outperform" their peers in the poorest communities¹⁸ (p. 44). Because the Housing Opportunities Commission connects

¹⁸ However, no schools in Montgomery County serve a population of extreme concentrated poverty in which more than 85% of the students are low-income. Only 5% of the schools in the district have more than 60% low-income families (Schwartz, 2011).

families with subsidized housing units through a randomized process, there is no self-selection that could account for this difference. Specifically, Schwartz found that the achievement gap between poor students at wealthy schools and their non-poor peers was reduced by half for math and by one-third for reading. She attributes these advantages both to the opportunity to attend integrated schools as well as the housing stability that is offered through the MPDU program. Furthermore, she, like Eaton et al. (1996), finds that integration trumps compensatory programs. Despite MCPS investing additional money into higher poverty schools, low-income students attending wealthier schools continued to outperform their district peers who attend schools with higher rates of poverty.

The inclusionary zoning practices of Montgomery County serve as one example of a way in which a community has worked together to address rising inequality through fair housing practices. This has led to a long-term stably integrated community, which is key to the success of continued school integration plans. Since 1974, over 400 other districts across the country have adopted similar programs to increase inclusionary zoning (National Low Income Housing Coalition, 2014). While it is commendable that hundreds of other districts have followed Montgomery County's lead, the racial and socio-economic diversity required to allow a district to operate more integrated schools, is not currently possible in all communities. In fact, districts with high levels of racial and socio-economic isolation, particularly in urban centers, will require different and broader approaches to housing policy.

To encourage the dissolution of such high concentrations of poverty, several measures can be taken. First, housing subsidy programs, similar to or different from inclusionary zoning practices, should be encouraged. In order to add weight to this encouragement, financial incentives from the state and federal government should exist for communities who work to provide affordable housing in the suburbs. All of these efforts must be combined with joint outreach programs that target populations who would reduce segregation levels of the schools.

The Office of Housing and Urban Development (HUD) should play an active role in educating families about their school options. Information can be shared through meetings with recipients of the Section 8 Housing Choice Voucher program and by providing counseling around school options and quality in different locations as well as information about how various school choice programs are organized. As demonstrated in Chapter 4, knowledge of school options and the choice system is unevenly distributed between different communities. By more strategically disseminating information about schools and the school choice process, the school knowledge gap may begin to decline. There is evidence of the benefits of HUD counseling on educational options in several cities, including Baltimore, King County, and Dallas (Tegeler, 2015).

Additionally, there must be joint efforts between HUD and the Department of Education (both at the federal and state levels) to begin thinking about how their work can be done in tandem. In particular, considerations about where new public housing units will be developed must be made with attention to the impact it will have on the

further segregation or desegregation of schools. Ideally, new public housing units should only be developed in areas with lower concentrations of poverty and academically reputable schools. This has been done successfully in a number of places including Maryland, Colorado, and New Jersey (Tegeler, 2015). Furthermore, it will be important to provide financial incentives to families to relocate into areas that would increase integration (Orfield, 1996e) and to find ways to support the integration that exists for what is, otherwise, usually only a brief period of time in “racially changing suburbs” or “gentrifying cit[ies]” (Orfield, Frankenberg, Ee, & Kuscera, 2014, p. 35).

Controlled-choice integration plans

While integrated housing should remain a long-term goal of community and policy efforts, it is still possible to have integrated schools in some communities despite continued residential segregation. Jefferson County, Kentucky, and Berkeley, California, districts with vastly different histories and demographics, offer two such examples that merit discussion in greater detail. In both the Jefferson County Public Schools (JCPS) as well as the Berkeley Unified School District (BUSD), innovation and a continued commitment to integrated, diverse schools, even in the face of the elimination of race-based classification systems, has led both districts to uphold integration efforts. Neither system is perfect, and both require continued attention to shifts in demographics and legal constraints. However, despite these imperfections, they both offer strong models that could be adopted by other districts around the country.

In 2007, the ability to desegregate schools based on race-based classifications, once the cornerstone of post-*Brown* desegregation policy, was ruled illegal. As discussed in Chapter 3, two cases, one from Seattle and one from Jefferson County¹⁹, made their way to the Supreme Court in 2007. In both contexts, families had been denied admission to their desired schools and sued their districts for impeding their Fourteenth Amendment right of equal protection under the law. While the court upheld that diversity is a “compelling interest,” the majority opinion argued against the school districts in both cases, claiming that students may not be assigned or denied entrance based on the race of an individual. These rulings have created an obstacle to desegregation plans, which, some have claimed, *Brown* may not be able to overcome (Bell, 2007; Diem, 2015; Donnor, 2011). However, despite the new limitations imposed by *PICS*, some districts have persisted in their desegregation efforts.

Jefferson County is one such example of a community that, in spite of the Supreme Court ruling, has continued its legacy as an unlikely pioneer of school desegregation. Their saga began in 1975, when the busing plan, which was designed in two weeks without community input, led to violent riots. In this plan, a required city-county merger resulted in the busing of children from the mostly Black city of Louisville

¹⁹ *Parents Involved in Community Schools v. Seattle School District No. 1* (2007) and *Meredith v. Jefferson County Board of Education* (2007). *Meredith* was included in the *PICS* case.

and the mostly White suburb of Jefferson County in the opposite direction, making sure that every school's population was composed of 15 to 50% Black students. While a number of families initially resisted and left the district, many did not. Among those who stayed, most slowly grew to accept, and at times even "embrace" and "defend," integrated schools (Semuels, 2015). Despite lifting federal oversight in 1978 and ending the court order in 2000, the merger between Louisville and Jefferson County continues as well as efforts to maintain desegregated schools (Bridges, 2016).

The desegregation plan has had multiple iterations over the years. Following the original balancing efforts through busing, the district created "Project Renaissance," which is a form of controlled choice. In this plan, a certain degree of parental choice existed by allowing families to rank their school choice preferences and then striving to meet their requests. However, final enrollment decisions were made by the district with controls that were aimed at balancing racial compositions in schools. Following the ruling in *PICS*, the controlled choice plan needed to be expanded to diversity measures beyond race. Therefore, in 2008, they developed a plan based on multiple criteria that includes race but also gives equal weight to household income and parental education (Orfield & Frankenberg, 2011b). In this plan, the city was divided into six geographic "clusters" that included students from areas "A" and "B." Schools would then attempt to balance their schools by having 15-50% of the students from "A" areas.

Unfortunately, this plan was not particularly effective. Over 40% of the schools were imbalanced, and attempts to categorize students as "A" or "B" were often

imprecise, leading to racial and socioeconomic segregation in a large number of schools. 26 schools, for example, were over 60% Black. Of these, 7 were over 80% Black (Orfield & Frankenberg, 2011b). Wanting to improve the diversity plan, JCPS contacted Gary Orfield and the Civil Rights Project in 2011, asking for help reviewing the district diversity plan and developing a program that would maximize choice considerations, reduce transportation times, and further desegregation goals. Due to the county's history of its commitment to integration, the Civil Rights Project willingly agreed to help JCPS, which is the 27th largest district in the country and serves more than 100,000 students in 155 schools in their K-12 system. While only slightly, minority students are in the majority. 49% of the students are White, 37% are Black, and 17% are "other" with a growing Latino population (Jefferson County Public Schools, 2015). In this large, diverse district, the plan developed in collaboration with the Civil Rights Project remains in place today.

The diversity plan is complex to design but relatively easy to implement (Orfield & Frankenberg, 2011b). First, they found that if JCPS were to send children to "neighborhood schools," residential segregation would immediately result in many areas of the city. Therefore, to develop their plan, they divided the city into its 540 Census blocks and evaluated each one based on three criteria: White student population, parental education levels, and household income. Each "block" is then assigned a rating of 1, 2 or 3 based on their composite diversity score. Next, using a computer program, the neighborhoods are divided into 13 "clusters" that aim to balance diversity and proximity

based on the scores of these smaller scale neighborhood-level demographics. Families may then rank their choices based on the schools within their clusters, and the district assigns students based on choice and diversity goals. This plan allows for less travel time and more precision in balancing the demographic compositions of each cluster. While not all clusters perfectly reflect the demographics of the whole city, since this would not be possible without longer transportation times, all clusters are still able to meet district diversity goals.

Jefferson County's diversity plan continues to evolve in response to community needs. While not yet perfect, the current iteration has been successful in addressing a number of issues. Most importantly, it is effectively desegregating schools. 120 of the 134 schools that do not have "special/alternative programs" fall within the desired "Diversity Index" outlined by the district (Bridges, 2016). Previously, under the A/B criteria, 40% of the schools did not serve populations that were between 15 and 50% Black, the district integration target (Orfield & Frankenberg, 2011b). Additionally, transportation, one of the major concerns noted by families (Orfield & Frankenberg, 2011a), has improved. While transporting nearly 70,000 students on 962 buses each day, the system is now more efficient and has decreased the average amount of time each student spends on a bus each day compared to prior desegregation plans (Bridges, 2016).

Most importantly, the plan is impacting the experience of students, both in terms of their academic performance as well as in less measurable ways. For example, between 2012 and 2015, academic gaps on standardized tests have declined, and the number of

students deemed “college and career ready” is now at 63% (versus 32% in 2011) (Bridges, 2016). Furthermore, survey results from the Civil Rights Project show that students in the district value the diverse education they have received. In these surveys, they found that 62% of students reported being “very prepared” for employment in a diverse setting (p. 14) and over 60% of both Black and White students reported being “very comfortable” “discussing controversial issues related to race” and working with students from different racial and ethnic groups (p. 15). While less measureable than a standardized test, these experiences position students for success in the future as they will likely work in multi-racial, diverse environments.

More than 30 years after the initial desegregation plan, the community in Jefferson County continues to show substantial support for integration. Perhaps the greatest expression of this is the continuation of their plan after the end of the federal court order and the subsequent battle by JCPS to fight for their plan all the way up to the Supreme Court (Quick & Damante, 2016). However, the support can also be seen by students’ perceptions of their own experience with diversity. Of the students who were surveyed by the Civil Rights Project, 38% of Blacks and 48% of Whites believe that they should “continue present desegregation efforts” (Orfield & Frankenberg, 2011a, p. 21). 51% and 27% of Whites believe that the district should do even more to improve diversity and equity. Only 10% of Blacks and 25% of Whites believe that desegregation plans should be abandoned.

Impressively, the same community of adults who once rioted over “forced busing” is now nearly unanimous in their support for diversity as an educational value. In fact, 89% of Whites and 95% of Blacks expressed support for the important role of diversity in their children’s “personal and academic development” (Orfield & Frankenberg, 2011a, p. 24). Furthermore, a majority of parents are satisfied both with their child’s educational quality as well as how well the assignment process worked for their own child (~70%). These high numbers are likely a result of the fact that the majority of families are assigned to one of their top choice schools (Orfield & Frankenberg, 2011b). These surveys were conducted before the latest iteration of the controlled choice plan, so current responses may be somewhat different. However, given the improvements of the new plan, one might reasonably expect that responses would be even more positive.

A controlled choice integration policy also exists in Berkeley, California, a city that is politically, geographically, and demographically quite different from Jefferson County. Berkeley is a medium-sized city with around 100,000 people, 9,000 of whom are students in the Berkeley Unified School District (BUSD). There are 11 elementary schools, 2 middle schools, one high school, and one continuation high school. While many members of the community are highly educated and wealthy, this is not the case for all residents. In fact, 41% of the students qualify for free and reduced lunch (Chavez & Frankenberg, 2009). Furthermore, Berkeley is a racially diverse city where just over half of the population is White. In recent years, there has been an increase in Latino, Asian,

and multiracial residents, and over one-eighth of the students are English Learners. Berkeley also has intense residential segregation, one of the main reasons that necessitated a more ambitious diversity plan.

Berkeley, like Jefferson County and the rest of the country, must make student assignments on a more complex set of factors that extend beyond a child's individual race. They, however, had to begin this process in the 1990s. Despite being the first major school district to voluntarily desegregate in 1968 through a "two-way busing system" (Berkeley Public Schools, n.d.), by the 1980s, the city had partitioned itself into small, segregated enclaves. In fact, many White families were leaving the public school system, and over half of the elementary schools were disproportionately Black (Chavez & Frankenberg, 2009).

In the 1990s, the school district tried to address rising segregation by attempting to balance schools based on three categories: White, Black, and Other. However, in 1996, following the passage of Proposition 209 by the state of California, discriminatory or "preferential treatment of any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting" was declared illegal (American Civil Rights Institute, 2014). Therefore, more than a decade before the rest of the country, Berkeley was required to reconsider its student assignment policies.

In 2000, with support from the district, input from the community, a specially formed Student Assignment Advisory Committee, as well as the technical skills of a

parent and software developer, Bruce Wicinas, Berkeley designed one of the most innovative controlled choice programs that was then later closely replicated in Jefferson County. As in Kentucky, Berkeley's program built off of their program in the 1990s following the passage of Proposition 209 and consists of a combination of parental choice with balancing measures. Similarly, they partitioned their city into 445 smaller units known as "planning areas." These areas encompass four to eight city blocks, which is smaller than that covered by a typical Census tract. These planning areas were then given a composite score (1-3) based on parent education level, parent income level, and percentage of minority students (Berkeley Public Schools, n.d.).

The city was then divided into three relatively equal zones that attempted to balance student population, enrollment availability in the included elementary schools, and racial makeup. During the school enrollment process, parents may rank their three top choices and are given preference for schools in their own zone but may also apply to schools in other areas. The district then assigns students using the "Assignware" software developed by Bruce Wicinas, trying to give families their highest ranked choice while simultaneously tending to balancing measures such that there is a proportionate number of students from each of the three "planning area" groups relative to their total representation in the zone (Chavez & Frankenberg, 2009). The plan was first implemented in 2004 and currently applies only to the 11 elementary schools in the district. The goal is for none of the three measures (race, income, education) to deviate by 5-10% from the total proportion of the population in the zone. For example, if a

school in zone 1 consists of planning areas that are 50% 1s, 30% 2s, and 20% 3's, the school should also reflect that ratio (within 5-10%).

Berkeley's diversity plan has been largely successful in terms of meeting its goals and maintaining community support. This is evidenced by the fact that 77% of the families with school-age children choose to send their children to BUSD. Among those families, 76% receive their first choice school, 8% their second choice school, and 9% their third choice. Only 7% of applicants do not receive any of their top three choices. Meanwhile, it also appears to be effectively creating diverse schools. In 2007, at the time of an extensive study of the plan, each of the 11 elementary schools fell within 10 percentage points of the goal. When narrowing the deviation to 5%, only one school had a disproportionate number of White and Asian students, while four schools were disproportionately Black, and seven were disproportionately Latino. In terms of economic integration, two schools did not fall within the 10% deviation and 6 were imbalanced when the deviation was reduced to 5% (Chavez & Frankenberg, 2009). While this suggests that there is still work to do to make the district completely equitable, particularly along socio-economic lines, these numbers are still impressively low and indicative of the efficacy of the plan.

Key to the success of the Berkeley plan is that the district has invested in making every school an option that parents will want for their children. While some differences inevitably exist between schools in terms of size, test scores, and facilities, one of Berkeley initial goals that accompanied the diversity plan was to ensure "school-site

equity” and a diverse teaching staff (Chavez & Frankenberg, 2009, p.21). There is a “base” level in terms of curriculum, resources, and teaching staff that can be found at every school. This prevents the “clustering effect” described by Kimelberg and Billingham (2012) in Boston that can then lead to increasing disparities between schools as some become more or less coveted by middle class families. Furthermore, while the national trend is for schools with greater concentrations of minority students to be taught by less experienced teachers (Adamson & Hammond, 2011; Clotfelter, Ladd, & Vigdor, 2005), in Berkeley this is not the case. Gary Orfield notes that, “These newer [desegregation] plans clearly disprove the claim that we must chose between educational quality and integration” (Chavez & Frankenberg, p. iii). While the plan is not complete and there is evidence of some level of disparity between schools, Berkeley’s model is a strong starting point from which to work toward further equity.

While JCPS and Berkeley offer compelling models that should be adopted by other districts around the country, the plans are not a panacea. In fact, there are a number of ways in which the plans still have room for improvement. Primarily, despite significant outreach efforts by both of the district—including online information, pamphlets, fairs, school visits, help centers, and follow-up phone calls in Berkeley—inequitable access to information persists. In 2011, only 70% of the families in Jefferson County were aware of the district desegregation plan (Orfield & Frankeberg, 2011a). In Berkeley, 91% of White families participated in the first assignment deadline, while only 69% of Latinos and 47% of Black families did so. Furthermore, while White and Black

families typically rank three schools of preference, only 59% of Latinos did so in 2007, implying that there may be miscommunication about how the system works. Choice systems, which present themselves as “neutral” exist within unequal networks and knowledge distribution that inevitably provide different information to different people depending on their points of access.

Furthermore, both districts have faced multiple legal battles by their states that have aimed to terminate the programs. In Kentucky, in 2011 and 2012, the state tried to end the busing program (Quick & Damante, 2016). Berkeley, on the other hand, has faced lawsuits challenging the legality of the plan itself. The first occurred following Proposition 209, which led to a plan that took the new legal constraints into consideration. Under the newly developed plan, when challenged again in 2007 and 2009, the California Appellate Court found that, since the classification systems are based on zones and not on the traits of individual students, the plan is constitutional (Yang, 2009).

In addition to these considerations, it will be fundamental for any district wishing to replicate the model to gain a core amount of community support prior to its implementation in order to guarantee the success and longevity of the diversity goals. As evidenced by history, when communities are not included in the formulation of a plan, the likelihood of resistance is great. Even in Berkeley, which is considered one of the most liberal “bubbles” in the country, acceptance of the integration plan took effort, commitment, and community engagement in order to be carried out. In fact, there was

initial resistance by many families to the most current diversity plan. Bruce Wicinis, the software engineer who created the innovative program now used by BUSD, describes the period in which the plan was being developed as being on the brink of a “civil war” (McEvoy, 2016). People in different parts of the residentially segregated city had their own ideas of how the city should move forward. Some families were angry that race would no longer be a central consideration (Chavez & Frankenberg, 2009). Due to significant push-back that is likely to arise in any community, the diversity goals must be balanced by choice measures, which parents from all backgrounds increasingly desire (Orfield & Frankenberg, 2011a). Bridges (2016) notes that what makes the JCPS diversity plan a “North star that can guide” other districts is their ability to “balanc[e] choice with equity to ensure diversity.”

Choice and the groundwork needed to gain community support will be central to the success of any new diversity plan. While buy-in is important, Quick and Damante (2016) caution that there is an additional need to act quickly before too much opposition can build. They cite the Memphis, Tennessee, example, in which talks of an inter-district merger led to delays, protests, the formation of small independent districts in the suburbs, and the ultimate abandonment of the plan. So it will be a balancing act for districts to simultaneously be inclusive, thoughtful, and methodical in the development of a plan while also being swift and decisive. Spending too long developing a plan may permit too much opportunity for the most vocal of critics to dominate and possibly prevent its

initiation. Community support can be gained through education about the positive impacts of integrated schools and by interrupting false information.

Jefferson County and Berkeley offer two examples of effective diversity plans that are still possible despite contemporary limitations to *Brown*. Critics who suggest that desegregation “does not work” or has failed may be unaware of the ways in which there are, in fact, places where desegregated school systems are thriving. While these programs are imperfect and cannot be replicated in all districts, particularly districts with intensely segregated populations, they can still offer an important roadmap or a new way of confronting desegregation in many communities. There are at least 1,000 districts similar in size to Berkeley, California (Chavez & Frankenberg, 2009). They could easily adopt a similar plan. Furthermore, despite the sobering data on current segregation levels presented in Chapter 2, it is important to note that there are still many districts across the country that serve diverse populations. If districts are willing to operate across county lines, as they have done in Jefferson County, the options expand greatly. Districts such as these, that contain either the demographics or the political will, should work toward adopting a similar model and implementing it in their own context.

Magnets and Dual Immersions

A third key approach to encourage integration within and across districts is the expansion of magnet schools and dual immersion programs. Magnet schools are publicly-funded schools with specialized programs such as a focus on international studies, performing arts, or Science, Technology, Engineering, and Math (STEM). The

specialized focus is intended to attract a diverse body of students who are seeking an educational experience beyond the regular curriculum that can be expected at any public school. Unlike charter schools, magnets must follow the same sets of laws and standards as traditional public schools. They originated in the 1970s as part of the Emergency School Aid Act, which sought ways to undo school segregation (Eaton & Crutcher, 1996). Part of their appeal has been that they are voluntary and therefore desirable by parents seeking choice and control over their educational options.

In addition to the voluntary aspect, one major benefit of magnets is the ability to enroll students across districts and reduce some of the impact of inter-district residential and school segregation. Hartford, Connecticut runs one of the most well-established inter-district magnet school programs that was designed in response to their mandatory desegregation order with the explicit intention of “support[ing] racial, ethnic, and economic diversity” while simultaneously providing high quality education to its students (Connecticut State Department of Education, 2016). By creating unique programs, magnet schools have the potential to draw families from different areas (either from the suburbs into the city or between racially isolated districts) and overcome some of the hurdles of residential segregation. Furthermore, although not guaranteed, popular magnet schools located in cities could encourage suburban families to relocate closer to the school, thereby contributing both to school and residential desegregation.

While magnet schools have great potential to be agents of desegregation, it is with some caution that I recommend this approach. In order for magnets to realize their

promises, regulations and oversights must be in place. One example that leads to this caution can be found in Eaton's (1996) case study of the schools of Montgomery County, Maryland, where she examines the rise of magnet schools and their connection to school segregation. While some successes have been obtained, a number of worrisome patterns have also arisen. First, within the examined magnet schools, there tended to be a secondary segregation that occurred through "tracking" (Oakes, 1985) or the practice of placing children in classes of different academic rigor, usually along class and race lines that both reflect and perpetuate the results of unequal educational, economic, and societal opportunities. Second, Eaton observed that White parents at Blair High School, one of the largest magnet programs in the county, transferred their children out of the schools more quickly than they transferred them in. Third, consistent with the findings in other choice programs, there was unequal dissemination of information about the schools to various members of the Montgomery County community. This example sheds light on the ways that, without more outreach, regulations, and oversight, magnets alone will not provide a "miracle cure" (Eaton & Crutcher, 1996) for desegregation. Furthermore, magnets may detract resources away from other public schools, which should never be the goal of any program, even if it is successful in creating a desegregated school.

The other school design approach would be to increase dual immersion programs. Dual immersion programs are language programs that allow English-speaking children and English learners to become bilingual and biliterate in the same classrooms. Dual immersion programs have demonstrated themselves to be the most academically effective

learning environments for English Learners while simultaneously providing substantial social and academic benefits to English-speaking students (Thomas & Collier, 2012; Valentino & Reardon, 2015; Umansky & Reardon, 2014; Lindholm-Leary & Hernández, 2011). They are also, by design, dependent on a diverse classroom, at least linguistically. An ideal classroom would have 1/3 native English speakers, 1/3 native Spanish (or another language that is offered in the program) speakers, and 1/3 bilingual students. While these proportions are optimal, they can be challenging to obtain without outreach and additional oversight. In order to guarantee balanced classrooms, it is necessary to have some district-level process that informs parents of their options and screens students by language prior to enrollment. Furthermore, educating people, in particular the English Learner community about the benefits of dual immersion education, will be a necessary step to creating a long-term stably diverse student population. One additional complication of dual immersion programs is that there is a severe shortage of teachers qualified to work in dual immersion settings. In a survey conducted by the Council of the Great City Schools in 2013, nearly half of all the responding districts said they had, or anticipated within the next five years, a shortage of teachers qualified to work with English Learners (Uro & Barrio, 2013). Despite the various barriers that exist, dual immersion programs offer a unique opportunity for integration that should be explored when possible.

Final Considerations

In the last chapter of my study on school desegregation, I have provided concrete ways in which local communities and the government can work to increase levels of integration. However, it is important to note that integration itself is not enough to bring about equality or educational excellence. It is a critical starting place, given the historical evidence that separate schools are unlikely to ever be equal. However, of paramount importance is a commitment to making every school excellent in terms of funding, curriculum, treatment of students, and staffing. Even the most integrated school will only be successful if it is also a “high quality” school. What it means to be a high quality school will vary depending on the person who is asked. However, there are some central principles and practices that are necessary to make schools excellent in general and, more specifically, excellent as integrated institutions.

Betsy DeVos, the first Secretary of Education under the Trump administration, promotes an agenda predicated on the notion of school choice. By providing parents with vouchers and increasing charter schools, she, and those aligned with her approach, believes that education will improve (Hobban, 2017; PBS NewsHour, 2017). However, what it will take to reform schools is not a mystery, is not a new innovative program, and also is not going to occur through unregulated “choice” policies which have been shown to lead to greater segregation and inequities. On the contrary, there are several practices that have been known to improve education both in the United States and abroad. These practices are not “quick-fixes” or “miracle cures.” Rather, they will take substantial investments in time and resources.

In 2007, McKinsey and Company, a global management and consulting firm, released a report examining the central components that are in place in all of the world's leading school systems. They identified three areas that are critical to building a strong educational system. These include hiring excellent teachers with a record of academic success, training them to be "effective instructors" through ongoing, high-quality professional development, and guaranteeing that every child at every school has access to these teachers and this instruction (Barber & Mourshed, 2007, p.13). As they note, the development of strong schools is dependent on recruiting, training, and retaining the most desirable teachers. It is critical to strengthen the profession by enhancing the rigor of teacher preparation programs, fairly compensating teachers for their labor, giving them more autonomy over their craft, and eliminating fast-track programs (such as Teach for America) into the profession (Barber & Mourshed, 2007; Darling-Hammond, 2010; Darling-Hammond, 2012; Kirp, 2013; Ladd, 2012; Ravitch, 2013; Sahlberg, 2007). Additional evidence-based practices include integration, focusing explicitly on poverty and closing the income gap, investing equitably in schools, building strong curriculum, enhancing access to high-quality pre-school, afterschool, and summer programs, and creating more dual immersion schools (Barber & Mourshed, 2007; Darling-Hammond, 2010; Darling-Hammond, 2012; Kirp, 2013; Ladd, 2012; Ravitch, 2013; Sahlberg, 2007; Thomas & Collier, 2012).

Looking ahead, true educational reform must be accompanied by economic reforms. Current education policies largely fail to address economic inequality, which is

central to a child's academic experience. Ladd's (2012) review of educational achievement data shows that economic disparities are inextricable from academic discrepancies. She shows how the achievement gap between poor and wealthy children in the U.S. is even greater than that between Black and White students²⁰. Furthermore, even in countries with esteemed educational systems, such as Finland and South Korea, an achievement gap exists depending on the socioeconomic status of their students. Many of the issues faced by students in poor, segregated schools that impede their ability to be academically successful, such as unstable housing, financial strains, and limited access to healthcare (Rothstein, 2013; Rothstein & Wilder, 2005), are economic issues at their core.

While these considerations will all be important in the creation of a high-quality school system, there are specific reforms that must be made in response to a racially, ethnically, socio-economically, and culturally diverse student population. In the communities that are able to desegregate their schools, the work does not stop with integration. There must also be culturally responsive curriculum that is reflective of and relevant to the students in the classroom. Furthermore, the recruitment of more teachers of color will be a critical step in desegregating teaching staff alongside the students. Currently, over half of the United States' 50 million students enrolled in public schools are non-White (NCES, 2015a). However, of the more than 3.1 million teachers who

²⁰ This statement is made with the understanding that there is a relationship between race and class, as discussed in chapter 2.

teach them, over 80% are White (Goldring, Gray, & Bitterman, 2013). This is an especially salient statistic given the displacement of Black teachers that occurred in the aftermath of *Brown*. While it is important for children of many backgrounds to learn alongside each other, it is equally important for children to learn from teachers of diverse backgrounds and teachers with a vested interest in working with a student population that is becoming increasingly non-White. Finally, ongoing diversity and anti-bias training, which were practices in the 1960s and 1970s that accompanied desegregation efforts, need to become re-institutionalized so that teachers can consistently develop their capacity to serve all of their students equitably and thoughtfully.

Integrated schools must make efforts to avoid reproducing the inequalities of society within the walls of the school. A full exploration of this topic is outside the scope of this study, but a few key points bear mentioning. In order to avoid internal systems of separation, tracking and other academic disparities must be monitored and eliminated, when possible. Systems within the school must be set up so that parents of all backgrounds can become involved in decision-making processes. Also, there must be oversight of ways that discipline is enacted throughout the school. Since the Obama administration, the Office of Civil Rights has investigated districts across the country in response to their finding that Black students, males in particular, are disproportionately suspended and expelled. This pattern begins in preschool. Although Black preschoolers in 2014 composed only 18% of the total preschool population, they made up 48% of the students who were suspended more than once. Later, in the K-12 system, Black students

are three times as likely as their White counterparts to be expelled or suspended (U.S. Department of Education, 2014). Given these trends, desegregation is only the beginning. Integration offers great possibilities but must be done thoughtfully, with continued efforts to combine diversity goals with the principles of equity and justice that led to the decision behind *Brown*.

Conclusion

Over sixty years ago, *Brown v. Board of Education* (1954) changed the course of civil rights in the United States. The indictment of separate schools as inherently unequal dealt a major blow to the apartheid conditions that existed legally in the South and *de facto* throughout many places in the rest of the country. In response, although it took nearly a decade, there was a brief period of judicial and political commitment to the ideals of *Brown*. During this period in the 1960s and early 1970s, a number of court rulings, congressional acts, and executive decisions gave *Brown* the teeth it needed to set desegregation in motion. As districts faced the withholding of federal funds, they were obligated to begin complying with their desegregation orders. Although active governmental support began to unravel in 1974 with the *Milliken I* decision, the precedent that had been set during the 1960s continued to shape school desegregation policy for the next few decades.

During this brief window of time when school districts began finding ways to desegregate their schools, a number of benefits emerged. A significant body of empirical research demonstrates that the Black population that attended schools during the height of desegregation did better in school and had lower incarceration rates, higher lifetime earnings, and better health. Of significance is that all of these benefits came at no cost to the White population. Furthermore, additional evidence suggests that people working in diverse environments experience a number of social advantages, including an increased comfort with and ability to work in diverse settings. Given the increasingly multiracial

and multiethnic population in the United States, this is a necessary skill for a functional democratic system.

While the evidence suggesting the value of desegregation is convincing, it was not the act of attending school with White children that likely brought about these benefits. Rather, it was access to resources, better funding, and social capital. However, unfortunately, there were certain costs that accompanied the legal eradication of separate schools. In particular, Black schools with all-Black teachers, which had once been the bedrock of many communities, were dismantled. As these schools were considered inferior to their White counterparts, many Black teachers lost their jobs, and the Black community was often excluded from decision-making positions about how desegregation should proceed. Of note is that once desegregation plans began to be enacted, Black children disproportionately bore the burden of being bused out of their communities in order to make integration possible. The social and psychological impacts of this experience merit further study.

Despite the legitimate costs of *Brown*, which must be considered in any future desegregation efforts, integration has nonetheless demonstrated itself to be the best route toward educational equity this country has ever had. Given the potential of desegregation, it is concerning that segregation levels, despite improving for a few decades, appear to be getting worse. In 1954, at the end of the era of *Plessy v. Ferguson* (1896), when separate was still legally presumed to be capable of being equal, over 40% of all students in the United States studied in legally-sanctioned segregated schools

(Clotfelter, 2004). Today, nearly 40% of both Blacks and Latinos attend schools in which over 90% of their classmates are other minority students (Orfield et al., 2014).

While segregation trends in 1954 and 2017 share some alarming similarities, they do not imply that desegregation orders were not implemented or have been abandoned all together. Instead of district culpability, several significant changes have occurred that have contributed to the stubborn persistence of school segregation. Most importantly, the demographic landscape of both the country and its schools has dramatically shifted. The original court decision was made along Black-White lines. Today, not only has the non-White population increased, but the country has become a multiracial society, with a rapidly growing Latino population, in particular. Demographic shifts and discriminatory housing patterns have led to racial, and often socio-economic, isolation. While variation exists in different regions of the country, there is a general trend in which large minority populations live in urban areas and some majority minority suburbs, while White populations tend to be self-isolated in the suburbs. In many districts, the ability to attend integrated schools is virtually impossible due to these high levels of racial and socio-economic isolation. Even in gentrifying urban areas, or cities with more diverse populations, current choice policies appear to be exacerbating segregation, rather than taking advantage of an opportunity for racial and socio-economic integration.

Given the high levels of segregation that continue to define schools in the United States, it may be surprising to learn that national surveys demonstrate an increasing comfort with sending one's children to integrated schools (Orfield & Eaton, 1996;

Orfield et al., 2014). In fact, in 2007, 95% of all parents expressed the belief that Black and White students should attend schools together. This compares to 98% of suburban families in the 1970s who opposed integration (Quick & Damante, 2016). Unfortunately, beliefs and actions do not always align, and there are several historical precedents that have contributed to the patterns of segregation witnessed in today's schools. These include subsequent Supreme Court decisions that undermined *Brown's* potential, segregated housing patterns, and resistance from the White community.

The first factor, the judicial unraveling of *Brown*, began in 1974 with *Milliken I*. In this decision, mandatory inter-district desegregation plans were deemed illegal unless there was proof that the other district, usually a suburban one surrounding a racially isolated urban core, made decisions that intentionally led to segregation. Given the demographic trends of racially isolated cities, *Milliken* severely limited the scope of desegregation. The 1990s bore witness to several more cases, most notably *Dowell* (1991), *Pitts* (1992), and *Jenkins II* (1995) that unraveled the interpretation of unitary status, which had previously been granted to districts once they could demonstrate proof of successfully desegregating their schools. By loosening standards, the trend has been for an increasing number of districts to seek and be granted unitary status, despite a continuation in many cases of separate and unequal schools. The final nail in the judicial coffin occurred in *Parents Involved in Community Schools v. Seattle School District No. 1* (2007), which eliminated race-based classification systems, once the cornerstone of *Brown*.

The second factor that has impeded *Brown's* ability to deliver on its promises is the history and continuation of segregated housing. Through redlining, the denial of federally-backed mortgage loans, and the siting of public housing in the inner city, housing segregation has become deeply entrenched in U.S. society. Furthermore, while *de jure* discrimination is often needed for proof in court, the history of housing discrimination in this country provides testimony to the false binary of *de jure* vs. *de facto* practices. Many formerly legal practices have transformed into current realities. Historical patterns and the inequitable distribution of wealth that homeownership—or the denial thereof—created in American society, lives on in today's communities and the schools that children attend. While housing segregation has declined slightly in recent years, it still remains stubbornly high. Without housing integration, school desegregation will likely face many formidable obstacles.

The third central impediment to *Brown* is the White resistance that emerged in response to desegregation efforts. This resistance took many forms, including political evasion and the refusal to implement court orders for nearly a decade. Violent responses erupted in many White communities when more rigorous federal enforcement began and, in particular, when Black students started being bused into “White” schools. While less insidious than throwing bricks at buses filled with Black children, White flight has perhaps been the most effective form of resistance to desegregation. Many White families simply left districts with orders to integrate and relocated to the suburbs where, due to

housing segregation, minority populations were low or non-existent. As a result, *Brown* has become unenforceable in many communities.

These three main factors successfully undermined integration plans, and desegregation efforts began to wane by the 1990s. In their place, a new approach to education reform had already begun to emerge. This new approach, which continues to dominate education reform discourse, is neoliberal in nature, guided by market-driven principles. Tenets such as choice, competition, and privatization inform contemporary approaches to school reform. One popular method, which, under Trump administration Secretary of Education Betsy DeVos appears likely to continue to be central to education policy, is the use of school choice programs such as vouchers, charter schools, and district ranking systems. A significant body of empirical evidence demonstrates that unregulated choice policies appear to increase segregation levels both by race and socio-economic class. In addition to exacerbating segregation in schools, there is no conclusive evidence that choice policies improve academic achievement. To the contrary, while there are some exceptional examples, charter schools, in particular, appear to be no better or worse than the average traditional public school.

Since 1954, the civil rights victory once embodied by *Brown* has lost a great deal of its potential. The most current iteration of education reform rarely mentions economic inequality or segregation. However, despite the limitations and contemporary approach to education policy, there are communities that have continued to strive for the ideals of equity and justice embodied by *Brown*. These communities have found innovative ways

to integrate housing or design diversity plans that are legal even in the face of the *PICS* decision. While the battle ahead for desegregated schools will face many hurdles—including segregated housing, judicial limitations, and continued resistance by White communities, at times overt and other times more subtle through the choices parents make in the presumed best interest of their own child—hope remains for *Brown*.

Given the belief in desegregated schools now expressed nearly unanimously throughout the country, the ideological starting point from which school desegregation can be reimagined has several advantages that were absent in 1954. However, in order to successfully re-approach school desegregation policy, several conditions must be met. First, it is critical that the connection between school and housing segregation is addressed at the local, state, and federal levels. Without simultaneously addressing housing segregation, school desegregation will face enormous obstacles. Second, as can be seen in Montgomery County, Maryland, Berkeley, California, and Jefferson County, Kentucky, community support is a central ingredient to the success of any integration effort. Groups committed to eradicating inequalities in their communities will play central roles in building grass-roots movements and pressuring local and state decision-making bodies to enact policies that address the core issues of “failing schools,” including segregation and economic disparities.

The final condition that must be met when considering school reform and the resurgence of desegregation efforts pertains to the development of a fundamental framework that articulates the role of schools in society. This understanding can then

serve as the foundation of and ideology driving education policy. Bridges' (2016) study of the Jefferson County School District quotes Dena Dosset, the Chief of Data Management, Planning and Program Evaluation. In reflecting on the decades of sustained effort to create what has become the nation's most effective and long-lasting model of school integration, Dosset states that the question guiding their commitment is not "What do we want the [students] to do?" Rather, it is "Who do we want our children to be?" This question should be central to the development of the framework that will then inform education policy in the United States as we make decisions about the direction of our schools and the future of all of our children.

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