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BROWN AT 62:
SCHOOL SEGREGATION BY RACE, POVERTY AND STATE

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Civil Rights Project / *Proyecto Derechos Civiles*, UCLA

May 16, 2016

As the anniversary of *Brown v. Board of Education* decision arrives again without any major initiatives to mitigate spreading and deepening segregation in our nation's schools, the Civil Rights Project adds to a growing national discussion with a research brief drawn from a much broader study of school segregation to be published in September 2016. Since 1970, the public school enrollment has increased in size and transformed in racial composition. Intensely segregated nonwhite schools with zero to 10% white enrollment have more than tripled in this most recent 25-year period for which we have data, a period deeply influenced by major Supreme Court decisions (spanning from 1991 to 2007) that limited desegregation policy. At the same time, the extreme isolation of white students in schools with 0 to 10% nonwhite students has declined by half as the share of white students has dropped sharply. This brief shows states where racial segregation has become most extreme for Latinos and blacks and discusses some of the reasons for wide variations among states. We call the country's attention to the striking rise in double segregation by race and poverty for African American and Latino students who are concentrated in schools that rarely attain the successful outcomes typical of middle class schools with largely white and Asian student populations. We show the obvious importance of confronting these issues given the strong relationship between racial and economic segregation and inferior educational opportunities clearly demonstrated in research over many decades.

The Civil Rights Project has issued many reports on these enrollment changes and their impacts on segregation of schools across the country in the last 20 years.¹ We have done that because of massive and growing research evidence that (1) segregation creates unequal opportunities and helps perpetuate stratification in the society and (2) diverse schools have significant advantages, not only for learning and attainment but for the creation of better preparation for all groups to live and work successfully in a complex society which will have no racial majority.²

In the last quarter century, the public school enrollment has both grown substantially in size and diversity. From 1990 to 2013, the number of American public school students has grown from 41.2 to 49.9 million.³ Over a similar time period, the racial composition of the schools changed

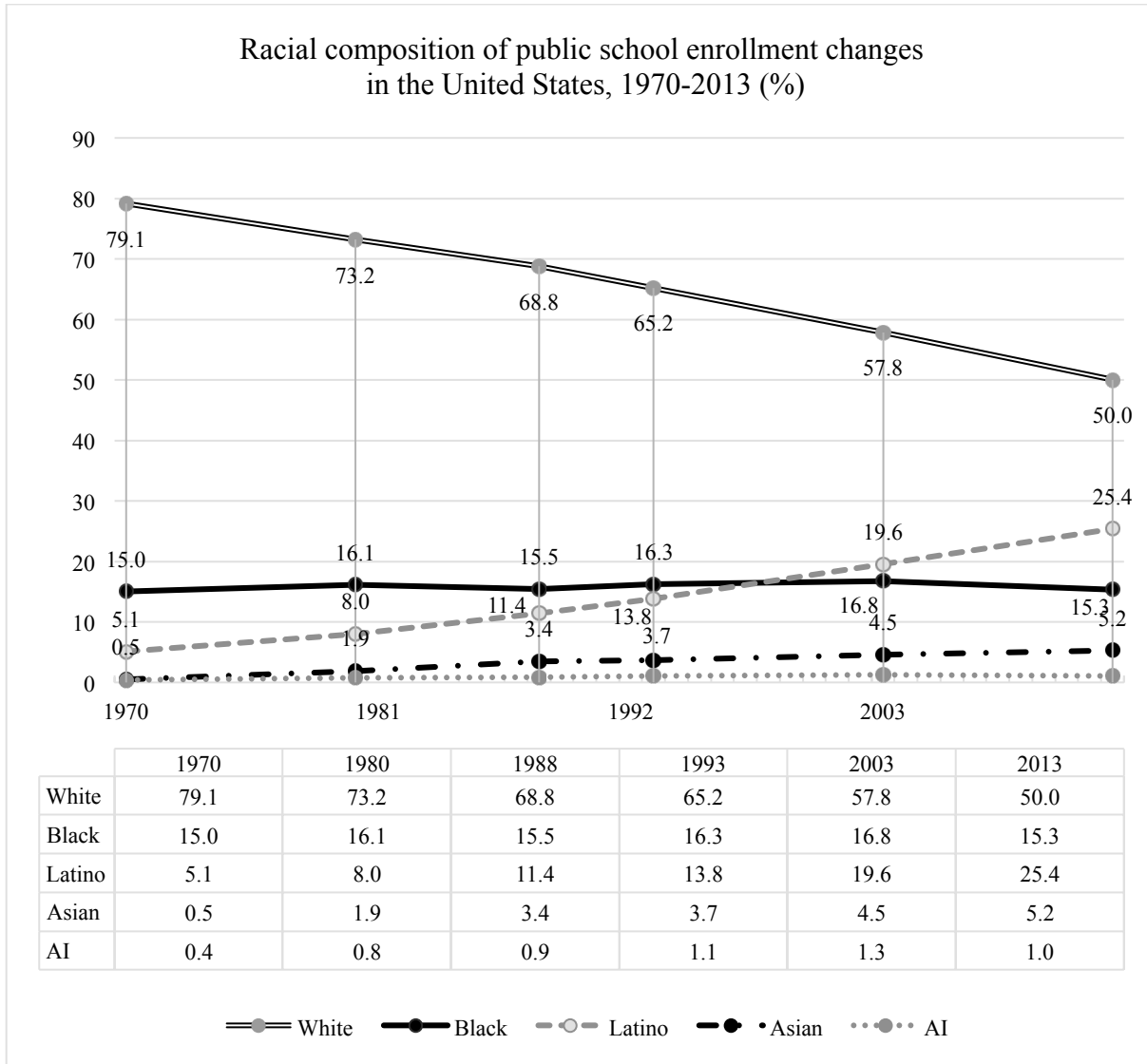
¹ The Civil Rights Project's reports on national, regional and state trends are available at <https://civilrightsproject.ucla.edu/>.

² U.S. Department of Education and Department of Justice, Guidance, Dec 2011. Available at <https://www2.ed.gov/about/offices/list/ocr/docs/guidance-ese-201111.html>

³ Enrollment in public elementary and secondary schools, by region, state, and jurisdiction," *National Center for Education Statistics*, accessed May 14, 2016, http://nces.ed.gov/programs/digest/d14/tables/dt14_203.20.asp

dramatically, falling from 69% white to 50% white. The share of Latino students during this time soared from 11% to 25%, while the black share of the enrollment remained around 15%. Asian students climbed from 3% to 5% of the enrollment. Obviously the country’s schools are experiencing a massive, multiracial transition and data suggest those changes will continue, faster in some regions than the others. The implications of these trends are profound, and include, in no small part, how public school teachers and leaders should be recruited and prepared for this changing enrollment.

Figure 1: Racial composition of public school enrollment in the United States, 1970-2013



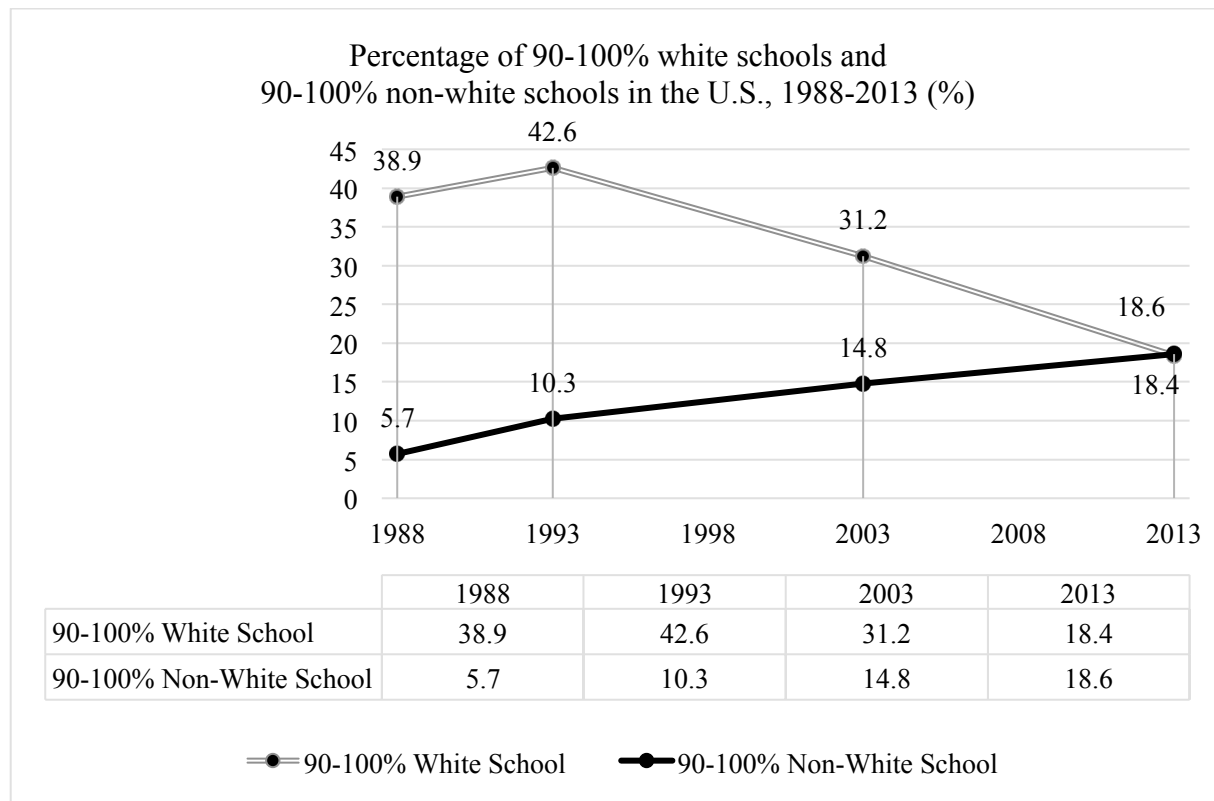
Source: U.S. Department of Education, National Center for Education Statistics, Common Core of Data (CCD), Public Elementary/Secondary School Universe Survey Data. Data prior to 1991 obtained from the analysis of the Office of Civil Rights data in Orfield, G. (1983). *Public School Desegregation in the United States, 1968-1980*. Washington, D.C.: Joint Center for Political Studies.

Note: AI refers to American Indians.

Racial segregation changes

The year 1988 was the high point of desegregation for black students in terms of the share of students in majority white schools. By 1991, an increasingly conservative Supreme Court authorized the termination of desegregation plans,⁴ beginning a period of continuously increasing segregation for black and Latino students that continues through our latest year of data. Figure 2 shows that, during the quarter century since the high point in 1988, the share of intensely segregated nonwhite schools (which we defined as those schools with only 0-10% white students) more than tripled, rising from 5.7% to 18.6% of all public schools. Even as the resegregation was taking hold, there was a sharp decline in the percent of segregated white U.S. schools that have a tenth or fewer nonwhite students, dropping from 38.9% to 18.4%. The result of these diverging trends is that whites can perceive an increase in interracial contact even as African American and Latino students are increasingly isolated, often severely so.

Figure 2: Percentage of intensely segregated schools, 1988-2013



Source: U.S. Department of Education, National Center for Education Statistics, Common Core of Data (CCD), Public Elementary/Secondary School Universe Survey Data.

⁴ *Board of Education of Oklahoma City Public Schools v. Dowell*, 498 U.S. 237 (1991).
Brown at 62: School Segregation by Race, Poverty and State
Civil Rights Project/Proyecto Derechos Civiles, May 16, 2016 (revised May 23, 2016)

Most segregated states

For many years, the Civil Rights Project has been publishing lists of the states where African American and Latino students have been most severely segregated. We have consistently found New York and Illinois to be at or very near the top of the list, often with Michigan and New Jersey close behind. At a time in which the new federal education law, Every Student Succeeds Act (ESSA), grants considerable oversight to states, state policy is increasingly important as a means to provide incentives to address segregation.⁵

The states that have moved into the top of this list include Maryland, where there has been substantial residential resegregation in large parts of suburbia, and California, where the proportion of whites in the total statewide student population has declined drastically while the proportion of Latinos has soared, leaving fewer possibilities for significant integration for students of color. The relative decline in the ranking of Michigan, which was often up with Illinois and New York as most segregated, probably relates to the drastic shrinkage of the Detroit Public Schools and suburbanization of black families in that metropolitan area.

Because of the dramatic changes in southern segregation produced by the enforcement of the 1964 Civil Rights Act, none of the 17 states that completely segregated schools by law (e.g., the type of mandatory segregation that was the focus of the *Brown* decision) have headed this list since 1970—in spite of the fact that twelve of them have higher shares of black students than the most segregated states today. The ironic historic reality is that the decisions of the U.S. Supreme Court supported very demanding desegregation standards for the South while the interpretation of Supreme Court decisions and federal legislation limited the impact of *Brown* in the North and West. This was a massive oversight since segregation in those regions resulted from residential segregation, itself a result of a myriad of governmental policies and private decisions like segregative school and teacher assignments by school boards, discriminatory housing policies, and other local and state policies. The Supreme Court issued its first school segregation decision outside the South almost two decades after *Brown*. A year later, its *Milliken v. Bradley* decision on metropolitan Detroit protected most suburban districts from participation in urban desegregation remedies.

Table 1: Most segregated states for black students, 2013-14

Black exposure to white students		Percentage of black students in 90-100% non-white schools		State percentage of black enrollment	
New York	15.7	New York	65.8	Mississippi	49.3
California	17.4	Illinois	59.6	Louisiana	42.3
Illinois	18.2	Maryland	53.7	Georgia	37.0
Maryland	19.0	New Jersey	49.2	South Carolina	35.0
Texas	21.0	Michigan	48.7	Maryland	34.1
New Jersey	22.9	California	47.9	Alabama	33.5

⁵ Gary Orfield, (2016). A Great Federal Retreat: The 2015 Every Student Succeeds Act. *Education Law and Policy Review* 3, 273-297.

Georgia	23.9	Wisconsin	45.3	Delaware	31.2
Nevada	25.1	Pennsylvania	45.3	North Carolina	25.9
Mississippi	25.2	Mississippi	45.2	Virginia	23.2
Michigan	26.4	Tennessee	44.3	Tennessee	22.8
Florida	26.7	Texas	43.3	Florida	22.4
Tennessee	27.9	Georgia	43.1	Arkansas	20.9
Pennsylvania	28.5	Alabama	42.1	Michigan	17.7
Connecticut	28.6	Missouri	41.4	New York	17.7
Louisiana	29.1	Ohio	37.8	Illinois	17.4
Wisconsin	29.1	Florida	34.4	Missouri	16.2
Alabama	29.6	Louisiana	33.2	Ohio	16.1
Ohio	30.2	Rhode Island	32.0	New Jersey	15.9
Indiana	32.1	Indiana	29.8	Pennsylvania	14.8
Missouri	32.2	Connecticut	27.5	Connecticut	12.8

Source: U.S. Department of Education, National Center for Education Statistics, Common Core of Data (CCD), Public Elementary/Secondary School Universe Survey Data.

Note: Data for the table above excluded Hawaii and Alaska due to their distinct populations. The District of Columbia was not counted as a state.

California, New York, and Texas have the nation's highest segregation for Latino students. In both California and Texas, the majority of the state's students are Latino and there is a rapidly declining minority of white students, accounting for much of the decline in the share of white classmates for a growing number of Latino students. In Texas, as across the Southwest, African American students now typically attend schools with far more Latinos than black students. New York has only half as high a proportion of Latino students, 24%, but severe residential segregation of both Latinos and African Americans may explain why New York's Latino students are so segregated. California's Latino students have less contact with white students than either Latinos or African Americans in any state. Other studies by our Project show that the epicenter of this segregation is in the greater Los Angeles area.⁶ There were few efforts to desegregate Latino students through court orders or Office for Civil Rights enforcement actions after their rights to desegregation remedies was belatedly recognized by the Supreme Court nearly two decades after *Brown* in the 1973 *Keyes* decision. *Keyes* was not enforced by the Nixon Administration, and desegregation plans focusing on Latino student desegregation that did exist have now been largely dismantled. With a vast growth of Latino population, a sharp decrease in the white share of enrollment, especially in some key states, and no serious policy efforts to change neighborhood or school assignment patterns, this pattern of Latino segregation has continually intensified. What is surprising is the spread of very high segregation of Latinos in some states with a far lower proportion of Latinos in the statewide total enrollment, including in Rhode Island, Maryland, Pennsylvania, and Massachusetts.

⁶ Orfield, G. & Ee, J. (May 2014). *Segregating California's Future: Inequality and its Alternative 50 Years after Brown v. Board of Education*. Los Angeles: Civil Rights Project/ Proyecto Derechos Civiles; Orfield, G., Siegel-Hawley, G. & Kucsera, J. (2011). *Divided we fail: Segregation and inequality in the Southland's schools*. Los Angeles: Civil Rights Project/Proyecto Derechos Civiles.

Brown at 62: School Segregation by Race, Poverty and State
Civil Rights Project/Proyecto Derechos Civiles, May 16, 2016 (revised May 23, 2016)

Table 2: Most segregated states for Latino students, 2013-14

Latino exposure to white students		Percentage of Latino students in 90-100% non-white schools		State percentage of Latino enrollment	
California	15.4	New York	56.8	New Mexico	60.9
Texas	17.6	California	56.5	California	53.2
New York	20.4	Texas	53.7	Texas	51.7
New Mexico	20.5	Rhode Island	49.5	Arizona	43.9
Maryland	25.5	Illinois	44.9	Nevada	40.6
Nevada	25.5	New Jersey	42.5	Colorado	32.5
Illinois	25.7	Maryland	40.4	Florida	30.1
Arizona	25.8	Arizona	40.3	Illinois	24.7
New Jersey	25.9	New Mexico	34.7	New York	24.4
Rhode Island	27.8	Florida	31.5	New Jersey	24.1
Florida	28.0	Pennsylvania	30.4	Rhode Island	22.7
Georgia	33.0	Georgia	29.1	Oregon	21.9
Connecticut	34.4	Massachusetts	28.3	Washington	21.4
Massachusetts	34.5	Nevada	25.8	Connecticut	20.9
Colorado	37.3	Connecticut	19.7	Kansas	18.4
Oklahoma	38.4	Colorado	18.7	Nebraska	17.3
Virginia	38.7	North Carolina	15.0	Idaho	17.0
Delaware	38.8	Michigan	14.3	Massachusetts	16.6
Pennsylvania	38.8	Wisconsin	13.4	Utah	15.8
North Carolina	41.3	Washington	13.2	Oklahoma	15.0

Source: U.S. Department of Education, National Center for Education Statistics, Common Core of Data (CCD), Public Elementary/Secondary School Universe Survey Data.

Note: Data for the table above excluded Hawaii and Alaska due to their distinct populations. The District of Columbia was not counted as a state.

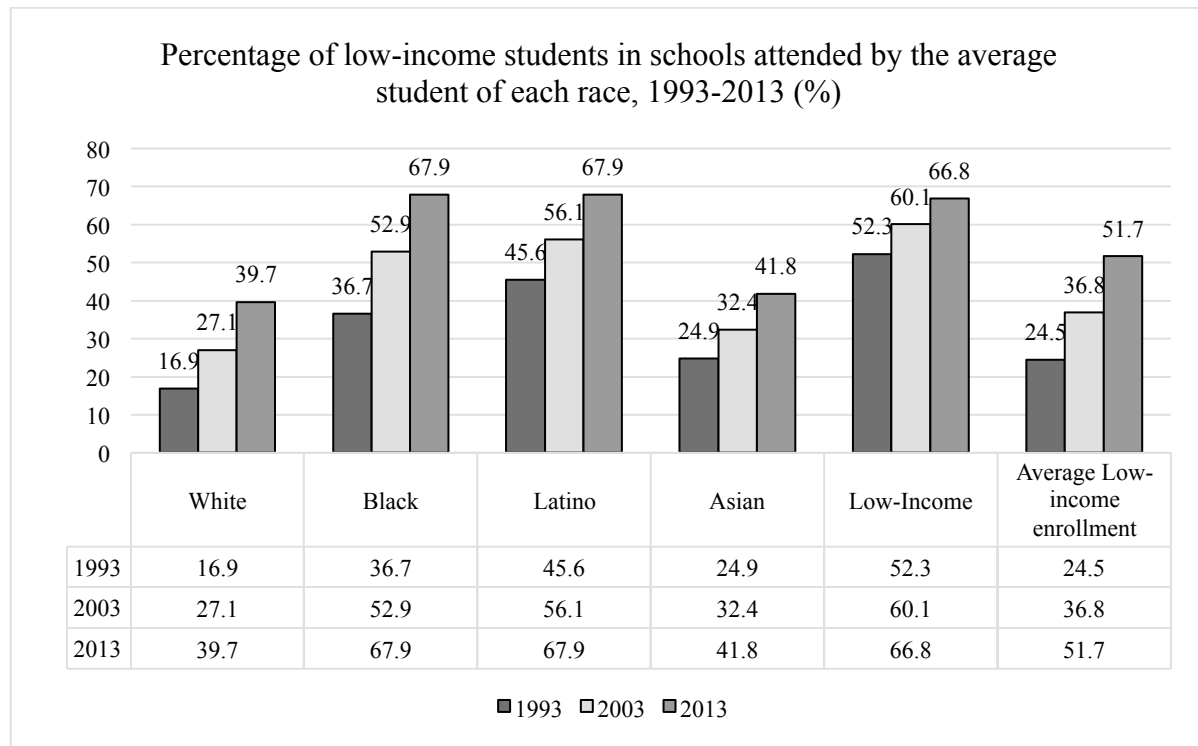
Double segregation by race and economic status

Both racial and poverty segregation create educational challenges for students and are related to unequal opportunity. Many schools are affected by both at the same time in a pattern our reports have called double segregation. When students are socialized in schools in which few students have benefited from the advantages and power that middle class families possess and exercise on behalf of their children, they are poorly prepared for a society where colleges/universities and good jobs are strongly white and middle class institutions. The informal contacts that develop in schools and neighborhoods and that often lead to better information, contacts, and opportunities also remain segregated. This is how segregation perpetuates racial isolation and inequality.

The statistics we report in Figure 3 show that all racial groups are experiencing a stunning increase in the average share of poor students attending their schools. This massive increase in poverty and near-poverty that makes students eligible for free and reduced prices lunches reflects the lack of mobility and declining real incomes experienced by many millions of U.S. families in the last generation. Over a 20-year period, the proportion of poor students (as defined by federal standards for subsidized or free lunch eligibility) in the school of the typical white student has

shot up from 17% to 40%, which is actually higher than the school poverty level was, on average, for black students at the beginning of the same period. Black students at that time were in schools where low income students made up 37% of their peers. In 2013, that same figure for black students is 68%, identical to the number reported for Latino students. Two decades ago Asians experienced more contact with poor classmates than whites but now the numbers are almost the same. Black and Latino students were in the most impoverished schools two decades earlier but those schools had a clear majority of non-poor classmates. Now the pattern is reversed, so that black and Latino students attend schools with substantial majorities—two-thirds—of poor classmates. This double segregation means serious isolation from racial and class diversity and exposure to the many problems that systematically afflict poor families and communities.

Figure 3: Percentage of low-income students in schools attended by the average student of each race, 1993-2013



Source: U.S. Department of Education, National Center for Education Statistics, Common Core of Data (CCD), Public Elementary/Secondary School Universe Survey Data.

Conclusion

This research brief begins to illustrate the complex patterns we will be systematically exploring in our September report. It shows how very far we are from the dream of the *Brown* decision and the civil rights era, and how long we’ve been moving backward on these issues. As our country becomes much more nonwhite and poor, the nation’s public schools face continually greater challenges as they struggle to meet the needs of students from families with fewer and

fewer resources to prepare and launch their children into adulthood. This is a fundamental challenge for the American future and has been almost totally neglected in this year's presidential campaign. While some local districts and regional coalitions are trying to reduce racial isolation and create schools, they have had little congressional support since the Emergency School Aid Act (ESAA) 45 years ago provided much needed financial resources for the work. ESAA spurred districts across the country to implement desegregation policies in order to be eligible for crucial money for new educational options, retraining staff, and improving race relations at the school level.⁷ ESAA, along with the Civil Rights Act and Elementary and Secondary Education Act during the mid-1960s, illustrate the ways in which federal legislation can bring about fairly rapid changes in desegregation even in districts actively opposed to such efforts.

The challenge of segregation grows each year and takes on more urgency nonwhite students make up half of all students, yet it has been a long time since it was approached with vision to further integration and to provide the needed resources to do so. Instead, we have spent decades trying another approach: policies that have focused on attempting to equalize schools and opportunity through accountability and high-stakes testing policies, not to mention the federal subsidization of entirely new systems of school choice, like charter schools, without any civil rights provisions. These policies have not succeeded in reducing racial segregation or inequality. In our last national examination of charter schools, for example, we found that the percentage of black students in 90-100% minority schools was *twice* as high as that of black students in traditional public schools.⁸

It is time to provide some real solutions to the famous proposition of the Supreme Court in *Brown*, which 62 years of subsequent experience has shown to be true: "Separate educational facilities are inherently unequal." There is ample knowledge now to take positive steps to bring students of different racial and economic backgrounds together without coercion in positive diverse settings. And there is plenty of evidence that many parents desire these types of diverse schools for their children.

In the past year, we have seen encouraging signs that the federal government is focusing more attention on segregation and its many related harms. From the increased use of the bully pulpit, to civil rights guidance, to prioritizing diversity in recent grant competitions, to modest but important 2017 budget proposals designed to encourage voluntary integration, the Obama Administration has begun to slowly reverse decades of federal inattention and often outright resistance to desegregation. The Administration released important guidance in 2011 clarifying that districts could implement race-conscious student assignment policies, although much more technical assistance is needed to help districts, advocates, and states understand how to design

⁷ In 2009, Congress authorized a very small, \$2.5 million competitive grant program, Technical Assistance for Student Assignment Policies, to assist districts in redesigning their student assignment policies. Though the funds were eagerly sought, it was not renewed beyond the eleven districts that got two-year grants.

⁸ Frankenberg, E., Siegel-Hawley, G., & Wang, J. (February 2010). *Choice without Equity: Charter School Segregation and The Need For Civil Rights Standards*. Los Angeles: Civil Rights Project/ Proyecto Derechos Civiles.

district and state policies (including those for charter schools) to further diversity in a comprehensive manner.

We look forward to the forthcoming report of a major study of these issues by the Government Accountability Office (GAO), the highly influential agency that monitors federal programs and policy for Congress. This is the first major Congressional review of school desegregation since the monumental hearings and report of the Senate Select Committee on Equal Educational Opportunity chaired by Senator Walter Mondale. This is a very important step and we commend the GAO and the members of Congress, Rep. Bobby Scott, Rep. John Conyers, and former Rep. George Miller, who requested the study. Action by Congress would greatly help school districts who need resources for voluntary efforts to avoid resegregation and create lasting, successfully diverse schools. This research brief in honor of the *Brown* anniversary, the latest in a series of regular reports that the Civil Rights Project has issued on this topic, complements the GAO report in focusing on growing segregation, adding a longer time dimension of examining the intensifying contemporary segregation patterns by analyzing data since 1970. We hope that this brief, along with our forthcoming major study this fall and the GAO's systemic analysis of school segregation help to provide a foundation for a dawning era of bold, comprehensive approaches to address intensifying racial and economic segregation.

The need for governmental action is urgent, and while the Obama Administration's recent efforts are an encouraging first step, the magnitude and complexity of these issues requires more substantial efforts. Given the expanding and deeply rooted nature of segregation highlighted here, the sustained focus of all three branches and levels of government is desperately needed. It will also take efforts beyond schools, such as serious economic strategies to raise the income of families so that they have enough money to pay for their children's school lunches and meet other basic needs.

Intense racial separation and concentrated poverty in schools that offer inferior opportunities fundamentally undermine the American belief that all children deserve an equal educational opportunity. Segregated schools build and sustain a segregated society. As we become diverse at a level never before experienced, the costs of segregation become unacceptable. A turn toward the vision of *Brown* becomes more imperative. We need to create schools that build a society where the talent of all is developed and students of all races/ethnicities are prepared to understand and live successfully in a society that moves beyond separation toward mutual respect and integration.

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