Brown At 50:
King's Dream or *Plessy's* Nightmare?

BY

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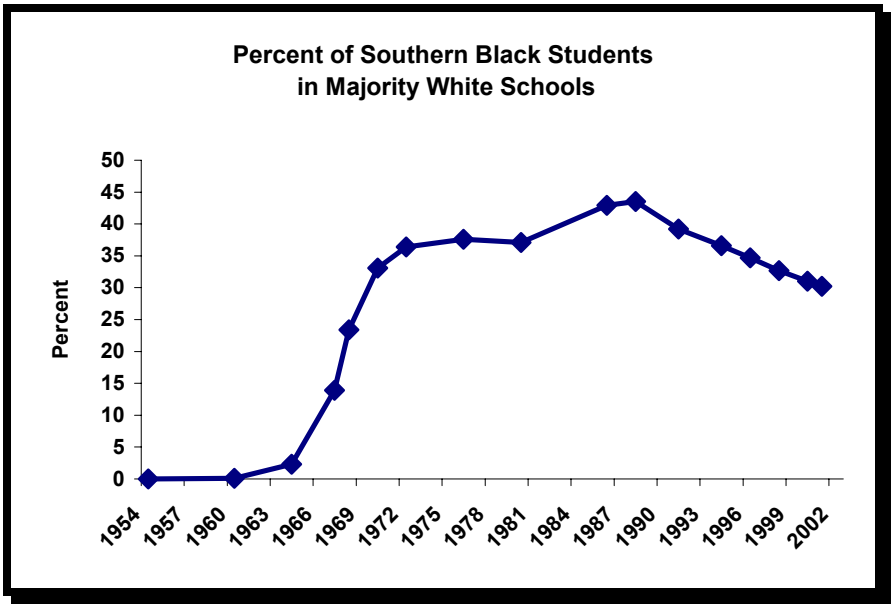

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This report is dedicated to all the students and teachers, parents and community leaders, civil rights lawyers, judges, school officials, and others who worked so hard to end segregation and discrimination and create truly integrated schools over the past half century.

EXECUTIVE SUMMARY

A half-century after the Supreme Court found that segregated schools are "inherently unequal," there is growing evidence that the Court was correct. Desegregated schools offer tangible advantages for students of each racial group. Our new work, however, shows that U.S. schools are becoming more segregated in all regions for both African American and Latino students. We are celebrating a victory over segregation at a time when schools across the nation are becoming increasingly segregated.

This report examines a decade of resegregation from the time of the Supreme Court's 1991 *Dowell* decision, which authorized a return to neighborhood schools, even if that would create segregation, through the 2001-2002 school year. It goes beyond our previous reports to study the impact of resegregation in districts whose where court orders have been ended and includes new data on the present situation of the four communities involved in the first *Brown* decision a half century ago as well as of a number of districts whose subsequent cases produced decisive changes in the law of school desegregation. It also considers the very different desegregation levels in communities of differing sizes. Finally, it reviews the broad sweep of segregation changes nationally, regionally, and by state since the 1954 *Brown* decision. It shows that the movement that began with the Supreme Court decision has had an enduring impact but that we are experiencing the largest backward movement in the South, where the court decisions and civil rights laws had produced the most integrated schools in the nation for three decades.

Major findings include:

- In many districts where court-ordered desegregation was ended in the past decade, there has been a major increase in segregation. The courts assumed that the forces that produced segregation and inequality had been cured. This report shows they have not been.

- Among the four districts included in the original *Brown* decision, the trajectory of educational desegregation and resegregation varies widely, and it is intriguing that three of the four cases show considerable long-term success in realizing desegregated education.

- Rural and small town school districts are, on average, the nation's most integrated for both African Americans and Latinos. Central cities of large metropolitan areas are the epicenter of segregation; segregation is also severe in smaller central cities and in the suburban rings of large metros.

- There has been a substantial slippage toward segregation in most of the states that were highly desegregated in 1991. The most integrated state for African Americans in 2001 is Kentucky. The most desegregated states for Latinos are in

the Northwest. However, in some states with very low black populations, school segregation is soaring as desegregation efforts are abandoned.

- American public schools are now only 60 percent white nationwide and nearly one fourth of U.S. students are in states with a majority of nonwhite students. However, except in the South and Southwest, most white students have little contact with minority students.

- Asians, in contrast, are the most integrated and by far the most likely to attend multiracial schools with a significant presence of three or more racial groups. Asian students are in schools with the smallest concentration of their own racial group.

- The vast majority of intensely segregated minority schools face conditions of concentrated poverty, which are powerfully related to unequal educational opportunity. Students in segregated minority schools face conditions that students in segregated white schools seldom experience.

- Latinos confront very serious levels of segregation by race and poverty, and non-English speaking Latinos tend to be segregated in schools with each other. The data show no substantial gains in segregated education for Latinos even during the civil rights era. The increase in Latino segregation is particularly notable in the West.

- There has been a massive demographic transformation of the West, which has become the nation's first predominantly minority region in terms of total public school enrollment. This has produced a sharp increase in Latino segregation.

School segregation is not inevitable. We discuss policies that could reverse these trends. The language in the Supreme Court's recent decision on affirmative action and the integration of higher education offer some real hope for improvement.

Introduction: Dreams and Realities

Fifty years after the *Brown* decision, the nation is now far more diverse, Southern apartheid has been defeated, and there is increasingly powerful evidence of the benefits of integration for students of all races. The legacy we are celebrating, however, is mixed and the future is uncertain. The anniversary should be a time for thinking about lessons learned and opportunities that this generation may be losing.

For more than a decade, we have been headed backward toward greater segregation for black students. For Latinos, who have recently become the largest group of minority students, segregation has been steadily increasing ever since the first national data were collected in the late 1960s. The Supreme Court said nothing about Latinos until nineteen years after *Brown* and there never was any significant enforcement of desegregation for Latinos. Both groups tend to be segregated in high poverty schools that are deeply unequal in measurable ways.

We now have a massive migration of black and Latino families to our suburbs, but the migration is producing hundreds of newly segregated and unequal schools and frustrating the dream of middle class minority families for access to the most competitive schools. The process of spreading segregation threatens suburban communities with problems like those that ghettoization brought to larger and larger parts of central cities. We have embarked on major expansions of educational choice but without the basic civil rights tools developed nearly 40 years ago that are essential to assuring that choice fosters rather than undermines the goal of *Brown* decision. Both charter schools and private schools are even more segregated than our public schools.[1]

Brown and the enforcement of civil rights laws deeply changed the experience of blacks in the South but the desegregation impulse in the North was weak, uncertain, and constrained by the Supreme Court. For many years now integration has been greatest in parts of the South and the most intense segregation has been in the great metropolitan areas of the North. Now black communities in every part of the country are experiencing increasing segregation, though nowhere near the level of the pre-civil rights South.

There have been no significant policy initiatives to foster desegregated schooling for thirty years. Most recent initiatives in assessment, accountability and choice purport to solve the problems of minority children while ignoring or even intensifying segregation.

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[1] Frankenberg, E. and Lee, C. *Charter Schools and Race: A Lost Opportunity for Integrated Education*, Cambridge, MA: The Civil Rights Project at Harvard University, 2003; Reardon, S.F., & Yun, J.T. *Private School Racial Enrollments and Segregation*, Cambridge, MA: The Civil Rights Project at Harvard University, 2002.

Achievement gaps have grown. If we are to have integrated schools we need a new commitment by educators and national, state and local leaders.

Brown and King's Dream of Justice

Martin Luther King made his first important national address on the third anniversary of the Supreme Court's *Brown* decision, at the Lincoln Memorial at the Prayer Pilgrimage for Freedom. Speaking to a much smaller crowd at the same place where he would give his immortal "I Have a Dream" speech six years later, King spoke of the *Brown* decision as "simple, eloquent and unequivocal" and a "joyous daybreak to end the long night of enforced segregation." But, he said, there was "ominous" opposition to this "noble and sublime decision" and southern states were in "open defiance." He called for a national movement and legislation to give blacks the political power to support enforcing their newly recognized rights.[2] For King desegregation was not only a social goal but a profoundly moral and spiritual mission.

> There are at least three basic reasons why segregation is evil. The first reason is that segregation inevitably makes for inequality. There was a time that we attempted to live with segregation. …there was always a strict enforcement of the separate without the slightest intention to abide by the equal.…
>
> But even if it had been possible to provide the Negro with equal facilities in terms of external construction and quantitative distribution we would have still confronted inequality… in the sense that they would not have had the opportunity of communicating with all children. You see, equality is not only a matter of mathematics and geometry, but it's a matter of psychology….The doctrine of separate but equal can never be….
>
> But not only that, segregation is evil because it scars the soul of both the segregated and the segregator…. It gives the segregated a false sense of inferiority and it gives the segregator a false sense of superiority. …It does something to the soul….
>
> Then there is a third reason why segregation is evil. That is because it ends up depersonalizing the segregated….The segregated becomes merely a thing to be used, not a person to be respected. He is merely a depersonalized cog in a vast economic machine. And this is why segregation is utterly evil and utterly un-Christian. It substitutes an "I/It" relationship for the "I/Thou" relationship.[3]

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[2] James M. Washington, ed. *A Testament of Hope: The Essential Writings and Speeches of Martin Luther King, Jr.*, New York: Harper San Francisco, l986, pp. 197-200.

[3] Martin Luther King, Jr, "Desegregation and the Future," speech National Committee for Rural Schools, December 15, l956.

When we celebrate Martin Luther King Day, children in our schools often recite the "I Have a Dream" speech as if it were a reality, and see films of King speaking to the vast crowd around the reflecting pool before the Lincoln Memorial in 1963. Part of the dream he gave the country that day was his dream that *Brown* would become real in the schools of the South.

Students are rarely told that Dr. King also had a nightmare, which he discussed in one of his last public appearances just ten days before his assassination. King saw the ghetto and its schools as a nightmare for black society: "In every city," he said, "we have a dual society…. In every city, we have two housing markets. In every city, we have two school systems. This duality has brought about a great deal of injustice…."[4]

He had a nightmare that a betrayal of the promise of *Brown* and the civil rights laws would undermine those who had committed themselves to struggle for justice, turning those who believed in the Constitution into cynics. In his last book, *Where Do We Go From Here? Chaos or Community,* he wrote about the experience of being booed by some young black radicals after twelve years of dedicating his life for civil rights.

> For twelve years I, and others like me, had held out radiant promises of progress. I had preached to them about my dream. I had lectured to them about the not too distant day when we would have freedom, "all, here and now." I had urged them to have faith in America and in white society. Their hopes had soared. They were now booing …because we had urged them to have faith in people who had too often proved to be unfaithful. They were hostile because they were watching the dream that they had so readily accepted turn into a frustrating nightmare.[5]

King's last great community campaign was in Chicago, which he saw as the launching pad to change the racial inequities of the great urban complexes of the North. He went to Chicago soon after his triumph in the voting rights marches in Alabama. He first began his work in Chicago leading giant school desegregation demonstrations and ultimately came to focus on housing segregation as the root of a system of inequalities he concluded was even more deeply rooted than Southern apartheid. One reason the Chicago Freedom Movement is not as celebrated as are the Birmingham and Selma campaigns and the March on Washington is that there were no real triumphs and the basic patterns of segregation did not change. Chicago was and is one of the nation's most segregated metropolitan communities; the Midwest and the state of Illinois have been consistently among the nation's most segregated in terms of their schools. So it is in this report, showing how incomplete the task is a third of a century after King died for the civil rights movement.

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[4] James M. Washington, ed. *A Testament of Hope: The Essential Writings and Speeches of Martin Luther King, Jr.*, New York: Harper San Francisco, l986, pp. 667.
[5] Ibid, p. 583.

We cannot celebrate Dr. King and the birthday of *Brown's* promise without thinking about what happens if the dream becomes a nightmare. Words that Dr. King spoke in 1956 resonate today: "…We must face the tragic fact that we are far from the promised land in the struggle for a desegregated society. Segregation is still a glaring fact in America…. History has proven that social systems have a great last minute breathing power and the guardians of the status quo are always on hand with their oxygen tents to keep the old order alive."[6] Dr. King would doubtless have been surprised that fifty years after *Brown* we would have a Chief Justice, William Rehnquist, who has consistently opposed school desegregation cases and an Attorney General, John Ashcroft, who made much of his political career in Missouri attacking the federal courts' efforts to desegregate St. Louis and Kansas City.[7]

Segregation is not growing now because we have learned that desegregation failed, or that American families have turned against it.[8] In fact, there is now vastly more information on the benefits of desegregation than anyone had during the civil rights era and public opinion has actually become more favorable.[9] Nor is school segregation growing for blacks because housing segregation has increased. Housing actually became modestly less segregated for blacks during the l980s and l990s.[10]

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[6] Martin Luther King, Jr, "Desegregation and the Future," speech National Committee for Rural Schools, December 15, l956.

[7] Justice Rehnquist, as a clerk to Justice Jackson during the original *Brown* case, wrote a memo arguing that the Court should uphold *Plessy v. Ferguson,* which he claimed in his confirmation hearings expressed not his personal views but those of his Justice. President Nixon's Counsel, John Dean, who was intimately involved with the selection and the confirmation of Rehnquist, has written a book concluding that Rehnquist lied (John Dean*, The Rehnquist Choice*, New York: The Free Press, 2001). In fact, of course, Jackson was part of the unanimous decision on *Brown.* Rehnquist was a consistent and intense opponent of school desegregation in his votes as a Justice (Sue David, *Justice Rehnquist and the Constitution*, Princeton: Princeton University Press, 1989, pp. 59-61). Until Rehnquist joined the Court all major desegregation decisions had been unanimous after *Brown* until he dissented in the l973 *Keyes* case, setting out arguments for what would become a new anti-desegregation majority in the l990s after he became Chief Justice. John Ashcroft, as Attorney General and Governor of Missouri, continuously attacked the federal courts managing the Missouri cases and fought to limit the state's contribution to the remedy after the courts found the state government to be the "primary constitutional violator" (Adams v. U.S. 620 F.2d 1277 (1980), Liddell v. Bd. of Education 667 F.2d 643 (8th Cir.) *cert. denied* 454 U.S. 108(1981). After many failures, those efforts had partial success in the Rehnquist Court's l995 Kansas City decision, authored by the Chief Justice, holding that the state need no longer pay for the remedy even if the educational damage caused by segregation had not been cured (*Missouri v. Jenkins* , 515 U.S. 70 (1995).

[8]The most recent Gallup Poll found in 1999 that 60% of Americans believe that more should be done for desegregation "Gallup Poll Topics: Education, " (Gallup Poll, qn23 July 1999). Five years earlier, the year after the Supreme Court had authorized a return to segregated schools, 60% had also believed that more should be done (Gallup Poll, Question qn34, April 1994). Furthermore, in a 1998 survey conducted by Public Agenda, less than one-tenth of Blacks and only one fifth of whites said that it was "not too important" to have "a diverse student body with kids from different ethnic and racial backgrounds." (Farkas, S., Johnson, J., Immerwarh, S., & McHugh, J. *Time to Move on: African-Americans and White Parents Set an Agenda for Public.* New York: Public Agenda, 1998).

[9]Ibid. qn21, July 1999. 67% of Americans said that desegregation had improved Black education and 50% said that it had improved education for whites.

[10] Logan, J. "Ethnic Diversity Grows, Neighborhood Integration Lags Behind." Albany, NY: Lewis Mumford Center, 2001.

Now, of course, it is also clear that the issue of school segregation is not about the need to include a relatively small minority of African Americans, mostly in the South, in the mainstream of our schools; it has become one of helping our schools serve a student body where two of every five students are "minorities" and of preparing our children for a society that is in the midst of a great transformation.

Future historians will doubtless be incredulous that much of the energy in this period was devoted to dismantling desegregation where it was a clear success and in developing ways to harshly sanction segregated minority schools, which almost always had concentrated poverty and many forms of educational inequality, when their test scores were lower than middle class white suburban schools. Yet this is what is happening as our states publish required lists of "failing" schools, which all too often are schools segregated by race and poverty. Some of these failing schools have only recently resegregated in places where successful desegregation plans have been terminated by the same courts that ordered them in the past. In some states the federal No Child Left Behind Act is branding very large numbers of urban minority schools as failures and threatening harsh sanctions against them.

This year of celebration should give us an opportunity to think about what we have learned, to look as closely as possible at both the gains brought about by school desegregation and the reality of the ground that has been lost in the last generation as schools are increasingly resegregating.

The most hopeful sign of a new recognition of the enduring importance of the principles in *Brown* came in the sweeping language of the Supreme Court's most important civil rights decision in a generation, the June 2003 *Grutter v. Bollinger* decision upholding affirmative action in higher education. Justice O'Connor's majority opinion concluded that "numerous studies show that student body diversity promotes learning outcomes, and 'better prepares students for an increasingly diverse workforce and society, and better prepares them as professionals.' "These benefits," she concluded, "are not theoretical but real, as major American businesses have made clear that the skills needed in today's increasingly global marketplace can only be developed through exposure to widely diverse people, cultures, ideas, and viewpoints....What is more, high-ranking retired officers and civilian leaders of the United States military assert that, '[b]ased on [their] decades of experience,' a 'highly qualified, racially diverse officer corps ... is essential to the military's ability to fulfill its principle mission to provide national security.' ...To fulfill its mission, the military … must train and educate a highly qualified, racially diverse officer corps in a racially diverse setting.' We agree that '[i]t requires only a small step from this analysis to conclude that our country's other most selective institutions must remain both diverse and selective.'"[11]

The Court strongly reaffirmed some of the basic goals of *Brown v. Board of Education* in its 2003 decision. It writes:

[11] *Grutter v. Bollinger,* 123 S.Ct. 2325 (2003).

> "We have repeatedly acknowledged the overriding importance of preparing students for work and citizenship, describing education as pivotal to 'sustaining our political and cultural heritage' with a fundamental role in maintaining the fabric of society. *Plyler v. Doe*, 457 U. S. 202, 221 (1982). This Court has long recognized that 'education ... is the very foundation of good citizenship.′ *Brown v. Board of Education*, 347 U. S. 483, 493 (1954). For this reason, the diffusion of knowledge and opportunity through public institutions of higher education must be accessible to all individuals regardless of race or ethnicity. Effective participation by members of all racial and ethnic groups in the civic life of our Nation is essential if the dream of one Nation, indivisible, is to be realized."

> "…diminishing the force of such stereotypes is both a crucial part of the Law School's mission, and one that it cannot accomplish with only token numbers of minority students. Just as growing up in a particular region or having particular professional experiences is likely to affect an individual's views, so too is one's own, unique experience of being a racial minority in a society, like our own, in which race unfortunately still matters."

The Court's decision in *Grutter*, was not, of course, about public K-12 schools but it was about the compelling need for integrated institutions in a profoundly multiracial society, and the legitimacy of taking race into account to achieve the goal of integration needed to obtain the benefits of diversity for all students. It explicitly relied upon and built upon the logic of *Brown*, not as something that was over, but as a living basic principle of American life. It went beyond *Brown* in finding successful integration a necessity for the American economic system and even national security. Nothing so positive about the compelling necessity of interracial education had been said by the Supreme Court for three decades. This vision is inconsistent with the reality of resegregation documented in the following pages. The *Grutter* decision assured colleges and universities of their ability to pursue affirmative action, but also expressed the hope that improvements in lower levels of education would make such policies unnecessary within 25 years.

Ironically, however, rapid resegregation is denying equal opportunities to pre-college students and deepening the inequalities of their preparation. Moreover, the statistics required by the No Child Left Behind Act are dramatically documenting these inequalities by identifying "failing" schools, which all too often are schools segregated by race and poverty. It will be very important for courts and policy makers to face up to this contradiction in the coming years. It will surely resonate in the next round of decisions and arguments about the compelling need for diversity in our public schools, which educate a vastly larger share of our population than our colleges.

This Study: The Data and the Questions Explored

This report looks at a decade of resegregation following the Supreme Court's 1991 decision in *Dowell v. Oklahoma City,* which allowed school districts to declare

themselves unitary, end their desegregation plans, and return to neighborhood schools that produce intense segregation and inequality. [12] It also explores changes from much earlier periods. We begin by examining the changing nature of enrollment in U.S. schools, the dynamic patterns of segregation and desegregation of various groups, regions[13] and community types by using data from 1968 until present day.[14] We examine both the changes over the last decade (1991-2002) as well as those over a much longer period (1954-2001). We then explore the relationship between racial and economic segregation, discuss the growing evidence of the educational value of desegregated experiences, as well as discusses the implications of these trends and the possible policy alternatives.

Data from this report are computed from the Common Core of Data of the National Center for Education Statistics of the U.S. Department of Education for the years 1988, 1991, and 2001. Earlier data come from the data collected by the Office for Civil Rights after the l964 Civil Rights Act and from the Race Relations Reporting Service and the U.S. Civil Rights Commission for earlier periods. The most recent data available from the federal government is for the 2001-2002 school year.[15] Where data for a given year is missing, such as the racial statistics from Georgia for 1991, it is noted in the tables and, if possible, the nearest year is substituted and noted. The term white means non-Hispanic white and the term Latino or Hispanic means children of Latino origin, whatever their race or multiracial background may be.[16] The statistics on income (free and reduced price lunch eligibility) are less complete, though these data are available for the great majority of U.S. schools.

[12] For the rest of the report, the term segregation is used to describe the degree to which students of different racial groups attend separate schools.

[13] Our definition of the regions is as follows: **South**: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia; **Border:** Delaware, Kentucky, Maryland, Missouri, Oklahoma, and West Virginia; **Northeast:** Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont; **Midwest:** Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin; **West:** Arizona, California, Colorado, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. Note: Hawaii and Alaska, which have very distinctive populations are treated separately and the District of Columbia is treated as a city rather than a state.

[14] Before the Common Core collected data on enrollment by race, the Office for Civil Rights of the Education Department collected such data since 1968, with high coverage for the South and other areas with significant minority enrollments, and samples that could be used to project state totals for states across the country. Data before l987 is from this source unless otherwise noted. The Civil Rights Project, the Harvard Project on School Desegregation and other university-based projects have been producing such statistics for almost thirty years. The federal government has officially issued desegregation statistics only twice since the early l970s.

[15] Due to the fact that enrollment data disaggregated by race was not available for the Tennessee districts in the 2001-02 NCES Common Core of Data, we used the data as reported by the Tennessee Department of Education for its 2000-01 school year.

[16] Although the Census instituted multiracial categories in 2000, school statistics to this point use mutually exclusive categories as reported from the school level

We rely on two kinds of measures to examine the dimensions of segregation.[17] The exposure index gives the proportion of a particular group present in the school of the average member of another racial group. We also examine the distribution of students in schools with different racial compositions: predominantly minority (defined as 50-100% minority), predominantly white (defined as 50-100% white), intensely segregated minority schools (defined as schools with more than 90% minority), and intensely segregated white schools (defined as schools with more than 90% white). In some tables we include calculations of the number and percent of students in "apartheid schools" that is, schools with zero to one percent white students. These schools are almost as isolated as schools in the South and Border states before *Brown*.

The Fate of the *Brown* Districts

This report spells out the racial transformation of American schools and the changing patterns of segregation but it also comes at a moment when the country is reflecting broadly on the experience of a half century under *Brown*, a decision about the basic structure of American society. Before spelling out the large trends, it is instructive to look at what has actually happened to the school systems that were before the Court a half century ago.

The *Brown* case was not an abstract case about the issue of segregation but involved four communities, whose cases were combined. The four communities included two rural, very conservative black belt communities—Clarendon County, SC and Prince Edward County, VA—and two urban districts—Topeka, KS and Wilmington, DE. The widely different situations confronting those communities now begin to suggest the wide array of possible outcomes of that historic decision.

Clarendon County[18] is a classic example of the virtually total white abandonment of public education that took place in some heavily black counties in areas with very high proportions of black students and a history of racism and weak schools. In 2001, black students in the county attended schools that were, on average, 95 percent black (Table 21). The handful of white students living in the county attended schools that were 94 percent nonwhite. This dismal record, a few percentage points from apartheid, was actually slightly better than the statistics a decade earlier when the typical black student in the county was in a 99 percent black school. Counties like Clarendon were at the center of the "segregation academy" movement when desegregation came even though they made up a very small minority of Southern school districts.

Prince Edward County, VA, the other original rural heavily black county, was the primary example of the most absolute resistance to *Brown* in the early 1960s. Its more recent history offers a much more hopeful story. After the *Brown* decision, Virginia

[17] Massey, D. S. and Denton, N.A. (1988). "The dimensions of racial segregation." *Social Forces* 67:281-315; Orfield, G., Bachmeier, M., James, D., and Eitle, T. (1997). "Deepening segregation in American Public Schools." Cambridge, MA: Harvard Project on School Desegregation. Reardon, S. and Yun, J. (2002). "Private School Racial enrollments and Segregation.

[18] The district in question is Clarendon County School District No. 1.

government was controlled by segregationist white politicians who believed that it would be better to close schools altogether than to permit any integration. This state was notorious for its "massive resistance" legislation and hostile leadership. Although the state law requiring schools to close if integration was struck down, the leaders of Prince Edward County voted to simply end all public schools in the county and give families vouchers to use private schools, which were set up for whites only. Between l959 and 1964, there were no public schools in the county and it took a Supreme Court decision in 1964 to force their reopening as virtually all-black institutions. A local college, Longwood College decided to close its laboratory school, which was used by many local white families and supported the local public school system. A significant number of whites returned and by 1992 one study estimated that only a fifth of local whites were still using the Prince Edward Academy, a private school established with public vouchers to avoid integration. Prince Edward Academy was no longer totally segregated because it had to accept some black students to avoid losing its tax exempt status.[19] By 1992, the average black student in the county was in school with 39 percent white students, which rose to 40 percent whites in 2001. The typical white student was in a school with 58 percent blacks and 41 percent whites in 2001. In a 1993 study, student achievement in Prince Edward County was reported to be at a median level for the state.[20] In what had been the nation's most famously resistant system, the integration level in the county during the 1991-2001 period was far above the national average.

Topeka, the home of Linda Brown and her family whose name was immortalized in the 1954 decision, also has achieved substantial levels of desegregation. In 1991, black students in Topeka were, on average, in schools with 59 percent whites, a figure that has dropped to 51 percent whites by 2001. Topeka whites were in schools with 44 percent nonwhites on average, including a rapidly growing share of Latinos in 2001. The district's court order has recently been ended (1999), [21] but a high level of integration existed during the decade under study (1991-2001).

In Delaware, a case that went all the way to the Supreme Court in l980,[22] led to the merger and full desegregation of all students in the city and suburban districts. The court order combined all the districts into one big system, which was later divided into four pie-shaped districts, each containing a part of the city and a large sector of suburbia. The court order ended in 1996, and each of the four districts has been devising assignment policies since.[23] Under the court order the state of Delaware had been one of the nation's two most desegregated states for black students. Between 1991 and 2001, the average black student in the Brandywine district went from attending, on average, a 65 percent white school to a 55 percent white school. In the Christiana District the drop was from

[19] Wilbur B. Brookover, "Education in Prince Edward County, Virginia, 1953-1993, Journal of Negro Education, vol. 62., No. 2(1993), pp. 149-161; B. Smith, *They Closed their Schools: Prince Edward County, Virginia, 1951-1964,* Chapel Hill: Univ. of North Carolina Press, 1965.
[20] Brookover, 158-159.
[21] *Brown v. Unified Sch. Dist. No. 501*, 56 F. Supp. 2d 1212 (D. Kan. 1999).
[22] *Evans v. Buchanan*, 582 F.2d 750 (1978), cert. denied, sub nom. *Alexis I. DuPont School Dist. v. Evans*, 447 US 916 (1980).
[23] *Coalition to Save Our Children v. State Bd. of Educ. of Del.,* 90 F.3d 752, 759 (3d Cir. 1996).

64 percent to 51 percent. The Colonial district changed from 66 percent to 43 percent and the Red Clay District fell from 59 percent to 42 percent during this same ten year period. The Wilmington 1980 court decision made, not only the metropolitan area, but the entire state of Delaware one of the nation's most integrated states throughout the l980s and 1990s, a record which this study shows continued into the 2001-2 school year.

The widely divergent stories of the initial *Brown v. Board of Education* districts set the stage for our consideration of national trends. One is that the impacts of *Brown* have varied considerably depending on the local context and time period. It is very interesting to note, however, that 48 years after the Supreme Court ruling, in the spring of 2002, three of the four initial *Brown* districts had very substantial levels of desegregation and one was a national leader, with its entire state at a level of educational desegregation never attained in any northern state with a substantial black population. The changes set in motion by the movement for school desegregation were very long-lasting.

The Continuing Racial Transformation of American Schools

In the last decade, the nation's schools have undergone substantial demographic change. Due to high birth rates and increased immigration, the number of Latino students in the country is increasing much faster than the number of white students and the total growth of black and Latino students is more than twice that of whites (Table 1).[24] Census Bureau population projections suggest that by the middle of this century little more than two-fifths of school age youth will be white.[25]

Table 1
Public School Enrollment Changes, 1968-2001
(In Millions)

	1968	1991	2001	Change from 1968-2001 (% Change)	Change in Past Decade (% Change)
Whites	34.7	25.4	28.6	-6.1 (-18%)	+3.2 (13%)
Blacks	6.3	6.0	8.1	1.8 (29%)	+2.1 (35%)
Latinos	2.0	4.7	8.1	6.1 (305%)	+3.4 (72%)
Asians	----	1.3	2.0	----	+0.7 (54%)
Native American	----	0.4	0.6	----	+0.2 (50%)

Source: DBS Corp., 1982, 1987; Gary Orfield, Rosemary George, and Amy Orfield, "Racial Change in U.S. School Enrollments, 1968-84," paper presented at National Conference on School Desegregation, University of Chicago, 1968. 1991-92, 2000-01, and 2001-02 NCES Common Core of Data.

The scale and significance of these changes have been obscured because much of this growth has been uneven (Table 2).[26] The changes are most apparent in the Sunbelt where

[24] See the corresponding Figure 1 in the Appendix.
[25] U.S. Department of Commerce, Bureau of the Census.
[26] See the corresponding Figure 2 in the Appendix.

Latino communities have traditionally been large.[27] In 1991, the schools of the Western United States were 59 percent white (Table 3)[28]; ten years later, the entire region is less than half white, becoming the first region with a white minority in its total public school enrollment (Table 2). In this region, the multiracial character of the future is apparent in the fact that the Asian enrollment is now larger than the black enrollment and Latinos are more than one third of total enrollment.

The South, a region with the second smallest share of whites (53%) in 2001, has had a very small increase in the percentage of black students but a substantial growth in Latino enrollment, from 14 percent in 1991 to 17 percent in 2001. There is a net migration of both African Americans and whites to the South from other regions.

For those who argue that the declining share of whites in public schools was a result of desegregation, it is interesting to note that the West, the region with the greatest drop in the percent of white students, now has very little court ordered desegregation.[29] The ending of court orders and the return to neighborhood schools in many areas in the last decade coincided with sharp drops in the proportions of white students. Immigration, age structure, and fertility levels are all factors that contributed to these changes in racial composition.[30]

Table 2
Public School Enrollments by Race/Ethnicity and Region, 2001-02

Region	Total Enrollment	% White	% Black	% Latino	% Asian	% Native American
South	14,572,198	52.8	27.3	17.4	2.1	0.4
West	10,969,842	49.3	6.6	34.0	8.0	2.1
Northeast	8,248,568	67.0	15.4	12.7	4.6	0.3
Border	3,483,448	70.3	20.7	3.7	2.0	3.4
Midwest	9,854,759	75.6	14.6	6.5	2.4	0.9
Alaska	134,367	60.4	4.7	3.6	5.9	25.5
Hawaii	184,546	20.3	2.4	4.5	72.3	0.4
Bureau of Indian Affairs	46,476	0	0	0	0	100.0
US Total	**47,494,204**	**60.3**	**17.1**	**17.0**	**4.2**	**1.2**

Source: 2000-01 and 2001-2 NCES Common Core of Data

[27] The Sunbelt includes the southern states, California, Arizona, Colorado, and Nevada.
[28] See the corresponding Figure 3 in the Appendix.
[29] Los Angeles, whose school district, the nation's second largest, was the first major city to abandon its busing plan after a state referendum, Proposition 1, was enacted in 1981, after busing opponents promised that the proposition would bring back whites. The system has less than a tenth white students.
[30] Background on the dynamics of Latino population growth can be found in Bean, F.D. and Tienda, M. (1987). *The Hispanic Population of the United States*, New York: Russell Sage Foundation. For current age and race/ethnicity distributions see U.S. Bureau of the Census, *Statistical Abstract of the United States, 2003.*

Table 3
Public School Enrollments by Race/Ethnicity and Region, 1991-92

Region	Total Enrollment	% White	% Black	% Latino	% Asian	% Native American
South	10,211,802	58.5	26.1	13.7	1.3	.4
West	8,717,430	59.0	6.4	25.4	7.2	2.0
Northeast	7,040,751	71.6	15.1	9.8	3.2	.2
Border	2,426,042	74.6	19.2	1.7	1.6	3.0
Midwest	8,972,642	80.9	13.2	3.5	1.6	.7
Alaska	113,874	67.5	4.4	2.1	3.7	22.3
Hawaii	171,621	22.6	2.4	2.7	72.0	.3
US Total	**37,719,000**	**67.2**	**15.8**	**12.4**	**3.6**	**1.0**

Source: 1991-2 NCES Common Core of Data

In the 2001-02 school year, nearly one out of every four students attended schools in six states where whites are now the minority, including the two largest states, California and Texas (Table 4).[31] California, by far the nation's most populous state with nearly a sixth of American students, is becoming increasingly multiracial: black students in California constitute a smaller share of student enrollment than Asian students (8% and 11% respectively). Tables 4 and 5 show that it also has had a striking decline in the white share of school enrollments in the last decade (from 46% in 1991 to 35% in 2001) and an increase in Latinos (from 34% to 45%). We see a similar pattern in Texas, where the proportion of Latinos surpasses that of whites (42% Latinos compared to 41% whites) in 2001. If these trends continue, California and Texas are destined to soon have a majority of Latino students and a continuously shrinking minority of whites.

Table 4
Public School Enrollments of School-Age Population in Majority Non-White States by Race/Ethnicity, 2001-02

State	Total Enrollment	%White	%Black	%Latino	%Asian	%Native American
California	6,108,071	35.0	8.4	44.5	11.2	.9
Hawaii	184,546	20.3	2.4	4.5	72.3	.4
Louisiana	730,816	48.7	47.8	1.6	1.3	.7
Mississippi	493,509	47.3	51.0	.9	.7	.2
New Mexico	320,260	34.3	2.4	51.0	1.1	11.3
Texas	4,163,447	40.9	14.4	41.7	2.8	.3
% of U.S. Total	**25.7**	**16.3**	**21.8**	**57.6**	**47.4**	**18.2**

Source: 2001-2 NCES Common Core of Data

[31] One mark of the importance of these two states for American society is the fact that they have produced all the presidents elected since 1960 except for Jimmy Carter and Bill Clinton. The reaction against civil rights has been particularly strong in some states undergoing very rapid racial transformation.

Table 5:
Public School Enrollments in Majority Non-White States by Race/Ethnicity, 1991-92

State	Total Enrollment	%White	%Black	%Latino	%Asian	%Native American
California	4,950,474	45.6	8.6	34.4	10.6	.8
Hawaii	171,621	22.6	2.4	2.7	72.0	.3
Louisiana	783,419	53.2	44.4	1.0	1.1	.4
Mississippi	502,443	48.3	50.7	0.2	0.4	.4
New Mexico	301,882	42.2	2.3	44.8	0.8	9.9
Texas	3,376,602	49.6	14.4	33.8	2.0	.2
% of U.S. Total	**24.7**	**18.8**	**19.8**	**63.9**	**54.7**	**20.9**

Source: 1991-92 NCES Common Core of Data

Changes in National Desegregation Levels

This rapid growth in the proportion of minority enrollment, particularly evident for Latinos in the Southwest and Florida, is, of course, related to segregation levels. With enrollment increases of 50 percent or more in a decade, Latino segregation would have grown even if new students were distributed randomly across the states' schools. The 2000 Census showed Latino residential segregation increasing nationally and in almost all parts of the country.[32] For Latinos, both migration and increasing housing isolation explained much of the increasing segregation.[33]

However, despite a slower rate of growth than that of Latinos and declining housing segregation, black students are also becoming increasingly segregated in the nation's schools. What is striking about the Southern trends is that the South was steadily moving toward more integration and somewhat suddenly, in the early 1990s, turned toward increasing segregation with each passing year.

Racial Variations in Segregation

Because white students are often isolated residentially, they have very little interracial exposure to other groups of students in much of the U.S.[34] Although whites make up two-thirds of U.S. students in 2001, the typical white student attends a school where four out

[32] Logan, J. (2001) "Ethnic Diversity Grows, Neighborhood Integration Lags." Presented at National Press Club, April 3, 2001.
[33] Reardon, S. & Yun, J. (2003). "Integrating neighborhoods, segregating schools: The retreat from school desegregation in the South, 1990-2000." North Carolina Law Review, vol. 81, no. 4, 1563-1596. Reardon and Yun find that White/Hispanic segregation levels increased mainly where the Hispanic population grew most rapidly. "White/Hispanic segregation increased substantially in Arkansas, the District of Columbia, Georgia, and Maryland; in each of these places the Hispanic population grew sharply." (Reardon & Yun, 2003, p. 1573). See also Logan, J. (2002). "Separate and Unequal: the Neighborhood Gap for Blacks and Hispanics in Metropolitan America." Albany, NY: Lewis Mumford Center for Comparative Urban and Regional Research.
[34] Ibid.

of five children (79%) are white (Table 6). The typical Latino student, at the other extreme, attends a school where only 28 percent of students are white and the typical black student is in a 31 percent white school. Black and Latino students attend schools where two-thirds of the students are Black and Latino and most students are from their own group. Asian students, in contrast, attend the most integrated schools where, on average, only a fourth (22%) of the other students in their school are Asian. The typical American Indian student is in a school where one-third of the students are Indian.[35]

Table 6
Racial Composition of Schools Attended by the Average Student of Each Race, 2001-02

	Racial Composition of School Attended by Average:				
Percent Race in Each School	**White Student**	**Black Student**	**Latino Student**	**Asian Student**	**Native American Student**
% White	79.0	30.5	28.2	45.4	45.0
% Black	8.6	53.8	12.0	11.8	6.7
% Latino	8.1	12.2	54.2	19.8	10.3
% Asian	3.2	3.0	4.9	22.3	2.5
% Native American	1.0	.5	.8	.7	35.5
Total	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**

Source: 2001-2 NCES Common Core of Data

Past desegregation laws and court decisions continue to influence present levels of integration. The level of progress in changing the condition that the *Brown* decision was most immediately aimed at—the total racial separation of schools in the seventeen Southern and Border states—is reflected in the trend data showing segregation levels for Blacks and Latinos from 1968 to 2001.

The aim of the *Brown* decision was to remedy the exclusion of black students from white schools. Changes in the percentage of Southern black students in majority white schools reveal some striking trends. There was only the tiniest token of progress during the first ten years following *Brown*, where 98 percent of Southern black students remained in all black schools a decade later (see Table 7). The resistance to even the most modest changes was extreme in almost every place in the South.[36]

The period of the civil rights revolution produced revolutionary changes in Southern schools from 1964 to 1972 as Congress and the Johnson Administration committed themselves to an unprecedented effort to enforce civil rights in the South. Change came with the passage and implementation of the l964 Civil Rights Act, which forbade discrimination in any institution receiving federal aid and as the Supreme Court greatly

[35] These numbers include the schools in reservations reported by the Bureau of Indian Affairs where all students are tribal members..
[36] Lewis, A. (1964). *Portrait of a Decade: The Second American Revolution.* New York; Orfield, G. (1969). *The Reconstruction of Southern Education, The Schools and the 1964 Civil Rights Act.* New York: Wiley-Interscience; U. S. Civil Rights Commission. (1975). "Twenty Years After Brown: Equality of Educational Opportunity." Washington, DC: Government Printing Office.

tightened the constitutional requirements to be enforced by federal courts. Between l968 and 1971 in the historic decisions of *Green v. New Kent County, Alexander v. Holmes,* and *Swann v. Charlotte-Mecklenburg*, the Supreme Court decided that desegregation must be thorough, comprehensive, immediate, and, that in segregated urban school systems, courts could transfer students to other neighborhoods to end school segregation.

However, during the Nixon Administration the executive branch stopped enforcing desegregation (until ordered to resume by a federal court), and the Supreme Court very seriously limited desegregation in the North with its Detroit decision, *Milliken v. Bradley*. This decision blocked desegregation across city-suburban boundaries despite evidence that lasting desegregation was increasingly impossible within overwhelmingly nonwhite city school districts.[37]

In spite of these limitations, desegregation of black students continued to increase in the South until the late l980s, possibly reflecting the gradual decline in residential segregation levels.[38] Then, beginning in the l990s, segregation began to increase in spite of evidence from the 2000 Census of further declines in residential segregation during this decade. This resegregation is linked to the impact of three Supreme Court decisions between l991 and 1995 limiting school desegregation and authorizing a return to segregated neighborhood schools, decisions which were interpreted by a number of Southern courts as prohibiting even voluntary race-conscious plans to maintain desegregated schools where local authorities believed integration to be a crucial local goal.[39]

During the period when executive agencies and the courts actively enforced desegregation (1964-1970), the percent of black students in white schools increased more than 14-fold in six years. Over the next eighteen years, to the high point in 1988, the increase in the share of black students in majority white schools was about 33 percent. Since 1988, the share of black students in such schools fell from 44 percent to 30 percent, substantially below the level achieved by l970.

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[37] Orfield, G. & Eaton, S.E. (1996). *Dismantling Desegregation: The Quiet Reversal of Brown v. Board of Education*, New York: New Press, chapters 1-3.

[38] Jakubs, J.F. (1986). "Recent Residential Segregation in U.S. SMSAs*," Urban Geography*, 7. ; Farley,R. & Frey, W.H. Changes in the Segregation of Whites from Blacks During the 1980s: Small Steps Toward a More Integrated Society. *American Sociological Review*, 59, 1994.

[39] The Civil Rights Project cosponsored a conference on the resegregation of the South in Chapel Hill with the University of North Carolina and the Thurgood Marshall School of Law at Southern University in Houston. The nineteen new studies produced for that conference and exploring many dimensions of Southern resegregation can be found at www.civilrightsproject.harvard.edu and in a forthcoming book from the University of North Carolina Press.

Table 7
Percent of Black Students in
Majority White Schools in the South, 1954-2001

Year	Percent Black in Majority White Schools
1954	0
1960	.1
1964	2.3
1967	13.9
1968	23.4
1970	33.1
1972	36.4
1976	37.6
1980	37.1
1986	42.9
1988	43.5
1991	39.2
1994	36.6
1996	34.7
1998	32.7
2000	31.0
2001	30.2

Source: Southern Education Reporting Service in Reed Sarratt, The Ordeal of Desegregation (New York: Harper & Row, 1966): 362; HEW Press Release, May 27, 1968; OCR data tapes; 1992-93, 1994-95, 1996-97, 1998-99, 2000-01, 2001-02 NCES Common Core of Data.

The clear progression of desegregation and resegregation for black students is apparent in Table 8, which shows, by region, the percentage of black students in schools with different levels of segregation at four different points in time: at the end of the civil rights era in l968, at the high point of desegregation in 1988, at the time the Supreme Court authorized resegregation in 1991, and a decade later in 2001. During the period from 1968-1999 there was a very dramatic drop in the percentage of black students in intensely segregated schools in all regions except the Northeast and a very substantial increase in the percent of black students in majority white schools in the Southern and Border states, where most of the segregation orders were being implemented.

Since 1988, with strong opposition to desegregation from the courts and inaction or opposition by executive agencies, segregation has increased substantially in all regions on both measures, except in the Northeast where there was never significant desegregation efforts by comparison to other regions of the country. Clearly, the patterns of segregation, desegregation and resegregation for black students reflected the direction of social policy and are the result of government inaction and court rulings.[40]

[40] See the corresponding Figures 5 & 6 in the Appendix.

Table 8
Percentage of Black Students in 50-100% and 90-100% Minority Schools, 1968, 1988, 1991, and 2001

Percentage of Black Students in 50-100% Schools	1968	1988	1991	2001
South	80.9	56.5	60.1	69.8
Border	71.6	59.6	59.3	67.9
Northeast	66.8	77.3	75.2	78.4
Midwest	77.3	70.1	69.7	72.9
West	72.2	67.1	69.2	75.8

Percentage of Black Students in 90-100% Minority Schools	1968	1988	1991	2001
South	77.8	24.0	26.1	31.0
Border	60.2	34.5	34.5	41.6
Northeast	42.7	48.0	49.8	51.2
Midwest	58.0	41.8	39.9	46.8
West	50.8	28.6	26.6	30.0

Source: 1991-02 and 2001-02 NCES Common Core of Data

The data in table 8 indicate several important points. One is that the claim that we have made no progress since *Brown* is simply not true. Before *Brown* virtually all black students in the Southern and Border states were in completely segregated schools. Today, the vast majority are not, in spite of a decade of increasing segregation. In other words, we may be regressing in terms of the progress made during the height of the desegregation era, but we are nowhere near the situation that existed in seventeen of our states and the nation's capital 50 years ago before the civil rights revolution.

The absence of a current desegregation effort is most apparent for Latino students. The increase in segregation for Latinos in the West where most Latinos live has been very substantial in the past decade and extremely dramatic since the l960s. The percent of Latino students in predominantly minority schools in the West has almost doubled from 42 percent in 1968 to 80 percent in 2001 (Table 9). It is fast approaching the level in the Northeast, previously the most segregated region in the nation.[41] In addition, the share of Latino students in 90-100% minority schools has more than tripled during the same period, from 12 percent to 37 percent. Overall, in all regions of the country, Latino segregation has increased fairly consistently since 1968. [42]

[41] See corresponding Figures 7 & 8 in the Appendix.
[42] To compare to segregation of black students by region, see Figures 9-12 in the Appendix.

Table 9
Percentage of Latino Students
In 50-100% and 90-100% Minority Schools,
1968, 1988, 1991, and 2001

Percentage of Latino Students in 50-100% Minority Schools				
	1968	**1988**	**1991**	**2001**
South	69.6	80.2	76.4	77.7
Border	***	***	38.2	52.8
Northeast	74.8	79.7	77.4	78.2
Midwest	31.8	52.3	53.6	56.6
West	42.4	71.3	72.6	80.1

Percentage of Latino Students in 90-100% Minority Schools				
	1968	**1988**	**1991**	**2001**
South	33.7	37.9	38.6	39.9
Border	***	***	11.0	14.2
Northeast	44.0	44.2	46.8	44.8
Midwest	6.8	24.9	20.9	24.6
West	11.7	27.5	28.6	37.4

*****The enrollments were too small in these years to make accurate comparisons.*
Source:1991-2 and 2001-2 NCES Common Core of Data

Segregation and Poverty Concentration

Segregation by race and ethnicity is severe and growing, but many Americans ask why it makes such an educational difference. One basic reason is the link between segregation by race and poverty. In the 2001-2002 school year, 43 percent of all U.S. schools were intensely segregated white schools or schools with less than a tenth black and Latino students (see Table 10). Only 15 percent of these intensely segregated white schools were schools of concentrated poverty, or schools with more than half of the students on free or reduced priced lunch. In contrast, 88 percent of the intensely segregated minority schools (or schools with less than ten percent white) had concentrated poverty, with more than half of all students getting free lunches. That means that students in highly segregated neighborhood schools are many times more likely to be in schools of concentrated poverty.

Concentrated poverty turns out to be powerfully related to both school opportunities and achievement levels. Children in these schools tend to be less healthy, to have weaker preschool experiences, to have only one parent, to move frequently and have unstable educational experiences, to attend classes taught by less experienced or unqualified teachers, to have friends and classmates with lower levels of achievement, to be in schools with fewer demanding pre-collegiate courses and more remedial courses, and to

have higher teacher turnover. [43] Many of these schools are also deteriorated and lack key resources. The strong correlation between race and poverty show that a great many black and Latino students attend these schools of concentrated poverty.

Table 10
Relationship Between Segregation by Race and by Poverty, 2001-02

	Percent Black and Latino Students in Schools									
% Poor in Schools	**0-10%**	**10-20%**	**20-30%**	**30-40%**	**40-50%**	**50-60%**	**60-70%**	**70-80%**	**80-90%**	**90-100%**
0-10%	24.7	20.2	9.5	5.1	5.5	4.2	4.9	4.2	3.8	4.3
10-25%	27.6	28.3	25.4	15.9	9.2	4.8	3.8	2.4	2.0	2.0
25-50%	32.9	35.4	40.3	42.9	38.2	30.4	19.9	12.0	8.8	6.1
50-100%	14.8	16.2	24.8	36.2	47.1	60.7	71.4	81.4	85.4	87.6
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
% of U.S. Schools	**43.2**	**11.7**	**7.8**	**6.2**	**5.5**	**4.6**	**4.0**	**3.7**	**3.8**	**9.6**

**Numbers may not add up to 100 due to rounding.*

Educational Benefits of Racially and Ethnically Diverse Schools[44]

Findings from social science research played a significant role in influencing public opinion and on the outcome of *Brown v. Board of Education*, as well as last summer's Supreme Court's decision upholding affirmative action cited a number of research studies as support for its finding that student body diversity has powerful educational and social benefits. The same issues arise in K-12 education. The federal district court in *Comfort v. Lynn School Committee*[45], decided in mid-2003, for example, cited detailed local demographic and educational research as important factors in its decision upholding the use of race to maintain racially and ethnically diverse schools. Research on the benefits of racially and ethnically diverse schools is vital to the ongoing debate.

Over the last half-century, many researchers have studied and written about school desegregation and race in American schools. Most of the studies of the benefits and costs of school desegregation are from the 1960s and 1970s in response to the changes brought about by *Brown*, the 1964 Civil Rights Act, and *Green*[46] in 1968 and *Swann*[47] in 1971—Supreme Court decisions that led to increased enforcement of *Brown* and the

[43] B.A., and Smith, T.M. (1997). The Social Context of Education. *The Condition of Education*, 97-991; Freeman, C., Scafidi, B., & Sjoquist, D.L. (2002). Racial segregation in Georgia public schools, 1994-2001: Trends, causes, and impact on teacher quality. Paper presented at the Resegregation of Southern Schools Conference, University of North Carolina at Chapel Hill; Orfield, G. and Eaton, S. (1996). *Dismantling Desegregation.* New York: New Press, Chapter 3.

[44] Sections of this review are based in part on Kurlaender, M. and Ma, J. (2003). Educational Benefits of Racially and Ethnically Diverse Schools, Report by The Civil Rights Project, Harvard University, and Kurlaender, M. and Yun, J. (2003). Fifty Years after Brown: New Evidence on the Impact of School Racial Composition on Student Outcomes.

[45] *Comfort ex rel. Neumyer v. Lynn School Committee,* 263 F.Supp. 209 (D.Mass. 2003).

[46] *Green v. County School Board of New Kent County,* 391 U.S. 430 (1968).

[47] *Swann v. Charlotte-Mecklenburg Board of Education,* 402 U.S. 1 (1971).

authorization of busing. These studies concentrated on the impact of desegregated schooling on the experiences of African American students, focusing specifically on the short-term achievement gains of blacks attending desegregated schools.[48]

Demographic changes in the country have led researchers to begin examining the impact of racially and ethnically diverse schools on students of all races. These more recent studies have documented that racially and ethnically diverse schools provide benefits to all students. Moreover, the impact of diversity on whites is gaining increasing scholarly and legal attention.

The many early studies of school desegregation recorded, tended to show modest gains in achievement outcomes for African American students who moved from segregated to desegregated settings with white students. These studies primarily focused on first year gains in test scores, paying little attention to differences in implementation of desegregation plans or in the types of desegregation experiences taking place in different school settings. The 1980s and 1990s brought several important reviews of the social science evidence on school desegregation, particularly on the broader effects for African American students.[49] In addition, as schools faced important demographic changes, greater attention has been paid to Latinos' experiences with school desegregation.

In the current desegregation literature there are three primary categories of student outcomes—higher achievement (as measured by test scores), greater educational or occupational aspirations and attainment, and increased social interaction among members of different racial and ethnic backgrounds—that may be enhanced in the desegregated schooling context. There is important evidence in the educational literature that minority students who attend more integrated schools have increased academic achievement, as most frequently measured by test scores.[50] The magnitude and persistence of these

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[48] Hallinan, 1998; Orfield and Eaton, 1996).

[49] See, for example, Hallinan, M.T. (1998). Diversity Effects on Student Outcomes: Social Science Evidence, *Ohio State Law Journal*.; Wells, A. S. and Crain R. L. (1994). Perpetuation theory and the long-term effects of school desegregation. *Review of Educational Research*. 64 (4):531-555; Schofield, J. W. (1995). "Review of research on school desegregation's impact on elementary and secondary school students." In Banks, J.A and Banks C.A.M. (Eds.) *Handbook of Research on Multicultural Education*. New York, NY: Simon & Schuster Macmillan; Cook, T. (1984). "What Have Black Children Gained Academically from School Integration? Examination of Meta-Analytic Evidence." Washington, D.C.: National Institute of Education;
Crain, R., L. and Mahard, R. (1983). "The Effect of Research Methodology on Desegregation Achievement Studies: A Meta Analysis." *American Journal of Sociology*. 88(5):839-54. For a short review of this literature see, "The Benefits of A Racially-Diverse Student Body in Elementary/Secondary Education," National Education Association. Prepared by: Bredhoff & Kaiser, P.L.L.C. (February 8, 1999).

[50] Hanushek, K. and Rivkin, S. (2002) "New Evidence about Brown v. Board of Education: The Complex Effects of School Racial Composition on Achievement." NBER Working Paper No. w8741; Crain, R., L. and Mahard, R. (1983). "The Effect of Research Methodology on Desegregation Achievement Studies: A Meta Analysis." *American Journal of Sociology*. 88(5):839-54; Crain, R. (1970). "School Integration and Occupational Achievement of Negroes." *American Journal of Sociology*, 75(2):593-606; Schofield, J. W. (1995). "Review of research on school desegregation's impact on elementary and secondary school students." In Banks, J.A and Banks C.A.M. (Eds.) *Handbook of Research on Multicultural Education*. New York, NY: Simon & Schuster Macmillan; Schofield, J. W. (2001). "Maximizing the benefits of a diverse

benefits, however, have been widely debated in education research, particularly those that came from the first year of mandatory desegregation plans of the type that was common in the l960's and l970's.[51]

A second set of outcomes addressed in the desegregation literature is the longer-term gains that desegregation offers. These studies focus on the role of school desegregation on individual life chances, rather than test score improvement or achievement levels. Segregated schools that are predominantly non-white often transmit lower expectations for students and offer a narrow range of occupational and educational options.[52] The general hypothesis is that schools with a substantial white enrollment, which tend to have higher social and economic status, can offer minority students a higher set of educational and career options due to the more developed social networks that represent white middle-class norms. As a result, minority students in desegregated settings are exposed to a higher set of educational expectations and career options, which are rarely present in segregated minority schools.[53] A recent study of educational attainment indicated that desegregated schooling has a positive effect on the number of years of school completed and on the probability of attending college.[54] In another study examining the peer influence process, employing a large nationally representative sample, Hallinan and Williams (1990) found that both black and white students who had cross-race friendships had higher educational aspirations than those with same-race friendships.

Finally, since racial segregation tends to perpetuate through the life course many sociologists and social psychologists have argued that only when students are exposed to sustained desegregated experiences will they lead more integrated lives as adults.[55] From

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student body: Lessons from school desegregation research." In Gary Orfield (Ed.), *Diversity Challenged*. Cambridge, MA: Harvard Education Publishing Group.

[51] Cook, T. (1984). "What Have Black Children Gained Academically from School Integration? Examination of Meta-Analytic Evidence." Washington, D.C.: National Institute of Education.

[52] Schofield, J. W. (1995). "Review of research on school desegregation's impact on elementary and secondary school students." In Banks, J.A and Banks C.A.M. (Eds.) *Handbook of Research on Multicultural Education*. New York, NY: Simon & Schuster Macmillan; *Schofield, J. W. (2001). "Maximizing the benefits of a diverse student body: Lessons from school desegregation research." In Gary Orfield (Ed.), Diversity Challenged. Cambridge, MA: Harvard Education Publishing Group;* Dawkins, M. P. and Braddock J.H. (1994). "The Continuing Significance of Desegregation: School Racial Composition and African American Inclusion in American Society." *Journal of Negro Education*. 63(3):394-405.

[53] Schofield, J. W. (1995). "Review of research on school desegregation's impact on elementary and secondary school students." In Banks, J.A and Banks C.A.M. (Eds.) *Handbook of Research on Multicultural Education*. New York, NY: Simon & Schuster Macmillan; *Anyon, J. (1997). Ghetto Schooling: A Political Economy of Urban Educational Reform. New York, NY: Teachers College Record*; Dawkins, M. P. and Braddock J.H. (1994). "The Continuing Significance of Desegregation: School Racial Composition and African American Inclusion in American Society." *Journal of Negro Education*. 63(3):394-405; *Natriello, G., McDill, E.L. and Pallas, A.M. (1990). Schooling Disadvantaged Children: Racing Against Catastrophe. New York, NY: Teachers College Press.*

[54] Boozer, M. Krueger, A., Wolkon, S. Haltiwanger, J., and Loury, G. (1992). "Race and School Quality Since Brown v. Board of Education." *Brookings Papers on Economic Activity. Microeconomics*, Volume 1992: 269-338.

[55] See Braddock, J. H. and McPartland, J. (1983). More evidence on social-psychological processes that perpetuate minority segregation: The relationship of school desegregation and employment segregation

a review of 21 studies applying perpetuation theory, Wells and Crain (1994) concluded that desegregated experiences for African American students lead to increased interaction with members of other racial groups in later years. Results from these studies indicate that school desegregation had positive, albeit modest, effects—both blacks and whites who attended desegregated schools were more likely to function in desegregated settings later in life.[56] These later desegregated environments include workplaces, neighborhoods, and colleges and universities.

Far less has been done to examine the impact of racial diversity and desegregation on minority students' white peers, or on students from racial/ethnic minority groups other than African Americans. Given the broad mission of public schools to educate students to participate as citizens in an increasing multiracial society, it is critical to evaluate the role of school racial composition in promoting civic and democratic outcomes for all students. One area that has been examined is the existence of interracial friendships across different schooling environments.[57] Whites' proximity to blacks in schools, workplaces, and neighborhoods leads to their likelihood of cross-racial interactions and friendships.[58] Looking at adult cross-racial friendships, Jackman & Crane (1986) also found that proximity (measured in the neighborhood context) and personal contact reinforced each other in influencing white's racial attitudes.

In addition to cross-racial friendships, there are other important attitudinal and behavioral outcomes that can occur as a result of attending a diverse school. Specifically, a more recent set of studies on attitudes of students toward their peers of other racial groups found that students—of all racial/ethnic groups—who attend more diverse schools have higher comfort levels with members of racial groups different than their own, an increased sense of civic engagement and a greater desire to live and work in multiracial settings relative to their more segregated peers.[59] This finding corroborates with earlier

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(Report No. 338). Baltimore, MD: Center for Social Organization of Schools, Johns Hopkins University; Braddock, J. H. (1980). The Perpetuation of Segregation across Levels of Education: A Behavioral Assessment of the Contact-Hypothesis, *Sociology of Education*. 53(3):178-186; Crain, R. (1970). "School Integration and Occupational Achievement of Negroes." *American Journal of Sociology*, 75(2):593-606; Wells, A. S. and Crain R. L. (1994). Perpetuation theory and the long-term effects of school desegregation. *Review of Educational Research*. 64 (4):531-555.

[56] Wells, A. S. and Crain R. L. (1994). "Perpetuation theory and the long-term effects of school desegregation." *Review of Educational Research*. 64 (4):531-555; Braddock, J. H. and McPartland, J. (1989). "Social-Psychological processes that Perpetuate Racial Segregation: The Relationship between School and Employment Segregation." *Journal of Black Studies*. 19(3):267-289.

[57] Hallinan, M. T. and Williams R. (1987). "The Stability of Students' Interracial Friendships." *American Sociological Review*. 52(5):653-664. Hallinan, M. T. and Williams R. (1989). "Interracial Friendship Choices in Secondary Schools." *American Sociological Review*. 54(1):67-78.

[58] Jackman, M. and Crane, M. (1986). "Some of My Best Friends are Black…Interracial Friendship and Whites' Attitudes." *Public Opinion Quarterly*, 50:459-486; Hallinan, M. T. and Smith S. (1985). "The Effect of Classroom Racial Composition on Students' Interracial Friendliness." *Social Psychology Quarterly*. 48(1):3-16.

[59] Kurlaender, M. and Yun, J. (2001). *"Is Diversity a Compelling Educational Interest? Evidence from Louisville." In Gary Orfield (Ed.), Diversity Challenged. Cambridge, MA: Harvard Education Publishing Group*; Kurlaender, M. and Yun, J. (2003). "School Racial Composition and Student Outcomes in a Multiracial Society." Conference Paper, Presented at the American Educational Research Association's Annual Meeting (April, 21, 2003, Chicago, IL).

findings that white students in integrated settings exhibit more racial tolerance and less fear of their black peers over time than their peers in segregated environments.[60] The educational and democratic benefits that arise for all students in more heterogeneous settings is a result of the complexity of interactions in diverse schools that lead to a greater ability to work with and understand people of backgrounds different than one's own, and to more fully participate in a rapidly changing democratic society.[61]

Most Segregated States

The differences in desegregation levels among regions do not tell the whole story: there is also great variation among different states in the same region. The four most segregated states in 2001 for black students by two different measures (Black Exposure to White and Percent Black in Majority White Schools) were New York, Michigan, Illinois and California (Table 11). In California and New York, only one black student in seven was in a majority white school and the typical black student was in a school with 82 percent nonwhite students in New York and 77 percent in California. Both of these states, together with Texas were the most segregated states for Latinos (Table 12).[62] In these three states less than a sixth of Latinos were in a majority white school. In New York 61 percent of black students and 58 percent of Latinos state-wide were in schools where less than 10 percent of the student body was white.

[60] Schofield, J. (1981). "Unchartered Territory: Speculations on Some Positive Effects of Desegregation White Students." *Urban Review* 13(4): 227-41.
[61] Gurin, P., Dey, E., Hurtado, S. and Gurin, G. (2002). "Diversity and Higher Education: Theory and Impact on Educational Outcomes." *Harvard Educational Review*. 72 (3).
[62] These states were also the most segregated for Latinos in 1986. See Frankenberg, E., et al. (2003) "A Multiracial Society with Segregated Schools: Are We Losing the Dream?" Cambridge, MA: The Civil Rights Project at Harvard University.

Table 11
Most Segregated States for Black Students, 2001-02[63]

Rank	% Black in Majority White Schools		% Black in 90-100% Minority Schools		Black Exposure to White	
1	California	13.5	Michigan	62.7	New York	18.0
2	New York	13.9	Illinois	61.0	Illinois	19.1
3	Michigan	18.0	New York	60.8	Michigan	20.0
4	Illinois	18.0	Maryland	52.1	California	22.8
5	Maryland	20.8	New Jersey	50.8	Maryland	23.5
6	Mississippi	22.9	Pennsylvania	48.1	New Jersey	25.3
7	Texas	23.2	Wisconsin	44.7	Mississippi	26.1
8	Louisiana	23.2	Alabama	44.3	Louisiana	26.9
9	New Jersey	23.4	Mississippi	43.8	Texas	28.1
10	Georgia	27.2	Louisiana	42.3	Pennsylvania	29.4
11	Connecticut	27.4	Missouri	40.2	Wisconsin	29.6
12	Wisconsin	28.1	California	37.6	Alabama	29.8
13	Pennsylvania	28.5	Texas	37.3	Georgia	30.3
14	Ohio	29.8	Georgia	36.5	Ohio	32.6
15	Alabama	29.9	Ohio	36.0	Hawaii	32.7
16	Massachusetts	31.8	Connecticut	32.0	Connecticut	32.9
17	Arkansas	31.8	Florida	31.5	Missouri	33.4
18	Missouri	32.6	Massachusetts	25.3	Florida	34.7
19	Florida	34.4	Arkansas	21.5	Arkansas	37.1
20	Rhode Island	35.4	Indiana	20.9	Massachusetts	38.7

Source: 2001-2 NCES Common Core of Data

In Illinois 61 percent of black students (Table 11) and 40 percent of Latinos (Table 12) were in these intensely segregated schools. In Michigan, which was deeply affected by the *Milliken* decision, 63 percent of black students were in intensely segregated schools and the typical black student was in a school with 80 percent nonwhite students.[64] The list of most segregated states for black students also includes New Jersey, Pennsylvania, and Maryland and three Deep South states, Alabama, Mississippi, and Louisiana, none of which were on the list of most segregated at the peak of the civil rights era.

[63] The calculations for Tables 10 and 11 do not include Hawaii or Alaska.
[64] *Milliken v. Bradley*, 418 U.S. 717 (1974).

Table 12
Most Segregated States for Latinos, 2001-02

Rank	% Latino in Majority White Schools		% Latino in 90-100% Minority Schools		Latino Exposure to Whites	
1	California	12.4	New York	58.4	New York	18.7
2	New York	13.7	Texas	47.8	California	20.4
3	Texas	15.9	California	44.7	Texas	21.9
4	New Mexico	16.2	New Jersey	41.8	New Mexico	26.8
5	Rhode Island	20.6	Illinois	39.9	New Jersey	28.3
6	Illinois	24.8	Vermont	33.4	Illinois	28.4
7	New Jersey	25.3	Florida	30.6	Rhode Island	29.9
8	Arizona	26.9	Pennsylvania	27.4	Arizona	31.6
9	Florida	28.4	Arizona	27.2	Florida	32.4
10	Connecticut	29.5	New Mexico	27	Maryland	34.8
11	Maryland	29.1	Rhode Island	26.4	Connecticut	35.6
12	Nevada	35.3	Connecticut	25.6	Nevada	39.8
13	Massachusetts	35.3	Maryland	23.2	Massachusetts	40.0
14	Pennsylvania	35.5	Colorado	17.3	Pennsylvania	40.2
15	Georgia	44.0	Massachusetts	17.2	Georgia	44.7
16	Colorado	44.2	Wisconsin	16.6	Colorado	45.0
17	Louisiana	45.3	Georgia	13.4	Virginia	48.7
18	Virginia	46.8	Nevada	13.3	Louisiana	48.8
19	Delaware	50.0	Indiana	10.6	Delaware	51.0
20	Kansas	51.2	Louisiana	9.2	North Carolina	51.3

Source: 2001-2 NCES Common Core of Data

There were very few court orders desegregating Latinos. With rapid population growth and increasing housing segregation, Latinos have become increasingly segregated (Table 13). Before the Denver plan was terminated in 1995, 57 percent of the Colorado's black students were in majority white schools and 0 percent was in intensely segregated schools.[65] A decade later, 19 percent were in intensely segregated schools and the typical black student was in a 57 percent minority school.[66] One of the cases that ordered the desegregation of Latinos was the Denver case, in which the Supreme Court established the desegregation rights of Latino students, but although only 1 percent of Latino students in the state had been in intensely segregated schools in 1991, 17 percent were a decade later and the average Latino student was in a 55 percent minority school.

[65] *Keyes v. Congress of Hispanic Educators*, 902 F.Supp.1274 (D. Colo. 1995) (Denver Sch. Dist. No. 1), appeal dismissed, 119 F.3d 1437 (10th Cir. 1997). For Colorado numbers, see Appendix.
[66] Since the black white exposure in 2001 was 43%, the average black student attended a school that was 43% white and 57% minority.

Table 13
Change in Segregation for Black and Latino Students in Colorado, 1991-2001

	% in Majority White Schools		% in 90-100% Schools		Minority Exposure to White	
	1991	2001	1991	2001	1991	2001
Black	57.0	40.9	0	19.4	53.3	43.3
Latino	62.2	44.2	1.3	17.3	55.7	45.0

Most Integrated States

A half-century after Brown, it is surprising that the nation's most integrated states for black students include none of the centers of civil rights liberalism.[67] The relatively high ratings of Washington, Kansas, Nebraska, and Minnesota are doubtless related to their very small shares of black students (Table 14).

Table 14
Most Integrated States for Black Students, 2001-02

	% Black in Majority White Schools		%Black in 90-100% Minority Schools		Black Exposure to White Students	
1	Kentucky	80.9	Kentucky	0.2	Kentucky	66.3
2	Washington	64.3	Washington	7.0	Washington	56.1
3	Kansas	54.5	Delaware	7.2	Delaware	51.6
4	Nebraska	54.2	Nebraska	7.4	Kansas	51.5
5	Delaware	52.7	Kansas	9.6	Nebraska	49.7
6	Indiana	46.2	North Carolina	11.3	Minnesota	44.3
7	Oklahoma	43.9	Nevada	12.4	Colorado	43.3
8	Minnesota	41.1	Virginia	15.6	Oklahoma	43.1
9	Colorado	40.9	Oklahoma	16.9	Indiana	42.5
10	North Carolina	38.9	Rhode Island	17.2	North Carolina	42.4
11	Virginia	37.1	Minnesota	17.7	Virginia	41.6
12	South Carolina	36.2	South Carolina	17.8	Rhode Island	41.1
13	Nevada	36.0	Colorado	19.4	Nevada	40.5
14	Rhode Island	35.4	Indiana	20.9	South Carolina	39.0
15	Florida	34.4	Arkansas	21.4	Massachusetts	38.7

Source: 2001-2 NCES Common Core of Data

In l991 there were ten states with significant black populations where more than half the black students were in schools that were more than half white (Table 15). After ten years

[67] Each of the states examined for this ranking has at least five percent black students but percentages of black students to integrate varies greatly.

of resegregation the number was cut in half, to five states (Kentucky, Washington, Kansas, Nebraska, and Delaware). There were five states with almost no black students in intensely segregated minority schools in 1991; by 2001 it was down to a single state (Kentucky). In some states the changes were substantial. For example, in Nevada, zero percent of black students were in 90-100 percent minority schools and 74 percent were in majority white schools ten years earlier before the court order was dissolved in metropolitan Las Vegas (Clark County), the nation's sixth largest school district. The numbers have increased in intensely segregated schools (to 12%) and just 36 percent of blacks are in majority white schools (see Table 15 & Table 14).

Table 15
Most Integrated States for Black Students, 1991-92[68]

Rank	% Black in Majority White Schools		%Black in 90-100% Minority Schools		Black Exposure to Whites	
1	Kentucky	93.6	Delaware	0	Kentucky	71.7
2	Delaware	90.6	Nebraska	0	Delaware	64.8
3	Nebraska	74.2	Kentucky	0	Nebraska	62.9
4	Nevada	74.0	Colorado	0	Nevada	62.7
5	Kansas	64.4	Nevada	0	Kansas	58.5
6	Oklahoma	57.2	North Carolina	6.1	South Dakota	53.8
7	Colorado	57.0	Kansas	6.2	Colorado	53.3
8	North Carolina	56.8	Rhode Island	6.2	Rhode Island	52.4
9	Indiana	52.0	Arkansas	8.6	North Carolina	51.0
10	Rhode Island	49.8	Massachusetts	11.8	Oklahoma	50.8
11	Florida	47.4	Oklahoma	13.0	Indiana	46.3
12	Massachusetts	43.3	Ohio	15.4	Massachusetts	45.7
13	South Carolina	41.7	South Carolina	17.1	Arkansas	44.5
14	South Dakota	80.3	South Dakota	5.8	Florida	43.2
15	Alabama	38.0	Wisconsin	17.5	South Carolina	41.9
16	Tennessee	37.7	Florida	23.6	Ohio	41.4
17	Connecticut	37.5	Indiana	28.0	Wisconsin	40.1
18	Ohio	35.8	Texas	30.2	Tennessee	35.8
19	Texas	34.9	Louisiana	33.0	Texas	35.2
20	Louisiana	32.1	California	33.9	Connecticut	35.1

Source: 1991-2 NCES Common Core of Data

Among the states with large black populations in the South, Florida had achieved a very high level of desegregation in the l970s and in 1991 still had almost half of its black students in majority white schools and less than a fourth in intensely segregated schools (Table 15). By 2001, two-thirds of Florida black students were in majority nonwhite schools and one third were in intensely segregated schools (Table 14). During this time,

[68] All states in this table have at least 5 percent of their student population who was black in 2001-02 school year.

other major districts in Florida received court decisions ordering termination of their desegregation plans, some of which had not yet been implemented.[69]

Among the eleven states of the South, North Carolina and Virginia had the highest desegregation in 2001. North Carolina had the advantage of having almost the entire state organized in county-wide school districts including cities and suburbs in the same district, a situation that made for the highest and most stable form of urban desegregation.[70] Although Virginia does have independent cities, much of the state is organized into large county-wide districts, including the vast majority of the Northern Virginia population center. But North Carolina's biggest county-wide district was ordered to end its plan in 2003 and segregation increased rapidly there.[71]

Kentucky stands out in the list of the most integrated states for black students. It was a state with a history of *de jure* segregation and experienced a bitter struggle over the initiation of desegregation in metropolitan Louisville nearly 30 years ago.[72] Most of the segregated black students in the state were in the city school district, which had a substantial majority of black students. Rather than follow the typical practice, after the Detroit decision, of limiting desegregation to a declining district where desegregation would be limited and short-lived, the Louisville school board voted to go out of existence and, under state law, had to be absorbed into the Jefferson Country school district, which contained the city's suburbs. The federal judge hearing the desegregation case, with the support of the state's human rights commission, ordered full and immediate desegregation of the resulting metropolitan district. After a period of deep conflict the situation settled down and the district began to move from mandatory reassignment to choice and clustering systems emphasizing both educational options and desegregation. When increasingly conservative high court decisions made it difficult for school districts which were no longer under court order to continue race-conscious desegregation policies, Jefferson County returned to federal court to fight for its right to remain integrated and won.[73]

Delaware, as one of the top five integrated states, also has a history of desegregation. Like Louisville, the Wilmington city district was merged with 12 suburban districts in the state's desegregation plan. The plan took effect in l980 and until it was dissolved, the state had almost no black students in intensely segregated schools. Although it was terminated in 1996, the court left in place the districts, which combined parts of the city

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[69] *Manning v. Sch. Bd. of Hillsborough Cty., Fla.,* 24 F. Supp. 2d 1277 (M.D. Fla.), *clarified in part*, 28 F. Supp. 2d 1353 (M.D. Fla. 1998), *rev'd*, 244 F.3d 927 (11th Cir.), *cert denied*, 122 S.Ct. 61 (2001); *Jacksonville NAACP v. Duval County Sch. Bd*., No. 85-316-CIV-J-10C, 1999 U.S. Dist. LEXIS 15711 (M.D. Fla. May 27, 1999), *aff'd*, 273 F.3d 960 (11th Cir. 2001); *United States v. St. Lucie County Bd. of Public Instruction*, 977 F. supp. 1202 (S.D. Fla. 1997).

[70] Frankenberg, E. and Lee, C. (2002). "Race In American Public Schools: Rapidly Resegregating Districts" Cambridge, MA: The Civil Rights Project at Harvard University.

[71] *Belk v. Capacchione*, 274 F.3d 814 (4th Cir. 2001), *cert. denied*, 122 S.Ct. 1537 (2002); see also Clotfelter, C.T., Ladd, H.F., & Vigdor, J.L. (1996). "Segregation and Resegregation in North Carolina's Public School Classrooms." North Carolina Law Review, May 2003, vol. 81, no. 4, 1463-1512.

[72] Orfield, G. & Eaton, S. (1996). *Dismantling Desegregation: the Quiet Reversal of Brown v. Board of Education,* New York: New Press, chapters 1-3.

[73] *Hampton v. Jefferson County Bd. of Educ*., 102 F.Supp. 2d 358 (W.d. Ky. 2000)

with sectors of suburbia, and important elements of the desegregation plans were still in place in 2001.

For Latinos, it is interesting to note that none of the eight states with large Latino populations are on the list of states where most Latino students attend majority white schools.[74] Wyoming, Idaho, Utah, Oregon, and Nebraska all have significant Latino populations, historically growing out of migrant worker streams but are not major centers of Latino settlement (Table 16).

Table 16
Most Integrated States for Latino Students, 2001-02[75]

Rank	% Latino in Majority White Schools		% Latino in 90-100% Minority Schools		Latino Exposure to Whites	
1	Wyoming	97	Wyoming	0.1	Wyoming	81.6
2	Idaho	92.2	Utah	0.2	Idaho	73.7
3	Utah	80.7	Idaho	0.2	Utah	68.6
4	Oregon	76.8	Oregon	0.3	Oregon	65.7
5	Nebraska	66.6	Oklahoma	0.5	Nebraska	60.4
6	Oklahoma	55.5	Nebraska	1.4	Oklahoma	52.8
7	Washington	55.1	Virginia	3	Washington	52.4
8	North Carolina	53.5	North Carolina	5.4	Kansas	52.1
9	Kansas	51.2	Kansas	5.6	North Carolina	51.3
10	Delaware	50	Washington	6.7	Delaware	51.0

Source: 2001-2 NCES Common Core of Data

Among the states that had high levels of desegregation for Latinos in l991, a number showed striking increases in segregation by 2001, especially Nevada and Colorado, where major court orders were lifted and Massachusetts and Rhode Island where previously small Latino populations were rapidly increasing and desegregation policies were weakening (see Table 17 & Table 16).

[74] The eight states with large Latino populations are California, Texas, New York, Florida, Illinois, Arizona, New Jersey, New Mexico, and Colorado. See Frankenberg, E., Lee, C., and Orfield, G. (2003). "A Multiracial Society With Segregated Schools: Are We Losing the Dream." Cambridge, MA: The Civil Rights Project at Harvard University.

[75] All states in this table have at least 5 percent of their student body who were Latino in 2001-02 school year.

Table 17
Most Integrated States for Latino Students, 1991-92

Rank	%Latino in Majority White Schools		% Latino in 90-100% Minority Schools		Latino Exposure to Whites	
1	Wyoming	99.9	Wyoming	0.0	Wyoming	84.7
2	Nevada	70.9	Washington	0.1	Nevada	64.2
3	Washington	65.5	Nevada	0.4	Washington	62.3
4	Colorado	62.2	Colorado	1.3	Colorado	55.7
5	Massachusetts	42.6	Massachusetts	6.1	Massachusetts	45.9
6	Rhode Island	40.9	Rhode Island	10.9	Rhode Island	45.1
7	Arizona	39.5	Arizona	15.6	Arizona	41.7
8	Connecticut	33.7	New Mexico	17.5	Florida	34.5
9	Florida	33.0	Florida	28.3	Connecticut	34.1
10	New Jersey	26.5	Illinois	32.9	New Mexico	33.3

Source: 1991-2 NCES Common Core of Data

Desegregation by Community Size

Most Americans would probably guess that the most progressive places in the country were the nation's sophisticated big cities and the most reactionary were the rural areas, which historically were the breeding ground of racial violence, the Ku Klux Klan, and some of the worst incidents in the civil rights era.[76] When we examine racial patterns in 2001, however, the data show that integration for black public school students is highest in the rural schools that 836,000 students attend, mostly in the rural South (Table 18). The average black student in rural schools attends a school that is half white. The same is true for Latinos. The 627,000 Latinos in rural communities are the most integrated, at about the same level as rural blacks. One possible explanation is that often residential segregation is much less in the rural areas and there may be only a single school for a large geographic area.

After the rural areas, the most integrated are the towns and small cities, home to another 662,000 black and 489,000 Latinos. Unfortunately the vast majority of black and Latino students live and go to school in the nation's metropolitan areas. By far the most severe segregation affects the 2.5 million black and 2.6 million Latinos in the central cities of the large metropolitan areas and another 1.9 million black and 2.7 million Latino students in the suburbs of the large metros.

[76] Kluger, R. (1994). *Simple Justice*. New York: Notable Trials Library.

Table 18
Enrollment of Students, by Racial Group and Metro Region, 2001-02

	White	Black	Latino	Asian	Native American	Row Total
Large Metro						
Central city	1,739,589	2,482,801	2,560,017	547,180	54,969	7,384,556
Suburb	8,593,611	1,916,400	2,669,647	899,714	91,821	14,171,193
Small Metro						
Central city	3,165,849	1,514,849	1,227,230	238,681	58,760	6,205,369
Suburb	3,198,248	509,884	510,184	96,360	32,678	4,347,354
Other						
Small cities	363,372	84,153	74,659	11,561	13,561	547,305
Towns	3,145,345	578,025	414,673	39,036	93,044	4,270,123
Rural Areas	7,788,486	836,145	626,574	168,118	215,142	9,634,465

Source: 2001-2 NCES Common Core of Data

Central city black students typically attend schools with 87 percent minority students; for Latinos it is 86 percent (Table 19). In the suburbs of large metropolitan areas metros, where a huge migration of middle class minority families is well underway, the typical black student is in a school that is 65 percent minority and the typical Latino student is in an even more segregated school with 69 percent minority students. Obviously high residential segregation and the fragmentation of most of our large metropolitan regions into many separate school districts produce the most severe segregation in American education.[77] The Supreme Court's 5-4 decision drawing a line between city and suburbs for desegregation purposes and the failure to seriously address housing segregation build severe isolation of children into the life of our metro regions and mean that even minority families who can afford housing choice often end up in segregated, poorly-performing schools.[78] This is one of the forces that perpetuates unequal preparation of students and makes affirmative action necessary even for middle class minority students.

[77] See, for example, Logan, John (2003). "Segregation in Neighborhoods and Schools: Impacts on Minority Children in the Boston Region." Albany, NY: The Lewis Mumford Center.
[78] *Milliken v. Bradley*, 418 U.S. 717 (1974).

Table 19
Exposure Rates to Whites, by Racial Group and Metro Region, 2001-02

	White/ White	Black/ White	Latino/ White	Asian/ White	Native American/ White
Large Metro					
Central city	52.7	12.6	13.8	25.0	35.1
Suburb	76.8	34.7	30.9	50.3	60.2
Small Metro					
Central city	68.2	31.6	30.6	49.8	57.9
Suburb	83.4	50.8	36.8	67.1	58.7
Other					
Small cities	76.8	43.8	41.4	70.8	61.5
Towns	83.6	42.9	44.7	74.2	56.7
Rural Areas	88.2	49.9	51.5	58.6	39.1

Source: 2001-2 NCES Common Core of Data

Jacinta Ma of the Civil Rights Project staff prepared a list of school systems with reported court orders granting unitary status—decisions in which the court held that the district had fulfilled all its obligations under the court order and had been purged of its history of discrimination so that the court order should be ended. Under the Supreme Court's 1991 decision in *Dowell*, the district would then be free to return to neighborhood schools or a choice plan with no desegregation guidelines even though the change was expected to, and did, increase segregation.[79]

We have examined the changes in the average level of integration for black students in school districts affected by orders terminating desegregation plans between l991 and 2002. The termination of the orders did not automatically end the desegregation strategies. Some districts tried to keep their old policies in place without an order, others kept some elements like magnet schools, others adopted policies such as "controlled choice" plans, and some simply returned to neighborhood based schools. Many wanted to maintain some parts, at least the successful magnet schools. In some of the cases listed below the courts reached their decision but the new policies have not yet been implemented. In other cases the district simply stopped enforcing its desegregation policy in whole or in part before the court acted.

It is important to realize that the changes may be only the first phase of a resegregation process. Even if a student reassignment plan ends, many students want to complete the school they are now attending, so the resegregation may be far more intense after the existing students graduate, the entering classes change the racial identity of previously integrated schools, which then become less and less likely to attract white students. Often a vicious cycle of resegregation sets in. The numbers in this table often represent only the first part of that process. Of the 35 school districts examined, only four saw a gain in desegregation after the plan was ended while the large majority saw more than a 10

[79] Orfield, G. and Eaton, S. (1996). *Dismantling Desegregation: The Quiet Reversal of Brown v. Board of Education.* New York, NY: The New Press.

percent decline in the percent of white students in the class of a typical black student. In a number of districts, the decline was 15 percent or more.

Some of the districts on this list occupy historic position in the history of school desegregation law. Five of the districts go back to the original Brown decision itself. The decision concerned school districts in Clarendon County, SC, Prince Edward Co., VA (both rural districts) and two city systems, Topeka, Kansas (the home of the Brown family) and Wilmington, Delaware.

These statistics show that in the Topeka system black students were, on average, in schools with 59 percent whites in 1991 and that has dropped to 51 percent whites by 2001 (Table 20). The unitary status decision came in 1999. This is a significant change but still a high level of desegregation.

In Delaware a case that found the state guilty of actions reinforcing metro segregation, led to the merger and full desegregation of all students in the city and suburban districts. The court order combined all 13 districts into one big system which was later divided into four pie-shaped districts, each containing a part of the city and a large sector of suburbia. The court order was ended in 1996 and each of the four districts has been devising policies since. Under the court order the state of Delaware had been one of the nation's two most desegregated states for black students. Between 1991 and 2001, the average black student in the Brandywine district changed from a 65 percent white school to a 55 percent white school. In the Christiana District the drop was from 64 percent to 51 percent. The Colonial district changed from 66 percent to 43 percent and the Red Clay District fell from 59 percent to 42 percent.

The Little Rock school district battle led to the only confrontation between the U.S. Army and a state government in the entire history of desegregation and went to the Supreme Court in the *Cooper v. Aaron* case, which sustained the desegregation of Central High School. Little Rock black students, on average, were in one-third white schools in 1991 but schools only 22 percent white a decade later.[80]

The Charlotte-Mecklenburg District was the district of *Swann,* the Supreme Court's l971 decision that first approved urban desegregation decisions with busing. It was a combined city-suburban school system including most of a rapidly growing metropolitan area. The Charlotte case led to sweeping urban desegregation orders in most of the South/s large cities in the early l970s. After the Supreme Court relaxed desegregation requirements in three major court decisions,[81] the school district was sued by a white parent who wished to end the desegregation plan. The federal courts that heard this case rejected the school board's argument that full desegregation had yet to be accomplished

[80] *Cooper v. Aaron,* 358 U.S. 1 (1958).
[81] *Board of Education of Oklahoma v. Dowell*, 498 U.S. 237(1991) in which the Supreme Court ruled that school districts which had complied with court orders to be declared unitary and subsequently released from its obligation to maintain desegregation; *Freeman v. Pitts*, 503 U.S. 467 (1992) which relaxed the standards of desegregation even when full desegregation has not been achieved; and *Missouri v. Jenkins*, 115 S. Ct. 2038 (1995) in which the Court emphasized the limited role of the courts and the restoration of local control.

and that more had to be done to provide fully equal opportunity to black students. The courts ordered the district to end its plan and the Supreme Court refused to review the decision. Although the final court order only took effect in 2002, the system was in the process of dismantling its plan for some time before and the white percentage for typical black students had plunged 15 percentage points in the decade.

Oklahoma City is a particularly interesting system to examine because it was the first district authorized to return to segregated neighborhood schools by the Supreme Court.[82] It was only partially desegregated in 1991 when the Supreme Court acted. Then the average black student was in a 32 percent white school. In 2001 the black-white exposure had dropped to 21 percent. Interestingly enough the courts had ended the desegregation plan with no consideration of the rapidly growing Latino enrollment which had been ignored in the city's plan. The percent of whites in the school of the typical Latino fell from 45 percent in 1991 to 30 percent in 2001. In his city that the Supreme Court found to have fulfilled all its desegregation obligations and eliminated the heritage of racial discrimination, the average black student was in a 79 percent minority school and the average Latino in a 70 percent minority school by 2001.

Denver had the distinction of being the first non-Southern city to be ordered to desegregate by the Supreme Court in the 1973 *Keyes* decision, which opened up both desegregation of Northern cities and recognized the right of Latinos as well as blacks to desegregation remedies. By 2001, Denver's black students were in schools that were 81 percent minority and Latinos were in even more segregated schools which averaged 86 percent minority, less than half the white percentage than a decade earlier.

Kansas City was the site of the last major Supreme Court decision on desegregation of the 20th century, a 1995 decision that terminated state funds for the city's ambitious magnet school plan (Table 21). Between l992 and 2001 the average exposure of black students to white classmates in the city fell from 22 percent to 9 percent.

In each of these cases the decline reflected, of course, more than the end of a desegregation order. Forces including spreading housing segregation, immigration, differential birth rates, etc. all contributed. It is very clear, however, that desegregation is declining rapidly in places the federal courts no longer hold accountable and that just a decade ago there were much higher levels of interracial contact.

[82] *Board of Education of Oklahoma v. Dowell*, 498 U.S. 237(1991).

Table 20
Changes in Black-White Exposure in the Last Decade in Districts That Have Been Declared Unitary Between 1990-2002

	Black Exposure to Whites		Latino Exposure to Whites	
	1991	2001	1991	2001
Alexander City, AL	62.1	59.9	63.5	58.7
Auburn City, AL	59.4	59.5	60.1	59.0
Benton Harbor Area Schools, MI	14.2	4.2	27.9	8.8
Brandywine School District, DE	65.5	54.6	66.7	52.6
Buffalo City School District, NY	38.7	22.8	34.2	23.5
Butler County, AL	41.5	36.7	0.0	42.8
Charlotte-Mecklenburg Schools, NC	51.9	35.2	51.1	32.8
Chatham County, GA**	34.0	23.9	39.0	32.2
Christina School District, DE	64.4	50.6	65.1	50.3
Cincinnati City SD, OH	29.6	16.5	36.8	25.6
Coffee County, GA**	62.0	57.1	66.0	57.3
Colonial School District, DE	66.0	43.3	66.0	47.6
Dade County School District, FL	12.6	6.4	15.7	10.5
Dallas ISD, TX	10.0	4.9	14.9	6.2
Dayton City SD, OH	33.7	21.4	32.9	23.2
Dekalb County, GA**	79.0	6.8	25.0	15.3
Denver County, CO	33.5	18.9	28.8	13.5
Duval County School District, FL	42.8	35.2	65.1	55.2
Gadsden City, AL	38.8	27.4	51.7	18.1
Hillsborough County School District, FL	55.8	38.3	58.4	44.2
Indianapolis Public Schools, IN	43.7	25.8	48.8	31.8
Jefferson County, KY	65.6	58.5	69.3	56.2
Jefferson ISD, TX	49.4	54.9	48.5	54.4
Kansas City, KS	32.9	19.5	41.9	21.8
Lee County, AL	56.2	58.8	31.3	74.1
Little Rock, AR	32.7	22.3	32.3	20.2
Muscogee County, GA**	28.0	23.1	41.0	36.1
Oklahoma City, OK	32.3	20.8	44.9	29.9
Opelika City, AL	46.8	34.3	45.8	33.8
Pontiac City School District, MI	29.6	15.7	32.1	20.3
Prince George's County Public Schools, MD	20.7	8.2	21.0	8.0
Red Clay Consolidated School District, DE	59.0	41.7	57.5	41.5
Rockford School Dist 205, IL	59.2	47.4	62.8	46.8
Russell County, AL	35.0	43.6	39.8	58.3
San Diego City Unified, CA	29.4	19.0	29.1	18.5
St. Lucie County School District, FL	60.0	54.3	57.8	52.8
Tallapoosa County, AL	44.4	47.3	58.1	62.1
Topeka Public Schools, KS	59.4	51.1	65.6	52.7

Woodland Hills SD, PA	71.5	47.1	71.5	42.9

Source: 1991-2, 1992-3, 1993-4, and 2001-2 NCES Common Core of Data
**These numbers are from 1992-3 school year*
***These numbers are from 1993-4 school year*

Table 21
Exposure Indices for Other Cases, 1991-2001

	White Exposure to White		White Exposure to Black		White Exposure to Latino		Black Exposure to White	
	1991	2001	1991	2001	1991	2001	1991	2001
Clarendon County, SC	0.02	0.06	0.98	0.94	0	0	0.01	0.04
Prince Edward County, VA*	0.39	0.41	0.6	0.58	0.01	0.01	0.39	0.4
Topeka Public Schools, KS	0.74	0.56	0.17	0.24	0.06	0.15	0.59	0.51
Delaware Cases								
Brandywine School District, DE	0.68	0.60	0.28	0.34	0.01	0.02	0.65	0.55
Christina School District, DE	0.67	0.55	0.28	0.34	0.03	0.08	0.64	0.51
Colonial School District, DE	0.67	0.51	0.30	0.37	0.02	0.09	0.66	0.43
Red Clay Consolidated School District, DE	0.64	0.62	0.26	0.23	0.07	0.11	0.59	0.42
Kansas City, MO*	0.33	0.36	0.60	0.46	0.05	0.16	0.22	0.09
Clark County, NV	0.73	0.58	0.12	0.11	0.10	0.23	0.62	0.39

**These numbers are from 1992-3 school year.*
Source: 1991-2, 1992-3, and 2001-2 NCES Common Core of Data

Where Do We Go from Here: *Plessy* Again or a Reaffirmation of *Brown*?

Two of the clearest lessons of *Brown* and the entire civil rights experience are that segregation does not work and achieving desegregation requires explicit and enduring commitment. Many of the complaints about the limited and sometimes unfair remedies provided by the courts are correct and no one who has seriously studied the record of the last half century would argue that even maximum levels of integration would be any kind of panacea for the ills of a society that is divided and polarized on many levels. The best evidence, however, shows that segregation is worse and that there are much better possibilities, not only for minority but also for white students, in desegregated schools.

The immediate question is about the possibility of progress in a society with huge minority populations, massive segregation, a court system that has dismantled critically important policy tools, and a public that supports desegregation but has no consensus about how to get it.[83] These are a formidable set of obstacles. But they pale in comparison with those faced and defeated by the leaders of the civil rights organizations and their supporters who challenged and defeated an entrenched system of absolute racial

separation and subordination in the South in the 1940's, the 1950's and the 1960's. They had few resources of any kind, there was very little public support, even theoretically, when they began, they faced totally mobilized and virtually monolithic state and local official opposition and had to work through a legal system that had supported apartheid for two-thirds of a century. They were told it was impossible, but they did not stop. Eventually they won in fundamental ways.

What would the President who is sworn in next January do if he wished to revive the promise of *Brown* in its second half-century, if he wished to make Martin Luther King, Jr.'s vision come alive again in our changing society? The following steps would make a very large difference:

1) Appoint judges and civil rights enforcement officials who understand that the Supreme Court was right in Brown and that the job is far from over.

2) Appoint a presidential commission to summarize the lessons of the last half century and inform the country about the steps needed to build metropolitan communities that are less polarized in housing and schools and that are more successfully multiracial.

3) Revive the federal aid program of the Nixon and Carter Administrations that helped multiracial schools deal positively with issues of race relations, multicultural curricula, and more effective classroom operation.

4) Actively recruit young people of color into the education profession and assure that they receive full and fair employment opportunities from all school districts, not just minority schools.

5) Use housing subsidy programs more effectively to provide low income families access to middle class schools.

6) Explain to Americans that white children gain substantially from integrated experiences in terms of their readiness to live and work effectively in multiracial schools and communities and that integrated schools offer better preparation for diverse colleges and work experiences.

7) Use educational choice programs—magnet and charter schools and vouchers if they are enacted in an explicitly pro-integration mode, forbidding transfers that increase segregation and rewarding those that diminish it.

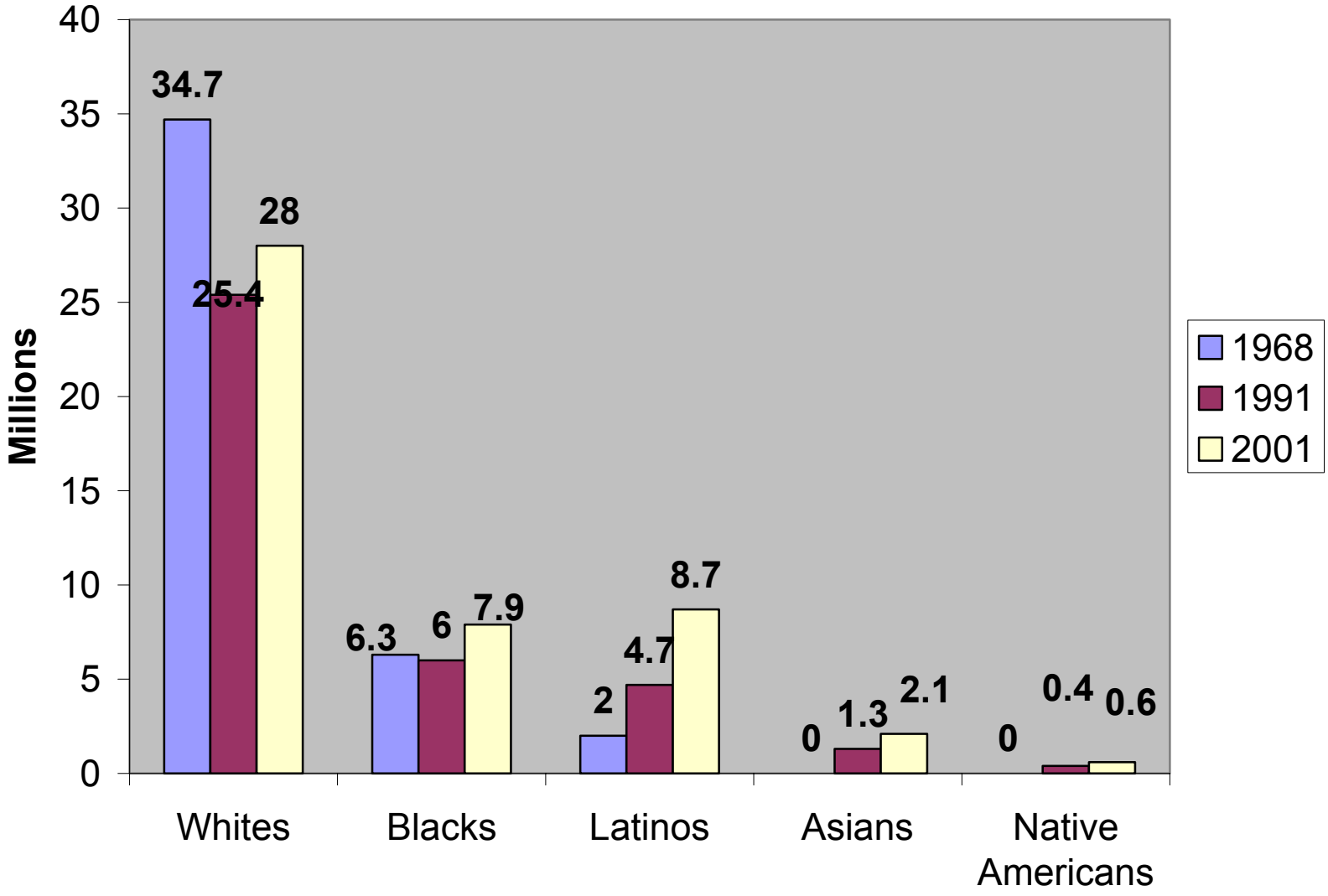
8) Provide substantial financial incentives and positive recognition to white and Asian suburbs that accept significant numbers of segregated minority students from schools designated as failing in segregated locations.

9) Implement plans that reward communities and metro areas that work to provide subsidized and affordable housing in suburbs and gentrifying areas and market it to minorities as well as whites.

We do not face the problems the Court faced at the time of *Brown.* There are proven models of what works. There are communities and entire metropolitan areas that have had great success for several decades. There are millions of students who have actually had desegregated educations. We have some institutions like the U.S. Army and some colleges and universities that have had great success with a long-term and deep commitment to real integration. The public is favorable toward the goal if not committed to any means. The political power of the excluded communities is rising substantially and, eventually, racial polarization may become a very costly strategy. Whites are becoming minorities in some major parts of the country and may be increasingly willing to admit that they need what can only be learned in desegregated institutions—how to function very effectively in a society where they must understand and work with those of other racial and ethnic backgrounds. A great deal about race relations in America is about how the issues are framed and how the possibilities are presented. The President sworn in next January will face a society that has been leaderless too long on this issue, with many signs of backward movement. Most recent Presidents have chosen to say nothing, to ignore the issue or even to inflame fears of racial change. If the words and the reality of King's dream could come to life again on Capitol Hill, there is much that could be done.

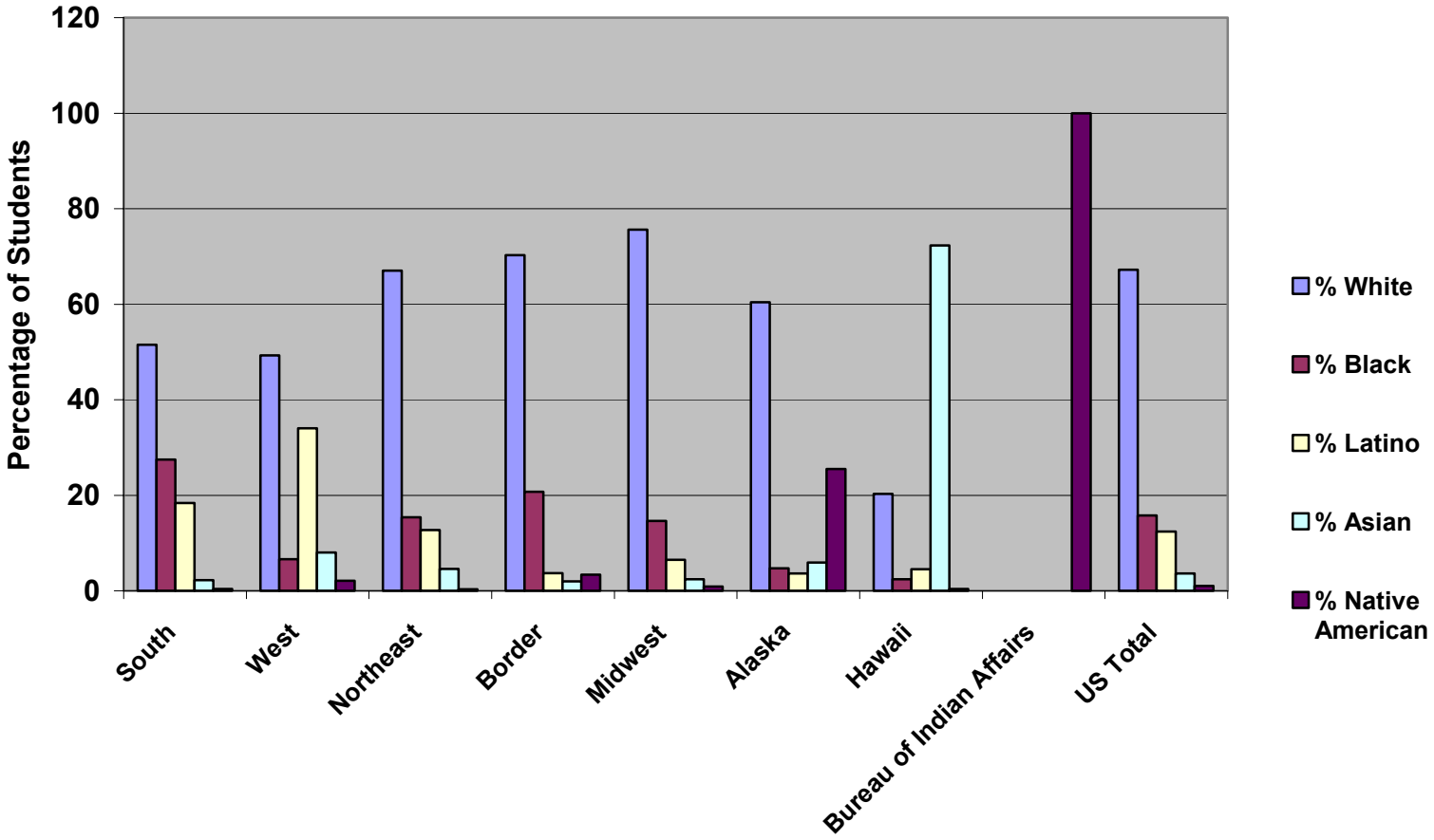
APPENDIX

Figure 1:
Public School Enrollment Changes 1968-2001



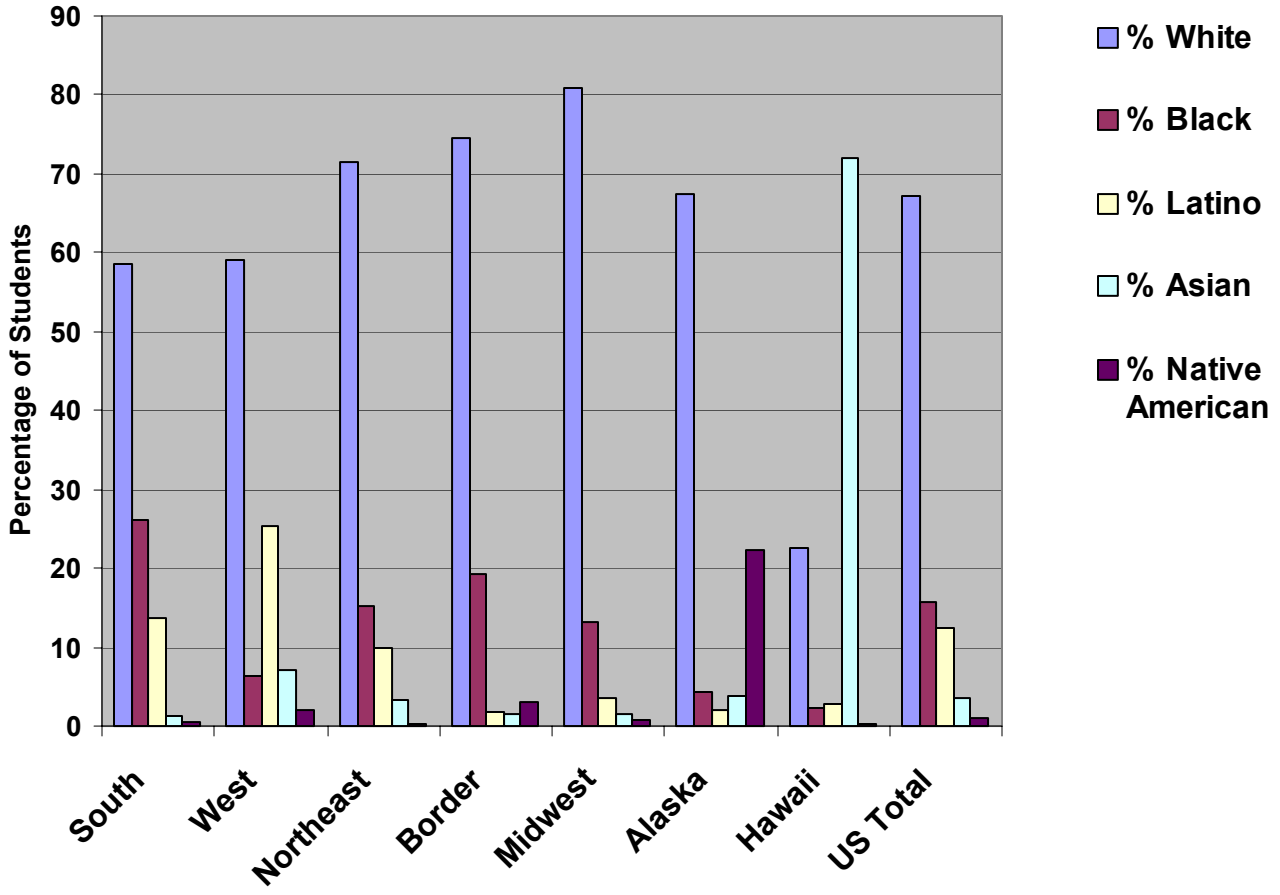
APPENDIX

Figure 2:
Public School Enrollments by Race/Ethnicity and Region, 2001-2



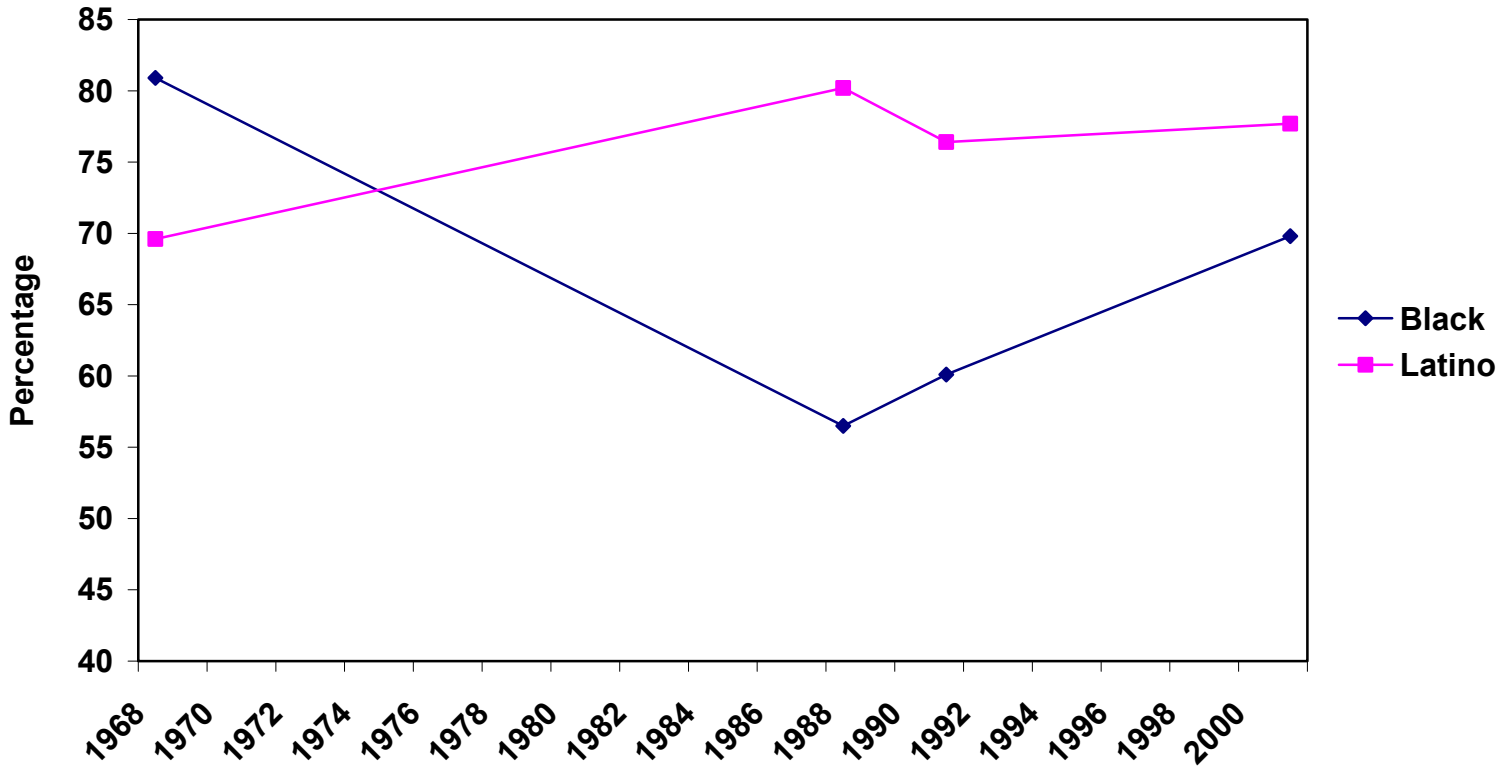
APPENDIX

Figure 3:
Public School Enrollments by Race/Ethnicity and Region, 1991-1992



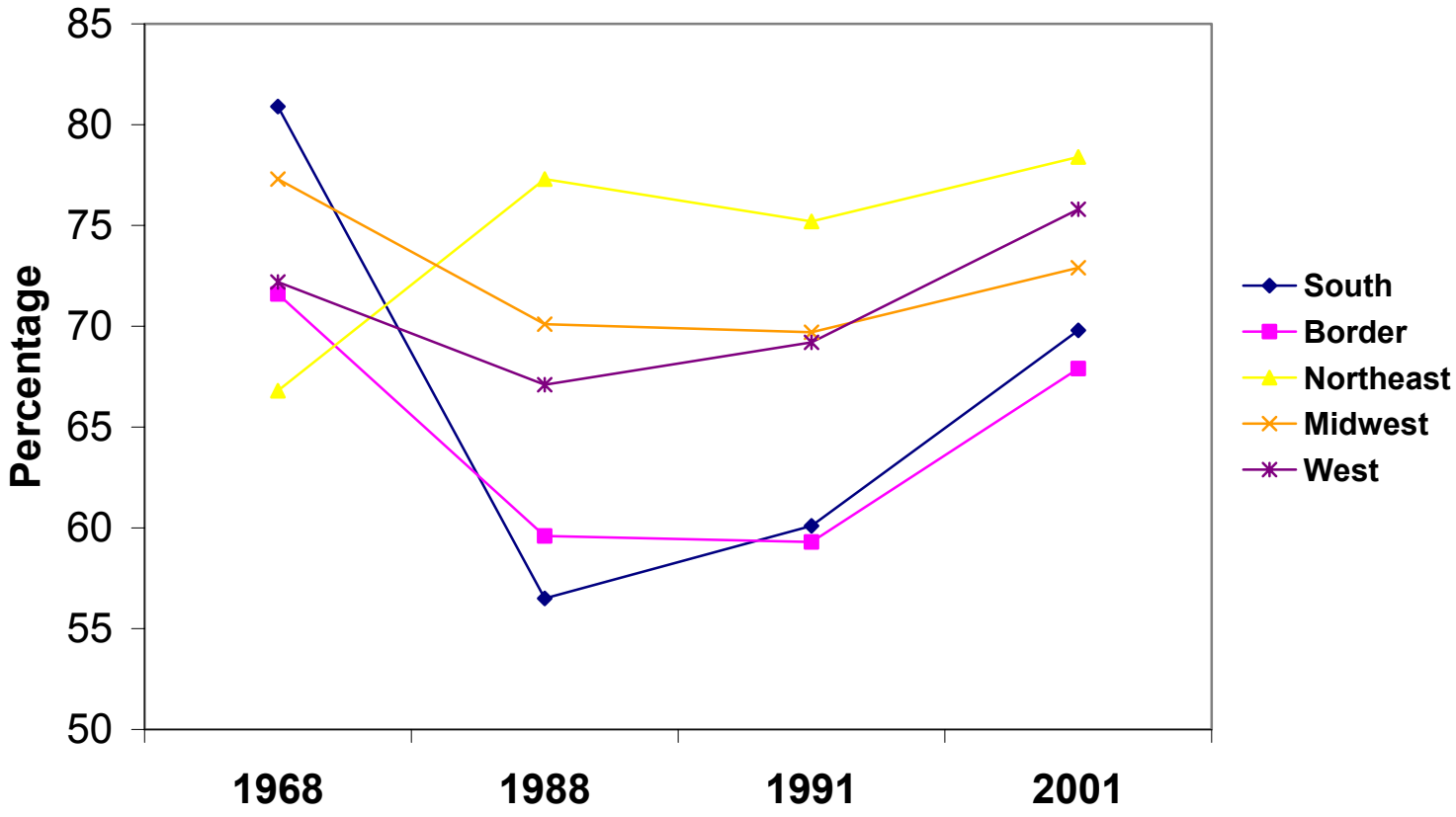
APPENDIX

Figure 4:
Percentage of Black and Latino Students
in 50 - 100% Minority Schools in the South



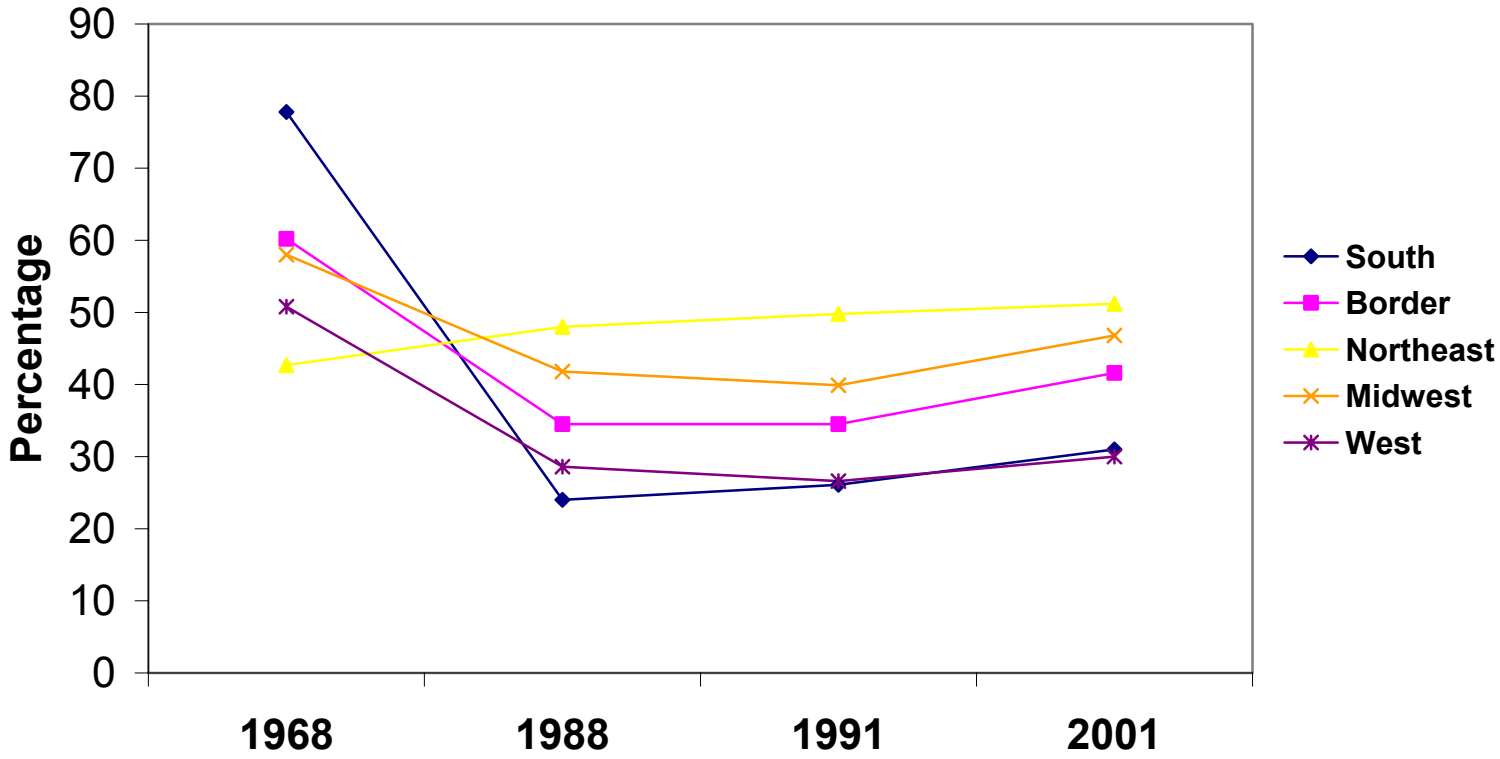
APPENDIX

Figure 5:
Percentage of Black Students in 50 - 100% Minority Schools



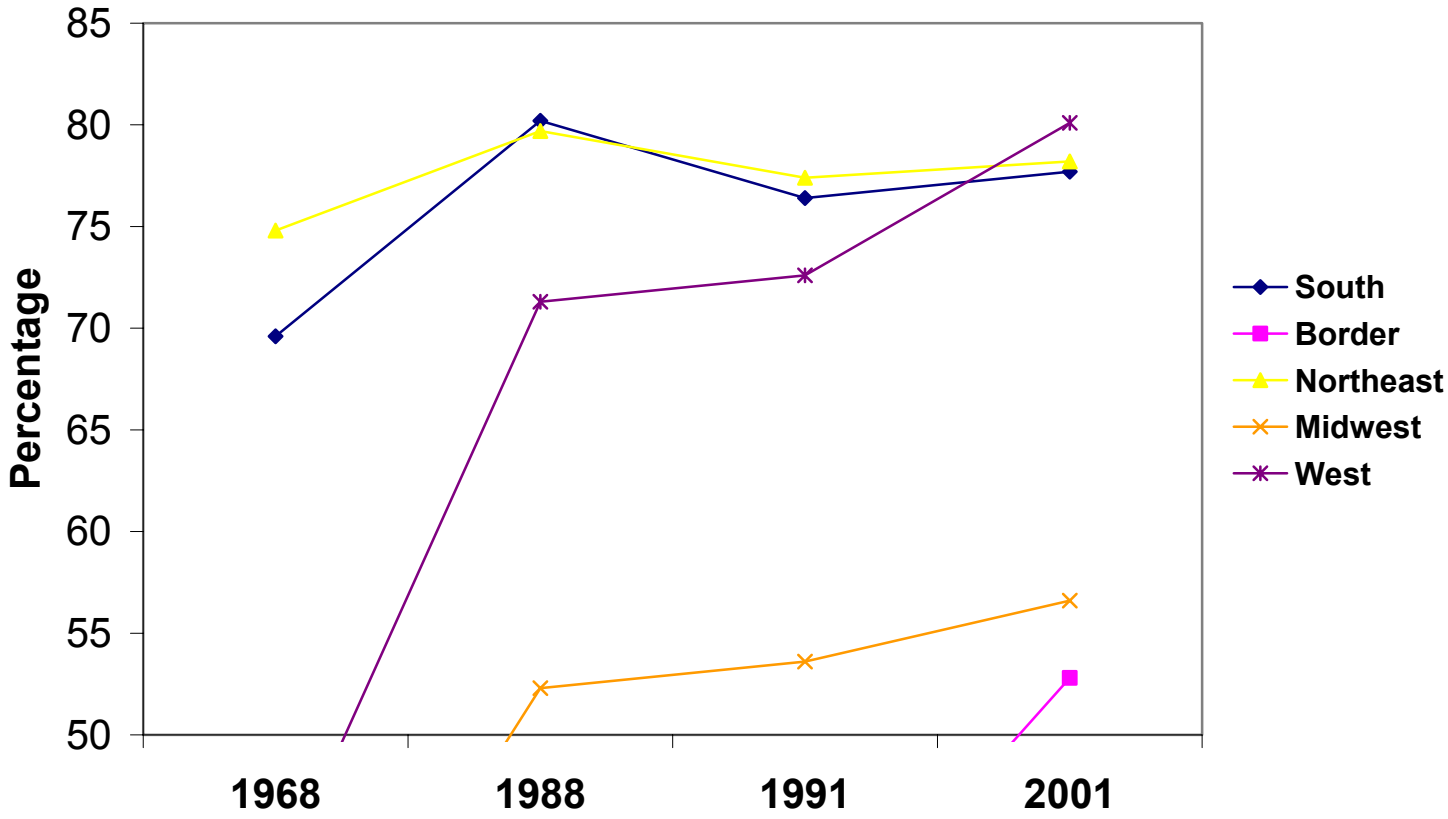
APPENDIX

Figure 6:
Percentage of Black Students in 90 - 100% Minority Schools



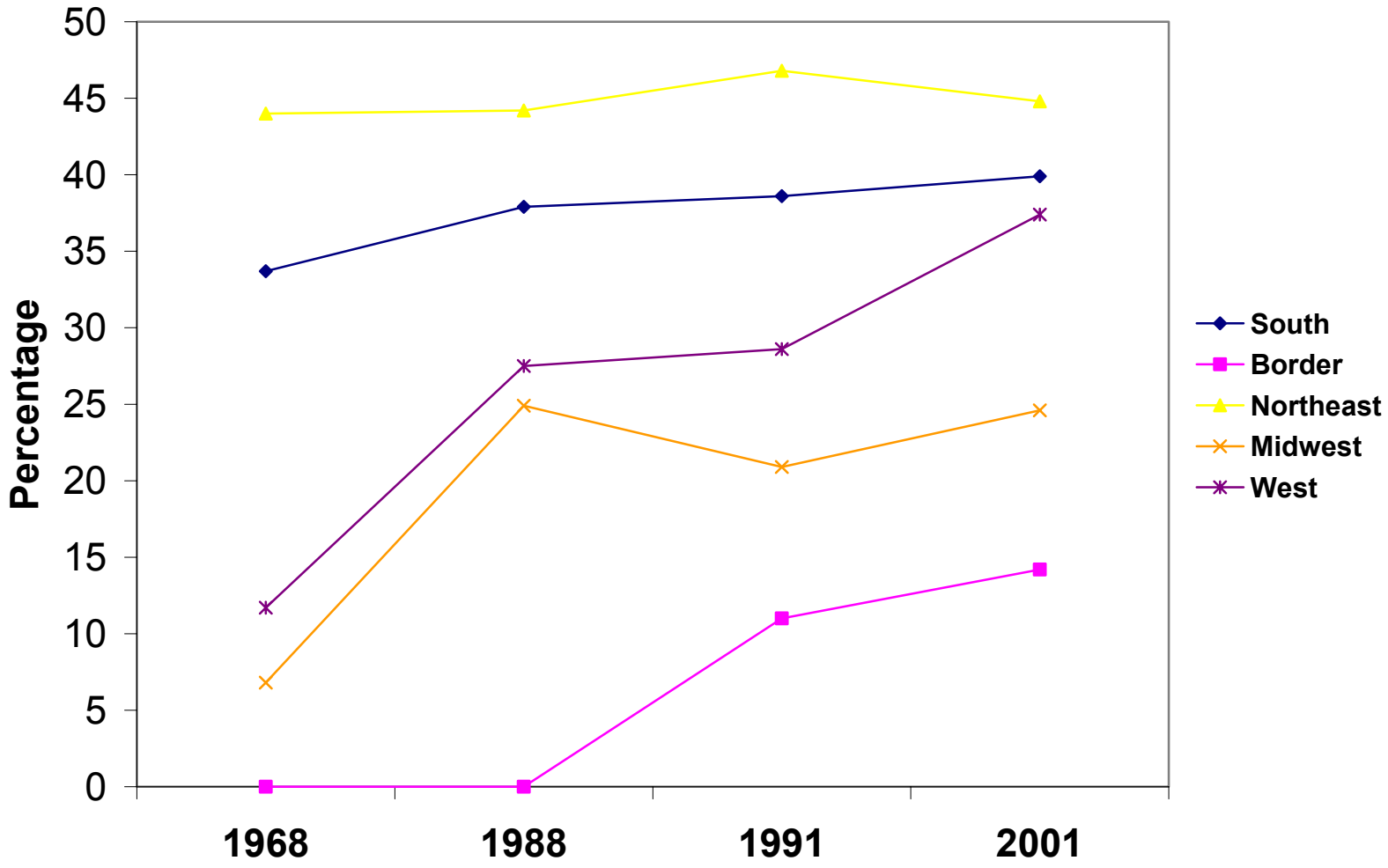
APPENDIX

Figure 7:
Percentage of Latino Students in 50 - 100% Minority Schools



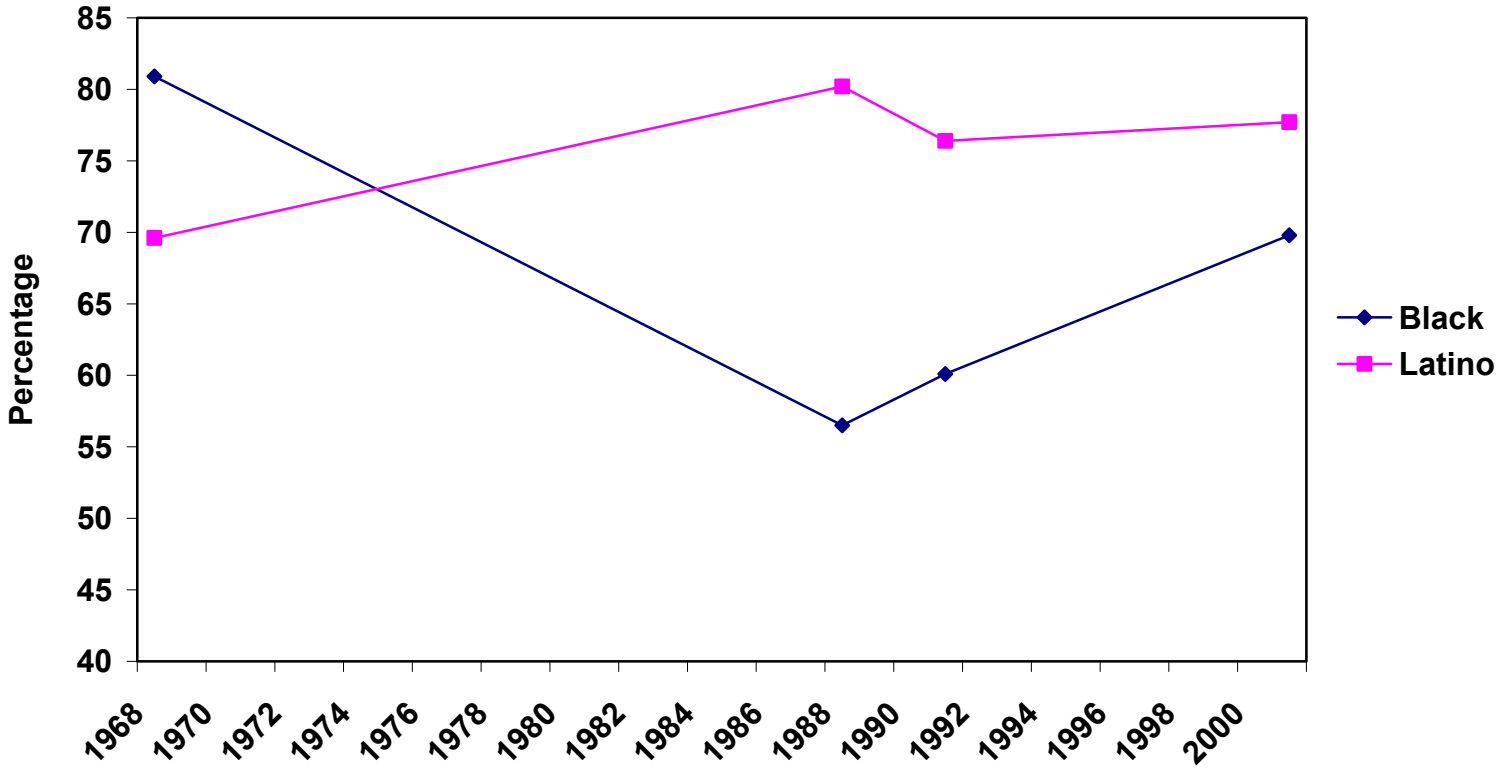
APPENDIX

Figure 8:
Percentage of Latino Students in 90 - 100% Minority Schools



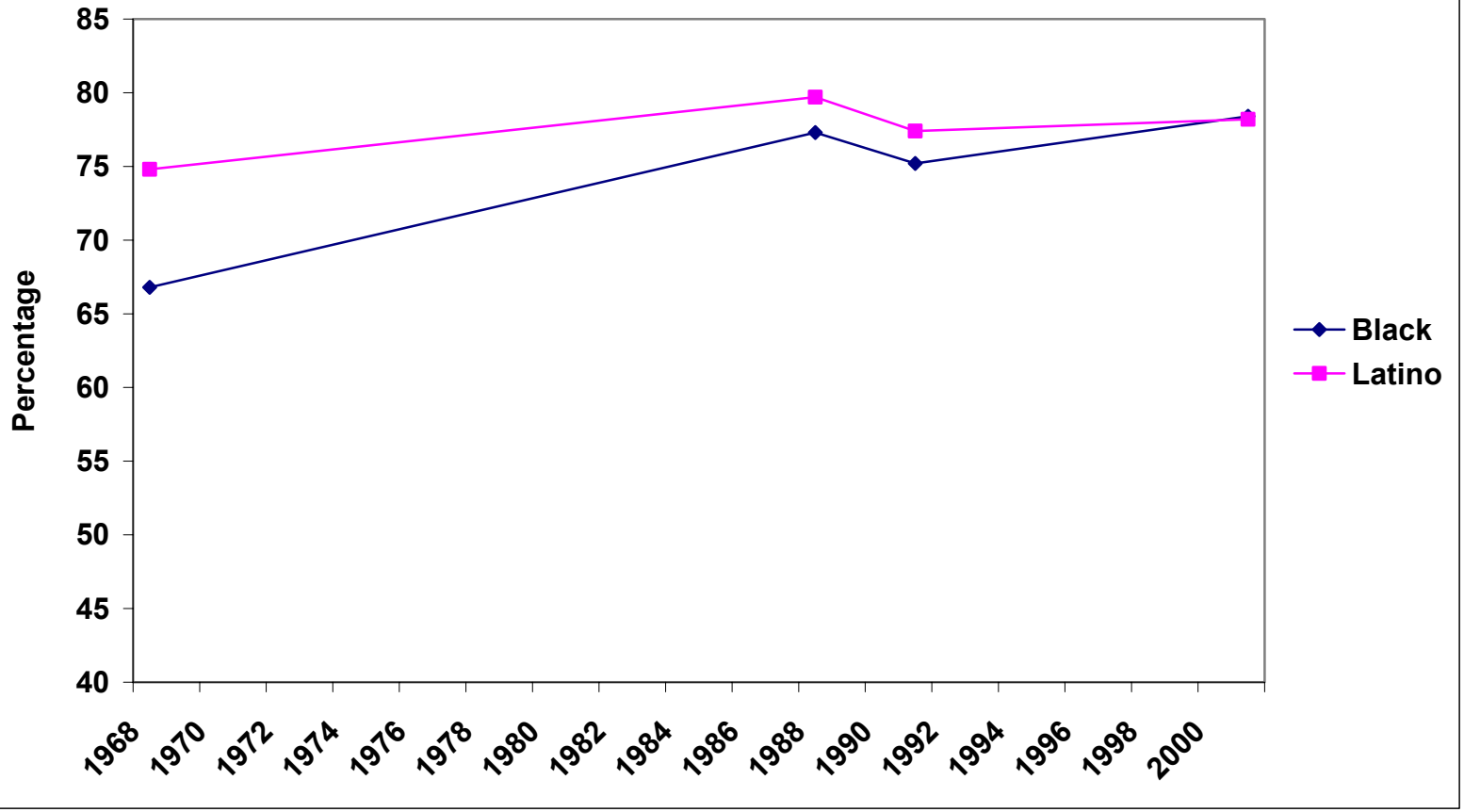
APPENDIX

Figure 9:
Percentage of Black and Latino Students in 50 - 100% Minority Schools in the South



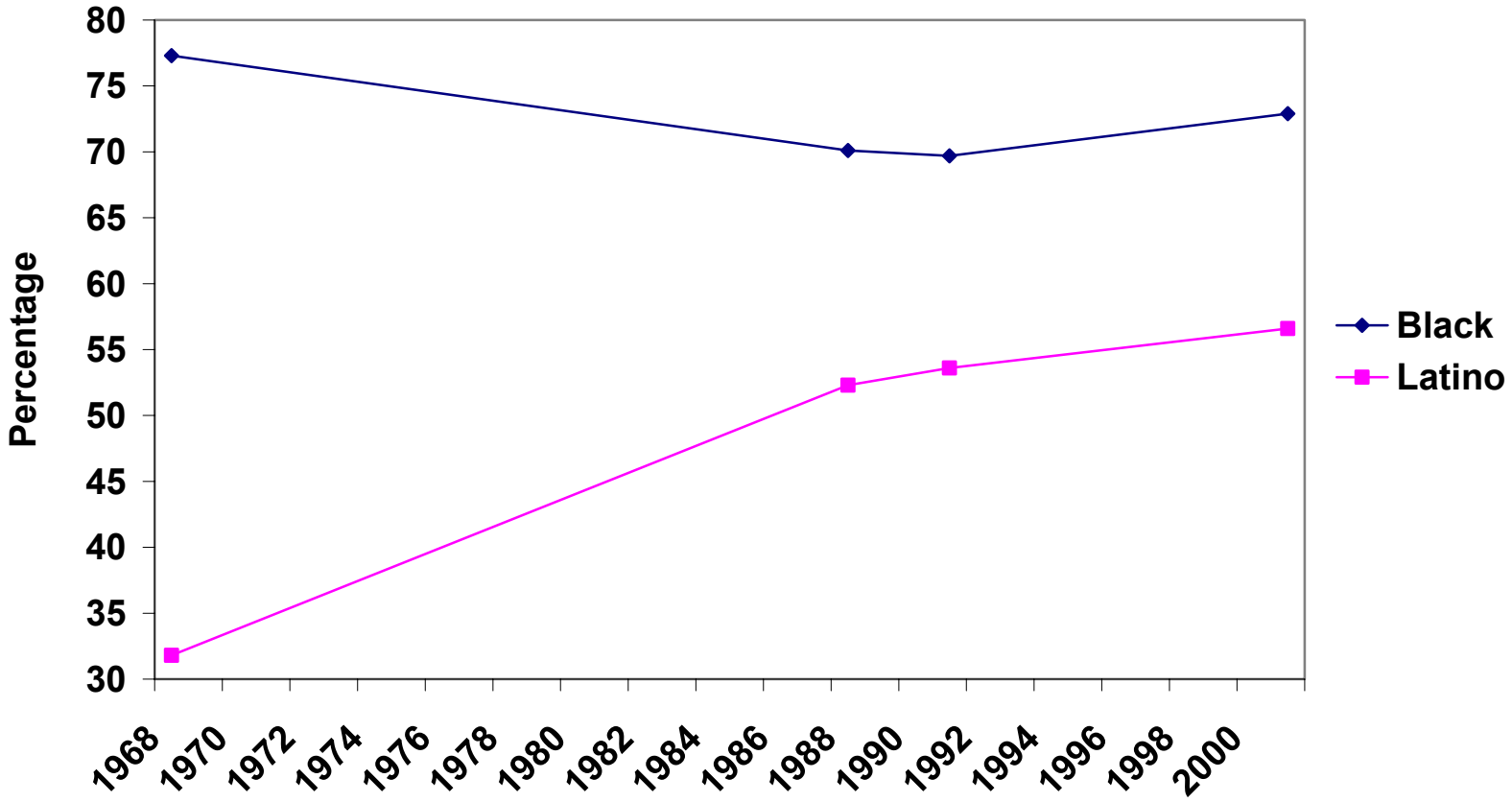
APPENDIX

Figure 10:
Percentage of Black and Latino Students
in 50 - 100% Minority Schools in the Northeast



APPENDIX

Figure 11:
Percentage of Black and Latino Students
in 50 - 100% Minority Schools in the Midwest



APPENDIX

Figure 12:
Percentage of Black and Latino Students in 50 - 100% Minority Schools in the West