Historic Reversals, Accelerating Resegregation, and the Need for New Integration Strategies

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Foreword

American schools, resegregating gradually for almost two decades, are now experiencing accelerating isolation and this will doubtless be intensified by the recent decision of the U.S. Supreme Court. This June, the Supreme Court handed down its first major decision on school desegregation in 12 years in the Louisville and Seattle cases.[1] A majority of a divided Court told the nation both that the goal of integrated schools remained of compelling importance but that most of the means now used voluntarily by school districts are unconstitutional. As a result, most voluntary desegregation actions by school districts must now be changed or abandoned. As educational leaders and citizens across the country try to learn what they can do, and decide what they will do, we need to know how the nation's schools are changing, what the underlying trends are in the segregation of American students, and what the options are they might consider.

The Supreme Court struck down two voluntary desegregation plans with a majority of the Justices holding that individual students may not be assigned or denied a school assignment on the basis of race in voluntary plans even if the intent is to achieve integrated schools—and despite the fact that the locally designed plans actually fostered integration. A majority of the Justices, on a Court that divided 4-4-1 on the major issues, also held that there are compelling reasons for school districts to seek integrated schools and that some other limited techniques such as choosing where to build schools are permissible.[2] In the process, the Court reversed nearly four decades of decisions and regulations which had permitted and even required that race be taken into account because of the earlier failure of desegregation plans that did not do that.[3] The decision also called into question magnet and transfer plans affecting thousands of American schools and many districts. In reaching its conclusion the Court's majority left school districts with the responsibility to develop other plans or abandon their efforts to maintain integrated schools. The Court's decision rejected the conclusions of several major social science briefs submitted by researchers and professional associations which reported that such policies would foster increased segregation in schools that were systematically unequal and undermine educational opportunities for both minority and white students.[4] The Court's basic conclusion, that it was unconstitutional to take race into account in order to end segregation represented a dramatic reversal of the rulings of the civil rights era which held that race must be taken into account to the extent necessary to end racial separation.

The trends shown in this report are those of increasing isolation and profound inequality. The consequences become larger each year because of the growing number and percentage of nonwhite and impoverished students and the dramatic relationships

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[1] *Parents Involved In Community Schools V. Seattle School District No. 1 Et Al.* June 28, 2007.

[2] Ibid.

[3] *Green v New Kent Country*, 191 U.S. 430 (1968*), Swann v. Charlotte-Mecklenburg Board of Education,* 402 U.S. 1 (1971*, Keyes v. School District No. 1, Denver, Colorado,* 413 U.S. 189 (1973).

[4] See brief of 553 Social Scientists at civilrightsproject.ucla.edu. All of the major briefs can be seen at naacpldf.org. Of particular interest are those filed by the American Education Research Association and the American Psychological Association.

between educational attainment and economic success in a globalized economy. Almost nine-tenths of American students were counted as white in the early l960s, but the number of white students fell 20 percent from l968 to 2005, as the baby boom gave way to the baby bust for white families, while the number of blacks increased 33 percent and the number of Latinos soared 380 percent amid surging immigration of a young population with high birth rates. The country's rapidly growing population of Latino and black students is more segregated than they have been since the l960s and we are going backward faster in the areas where integration was most far-reaching. Under the new decision, local and state educators have far less freedom to foster integration than they have had for the last four decades. The Supreme Court's 2007 decision has sharply limited local control in this arena, which makes it likely that segregation will further increase.

Compared to the civil rights era we have a far larger population of "minority" children and a major decline in the number of white students. Latino students, who are the least successful in higher education attainment, have become the largest minority population. We are in the last decade of a white majority in American public schools and there are already minorities of white students in our two largest regions, the South and the West. When today's children become adults, we will be a multiracial society with no majority group, where all groups will have to learn to live and work successfully together.[5] School desegregation has been the only major policy directly addressing this need and that effort has now been radically constrained.

The schools are not only becoming less white but also have a rising proportion of poor children. The percentage of school children poor enough to receive subsidized lunches has grown dramatically. This is not because white middle class students have produced a surge in private school enrollment; private schools serve a smaller share of students than a half century ago and are less white. The reality is that the next generation is much less white because of the aging and small family sizes of white families and the trend is deeply affected by immigration from Latin American and Asia. Huge numbers of children growing up in families with very limited resources, and face an economy with deepening inequality of income distribution, where only those with higher education are securely in the middle class.[6] It is a simple statement of fact to say that the country's future depends on finding ways to prepare groups of students who have traditionally fared badly in American schools to perform at much higher levels and to prepare all young Americans to live and work in a society vastly more diverse than ever in our past. Some of our largest states will face a decline in average educational levels in the near future as the racial transformation proceeds if the educational success of nonwhite students does not improve substantially.[7]

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[5]U.S. Bureau of the Census, "People: Race and Ethnicity," October 13, 2004.
[6] U.S. National Center for Education Statistics, "Poverty Status of Persons, Families, and Children Under Age 18, By Race/Ethnicity," *Digest of Education Statistics: 2006*, table 21.
[7] *The Changing Face of Texas: Population Projections and Implications,* Federal Reserve Bank of Dallas, October 2005.

From the "excellence" reforms of the Reagan era and the Goals 2000 project of the Clinton Administration to the No Child Left Behind Act of 2001, we have been trying to focus pressure and resources on making the achievement of minority children in segregated schools equal. The record to date justifies deep skepticism.[8] On average, segregated minority schools are inferior in terms of the quality of their teachers, the character of the curriculum, the level of competition, average test scores, and graduation rates. This does not mean that desegregation solves all problems or that it always works, or that segregated schools do not perform well in rare circumstances, but it does mean that desegregation normally connects minority students with schools which have many potential advantages over segregated ghetto and barrio schools especially if the children are not segregated at the classroom level.

Desegregation is often treated as if it were something that occurred after the *Brown* decision in the l950s. In fact, serious desegregation of the black South only came after Congress and the Johnson Administration acted powerfully under the l964 Civil Rights Act; serious desegregation of the cities only occurred in the l970s and was limited outside the South.[9] Though the Supreme Court recognized the rights of Latinos to desegregation remedies in l973,[10] there was little enforcement as the Latino numbers multiplied rapidly and their segregation intensified.[11]

Resegregation, which took hold in the early 1990s after three Supreme Court decisions from l991 to 1995 limiting desegregation orders,[12] is continuing to grow in all parts of the country for both African Americans and Latinos and is accelerating the most rapidly in the only region that had been highly desegregated—the South. The children in United States schools are much poorer than they were decades ago and more separated in highly unequal schools. Black and Latino segregation is usually double segregation, both from whites and from middle class students. For blacks, more than a third of a century of progress in racial integration has been lost--though the seventeen states which had segregation laws are still far less segregated than in the l950s when state laws enforced apartheid in the schools and the massive resistance of Southern political leaders delayed the impact of *Brown* for a decade. For Latinos, whose segregation in many areas is now far more severe than when it was first measured nearly four decades ago, there never was progress outside of a few areas and things have been getting steadily worse since the

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[8] J. Lee, *Tracking Achievement Gaps and Assessing the Impact of NCLB on the Gaps: An In-depth Look into National and State Reading and Math Outcome Trends*, Cambridge: Civil Rights Project, 2006; Fuller, J. Wright, K. Gesicki, and E. Kang, "Gauging Growth: How to Judge No Child Left Behind? *Educational Researcher*, vol. 36, no. 5 (2007, pp. 268-277.)

[9] G. Orfield, *The Reconstruction of Southern Education: The Schools and the 1964 Civil Rights Act,* New York: John Wiley & Sons, 1969; *Must We Bus: Segregated Schools and National Policy,* Washington: Brookings Inst., l978.

[10] Keyes v. School District No. 1, Denver, Colorado.

[11] Ruben Donato, *The Other Struggle for Equal Schools: Mexican Americans during the Civil Rights Era.* Albany: State University of New York Press, 1997.

[12] *Board of Education of Oklahoma City v. Dowell,* 498 U.S. 237 (1991), *Freeman v. Pitts,* 503 U.S. 467 (1992*), Missouri v. Jenkins*, 115 S. Ct. 2038 (1995).

l960's on a national scale. Too often Latino students face triple segregation by race, class, and language. Many of these segregated black and Latino schools have now been sanctioned for not meeting the requirements of No Child Left Behind and segregated high poverty schools account for most of the "dropout factories" at the center of the nation's dropout crisis.

There has been no significant positive initiative from Congress, the White House or the Courts to desegregate the schools for more than 30 years. Sixteen years ago the Supreme Court began the process of dismantling the desegregation plans that had made the South the nation's most integrated area for black students.[13] This year the Supreme Court decided cases that forbade most existing voluntary local efforts to integrate schools, a course of action supported by the Bush Administration. Scholars across the country warned the Court that such a decision would compound educational inequality in a social science brief signed by 553 researchers from 201 colleges and research centers and related briefs filed by the American Education Research Association, the American Psychological Association, and other groups. The research is becoming increasingly clear about the nature of the benefits as judicial policy is abandoning the efforts to obtain them and even forbidding local school authorities to consciously pursue desegregation. A new analysis of the research evidence submitted by all participants in the cases was performed by the National Academy of Education, a nonpartisan group of 100 leading American educational researchers, concluding that the best scientific evidence supports the benefits of integration and the inequalities of segregation. Additionally, they concluded that without a race-conscious policy other means (sometimes called race-neutral) to integrate schools were unlikely to produce substantial levels of desegregation.[14]

One would assume that a nation which now has more than 43 percent nonwhite students, but where judicial decisions are dissolving desegregation orders and fostering increasing racial and economic isolation must have discovered some way to make segregated schools equal since the future of the country will depend on the education of its surging nonwhite enrollment which already accounts for more than two students of every five. You would suppose that it must have identified some way to prepare students in segregated schools to live and work effectively in multiracial neighborhoods and workplaces since experience in many racially and ethnically divided societies show that deep social cleavages, especially subordination of the new majority, could threaten society and its basic institutions. Those assumptions would be wrong. The basic judicial policies are to terminate existing court orders, to forbid most race-conscious desegregation efforts without court orders, and to reject the claim that there is a right to equal resources for the segregated schools. Not only do the federal courts not require

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[13] The last positive legislation was the Emergency School Aid Act passed l972. (G. Orfield, "Desegregation and the Politics of Polarization," in Orfield, *Congressional Power*, New York: Harcourt Brace Jovanovich, 1975, chapter 9. This law ended in the first Reagan Budget with the passage of the l981 Omnibus Budget Reconciliation Act. The last Supreme Court expansion of desegregation rights came in the 1973 *Keyes* decision.

[14] R. Linn and K. Welner, eds., *Race-Conscious Policies for Assigning Students to Schools: Social Science Research and the Supreme Court Cases*, National Academy of Education, 2007.

either integration or equalization of segregated schools but this means that they forbid state and local officials to implement most policies that have proven effective in desegregating schools. State and local politics will determine what, if anything, happens in terms of equalizing resources between segregated schools and privileged schools.

The basic position of the Court during the past 16 years has been that the constitutional violations arising from a history of segregation and inequality, when proved, justify race conscious remedies but only for a limited time. A judge can dissolve a desegregation plan and order if he or she thinks that the district has done as much as the judge believes is practical for a number of years—a finding that the district has achieved what is called "unitary status." A court can end a portion of a desegregation plan even if the rest of the plan was never implemented. As soon as the court makes that determination, actions that would have been illegal under the court order, such as creating a highly segregated neighborhood school system that leaves most whiles in good middle class schools and most nonwhites in segregated high poverty schools failing to meet federal standards, become legal. At the same time, remedies which were required under the court orders as essential element of desegregation become illegal and forbidden as soon as the court order is lifted. Unitary status implies that the desegregation plan has eliminated the continuing effects of the history of segregation and that this district treats all students equally, but researchers examining what happens in districts after such orders often see very serious separation and inequality continuing and, often, intensifying.

While the courts are terminating desegregation plans statistics show steadily increasing separation. After three decades of preparing reports on trends in segregation in American schools the most disturbing element of this year's report is the finding that the great success of the desegregation battle—turning Southern education, which was still 98 percent segregated in l964, into the most desegregated part of the nation--is being rapidly lost. This new data show that the South has lost the leadership it held as the most desegregated region for a third of a century, even as the region becomes majority non-white and faces a dramatic Latino immigration. It took decades of struggle to achieve desegregated schools in the South, our most populous region, and no one would have predicted during the civil rights era that leaders in some Southern communities once forced to desegregate with great difficulty would, in the early 21st century wish to remain desegregated but be forbidden to maintain their plans by federal courts. Yet that is exactly what happened in a number of districts.

The basic educational policy model in the post-civil rights generation assumes that we can equalize schools without dealing with segregation through testing and accountability. It is nearly a quarter century since the country responded to the Reagan Administration's 1983 report, "A Nation at Risk," warning of dangerous shortcomings in American schools and demanding that "excellence" policies replace the "equity" policies of the l960s. Since then almost every state has adopted the recommendations for the more demanding tests and accountability and more required science and math classes the report recommended. Congress and the last three Presidents have established national goals for upgrading and equalizing education. The best evidence indicates that these efforts have failed, both the Goals 2000 promise of equalizing education for nonwhite students by

2000 and the NCLB promise of closing the achievement gap with mandated minimum yearly gains so that everyone would be proficient by 2013. In fact, the previous progress in narrowing racial achievement gaps from the 1960s well into the l980s has ended and most studies find that there has been no impact from NCLB on the racial achievement gap. These reforms have been dramatically less effective in that respect than the reforms of the l960s and '70s, including desegregation and anti-poverty programs.[15] On some measures the racial achievement gaps reached their low point around the same time as the peak of black-white desegregation in the late l980s.

Although the U.S. has some of the best public schools in the world, it also has too many far weaker than those found in other advanced countries. Most of these are segregated schools which cannot get and hold highly qualified teachers and administrators, do not offer good preparation for college, and often fail to graduate even half of their students. Although we have tried many reforms, often in confusing succession, public debate has largely ignored the fact that racial and ethnic separation continues to be strikingly related to these inequalities. As the U.S. enters its last years in which it will have a majority of white students, it is betting its future on segregation. The data coming out of the No Child Left Behind tests and the state accountability systems show clear relationships between segregation and educational outcomes but this fact is rarely mentioned by policy makers.

The fact of resegregation does not mean that desegregation failed and was rejected by Americans who experienced it. Of course the demographic changes made full desegregation with whites more difficult, but the major factor, particularly in the South, was that we stopped trying. Five of the last seven Presidents actively opposed urban desegregation and the last significant federal aid for desegregation was repealed 26 years ago in 1981. The last Supreme Court decision expanding desegregation rights was handed down in l973, more than a third of a century ago, one year before a decision rejecting city-suburban desegregation. This second decision in 1974 meant that desegregation was impossible in much of the North since the large majority of white students in many areas were already in the suburbs and stable desegregation was impossible within city boundaries, as Justice Thurgood Marshall accurately predicted in his dissent in the l974 *Milliken v. Bradley*[16] decision.

The *Milliken* decision could be seen as the return of the doctrine of "separate but equal" for urban school children in a society where four of five Americans live in metropolitan areas. The problem is that the Supreme Court held in the 1973 *Rodriguez*[17] case that there is no federal right to an equal education, so "separate but equal" could not be enforced either. With the 2007 rejection of most of the techniques that have preserved a modicum of desegregation by voluntary local action the doctrine is basically one of

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[15] J. Lee, *Tracking Achievement Gaps and Assessing the Impact of NCLB on the Gaps: An In-depth Look into National and State Reading and Math Outcome Trends*, Cambridge: Civil Rights Project, 2006; Fuller, J. Wright, K. Gesicki, and E. Kang, "Gauging Growth: How to Judge No Child Left Behind? *Educational Researcher*, vol. 36, no. 5 (2007, pp. 268-277.)

[16] 418 U.S. 717 (1974).

[17] *San Antonio Independent School Dist. v. Rodriguez*, 411 U.S. 1 (1973),

separation and local political control, except if local governments want to pursue voluntary integration strategies, which are now largely prohibited.

When the Supreme Court authorized a return to segregated neighborhood schools in its 1991 *Dowell* decision the Court expressed optimism. It found that black students in the Oklahoma City district had been given their rights for 13 years. It held that compliance with a court order in "good faith" and a finding by a court that the "vestiges of past discrimination had been eliminated to the extent practicable" were sufficient to assure that the continuing effect of past segregation had been addressed and held that school boards should then be allowed to assign students as they wished so long as their was no proof they did it for discriminatory reasons. The fact that neighborhood schools would be far more segregated than the court's plan did not matter. Since the racial problems had been cured there was no reason not to turn authority back to the local officials, respecting the "important values of local control of school systems."[18] Segregation, however, rapidly increased in the city and the hopeful trend the court had cited in its decision did not last. The *Dowell* decision, however, ignored the rights of Latinos in Oklahoma City and many other districts where desegregation had been ordered only for blacks and the plan had not been revised to deal with the rights of Latinos, belatedly recognized by the Supreme Court in the 1973 *Keyes* case holding that Latinos had equal rights to desegregated education (Latinos in the Oklahoma City district now attend segregated schools that have an average of 78% nonwhite enrollment.)

Had the assumptions of *Dowell* been correct, it would have marked the end of a very successful temporary judicial intervention to correct one of the most profound inequalities in American institutions—systematic denial of equal educational opportunity to the very populations that had been denied the most fundamental rights for centuries. White and nonwhite students would have been given an equal opportunity. Since the schools were no longer racially identifiable and inferior, one could expect that students of all races would attend them. If the problems of racial polarization and inequality that grew from a history pervasive discrimination supported by government had been solved and since huge majorities of nonwhite families preferred schools that were diverse, one might expect that desegregated schools would continue without court orders or race-conscious plans by local school districts. None of these things, however, have happened.

The judicial diagnosis in 1991 was wrong. In fact, the treatment was too short and too incomplete and the forces supporting segregation in the housing markets, in schools, and elsewhere were far more resilient than the Court assumed. The desegregation rights of the largest and now most segregated minority, Latino students, were eliminated where they had never been enforced.

Segregation, it turns out, is built into many structures in the society and is highly resilient. It came back forcefully when the Supreme Court changed the law and has continually worsened since the 1991 decision in the Oklahoma City case.[19] It was not

[18] *Board of Education of Oklahoma City v. Dowell*, 498 U.S. 237(1991)
[19] J. Boger and G. Orfield, *School Resegreation: Must the South Turn Back*? Chapel Hill: Univ. of North Carolina Press, 2005.

cured; it had only been contained and was dormant. It now appears to be deeply established once again and is spreading. And now the most common direct treatments have been forbidden, even those that had been seen as too limited forty years ago.

This report provides statistics from federal data showing where we are in the process of resegregation through 2005-6, how it is related to educational inequality, and what has happened in some of the nation's previously desegregated communities as they have moved back to segregated neighborhood schools. The message of this data is deeply disturbing.

When resegregation comes, local educators try to make resegregated schools equal, they make promises and develop plans, and then the evidence of inequality rapidly cumulates.[20] Most states and the federal government have adopted policies that have the effect of punishing schools and school staffs for unequal results in resegregated schools, which tend to have concentrations of impoverished low-achieving students along with inexperienced and sometimes unqualified teachers. The punishment and the narrowing of the curriculum that accompanies excessive test pressure have not been effective and there is evidence that it has made qualified teachers even more eager to leave these schools.[21]

There has been no significant action to forestall or reverse the rapid increase in Latino segregation and its strong relationship to dropout rates and low test scores. Unfortunately the period of explosive Latino growth came after the civil rights era and those problems have been treated largely with test-driven reform strategies that ignore unequal school and community conditions. Schools with students segregated by language who often fail tests in a language they do not understand are sanctioned for problems resulting in part from segregating Spanish-speaking students from native English speakers and from high achieving students and the most experienced teachers.[22] It is difficult for anyone to acquire fluent academic knowledge of another language without close contact with fluent native speakers. Most U.S. students now face exit exams to get their high school diplomas; exams which assume that it is fair to hold all students to the same standard because all schools provide an equal chance to get ready, but segregated schools do not, particularly schools with triple segregation from whites, from middle class classmates and from native English speakers.[23] When these policies produce systematically unequal results, the blame is put on the teachers and students while segregation and unequal opportunity are ignored.

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

[21] B. Fuller, J. Wright, K. Gesicki, and E. Kang, "Gauging Growth: How to Judge No Child Left behind? Educational Researcher, vol. 36, no. 5 (2007, pp. 268-277.); G. Sunderman, J. Kim and G. Orfield*, NCLB Meets School Realities:* Thousand Oaks: Corwin Press, 2005.

[22] Jorge Ruiz-de-Velasco and Michal Fix, *Overlooked and Underserved: Immigrant Students in U.S. Secondary Schools,* Washington: Urban Inst., 2000.

[23] There are striking differences in performance, for example, for black, Latino and English language learner students in the highly segregated schools of California. (Laurel Rosenhall, "Fewer Pass Exit Exam in Class of '08*" Sacramento Bee*,. Aug. 24, 2007, Naush Boghossian, English Learners Do Worse on Test: Just 27% in LAUSD Pass First Exit Exam, August 24, 2007.)

This report shows that the country is far into the dual processes of racial transformation and resegregation. These trends likely will be accelerated by the new Supreme Court decision. The country risks becoming a nation where most of the new nonwhite majority of young people will be attending separate and inferior schools, and educators will be forbidden to take any direct action likely to bring down the color line. The experience in districts which have already been forbidden to carry out voluntary programs suggests that segregation may rapidly intensify.[24] Obviously educators still face many choices that will be related to the intensity and degree of this resegregation, but there is no simple alternative.

One of the deepest ironies of this period is that never before has there been more evidence about the inequalities inherent in segregated education, the potential benefits for both nonwhite and white students, and the ways in which those benefits could be maximized.[25] The evidence submitted to the Supreme Court regarding the Louisville and Seattle cases was many times more compelling than that the Court relied on in striking down the segregation system of the South in l954. This evidence does not claim that desegregation will eliminate inequalities, since those are based on social and economic issues that reach far beyond the schools but it does show that the policies provide important benefits in both educational attainment and life chances--and that there are no harms and some large benefits for white as well nonwhite students, and for society and its institutions. Yet we are dismantling plans that actually work in favor of an alternative, double and triple segregation, that has never worked on any substantial scale.

This body of this report is about statistical trends. At a time, however, when the successful work of generations of educators and civil rights leaders is being abandoned and major new obstacles are being raised even for those who seriously want to take positive action, it is important to say something directly to those reading this report. What you did was not in vain. You have shown that things long thought to be impossible can be done and can be done so well that even those groups who were initially fiercely opposed often become supporters. You have shown that color lines in education can be brought down and that gaps of many sorts can be narrowed. You have shown that schools can play an important role in helping young people live and work in a rapidly changing multiracial society and that those students recognize and appreciate the opportunity. What you have shown, and the research community has documented, will not be lost because of elections and Supreme Court appointments. What you have accomplished will remain as an ongoing challenge to the country, a path that could help lead us out of deepening social crises. Now it is important to do what can be done under the law as it has been narrowed and to keep alive what has been learned and must, ultimately, be faced.

Nearly 40 years after the assassination of Dr. Martin Luther King, Jr., we have now lost almost all the progress made in the decades after his death in desegregating our schools.

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[24]R. Godwin, S. Leland, A. Baxter and S. Southworth, "Sinking Swann: public school choice and the resegregation of Charlotte's public schools," *The Review of Policy Research* , Sept. 2006.
[25]E. Frankenberg and G. Orfield (eds.), *Lessons in Integration: Realizing the Promise of Racial Diversity in American Schools*, Charlottesville: Univ. of Virginia Press, 2007.

It was very hard won progress that produced many successes and enabled millions of children, particularly in the South to grow up in more integrated schools. Though it was often imperfectly implemented and sometimes poorly designed, school integration was, on average, a successful policy, linked to a period of social mobility and declining gaps in achievement and school completion and improved attitudes and understanding among the races. The experience under No Child Left Behind and similar high stakes testing and accountability policies that ignore segregation has been deeply disappointing and the evidence from those tests show the continuing inequality of segregated schools even after many years of fierce pressure and sanctions on those schools and students.

It is time to think very seriously about the central proposition of the *Brown* decision, that segregated education is ”inherently unequal” and think about how we can begin to regain the ground that has been lost. The pioneers whose decades of investigations and communication about the conditions of racial inequality helped make the civil rights revolution possible a half century ago should not be honored merely by naming schools and streets or even holidays after them but should be remembered as a model of the work that must be done, as many times as necessary, for as long as it takes, to return to the promise of truly equal justice under law in our schools, to insist that we have the kind of schools that can build and sustain a successful profoundly multiracial society.

Gary Orfield

The Data

Since national data were first collected in l968, the statistics on the racial composition of the nation's schools have been a very important indicator of progress and reversal in realizing the objectives of the civil rights movement and the great civil rights laws of the mid-20th century. Any serious student of the history of American race relations knows that racial progress has not been a straight path and that the burst of massive change associated with the Civil War and Reconstruction and the civil rights era of the 1960s are the great exceptions to long periods of stasis and regression in civil rights policy.

School segregation is a central indicator of change in civil rights because schools are the largest, most important, and most universal of America's public institutions and the l954 Supreme Court action outlawing segregated schools was the decisive legal step in initiating the effort to end the educational and social apartheid practiced by seventeen states. No other change was resisted so fiercely because it changed education of children in ways that directly challenged the racial traditions and beliefs and traditional school practices in thousands of communities. We did not have any reliable national statistics on school segregation until the l960s though good data on the South were collected through the privately funded Race Relations Reporting Service in the 1950s. National data collection was a result of the passage and enforcement of the most important civil rights law since the Civil War, the l964 Civil Rights Act, which forbade discrimination in all institutions receiving federal aid and changed the federal government from a passive bystander to an active participant in enforcing non-discrimination requirements. To do this, the government had to collect data from the many thousands of school districts, so it defined what was needed and has been collecting it for four decades. The data show the effects of policy and of the great social changes that have changed the nation since that time, some of them set off by another landmark of the civil rights era, the l965 Immigration Act.

Since school statistics are collected every year, we can trace the fever chart of change. Those statistics, which our research has reported many times since the l970s, showed remarkable progress from the 1960s though the l980s in desegregation of black students, but then a sharp turn in the other direction that continues to this day. Over the years, these reports have shown many things that were surprising: that the *Brown* decision did very little in its first decade, leaving 98 percent of black southerners in totally segregated schools; that executive branch enforcement under President Johnson made the South the nation's most integrated region with just a few years of serious enforcement; that segregation was most intense in the schools of the Northeast and Midwest; that as the Reagan Administration attacked court orders, black-white desegregation continued to rise though the l980s, but Latino segregation grew without interruption since data was first collected, surpassing black isolation a generation ago.

These statistics are, of course, influenced by the relative decline of whites relative to Latinos, African Americans, and Asians in the school age population, but they also show the clear impact of law and policy, particularly for blacks and particularly in the South where most blacks live and where the only serious enforcement was concentrated. The

statistics show increasing desegregation for black students from the 50's though the 80's in spite of a declining percentage of white students, but then a sharp turn toward continuous resegregation as the Supreme Court changed policies.

Resegregation is now occurring in all sections of the country and is accelerating most rapidly when the most was achieved for black students, in the South. This is an historic shift and the new statistics show that the South has passed a critical threshold on the downward spiral. After three decades as the least segregated region for black students, 2005 data show that the South has lost that distinction. Long the most resistant and completely segregated region, the South had remained for a third of a century the nation's most integrated—a remarkable and little noticed accomplishment of the civil rights revolution. The large southern school systems that had county-wide desegregation plans following the Supreme Court's *Swann* decision in l971 became, in the next decades, what were probably the most desegregated large urban school systems in American history but they are rapidly losing that accomplishment as their desegregation plans are being terminated.

During the desegregation period, the long exodus of blacks from the South ended and a reverse migration of blacks from the North beginning in the l970s was a sign of the changes in the region.[26] Blacks moving from New York or Chicago or Detroit to Charlotte or Nashville or Orlando were moving from a far more segregated to a far more integrated school system and to societies far more open than in the past. Now, however, Southern cities in those metropolitan areas which had substantially desegregated schools for decades are seeing the kinds of ghetto schools that have long been characteristic of the urban North. A massive migration of middle class blacks from the central cities is now under way, leaving inner city black schools more isolated than ever and often producing spreading segregation of middle class blacks in the suburbs.

The issue of Latino segregation received serious local attention in Texas and the Southwest, even before the *Brown* decision, but very little national attention until the Supreme Court recognized the right of Latinos to desegregation remedies in *Keyes,* the l973 Denver case coming a generation after *Brown*.[27] There never was any serious national effort to enforce this decision though there were important plans in Denver, Las Vegas and a few other cities. At the beginning of the civil rights period, Latinos were substantially less segregated than African Americans but as Blacks became less segregated, Latinos became steadily more so, with very dramatic effects, for example, in California, home to nearly a third of the exploding Latino enrollment.

This report and social science studies in general, use the term "segregation" in a different way that it is sometimes used in legal decisions. It is used as a measure of the extent of

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[26] N. Smelser, W. Wilson and F. Mitchell (eds.), American Becoming: Racial Trends and their Consequences, Washington: National Academy Press, vol. 1, 2001, pp.51-52.

[27] Delores Delgado Bernal, "Chicana/o Education from the Civil Rights Era to the Present," In J. Moreno, ed., The Elusive Question for Equality," Cambridge: Harvard Education Review, 1999, pp. 77-82; U.S. Commission on Civil Rights, "Ethnic Isolation of Mexican Americans in the Public Schools of the Southwest," *Mexican American Education Study*, Rept. 1, April 1971.

racial isolation, not as a claim about causation. Sometimes courts limit the use to circumstances where the isolation is the obvious result of overt racial discrimination, calling a school district, for example, fully desegregated in legal terms when the students of different races still attend separate schools. In these statistics, however, segregation is a measure of racial and ethnic separation at the school level, whatever the cause may be. These statistics do not show how much isolation there may or may not be at the classroom level within interracial schools, due to data which only report enrollment at the school level.

The Changing National School Population

The demographic landscape has been transformed since serious desegregation policies were first crafted in the late 1960s, when white students comprised a full 80 percent of public school enrollment. The Latino enrollment has grown exponentially, up nearly four times in less than 40 years (Table 1).

Table 1
Public School Enrollment by Race/Ethnicity, 1968-2005 (in Millions)

	1968	1980	1994	1996	1998	2005	Change 1968-2005
Latinos	2	3.2	5.6	6.4	6.9	9.6	7.6 (380%)
Whites	34.7	29.2	28.5	29.1	28.9	27.7	7.0 (-20%)
Blacks	6.3	6.4	7.1	7.7	7.9	8.4	+2.1 (33 %)

Source: DBS Corp., 1982, 1987; Gary Orfield, Rosemary George, and Amy Orfield, "Racial Change in U.S. School enrollments, 1968-84," paper presented at the National conference on School Desegregation, University of Chicago, 1968. 1996-7, 1998-9, 2005-6 NCES Common Core of Data

By 2005 the white share dropped to 57 percent of the total while the proportion of Latino students has soared to become the largest minority group at 20 percent, followed closely by black students at 17 percent. Asian immigration had been almost totally cut off by law until the 1965 immigration reforms, but now Asian students constitute 8 percent of the enrollment of the West, larger than the region's black enrollment, and Asians are almost one-twentieth of the nation's students.

Due to differential birth rates, age structures, and increased immigration, Census Bureau projections in the l990s suggested that by the middle of this century, white students will comprise little more than 40 percent of the school age youth.[28] Since that time the growth of the Latino population has been

[28] Campbell, P. *Population Projections for States by Age, Sex, Race, and Hispanic Origin*. US Bureau of the Census, Oct. 1996.

substantially more rapid than those projections suggested. Increasingly, racial dynamics are no longer biracial but multiracial, with three or more groups present in many communities.

The South is the most populous area with more than 15 million students, nearly a third of the national total, followed by the West, with nearly 11 million students and about a fourth of the public school enrollment (Table 2). Over half of U.S. students live in regions where whites are the minority, areas where successful race relations and equal education will powerfully shape the future society and where the benefits to whites as well as nonwhites of interracial knowledge and skills recognized by the Supreme Court in the 2003 *Grutter* decision will be particularly important. The white minorities in these regions are likely to continue to shrink.

Table 2
Public School Enrollments by Race/Ethnicity and Region, 2005-6

Region	%White	%Black	%Latino	%Asian	%American Indian	Total (by Region)
West	45	7	38	8	2	11,356,210
Border	68	21	5	2	4	3,530,810
Midwest	73	15	8	3	1	9,756,674
South	50	27	21	3	0	15,382,983
Northeast	65	16	14	5	0	8,240,086
Alaska	58	5	4	7	27	133,292
Hawaii	20	2	5	73	1	184,925
Bureau of Indian Affairs	0	0	0	0	100	50,155
Total (by Race)	57	17	20	5	1	48,635,135

Source: 2005-6 NCES Common Core of Data

In the period from 1990-2005, the number of U.S. public school students increased by more than 10 million students (Table 2 and 3). With an increase of about 5 million students, Latino students account for the largest part of this growth, and the proportion of Latino students in the West grew from 25 percent to 38 percent in this 15 year period. White students now comprise 45 and 50 percent respectively of total public school enrollment in the two regions that are growing the fastest, the West and the South, which grew by three and five million students respectively (Table 2). In the West, the share of white students dropped 14 percentage points and in the South, nine percentage points. The Midwest is the region with the highest white share at 73 percent, followed by the Border States[29] at 68 percent.

[29] Border States are the states stretching from Oklahoma to Delaware between the eleven states of the South (the old Confederacy) and the North. They were states with a history of laws mandating segregation, virtual apartheid before 1954 but, typically, lower proportions of black population.

Table 3
Public School Enrollments by Race/Ethnicity and Region, 1990-1

Region	%White	%Black	%Latino	%Asian	%American Indian	Total (by Region)
West	59	6	25	7	2	8,717,430
Border	75	19	2	2	3	2,426,042
Midwest	81	13	4	2	1	8,972,642
South	59	26	14	1	0	10,211,802
Northeast	72	15	10	3	0	7,040,751
Alaska	68	4	2	4	22	113,874
Hawaii	23	2	3	72	0	171,621
Total (by Race)	**67**	**16**	**12**	**4**	**1**	**37,654,162**

Source: 1990-1 NCES Common Core of Data

The demographic trend is apparent in the continually growing list of states which have a nonwhite majority in their total enrollment (Table 4). The ten states that had less than half whites already account for 38 percent of the nation's students. Sixty-nine percent of Latino students and 54 percent of Asian students are in these schools, but only 30 percent of American Indians, 37 percent of blacks and 26 percent of whites. The list of states whose future majority is nonwhite is destined to grow relatively rapidly as the logic of different age structures, birth rates, and immigration trends continue to play out.

Table 4
Public School Enrollments in Majority Non-White States by Race/Ethnicity, 2005-6

State	Total Enrollment	%White	%Black	%Latino	%Asian	%American Indian
Arizona	1,094,454	47	5	39	3	6
California	6,187,782	31	8	49	12	1
Florida	2,675,024	50	24	24	2	0
Georgia	1,559,378	49	39	9	3	0
Hawaii	184,925	20	2	5	73	1
Maryland	860,020	49	38	8	5	0
Mississippi	494,954	47	51	1	1	0
Nevada	412,407	46	11	34	7	2
New Mexico	326,758	31	3	54	1	11

Texas	4,523,873	37	15	45	3	0
% of US Total	**38**	**26**	**37**	**69**	**54**	**30**

Source: 2005-6 NCES Common Core of Data

Growing Poverty among Students

Poverty has long been one of the central problems facing segregated schools. Segregation tends to be multidimensional. Few highly segregated minority schools have middle class student bodies. Typically students face double segregation by race/ethnicity and by poverty. These schools differ in teacher quality, course offerings, level of competition, stability of enrollment, reputations, graduation rates and many other dimensions.[30] Although high poverty urban schools actually sometimes spend substantially more than typical suburban schools when all special funds are included, they tend to have much worse offerings and outcomes. The connection between racial and income segregation has led some commentators to suggest that school desegregation could be accomplished indirectly through desegregation on the basis of school poverty levels though statistical studies of major urban communities suggest that simply desegregating in terms of class would leave a great deal of racial segregation.[31]

As American society has become increasingly polarized by income since the l960s, the share of low-income students has grown. Students of all races are now in schools where poor children make up a growing part of the enrollment. The U.S. has become a very rich country with millions of very poor children, especially in the segregated inner city schools, in some rural areas, and, increasingly, in some suburban areas as well.

The year 2000 was at the end of an economic boom. In that same year, one-sixth of U.S. children were living below the federal poverty line (which is a significantly lower income than the level for subsidized school lunches), including a tenth of whites, a seventh of Asians and around a third of black, Latino and American Indian children. By 2005 the numbers had reached almost a fifth (19%) of all U.S. children and about a ninth of whites. Black children were worse off than Latinos or American Indians on this score, but by only a few points.[32] One of the causes of the growing poverty in the schools was the rapid increase in Latino students. U.S. school population rose 4.7 million from 1993 to 2003 and 3 million of that growth was accounted for by Latino students. In those schools where the Latino enrollment doubled or more during the decade there was an average 6 percent increase in free lunch percentages.[33] The basic message of these data is that the country is raising huge numbers of children in families unable to afford lunch for their kids and that in the cities where resegregation compounds the problem, segregated schools are profoundly isolated from the American

[30] G. Orfield and C. Lee, *Why Segregation Matters: Poverty and Educational Inequality*, Civil Rights Project, 2005; Boger,J., *The socioeconomic composition of the public schools: A crucial consideration in student assignment policy*. Chapel Hill, NC: Center for Civil Rights, 2005.

[31] R. Kahlenberg, *All Together Now: Creating Middle Class Schools through Public School Choice,* Washington: Brookings Inst., 2001); Reardon, S.F., Yun, J.T, & Kurlaender, M. (2006). "Implications of Income-Based School Assignment Policies for Racial School Segregation," *Educational Evaluation and Policy Analysis* 28(1): 49-75.

[32] *KIDS COUNT*, State-Level Data Online, from Census Bureau Survey data, downloaded 3/7/2007.

[33] Eunice Moscoso, "Hispanic Students Fuel School Growth," Cox News Service, October 8, 2006.

mainstream.

As the percentage of low-income students in the U.S. has risen substantially, it has meant more impoverished classmates for whites as well as minority children. The average white student now attends a school that is 31 percent poor, compared to 19 percent in 2000 (Table 5). The

average black and Latino student attends a school that is more than half poor in 2005, compared to 45 percent and 44 percent in 2000, respectively. There is a moderate correlation between race and poverty at the national level at the .55 level. Previously this correlation was much higher, nearly .70.[34] This change reflects primarily the growing percent of all groups of students who come from families with low incomes.

This means that poverty is no longer as much a substitute for race as it long was at the school level, so it will be less possible than in the past to achieve racial integration by focusing on a school's social and economic status (SES) rather than directly considering race.[35] There are still districts with just two significant racial groups where race and poverty are very highly correlated at the school level, but where there are multiple groups and more poor whites, it becomes increasingly ineffective. This approach cannot, in any case, desegregate middle class black and Latino students, who are often concentrated because of housing discrimination in weak and resegregating suburban schools which would not be desegregated under an SES plan. Middle class nonwhite families who are steered to resegregating neighborhoods typically end up living in neighborhoods with far more poor children than similar whites and such schools often face abandonment by their white teachers.[36] Because schools with intensely concentrated poverty typically have severe educational problems, educators are likely to be examining local possibilities under such policy in the aftermath of the Supreme Court decision.

Table 5
Percent Poor in Schools Attended by the Average Student, By Race and Year

Percent Poor	White Student	Black Student	Latino Student	Asian Student	American Indian Student
1996-7	19	43	46	29	31
2000-1	19	45	44	26	31
2005-6	31	59	59	36	47

[34] Orfield, G., and Yun, J. T. (1999). *Resegregation in American schools*. Cambridge, MA: The Civil Rights Project at Harvard University

[35] Social class desegregation is strongly recommended in R. Kahlenberg, *All Together Now: Creating Middlc Class Schools through Public School Choice,* Washington: Brookings Inst., 2001); For a description of the most successful implementation of an SES-based policy see S. Flinspach and .K. Banks, in Boger and Orfield, Chapter 12.

[36] Orfield, *Vicious Cycle; C Freeman, B. Scafidi, and D. Sjoquist," Racial Segregation in Georgia Public Schools, 1994-2001: Trends, Causes, and Impact on Teacher Quality,"* in Boger and Orfield, eds., 2005, chapter 7.

Source: 1996-7, 2000-1, and 2005-6 NCES Common Core of Data

Federal data show millions of students eligible for free and reduced price lunch. The free lunch cutoff in 2006-07 was an annual income of $21,580 for a family of three. For reduced price lunch for a family of three must be below $30, 710.[37] In 2005, some 41 percent of all 4th grade students were eligible. Among blacks, however, the number was 70 percent while 73 percent of Latinos and 65 percent of American Indians meet these low income requirements. By contrast, about a third of Asians (33 percent) and a fourth of whites, 24 percent, had similarly low income.[38] In 2005, nearly half of black and Latino 4th grade students went to intensely concentrated poverty schools (> 75% on free and reduced lunch), about ten times proportion of whites attending such schools (5%). Fifty-one percent of black students and 56 percent of Latino 4th graders were in schools where three fourths or more of the students were nonwhite. In the central cities, the poverty isolation was most extreme and nearly two-thirds of black and Latino students were in schools with 75 percent or higher levels of free lunch eligibility.[39] These schools experience a very wide array of educational and social problems ranging from health and developmental problems, to family problems, to frequent moves and lack of resources at home, and to the often negative influence of poorly prepared classmates and teachers with limited training and experience.[40]

There are serious class divisions within each racial group. Although black and Latino students are many times more likely to end up in schools with extremely high levels of poverty, a small fraction, about an eighth of black and Latino students, were in schools with very few poor children like millions of white suburban students (Table 7). This small group of minority children attends schools less impoverished than the schools most whites attend. By the same token a small fraction of whites, about one in eight, attend schools with a majority of poor children (Table 7). In other words the economic polarization is now evident for both white and nonwhite children, but concentrated poverty hits the large majority of segregated nonwhite schools and only a small but growing portion of white students.

There have long been social class dimensions to desegregation plans. One of the results of the Supreme Court excluding the suburbs in the 1974 *Milliken* decision was to disproportionately limit white desegregation to white households without the financial means to obtain suburban housing. One of the ironies of a SES desegregation strategy is that it might empower poor whites to leave schools in neighborhoods with weak schools, increasing racial segregation, while denying middle-class blacks and Latinos the same opportunity (few middle-class whites live in such areas, but the pattern of increasing impoverishment in racially changing neighborhoods means that many middle-class blacks and Latinos do).

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[37] Food Research and Action Center, "Child Nutrition Fact Sheet" 2006.
[38] National Center for Education Statistics, "Participation in Education", indicator 6 (2006),
[39] Ibid.
[40] For a more detailed description of the effects of poverty and segregation on educational opportunities, see Orfield, G. and Lee, C. *Why Segregation Matters: Poverty and Educational Inequality*. Cambridge, MA: 2005.

Half of U.S. schools have less than 20 percent black and Latino students attending them (Table 6). At the other end of the spectrum, one fifth (20%) of the schools report having at least 70 percent black and Latino students, and more than 80 percent of these schools report that at least half of their students qualified for free or reduced price lunches. In contrast, of the intensely segregated white schools (less than 10% black and Latino), about one-fifth (24%) of the students attended majority poor schools. In short, students in intensely segregated (90-100%) minority schools are more than four times as likely to be in predominantly poor schools than their peers attending schools with less than ten percent minority students (84% compared to 18%).

Table 6
Relationship Between Segregation by Race and Poverty, 2005-6

	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	20	10	7	7	6	8	6	5	9
10-25%	23	26	24	13	8	4	3	2	1	2
25-50%	35	34	38	42	34	27	19	11	8	6
50-100%	18	20	28	37	51	63	70	81	85	84
% of Schools (Column Totals)	**38**	**12**	**8**	**6**	**6**	**5**	**4**	**4**	**5**	**11**

**Totals may not add up to 100 due to rounding.*
Source: 2005-6 NCES Common Core of Data

A fifth of white students across the nation attend schools (Table 7) with less than a tenth poor kids compared to five percent of black and seven percent of Latino students. The vast majority (79%) of white students attend schools where less than half of the student body is poor, compared to 37 percent of blacks and 36 percent of Latinos. Although these are striking differences, the fact that more than a third of black and Latino students are not in such high poverty schools is one of the many challenges facing proposals to achieve desegregation by using a poverty factor in hopes of achieving racial integration.

In summary, these national trends show that despite increasing diversity, students are still segregated by race and class, though class segregation for whites is dropping because of the growth over poverty among all groups of school age children, including whites.

Table 7

Distribution of Students by Percent Poor in US Public Schools, 2005-6

	Percent of Each Race				
Percent Poor	**%White**	**%Black**	**%Latino**	**%Asian**	**%American Indian**
0-10%	20	5	7	23	17
11-20%	17	5	5	14	6
21-30%	16	7	7	12	8
31-40%	14	9	8	11	9
41-50%	12	11	9	9	11
51-60%	9	11	10	8	11
61-70%	6	12	11	6	11
71-80%	3	13	12	6	10
81-90%	2	14	14	6	8
91-100%	1	13	15	4	9
Total (in Millions)	**28**	**8**	**10**	**2**	**1**

**Totals may not add up to 100 due to rounding.*
Source: 2005-6 NCES Common Core of Data

Free and reduced lunch statistics are the only measure of poverty most schools have and there are obvious limits to this measure. It is likely that free lunch statistics substantially understate the actual level of student poverty, particularly at the high school level and for Latino students. In many districts, a far smaller percentage of high school students than elementary and middle school students receive free lunch. This is widely attributed to the embarrassment for adolescent students being branded as coming from families asking for charity. For Latino students, families which are undocumented are often hesitant to submit official papers to schools, which are needed to establish eligibility. It is reasonable to assume that poverty concentrations even more intense than these statistics suggest.

Turning Point in the South

Southern schools were a central focus of the war against segregation and inequality in the civil rights revolution of the 1960s because the South had the largest black populations and had laws mandating segregation that were the most obvious violations of the U.S. Constitution. Although the South was the epicenter of resistance to desegregation for the decade after *Brown,*[41] it was forced to desegregate far more rapidly and thoroughly than the North through active enforcement of the l964 Civil Rights Act and a series of sweeping Supreme Court decisions from 1968 to 1971 which moved it from a situation where 99 percent of black students had been in totally segregated schools to make it the least segregated of the nation's regions, a distinction it maintained in the 2005 school

[41] Reed Sarratt*, The Ordeal of Desegregation: The First Decade,* New York: Harper & Row, 1966; U.S. Commission on Civil Rights*, Southern School Desegregation 1966-'67*, Washington: Government Printing Office, 1967.

year, in which 27 percent of black students attend majority white schools (Table 8). In part because it was the most desegregated region and the most influenced by mandatory desegregation, the South was most vulnerable to reversal of judicial policy and is moving backward more rapidly than any other region for Black students.

Ironically, as Southern desegregation plans desegregating black students are being shut down by federal courts, the region is becoming a great center for Latino immigration. This report shows that its total enrollment is now slightly more than half nonwhite, but a fifth of its students are Latino. In most Southern desegregation plans, however, Latino issues were not addressed when the plans were designed in the l960s or early l970s and nothing has been done to address their growing segregation. With its history both of the most extreme segregation and obvious inequalities and the most substantial desegregation, the resegregation of Southern communities is a historic turning point.[42]

Table 8
Change in Black Segregation in South, 1954-2005

Year	Percent of Black Students in Majority White Schools	
1954	0.001	(one in 100,000)
1960	0.1	(one in 1,000)
1964	2.3	
1967	13.9	
1968	23.4	
1970	33.1	(330 in 1,000)
1972	36.4	
1976	37.6	
1980	37.1	
1986	42.9	
1988	43.5	(435 in 1,000)
1991	39.2	
1994	36.6	
1996	34.7	
1998	32.7	
2000	31.0	
2001	30.2	
2005	27.0	(270 in 1,000)

Source: Southern Education Reporting Service in Reed Sarratt, The Ordeal of Desegregation (New York: Harper & Row, 1966): 362; HEW Press Release, May 17, 1968; OCR data tapes; 1992-3, 1994-5, 1996-7, 1998-9, 2005-6 NCES Common Core of Data

[42] John Boger and Gary Orfield (eds.), *School Resegregation: Must the South Turn Back*? Chapel Hill: Univ. of North Carolina Press, 2005.

National Segregation Trends

Across the country, segregation is high for all racial groups except Asians (Table 9). While white students are attending schools with slightly more minority students than in the past,[9] they remain the most isolated of all racial groups: the average white student attends schools where 77 percent of the student enrollment is white (Table 9). Black and Latino students attend schools where more than half of their peers are black and Latino (52% and 55% respectively), a much higher representation than one would expect given the racial composition of the nation's public schools and substantially less than a third of their classmates are white. Whites had been even more segregated back in 1990, when they constituted a significantly larger share of the total enrollment (Table 9A).

Table 9
Racial Composition of Schools Attended by the Average Student of Each Race, 2005-6

	Racial Composition of School Attended by Average:				
Percent Race In Each School	**White Student**	**Black Student**	**Latino Student**	**Asian Student**	**American Indian Student**
%White	77	30	27	44	44
%Black	9	52	12	12	7
%Latino	9	14	55	21	12
%Asian	4	3	5	23	3
%American Indian	1	1	1	1	35
Total	**100**	**100**	**100**	**100**	**100**

**Totals may not add up to 100 due to rounding.*
Source: 2005-6 NCES Common Core of Data

Table 9A
Racial Composition of Schools Attended by the Average Student of Each Race, 1990-1

	Racial Composition of School Attended by Average:				
Percent Race In Each School	**White Student**	**Black Student**	**Latino Student**	**Asian Student**	**American Indian Student**
%White	83	35	32	48	52
%Black	8	54	11	11	6
%Latino	6	9	52	16	8
%Asian	3	2	5	24	2
%Native American	1	0	1	1	32
Total	**100**	**100**	**100**	**100**	**100**

**Totals may not add up to 100 due to rounding.*
Source: 1990-1 NCES Common Core of Data

It is important to consider the degree to which segregation levels reflect demographic trends. Demographic transformation of the nation's public schools has clearly affected the racial composition of the schools. Table 9 shows that the students of all racial groups are attending schools with larger Latino shares: the average white student attends a school that is nine percent Latino, compared to six percent in 1990. The share of Latino students in the school of the average Black and Asian student increased by five percentage points since 1990. As the proportion of whites in the total population declines, the percentage of whites in schools attended by other races would fall even if desegregation plans remained in place. When we look at isolation (exposure of each group to its own racial group) numbers, we see that, except for Latino and American Indian students, students of all races are less isolated within their own group in 2005 than they were in 1990. The demography of the country has become more multiracial.

These demographic trends do not mean, however, that further desegregation is not possible. Critics often point to the impossibility of full desegregation in some local settings, implying that if the entire problem cannot be solved, then nothing can be done. In truth, in many settings there are many important alternatives between complete segregation and full desegregation and they need to be examined.

In fact, demographic change alone does not automatically produce growing segregation. It depends on what is done. The South is an important example. For three decades while the white percentage of Southern students was gradually declining, the percentage of white students in the school of the typical black student continued to rise even though the South has by far the highest percentage of black students. Then, as demographic trends continued there was a sudden turn toward substantially increased segregation at the same

time that the Supreme Court authorized dropping desegregation orders. Though one would think that increasing residential integration, which was occurring in the South at this time, would produce schools with rising levels of desegregation, schools actually became more segregated after the Court decisions.[43] Obviously demography is too simple an explanation.

In the 2005-6 school year blacks attended, on average, schools with 54 percent black students while Latino students were isolated in schools with more than half (52%) Latinos, in spite of the fact that black and Latino students each comprised less than a fifth of total school enrollment (Table 9). The basic pattern for black and Latino students is growing isolation in schools that are about two-thirds combined black and Latino enrollment, concentrating two groups of disadvantaged minority students. Blacks and Latinos are significant presences in each others' schools. On average, Latinos are in schools where one-eighth of the students are black and black students are in schools where one student in seven is Latino. In the West, black students in schools that are severely segregated from whites typically attend schools where there are twice as many Latinos as fellow blacks. Latinos coming into the South will often find themselves in the reverse situation. In other words, as minority students are increasingly isolated from whites, they often find themselves in schools with other minority populations. This pattern of combining two disadvantaged minorities in the same school and overlaying the challenges of poverty and race with issues of distinctive languages and cultures needs attention. Black or Latino students are often required to adapt to the situation where students from another minority group are the majority and where the entire school is afflicted with poverty. This is not the result of any desegregation policy but of competition for limited affordable neighborhoods. Often these schools are also isolated from middle class minority families.

Whites: Still the Most Segregated

Though white students in 2005-6 were in schools with more minority students than in the past, they were still the most segregated population, being in schools that were 77 percent white, on average, in a country with 57 percent white students (Table 9). Almost no attention has been given in the discussion of desegregation strategies and neighborhood schools about the consequences of ending city- and county-wide desegregation plans for white students living in city and inner suburban areas. In the absence of desegregation plans, much of the racial contact that exists is accounted for either by the small but significant number of whites in heavily minority schools or reflects the temporary diversity produced by residential racial transition as blacks and Latinos move very rapidly into some sectors of suburbia. A transitional neighborhood is a highly unstable process of a sort all too familiar during the decades when residential resegregation converted thousands of white city neighborhoods to minority communities. Under neighborhood schools or magnet school plans without desegregation guidelines more of

[43] S. Reardon & J.Yun. "Integrating neighborhoods, segregating schools: The retreat from school desegregation in the South, 1990-2000." *North Carolina Law Review,* 81, 1563-1596.

these urban white students are going to end up isolated in high poverty, very high minority schools, a process that could well undermine some stably integrated residential areas and further limit the options of poor whites if choice plans are not operating. Unrestricted choice plans in the past have often accelerated residential resegregation when white students from integrated neighborhoods transferred out to whiter schools, helping tip the neighborhood school toward resegregation and making the neighborhood less attractive for white home seekers. When the courts and federal civil rights officials prohibited choice plans without desegregation standards in the l960s they were very conscious of these problems and often found unrestricted choice strategies to be contributors to segregation.[44] Now, as a result of the recent Court decision, we will have more such plans.

Asians: The Most Integrated Students

When considering issues of immigration, the success of Asian students is often compared to the academic challenges facing Latino students. One of the significant differences is the level of segregation. Asian students are in schools where, on average, less than a fourth of fellow students are Asian and, since Asians speak many languages, they are far less likely to be in a school where their language is a major factor. Asians typically attend schools that are 48 percent white, compared to 32 percent for Latinos (Table 9). However, despite the fact that Asians represent only five percent of the total student enrollment, the average Asian attends a school that is 24 percent Asian.

Likely due to their high residential integration and relatively small numbers outside the West, Asian students, on average, are the most integrated group and the group which attends school where their own ethnicity is least represented. Asians are also the most integrated racial group in residential patterns.[45] U.S. immigration policies have tended to produce a very highly educated immigration from Asia. When educated middle class migrations have taken place from Latin America, such as the first wave of Cuban migration, their experience has been similar to the average Asian experience, but most Latino immigration is of people with far fewer resources and lower levels of education.

The Asian experience, however, is a complex one. Although on average Asians are more educated and have higher family incomes than whites, some Asian groups, particularly refugee Indochinese populations who entered after the Vietnam War experience very different patterns of education and mobility, much more similar to those of typical disadvantaged Latino immigrants.[46] Particularly in the West where Asians already outnumber African Americans and are a very visible presence in the schools it will be increasingly important to understand these differences.

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[44] A number of the relevant decisions on this issue are cited in Center for National Policy Review, Catholic University, "Why Must Northern School Systems Desegregate?" Washington, DC: Center for National Policy Review, Catholic University, Jan 1977.

[45] John R. Logan, Richard D. Alba, Tom McNulty and Brian Fisher. 1996. "Making a Place in the Metropolis: Locational Attainment in Cities and Suburbs" *Demography* 33: 443-53.

[46] Grace Kao, "Asian Americans as Model Minorities: A Look at Their Academic Performance," *American Journal of Education,* vol. 103 (Feb. 1995), pp. 121-159;

Desegregation Trends for Black Students

As previously mentioned, national statistics for black students show very slow progress the first decade after *Brown*, then a substantial decline in black segregation from whites from the mid-60s through the early l970s. There was gradual improvement through most of the l980s, but then a reversal and a steady gradual rise in segregation since the early l990s, a rise which is accelerating in the South. In terms of enrollment in majority white schools, most of the progress from urban desegregation has now been lost. The level of extreme segregation of black students in schools with 0-10% whites, however, remains far lower than it was before the civil rights era, though it also is rising. Table 10 shows a sharp rise in the percentage of black students in majority nonwhite schools since the 1980s and by far the largest increase takes place in the South.

Table 10
Percentage of Black Students in Predominantly (>50%) Minority Schools by Region, 1968-2007

Region	1968	1980	1988	1991	2005
South	81	57	57	60	72
Border	72	59	60	59	70
Northeast	67	80	77	75	78
Midwest	77	70	70	70	72
West	72	67	67	69	77
US Total	**77**	**63**	**63**	**66**	**73**

Source: U.S. Department of Education office for Civil Rights data in Orfield, Public School Desegregation in the United States, 1980-1; 1988-9, 1991-2; 2005-6 NCES Common Core of Data

Over the last quarter century there have been important changes in the list of most segregated states for African American students (Table 11). Illinois, Michigan, New York and New Jersey have consistently been among the very most segregated, reflecting the failure to seriously desegregate any of their largest cities, their high residential segregation, and their very fragmented school districts in their metro regions. For a long time, California was not among the most segregated and has moved up dramatically. Maryland has had a striking increase in segregation, probably reflecting the segregated suburbanization of Washington and Baltimore's black middle class. There were no Southern states among the ten most segregated but now we see the Deep South states of Alabama, Mississippi, Louisiana and Georgia high up on the list. In the Midwest, Wisconsin has seen a dramatic increase due largely to the spread of segregation in the Milwaukee area which has long had one of the nation's most intensely segregated housing markets.

Table 11
Most Segregated States for Black Students on Three Measures of Segregation, 2005-6

	% of Black Students Attending				
State	>50% Minority Schools	State	>90% Minority Schools	State	Black/White Exposure
California	88	Illinois	62	New York	18
New York	86	New York	62	Illinois	18
Illinois	83	Michigan	58	California	21
Maryland	81	Maryland	52	Maryland	22
Texas	81	New Jersey	48	Michigan	23
Michigan	77	Pennsylvania	47	New Jersey	25
Mississippi	77	Alabama	45	Mississippi	26
New Jersey	77	Mississippi	45	Texas	26
Georgia	76	Tennessee	44	Georgia	28
New Mexico	75	Missouri	42	Tennessee	29
Connecticut	73	Wisconsin	41	Pennsylvania	29
Nevada	73	California	40	Alabama	30
Louisiana	72	Georgia	40	Louisiana	31
Pennsylvania	72	Ohio	39	Wisconsin	31
Tennessee	72	Texas	38	Ohio	32
Wisconsin	72	Louisiana	33	Connecticut	32
Ohio	71	Florida	32	Florida	32
Florida	70	Connecticut	31	Missouri	33
Alabama	69	Massachusetts	27	Nevada	35
Arkansas	68	Indiana	24	Arkansas	36

Source: 2005-6 NCES Common Core of Data

Unfortunately, the June 2007 Supreme Court decision on the Louisville-Jefferson County case forces a revision in the plan that was a central part of creating the most integrated state for black students with significant black enrollment. The other former leaders in this category have experienced significant declines in levels of desegregation following, for example, the termination of the court order in metropolitan Wilmington Delaware.

Among the states with more than five percent black student population (Table 12), there were only four states where more than half of black students attended schools that are majority (>50%) white in 2005 (Iowa, Kentucky, Washington, and Kansas). Of these states, only Kentucky had no black students in intensely segregated (more than 90% minority) schools in 2005. The relatively low segregation indices for black students (Iowa, Washington, Kansas, Nebraska, Minnesota, and Colorado) are doubtless related to the small shares of black students in the state.

Since 1991, there have been significant shifts in the segregation patterns for black students in the most integrated states. Compared to 1991, where there were five states with no students in intensely segregated (>90%) minority schools (Delaware, Nebraska, Kentucky, Colorado, and Nevada), there is now a single state (Kentucky). In Delaware, the share of black students in these schools has increased from zero percent to eight percent. States where the proportion of black students attending intensely segregated (>90%) minority schools has more than doubled between 1991 and 2005 are North Carolina, Rhode Island, Arkansas, Massachusetts, Ohio, and Wisconsin. The large increases in North Carolina are likely the result of the dismantling of the court order in metropolitan Charlotte-Mecklenburg in 2002. The plans in Denver, Las Vegas (Clark County) and metropolitan Wilmington were all terminated.

Table 12
Most Integrated States for Black Students, 2005-6

% Black in Majority White Schools		%Black in 90-100% Minority Schools		Black Exposure to White Students	
Iowa	83	Kentucky	0	Iowa	69
Kentucky	76	Iowa	1	Kentucky	64
Washington	58	Kansas	6	Washington	53
Kansas	54	Nebraska	6	Kansas	51
Minnesota	47	Washington	7	Nebraska	49
Delaware	43	Delaware	8	Delaware	46
Nebraska	43	Nevada	11	Minnesota	45
Colorado	41	Oklahoma	14	Colorado	42
Indiana	40	Virginia	15	Oklahoma	41
Arizona	40	Colorado	15	Arizona	41
Oklahoma	39	Arizona	15	Indiana	40
South Carolina	37	North Carolina	16	Virginia	39
Rhode Island	35	Minnesota	18	North Carolina	39
Virginia	34	Rhode Island	18	South Carolina	38
North Carolina	33	South Carolina	18	Rhode Island	38

Source: 2005-6 NCES Common Core of Data

Table 12A
Most Integrated States for Black Students, 1991-2

% Black in Majority White Schools		%Black in 90-100% Minority Schools		Black Exposure to White Students	
Kentucky	94	Delaware	0	Kentucky	72
Delaware	91	Nebraska	0	Delaware	65
Nebraska	74	Kentucky	0	Nebraska	63
Nevada	74	Colorado	0	Nevada	63
Kansas	64	Nevada	0	Kansas	59
Oklahoma	57	North Carolina	6	South Dakota	53
Colorado	57	Kansas	6	Colorado	53
North Carolina	57	Rhode Island	6	Rhode Island	52
Indiana	52	Arkansas	9	North Carolina	51
Rhode Island	50	Massachusetts	12	Oklahoma	51
Florida	47	Oklahoma	13	Indiana	46
Massachusetts	43	Ohio	15	Massachusetts	46
South Carolina	42	South Carolina	17	Arkansas	45
South Dakota	80	South Dakota	6	Florida	43
Alabama	38	Wisconsin	18	South Carolina	42

Latino Segregation

On a national level, the segregation of Latino students has grown the most since the civil rights era. Since the early l970s, the period in which the Supreme Court recognized Latinos' right to desegregation there has been an uninterrupted national trend toward increased isolation. Latino students have become, by some measures, the most segregated group by both race and poverty and there are increasing patterns of triple segregation—ethnicity, poverty and linguistic isolation. No national administration has made a serious effort to desegregate Latinos and there have been few court orders addressing this problem, the most important of which have now been terminated-- those in Denver and Las Vegas. In comparative terms, by 2005 Latinos were most likely to be in schools with less than half whites (78%) and in intensely segregated schools (39%). The three most segregated states for Latino students are consistently California, New York, and Texas (Table 13).

Table 13
Most Segregated States for Latino Students on Three Measures of Segregation, 2005-6

	State	%Latino in 50% Minority Schools	State	%Latino in 90% Minority Schools	State	Latino/White Exposure
1	California	90	New York	59	California	18
2	New Mexico	88	Texas	51	New York	19
3	Texas	86	California	50	Texas	20
4	New York	85	Illinois	44	New Mexico	24
5	Rhode Island	78	New Jersey	41	Illinois	28
6	Arizona	76	Arizona	34	New Jersey	28
7	New Jersey	76	Rhode Island	31	Rhode Island	28
8	Maryland	75	New Mexico	31	Arizona	29
9	Illinois	75	Maryland	29	Maryland	31
10	Nevada	75	Florida	28	Florida	32
11	Florida	73	Pennsylvania	28	Nevada	33
12	Connecticut	71	Connecticut	26	Connecticut	35
13	Massachusetts	64	Georgia	23	Georgia	39
14	Pennsylvania	63	Massachusetts	22	Pennsylvania	39
15	Georgia	62	Colorado	18	Massachusetts	39
16	Delaware	62	Wisconsin	17	Colorado	41
17	Colorado	61	Nevada	15	Delaware	45
18	Virginia	59	Michigan	12	Virginia	46
19	North Carolina	55	North Carolina	11	North Carolina	46
20	Kansas	53	Washington	10	Oklahoma	47

Source: 2005-6 NCES Common Core of Data

Impact of Desegregation Policy Changes by Region

Desegregation policy had a major impact on the percentage of black students attending intensely segregated schools with less than a tenth white classmates. Sixty-four percent of black students were still in such schools in 1968, 14 years after the *Brown* decision and the number was even higher, 78 percent, in the South (Table 14). This number reach its low point in the South in the l980s, when less than a fourth of southern blacks attended such schools, but it is now rising significantly and is approaching a third. In the Northeast, which has been the most segregated region on this measure for blacks for many years, the number was actually slightly higher in 2005 than when the data was first collected in 1968. The West, which has a small percentage of black students, experienced a major decline in intense segregation through the 80s but the levels have soared since then, reaching the level of l968 before significant urban desegregation began. These are typically highly impoverished schools with low graduation rates and widespread academic problems.

Table 14
Percentage of Black Students in Intensely Segregated (90-100%) Minority Schools by Region, 1968-2005

Region	1968	1980	1988	1991	2005
South	78	23	24	26	32
Border	60	37	35	35	42
Northeast	43	49	48	50	51
Midwest	58	44	42	40	46
West	51	34	29	27	30
US Total	**64**	**33**	**32**	**34**	**38**

Source: U.S. Department of Education office for Civil Rights data in Orfield, Public School Desegregation in the United States, 1980-1; 1988-9, 1991-2; 2005-6 NCES Common Core of Data

The exposure index measures the racial composition of the school attended by the average student of any racial group. This measure shows resegregation in terms of the most dramatic decline in the exposure of black students to white classmates in the South, down by almost a fourth from l980 to 2005 (Table 15). As many Southern communities receive and implement orders ending desegregation policies this trend will doubtless continue. With the 2007 Supreme Court decision undermining magnet and other programs in districts without court orders, the trend may well accelerate. Such orders are being handed down almost weekly and include this year such central sites of the desegregation struggle as Little Rock, Arkansas, which fifty years ago this September first integrated Central High School.

The next largest declines in desegregation came in the six states outside the South which also had a history of segregation laws, the Border States, stretching from Oklahoma to Delaware. The proportion of whites in the school of the average black child declined almost a fifth.

The declines in desegregation were small in the Northeast and Midwest where segregation always remained very high, residential segregation was intense, and the l974 *Milliken* decision excluding the suburbs from desegregation made substantial and lasting desegregation impossible in many cities with large minority communities. Because the South had substantial nonwhite enrollment in many communities of every size in contrast to the Northern concentration in the big industrial centers, and because the South has many more county-wide systems while the North tends to have its metros split into dozens or hundreds of small independent suburban districts and one central city, the South could do much more within the Supreme Court's limit of desegregation to single districts. The *Milliken* decision guaranteed that the nation's most residentially segregated regions with the most fragmented school systems would have the highest levels of educational segregation, making the older industrial metropolitan areas the heartland of segregation.

Table 15
Percentage of White Students in School of Typical Black, 1980-2005

Region	1980	1984	1988	1995	2005	Change 1980-2005
South	41	41	41	37	32	-9
Border	38	36	37	36	31	-7
Northeast	28	28	27	26	25	-3
Midwest	31	30	32	31	29	-2
West	34	35	36	33	29	-5
US Total	**36**	**36**	**36**	**NA**	**30**	**-6**

Source: U.S. Department of Education office for Civil Rights data in Orfield, Public School Desegregation in the United States, 1980-1, 1984-5, 1988-9;1995-6, 2005-6 NCES Common Core of Data

When one examines the same measures of segregation for Latinos it is easy to see the radically different experience confronting students in 2005 compared to 1968, when national data was first collected (Table 16).

The impact of desegregation policy should have been to raise the fraction of Latino students attending majority white schools. In contrast to the black experience there was no such impact in the South and the West, the great center of the Latino immigration experienced continually increasing segregation. No region saw any major gains (though there were gains in individual states until their plans were dissolved, especially in Nevada and Colorado).

Table 16
Percentage of Latino Students in Predominantly Minority Schools by Region, 1968-2005

Region	Distribution of Latinos in each Region, 2005	1968	1980	1984	1988	1994	2005	Change 1968-2005
South	33	70	76	75	80	76	78	8
Border	2	*	*	*	33	41	57	N/A
Northeast	13	75	76	78	80	78	77	2
Midwest	9	32	47	54	52	53	57	25
West	44	42	64	68	71	76	82	40
US Total	**19**	**55**	**68**	**71**	**74**	**74**	**78**	**23**

Source: U.S. Department of Education office for Civil Rights data in Orfield, Public School desegregation in the United States, Table 1; 1980-1,1984-5, 1988-9, 1994-5; 2005-6 NCES Common Core of Data

Latino students are concentrated in two regions, the West (including the Pacific coastal states and the Mountain states) which is 38 percent Latino, and the South, which includes the great concentrations in Texas and Florida and the rapidly growing numbers in North Carolina, Georgia and elsewhere, where there are now 21 percent Latino students

(Table 17). Historically, the South was the most segregated region for Latinos, reflecting the severe segregation in Texas which was much more thorough and intense than other Southwest states. Texas had long been the major port of entry for Mexicans and as a *de jure* segregated state and part of the old Confederacy, it had by a large margin the most rigid racial patterns. In l968, when these data were first collected nationally, 70 percent of Texas elementary school Latinos were in schools with less than half whites and 47 percent were in schools 80-100% Latino.[47] In contrast, only 33 percent of California's elementary pupils were in predominantly Latino schools and just 11 percent in the 80-100% schools. At the high school level, 84 percent of California's Latinos were in majority white schools. For Latinos, the West plays the central role the South has played for blacks and the huge 40 percent decline in the proportion of Latino students attending predominantly white schools represents the most dramatic decline in integration for either blacks or Latinos in any region.

Segregation of Latinos in the South was relatively untouched by the civil rights movement, in part because the right of Latinos was not recognized until two decades after the *Brown* decision and was never enforced.[48] Latinos in Texas and in South Florida tended to be concentrated in big cities and in the Rio Grande Valley area of South Texas where there are relatively few whites. The Supreme Court's decision barring city-suburban desegregation in the l974 *Milliken v. Bradley* case made it impossible to achieve substantial levels of desegregation within most major metropolitan areas. Los Angeles became the first major city in the country to terminate its mandatory desegregation policy with the passage of Proposition 1 in 1980, dramatically limiting the desegregation requirements under California law. The same year the election of President Reagan brought into an office an Administration that quickly dropped the major interdistrict desegregation cases against two of the largest cities in the South and West—Houston and Phoenix. So desegregation was limited, with the exception of Colorado and Nevada, where the decisions in Denver and Las Vegas (Clark Country) made substantial effects.

Table 17
Percentage of Latino Students in 90-100% Minority Schools by Region, 1968-2005

Region	% of Latinos in each Region, 2005	1968	1980	1984	1988	1994	2005	Change 2005-1968
South	33	34	37	37	38	38	40	6
Border	2	*	*	*	9	12	17	N/A
Northeast	13	44	46	47	44	45	45	1
Midwest	9	7	20	24	25	22	26	19

[47] Thomas P. Carter and Roberto D. Segura, *Mexican Americans in School: A Decade of Change*, New York: College Board, 1979, pp. 131-137; Guadalupe San Miguel, Jr., *"Let All of Them Take Heed" Mexican Americans and the Campaign for Educational Equality in Texas, 1910-1981*, Austin: University of Texas Press, 1981.

[48] G. Orfield, "The Rights of Hispanic Children," chapter 7 in Orfield, *Must We Bus? Segregated Schools and National Policy*. Washington: Brookings Institution, 1978.

West	44	12	19	23	28	32	41	29
US Total	**19**	**23**	**29**	**31**	**33**	**34**	**39**	**16**

Source: U.S. Department of Education office for Civil Rights data in Orfield, Public School desegregation in the United States,1980-1,1984-5, 1988-9, 1994-5; 2005-6 NCES Common Core of Data

The percentage of Latinos in intensely segregated schools with 0-10% white classmates grew slowly in the South but soared in the West and Midwest (Table 17). In the West it more than tripled, reaching 41 percent, and in the Midwest, it nearly quadrupled since 1968. Very large numbers of Latino students in these regions now face the kind of extreme isolation that was rare in the civil rights era. This change has attracted very little public attention but may have large consequences given the relationship between this level of segregation and success in high school and college graduation.

The exposure index for the past quarter century shows that since 1980 the typical Latino student in the West has gone from a school where 40 percent of his classmates were white to one with 24 percent whites (Table 18). The West has displaced the South as the region with the lowest contact by Latino students with whites. The Border States, where the Latino population was very low in 1968 have a rapidly emerging pattern of increasing isolation of a still relatively small Latino enrollment.

Table 18

Percentage of White Students in School of Typical Latino by Region, 1980-2000

Region	1980	1984	1988	1995	2005	Change
South	30	30	28	29	27	-3
Border	66	64	59	53	44	-22
Northeast	27	26	26	26	27	-1
Midwest	52	48	49	47	42	-9
West	40	37	34	30	24	-16
US Total	**36**	**34**	**32**	**NA**	**27**	**-9**

Source: U.S. Department of Education office for Civil Rights data in Orfield, Public School desegregation in the United States,1980-1,1984-5, 1988-9, 1995-6; 2005-6 NCES Common Core of Data

Multiracial schools

Multiracial schools are schools were there are at least 10 percent of students from three or more of the five racial and ethnic groups (blacks, Latinos, Asians, Indians, and whites). The number of these schools has rapidly increased as the racial diversity of the country has grown. One of the results of huge increases in immigration and residential concentration is that over time both Latinos and Asians are attending schools with larger shares of their own group, and whites and blacks are in contact with more Asians and Latinos.

By a substantial margin, Asian students are the most likely to attend a multiracial school in which students of at least three racial and ethnic groups make up at least a tenth of the student body (Table 19). Forty-two percent of Asians attend such schools as do a fourth of Latinos and rapidly growing shares of blacks and whites. Almost a fourth of blacks are in such schools, a very rapid increase since the early l990s and the fraction of whites attending multiracial schools has risen from one in twelve in 1992 to one in seven by 2005. Existing patterns of immigration suggest these numbers will continue to rise.

Obviously multiracial schools can have many different meanings. A school with highly educated immigrants from Asia and middle class black and white families is fundamentally different from a school that combines poor Mexican, Cambodian, and American Indian families. Even in the old South, the deeply-engrained way of thinking about race as a black-white issue only and segregation as something that happens only to blacks must be revised.

The increase in multiracial schools brings new possibilities and risks. We need answers to important questions including: Under what conditions are these schools more stable and educationally enriching and under what conditions do they pose very difficult challenges? When thinking about interracial contact, are the educational and social benefits of Asian-Latino-white interracial contact, for instance, parallel to or quite different from those benefits accruing in black-white settings? How do we train teachers, including nonwhite teachers, to work effectively and fairly in a setting where the growing population may, for example, have a very different language and cultural background from their own? What is the best way to handle interracial contact between two or more different disadvantaged nonwhite groups in a school? What can we expect and how should we handle a school that might have Cambodian, African American and Dominican students all present in substantial numbers? These are questions that need serious research as the numbers of such schools grows.

Table 19
Percent of Students Attending Multiracial Schools, by Race and Year

	White	Black	Hispanic	Asian	American Indian
1992-3	8	16	27	41	16
2005-6	13	24	28	42	19

Source: 2005-6 NCES Common Core of Data

There is extreme difference in the level of multiracial schooling experiences among the regions of the country (Table 20). Whites in the Midwest are less than half as likely as whites in the East to be in multiracial schools and only one-fourth as likely as those in the West. Even in the West however, this affects only a fifth of whites. For blacks and Asians the West provides the most extensive multiracial experience with half of each group in schools with at least three racial or ethnic groups of students. The influence of the Latino migration to the South is apparent in the fact that in this historically polarized biracial society a fifth of blacks and whites are already in multiracial schools. Both Latinos and Asians have significant presence in multiracial schools in all parts of the country, although the Latino exposure to such schools is not rising as it is for the other groups.

Table 20
Percentage of Students in Multiracial Schools by Race & Region, 2005-6

Region	%White	%Black	%Latino	%Asian	%American Indian
West	21	53	24	50	24
Border	7	15	40	34	17
Midwest	6	17	25	28	10
South	19	22	30	46	30
Northeast	11	30	37	44	20
Total	**13**	**24**	**28**	**42**	**19**

Source: 2005-6 NCES Common Core of Data

Segregation and Dropouts

The Civil Rights Project has been actively involved in research on the nation's dropout crisis since 2001, including our book, *Dropouts in America* and a series of regional conferences across the U.S. Researchers have repeatedly found strong links between school segregation and very high dropout rates. Johns Hopkins researchers Robert Balfanz and Nettie Legters, for example, found that the nation's dropout crisis is concentrated in 2,000 high schools which are found in about 50 large cities and in 15 southern and southwestern states.[49] Between 1993 and 2002, the number of low promoting schools, or schools with at least 60 percent fewer seniors than freshmen, has increased by 75 percent, and currently, 2.6 million students attend these schools, which comprise18 percent of all sizable high schools.[50] Because of school segregation, almost half (46%) of the nation's Black students and close to two-fifths of Latino students (39%) attend the low promoting power schools compared to only 11 percent of white students. Except for the rural South, it is rare to find white students attending these schools.

[49]Balfanz, R & Legters,N. *Locating the Dropout Crisis Which High Schools Produce the Nation's Dropouts? Where Are They Located? Who Attends Them*?, http://www.csos.jhu.edu/crespar/techReports/Report70.pdf

[50] Schools with enrollments greater than 300.

Schools that have less than half white students are five times more likely to have weak promoting power than predominantly white schools, and two-thirds of intensely segregated schools with zero to ten percent white students had weak promoting power compared to only three percent of intensely segregated white schools (0-10% minority students).[51] Obviously these statistics do not mean that segregation is the only cause of these differences but they do mean that students in these schools are exposed to a peer group where dropping out is the norm while students in white suburban schools attend schools were it is uncommon not to graduate and go to college. Peer groups matter a great deal for adolescents.

These weak promoting high schools are concentrated mostly in certain Southern states and Northern industrial states. More than one quarter of high schools with the lowest promoting power (50 percent or fewer seniors four years later) are found in five northern industrial states, four of which -- New York, Illinois and Michigan -- have consistently been at the top of the list for most segregated states for black students for decades. Ninety percent of high schools in large and medium sized cities in these four states have low promoting power, and black students are ten times more likely to attend a low promoting school than their white peers. An additional third of weak promoting schools are found in five southern states: Georgia, South Carolina, North Carolina, Florida, and Texas where more than 33 percent of all high schools have weak promoting power. Except in Texas, many of these schools in the South are found in rural as well as urban areas. This reports shows that the South is the region where segregation is now growing most rapidly which means fewer and fewer nonwhite students will be attending schools with high graduation rates and peer groups headed to success in college.

Close to 30 percent of all high schools with low promoting power are found in just 10 cities, which include the three largest: New York, Los Angeles, and Chicago. Balfanz and Legters found that in 50 of the nation's largest cities, the great majority of which have relatively small white minorities, at least half of the students attend schools with low promoting power.[52] Our research on metropolitan Boston showed that 97 percent of concentrated nonwhite schools had concentrated poverty compared to only 1 percent of segregated white schools and that dropout rates were far higher and test scores far lower in the segregated schools than in schools that are not segregated by poverty.[53]

Christopher Swanson developed the Cumulative Promotion Index (CPI) in his research at the Urban Institute and *Education Week*. It measures the likelihood that a ninth grader will complete high school in four years with a regular diploma. Using this index, he found that there was a racial gap of 25 percent in graduation rates between Whites and Asians and other racial/ethnic minority groups.[54] While close to one-third of ninth graders nationally fail to finish high school with a regular diploma in a four-year period,

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[51] Balfanz and Legters, p. 62.
[52] Ibid, 66.
[53] Lee, C. *Racial Segregation and Educational Outcomes in Metropolitan Boston*. Cambridge, MA: The Civil Rights Project, 2004.
[54] Swanson, C. Who Graduates? Who Doesn't? A Statistical Portrait of Public High School Graduation, Class of 2001.Washington, DC: The Urban Institute, 2004.

White and Asian students had higher than average graduation rates (75% and 77% respectively) than American Indian (51%), Hispanic (53%), and Blacks (50%). Swanson found strong associations between the segregation level of districts and their graduation rate and between the poverty concentration in districts and their graduation rates. There were striking differences between city and suburban districts. He found the largest racial disparities in graduation rates in the Northeast and Midwest, the areas with both the highest average graduation rates and the highest level of school segregation for black students. In the Northeast, one-third American Indian, 36 percent Hispanic, and 44 percent Black students were graduating on time from high school compared to 79 percent for Whites and 65 percent for Asians.

Swanson also found strong and consistent disparities in graduation rates by district type. Suburbs have the highest graduation rates at 73 percent, compared to central cities (58%). Graduation rates of majority minority districts (at 56%) were 18 percentage points lower than that of majority white districts (74%). Districts with high shares of its students on free and reduced lunch also had a similar gap in graduation rates compared to wealthier districts (58 and 76% respectively). School systems serving larger proportions of LEP students also tend to have lower graduation rates than districts with fewer English-language learners. While district size and segregation levels are both strongly correlated with lower graduation rates, Swanson found that district level poverty has the largest effect on graduation rates. These relationships are sobering when one considers the large number of Latino students who experience triple segregation—by ethnicity, poverty concentration and linguistic isolation.

Black students are especially sensitive to the poverty rates within a school district: black graduation rates are 10 percentage points higher than Hispanic and American Indian students in low-poverty districts and the lowest amongst other racial/ethnic groups in high poverty districts. This is consistent with other research showing particularly marked impacts of segregation and desegregation on black students. Black students, particularly black students in the South had experienced by far the largest declines in segregation from enforcement of civil rights laws and they are now experiencing, especially in the South, the most rapid resegregation.

Resegregation in Suburbia: The Coming Challenge

An examination of the changes in racial segregation of blacks and Latinos in the nation's largest suburban school districts, most of which are not under desegregation plans, shows that in the absence of such plans, there is a rapid increase in segregation occurring in suburban areas. In part, this is due to a major migration of black and Latino middle class families into a housing market still afflicted by various forms of housing discrimination.[55]

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[55] See M. Fix and M. Turner, eds., *A National Report Card on Discrimination in America:* The Role of Testing, Washington: Urban Inst., 1999; Gary Orfield and Nancy McCardle, Joint Center on Housing, Gary Orfield and Nancy McArdle, The Vicious Cycle: Housing, Schools and Intergenerational Inequality, Joint Center on Housing Studies, Harvard Univ., W06-4, Cambridge, August 2006**.**

These patterns mean both that suburban districts will be confronted by the educational and social problems typically linked to school segregation and that the middle-class minority families will not have the opportunity they seek to effectively prepare their children from competitive majority white colleges. The following table shows striking patterns of increasing segregation in a brief five year period. With the loss of voluntary integration tools under the new Supreme Court decision, these problems may well be compounded.

In the huge Washington, D.C. suburb of Montgomery County, MD, one of the richest suburban counties, voluntary integration efforts were forbidden by a Court of Appeals order foreshadowing the new Supreme Court decision.[56] Black and Latino students are now attending schools that are more than two-thirds non-white and segregation is continuing to intensify (Table 21). We see the same kinds of patterns outside of Atlanta, Norfolk, Phoenix, St. Lake, and other metro areas. In most suburban rings the suburbs are divided into a myriad of small districts, which tend to go through much more rapid changes, more like neighborhoods in big cities. In the absence of concerted efforts to stabilize housing and school integration, these patterns promise to bring a host of urban racial problems into suburban areas.

[56] *Eisenberg v. Montgomery County Public Schools*, 197 F.3d 123 (4th Cir.), cert. denied, 529 U.S. 1019 (1999).

Table 21
Black and Latino Exposure to Whites in the Largest Suburban Districts by Race/Ethnicity, 2005-6

		Exposure of Minorities to Whites					
		Black			Latino		
District	Enrollment	2000	2005	Difference 2005-2000	2000	2005	Difference 2005-2000
Fairfax Co., VA	155,054	51	44	-8	47	40	-7
Montgomery Co., MD	139,398	39	32	-7	37	31	-6
Prince George's Co., MD	133,325	9	5	-4	8	5	-3
Gwinnett Co., GA	139,706	49	37	-12	44	28	-16
Baltimore Co., MD	107,043	33	30	-3	61	49	-12
DeKalb Co., GA	99,885	7	5	-2	16	13	-3
Cobb Co., GA	102,771	45	34	-11	44	31	-13
Long Beach, CA	93,415	15	14	-1	14	12	-2
Jefferson Co., CO	86,332	76	68	-8	72	62	-10
Polk County, FL	89,443	61	55	-6	56	49	-7
Virginia Beach, VA	72,099	55	50	-5	61	57	-4
Anne Arundel Co., MD	73,565	57	51	-6	60	53	-7
Mesa, AZ	74,626	60	52	-9	52	41	-11
Jordan Co., UT	77,111	88	84	-4	81	77	-4
Fulton Co., GA	78,532	18	15	-3	42	35	-7
Cypress-Fairbanks, TX	86,256	54	39	-15	48	35	-13

Source: 2005-6 NCES Common Core of Data

Trends in Unitary Status Schools

Looking at the trends in school districts which have been given unitary status by federal courts and left to their own devices, it is clear that most of the districts experienced dramatic declines from their highest levels of integration. Between the 2003 and 2005 school years, almost all of the districts continued to show decline in the contact between minority and white students.[57] This is painfully evident in the cases in which the Supreme Court established the basic principles of desegregation law. In Denver, where the Supreme Court in 1973[58] first established the right to desegregation remedies for Latino students and for students in districts outside the South, the district is now unitary. The average black student there attends an 80 percent nonwhite school while the average Latino student goes to an 89 percent minority school under their neighborhood school

[57] For 2003 figures, see Orfield, G. and Lee, C. Racial Transformation and the Changing Nature of Segregation. Cambridge: The Civil Rights Project at Harvard University, 2006.
[58] *Keyes v. School District No. 1, Denver, Colorado,* 413 U.S. 189 (1973).

plan. Detroit, where metropolitan desegregation was rejected by the Supreme Court in l974, is now considered "unitary," meaning in full compliance with civil rights law, but its black students are attending schools that now have an average of 1 percent white students. In other words there is one white student in every three classrooms—but it would not be considered absolutely segregated unless those few white children left the school.[59] In Charlotte, where the Supreme Court set rules for desegregating urban school systems in the l971 *Swann* case,[60] the order has now been dissolved. While the average black student was in a 51 percent white school in 1991, two decades after the original bussing order, he or she now attends a school that is 76 percent nonwhite and segregation rose significantly between 2003 and 2005. In DeKalb County, Georgia, the home to the Supreme Court's 1992 *Freeman v. Pitts* decision[61] and the center of black suburbanization from Atlanta, the typical black student in this unitary district is in a 95 percent nonwhite school and the magnet plan for voluntary desegregation has been shut down by the courts. In Kansas City, where the Supreme Court cut off the remedy in the 1995 *Jenkins* decision, the average black student now attends a school with eight percent white students.[62] In those districts which had still implemented magnet and choice plans with racial controls after unitary status was declared, the new Supreme Court decision is likely to further intensify the established trends of steadily increasing segregation.

[59] *Milliken v. Bradley*, 402 U.S. 1.

[60] *Swann v. Charlotte-Mecklenburg*, 402 U.S. 1 (1971).

[61] *Freeman v. Pitts*, 503 U.S. 467 (1992).

[62] *Missouri v. Jenkins*, 515 U.S. 70 (1995).

Table 22
Changes in Exposure in Select Districts That Have Been Declared Unitary Between 1991-2005

	Black/White Exposure		Latino/White Exposure
District	**1991**	**2005**	**2005**
Mobile County	30	21	52
San Diego Unified	28	19	18
San Jose Unified	40	27	20
Denver County 1	32	20	12
Broward County School District	32	19	35
Dade County School District	12	6	10
Duval County School District	36	32	49
Hillsborough County School District	55	32	40
Lee County School District	69	45	54
Pinellas County School District	72	57	63
Polk County School District	59	55	49
Seminole County School District	64	58	61
St. Lucie County School District	60	47	48
Chatham County	34	19	36
Dekalb County	16	5	13
Muscogee County	28	20	36
Indianapolis Public Schools	42	21	27
Jefferson County	66	55	50
East Baton Rouge Parish School Board	31	13	17
Prince Georges County	19	5	5
Boston	18	9	11
Detroit City School District	5	1	13
Minneapolis Public School Dist.	44	20	22
Kansas City 33	22	8	16
St. Louis City	15	10	26
Clark	61	34	28
Buffalo City School District	38	19	22
Charlotte-Mecklenburg Schools	51	24	26
Cincinnati City	29	16	21
Cleveland Municipal City	21	9	31
Oklahoma City	32	18	22
Aldine ISD	30	5	5
Austin	29	18	17
Corpus Christi ISD	20	17	15
Dallas ISD	9	4	5
Fort Worth ISD	20	12	11
Houston ISD	9	6	5
Norfolk City Public Schools	28	20	32

Threats to Data: Will We Know What Will Happen in the Future?

We tend to measure most carefully the things we give the highest priority and tend not to measure the things we do not want to know. Until Congress passed the l964 Civil Rights Act, there was no real national data on school desegregation. Statistics for the South gathered by an organization of Southern journalists, the Race Relations Reporting Service, about blacks and whites and the South and no statistics were gathered at all in many other parts of the country. There were no reasonably reliable data on Latinos and Asians. The 1964 Civil Rights Act as interpreted by the Office for Civil Rights led to requirements that all educational institutions count and report their students under five categories—white, black, Latino, Asian and American Indian. These data were collected in quite a consistent way from 1968 to the recent past. The Civil Rights Office was the basic data collector until the 1980s when the National Center for Education Statistics began to collect this information and to make it much more readily available in the Common Core of Data and to add data on free lunch status. No Child Left Behind and the federally funded National Assessment of Educational Progress added a great deal of additional data linked to race and ethnicity and focused great attention on the data though its requirements for reporting and accountability on subgroup performance. The combination of the various data sets meant that we had more data than ever before in U.S. history by race and ethnicity which helped greatly. Without this data we would not know whether we were going backwards or forwards in terms of segregation, the racial achievement rate, graduation and college going by race and ethnicity and many other very important issues.[63]

The Census racial and ethnic data system was challenged and changed in the 2000 Census because it failed to deal with a relatively small but rapidly growing number of biracial or multiracial Americans who could not be readily classified under any of these terms. The historic convention in the U.S. had been to consider anyone who was partially African American as black but that convention (the "one drop of blood" rule) was not used automatically classify people who were part white, part Latino, etc. and the historically highly rigid caste line between blacks and whites have become less absolute. The 2000 Census showed that the number of multiracial people was significant but very modest, about 2 percent, though somewhat higher among the young. The Census reported the data in detail so that it was possible to approximately reconstruct the old categories for use in evaluating change by adding, for example, those reported as "black only" and those reporting partial ancestry from some other race.

In 2006 the Education Department proposed a radical change in its method of collecting racial data that could have dramatic consequences. The method would first ask a student whether or not he or she was Latino and subtract all of those students from the other categories and then ask students to identify all of their racial and ethnic roots and subtract

[63] For a detailed analysis showing the dramatic changes in reported statistics that would be produced by these proposals see, C. Lee and G. Orfield *Data Proposals Threaten Education and Civil Rights Accountability*, Civil Rights Project, September 2006.

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all who reported more than one from any racial or ethnic category and report all mixed race students as a single categories, whether they were black and white in origin or Japanese and Samoan. The effect would be, according to trials, to radically increase the number of reported Latinos and sharply cut the numbers of reported blacks and whites with a variety of other effects. It would make data noncomparable and would not provide the detail to approximately reconstruct the previous categories. It would be impossible to accurately estimate trends or types, for example, of differences in segregation, achievement growth and other important outcomes. In an important sense part of the national thermometer for racial equity would be smashed and some of the measures would have no coherent social meaning since they would lump together groups that had nothing in common. Someone who is part Asian and part Pacific Islander would be lumped into the same category as someone who reports black and Latino heritage. Though there were always complaints about the way the categories were defined, this at least gave us a method for examining many patterns and trends in the schools. It is possible, as we regularly report, to show the changes in enrollment across the country and in all regions.

If the Education Department implements proposed changes in collection of racial data from the nation's schools and colleges, it may no longer be possible to know how segregated the nation is and whether or not we are going forward or backward on this issues. Nor will it be possible to follow trends on issues such as discrimination in special education, graduation rates and many other vital issues. After nearly 40 years of collecting data under the same five racial and ethnic categories, the new system would create categories that are non-comparable and, to a significant extent, unintelligible.

Proposed Education Department changes in collecting racial and ethnic data promise to make it much harder to understand or to conduct research or design intervention programs for multiracial schools or even to follow changes of population in our schools. In response to the fact that there are significant numbers of Americans who do not fit in any of these categories because of an interracial background, there was a major battle over the 2000 Census about creating multiracial categories in the Census reports. Many minority leaders conceded that there were significant numbers of interracial marriages particularly for Asians and Latinos, but worried that their numbers would be reduced and their influence weakened in the society. African Americans were particularly concerned about the fact that the society has traditionally considered anyone with African blood to be defined socially and treated as black. The Census, after an extensive review, decided to let respondents chose more than one racial and ethnic identity. The Census reported the specific multiracial identities which yielded two benefits—it was possible to apply the old definitions and make comparisons over time (for example adding those who said that they were black and those who reported black plus another race). It was possible to know, for example, how may of the combinations were among two historically disadvantaged groups and how many were either between groups of different average status or between relatively privileged groups—things that are critical to thinking about what kind of interracial changes are taking place and what they might mean. Obviously a school dealing with a group of children who have mixed Korean or Japanese and European

heritage is dealing with quite a different background than children of mixed African American and Latino ancestry.

The Education Department, however, has proposed a system under which all students reporting more than one race would be subtracted from each racial category and all multiracial students would be lumped into a single number so that a Chinese person marrying someone of English descent would be considered the same as a Mexican American marrying a black and there would be no way to know which was actually in your school. It is interesting to know how many students of mixed racial background are in your school but to create a general category that includes groups with entirely different identities and social and educational realities. The important thing for us to understand if we want to understand stratification is how students who b basically identify with or are identified with particular racial and ethnic groups are doing in school and what are the problems that need to be addressed. In all probability the great majority of students who are of mixed black-other racial backgrounds identify and are identified as black. . Maybe one day that will no longer be true but it is now. It is doubtless somewhat more complex for Latinos and a good deal more complex for Asians but the percent whose primary identity and social reality is "mixed race" is likely quite small. To subtract those students and all who identify as Latino from the black and white and American Indian numbers and to ask the questions in an order that clearly expands the Latino numbers while sharply reducing the reported black enrollments make the data far less rather than more meaningful for educational planning or civil rights enforcement purposes. It has long been obvious that race is primarily a social rather than a biological reality and that it is the very powerful social construction or race in U.S. society rather than the blood quantum's which truly matter, something that was recognized in the methods of collecting school data since the l960s and in the Census for far longer.

In addition, under the proposed changes, students of young ages would be asked to make these decisions about their multiracial background and before the racial categories were asked they would be asked whether or not they were Latino or Hispanic and those students would be subtracted from the racial categories. These changes, according to the best trial to date, by the National Assessment of Educational Progress which used both methods, would substantially cut the reported numbers of blacks and whites and some other groups, raise the numbers of Latinos, and make it impossible to compare the new categories with those that have been consistently used in education statistics for almost 40 years. It would be impossible to know, for example, whether black and Latino students are becoming more segregated or the numbers are simply artifacts of the new data system. The kind of data that the federal courts and other agencies and community groups have been using for four decades would no longer be available. It would also be impossible to know whether or not subgroups of students were making the kind of educational progress required by the No Child Left Behind law. The Civil Rights Project has issued a report on this subject and filed comments on the draft regulations but the issue is still pending. This issue has obvious importance to anyone who wants to know about race relations in American schools. Back in the early l960s when the movement to desegregate Northern schools took hold, many school systems denied that they were segregated until they were finally forced, often by community protests, to collect the data

that make obvious the extreme racial separation and inequality in their schools. Under the l964 Civil Rights Act, the federal government has been collecting data under consistent definitions for four decades. This data made hidden problems and hidden successes known and allowed citizens, educators, and civil rights organizations to know whether we were going forward or backward. To throw away the yardstick and invent a new, noncomparable set of measures means that it becomes impossible to know whether we are going forward or backward or to identify problems needing remedies.

Recommendations

1) With school segregation expanding there must be a greatly intensified attack on housing segregation, which is a powerful root of many forms of racial inequality including segregated schools. Although housing discrimination has been illegal since l968, there has been little enforcement of the fair housing laws and all recent studies have shown serious continuing discrimination in rental, sales and financing of housing. Serious enforcement would require greatly increased monitoring of home sales, rentals, mortgage financing, exclusion of subsidized housing, employment discrimination by real estate firms, racial steering by agents and all forms of unequal and discriminatory treatment in the housing market. Governments and nonprofits and community development agencies should take great care in developing housing where the residents will be predictably isolated in schools that are segregated and inferior in achievement, teacher qualifications and experience, courses offered, high school graduation levels and other basic inputs and outcomes. Minority families should be given much more information and support for options to move into areas with strong schools and white families moving into gentrifying areas should be actively recruited into the public schools. There should be assurance by all levels of government that violations will be monitored and prosecuted. Local governments and foundations should support nonprofit fair housing organizations that continuously monitor market behavior, provide information to home seekers and sue those engaged in discrimination. Since the average home changes hands every six years, a serious effort could have a significant impact on school racial segregation trends.

2). Communities still under court order should exercise the greatest caution in ending their court orders since such moves could strip local authorities of any right to take actions they believe to be needed to address racial separation and prepare their students for living and working in a multiracial community. Under the Supreme Court's new decision, actions to maintain integrated choice programs that are fully permissible under a court order become illegal as soon as the order is lifted. School board members should realize that unitary status does not free the district to do what it wishes. Its actual impact now is to eliminate both the desegregation rights of minority communities and to prohibit the kind of voluntary magnet and choice plans many districts wish to maintain.

3). Where desegregation plans are forbidden by a court the local school authorities should do what they can to pursue diversity using other measures such as geographic diversity, linguistic diversity, SES and test score diversity and other methods within their school district. School authorities need to consider that there is an overwhelming

prevalence of low achievement, low graduation rates, and other serious problems in concentrated poverty and schools and do whatever they can to avoid creating more of them. Though such plans will often not be very effective in limiting race segregation, they may help and will be educationally useful in any case. The triple segregation of ethnicity, poverty, and language facing many Latino and some Asian immigrants should be addressed through increasing the number of dual immersion schools where fluent speakers of two languages learn together and master both in situations of cooperation and mutual dependency which foster many positive outcomes including advanced literacy and fluency in two languages. Even in circumstances where it may be illegal to consider race in assigning students to school, there is no legal bar to considering language. But there is powerful educational justification for creating schools that are intentionally and positively integrated across lines of language.

4) Choice programs should be operated in ways that support integration to the extent possible. Charter schools, student transfer programs (including NCLB transfers from schools not achieving adequate yearly progress) should operate in ways that create genuine access for children in very low achieving schools to clearly better schools, without regard to district lines. This would not necessarily produce substantial desegregation by race but it would increase diversity on some dimensions and give some real options to children trapped in failing schools, many of whom are students of color. Magnet school desegregation policies should be maintained wherever possible. Magnet schools that are successfully integrated and not under a court order that would protect them from the new Supreme Court policy should develop multiple criteria admissions systems likely to be permissible. University research and education experts should help districts find methods that may maintain diversity in the specific local situation.

5). Congress needs to act. The major breakthroughs in race relations have followed Congressional initiatives to require and/or support racial progress. The desegregation assistance program during the l970s was a popular and successful effort to improve race relations and to use magnet, choice and teacher training programs to improve both student opportunities and outcomes. A similar program is badly needed now as racial polarization deepens and resegregation sweeps through parts of suburbia. Congress should fund basic research on the impact of the consequences of the racial transformation of American schools and on the most effective ways to educate students and prepare teachers for multiracial and resegregating schools. Private foundations and universities should support these efforts. Congress should also reject efforts to change the federal data system efforts that would make it impossible to know how segregation and inequality are spreading.