



# New Faces, Old Patterns? Segregation in the Multiracial South

*By*

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A third of a century ago the schools of the South became the most integrated in the nation, a stunning reversal of a long history of educational apartheid written into the state laws and constitutions of the eleven states of the Confederacy and the six Border states, stretching from Oklahoma to Delaware, all of which had legally imposed *de jure* segregation until the Supreme Court prohibited it in 1954. From being almost completely segregated in their own schools, more than two-fifths of black students in the South were attending majority white schools and many more were in schools with significant diversity at the height of integration. Reversing the historic pattern, almost all of the Southern and Border states became more integrated than most Northern states with significant black enrollment.

Since the 1980s, the tremendous progress in the South has been slowly eroding year by year as black students and the exploding population of Latino students become more isolated from white students. In some of the states which were most successful in achieving integration, the reversal has been much more rapid.

The Southern and Border states were the leaders in urban desegregation following the Supreme Court's 1971 *Swann* decision<sup>1</sup> and these regions saw major efforts at something experienced nowhere in the North: comprehensive city-suburban desegregation in many of the largest urban communities. This was because the Supreme Court blocked desegregation between the city and suburban districts in the 1974 *Milliken* decision and only the South had substantial numbers of major cities where the city and suburban schools were in a single county-wide school system.<sup>2</sup> Those plans proved to be particularly effective in radically reducing racial separation over long periods of time, and their dismantling since the Supreme Court supported the ending of desegregation plans in the 1991 *Dowell v. Oklahoma City*, has produced large and rapid increases in segregation where advances in desegregation were most prevalent. This is particularly unfortunate because those plans did produce high and relatively stable levels of desegregation and eliminate the kind of extremely segregated and unequal ghetto schools that characterize the urban North. There is also striking new evidence that the city-suburban plans produced substantially lower levels of housing segregation than were experienced in communities with separate city and suburban school districts.<sup>3</sup>

Latino enrollment has quadrupled as a share of the nation's enrollment since 1968 and, though the South is the center of black population in the nation, Latino enrollment is soaring. Given the rapid surge in Latino enrollment<sup>4</sup>, this report shows Latino students to be even more segregated

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<sup>1</sup> *Swann v. Charlotte-Mecklenberg Board of Education*, 402 U.S. 1 (1971).

<sup>2</sup> *Milliken v. Bradley*, 418 U.S. 717 (1974).

<sup>3</sup> Reardon, S. and Yun, J. (2003). *Integrating neighborhoods, Segregating Schools: The Retreat from School Desegregation in the South, 1990-2000*. 81 N.C.L.REV.1463, p1563-1596; Logan, J. (2002) *Choosing Segregation: Racial Imbalance in American Public Schools, 1990-2000*. Albany, NY: Lewis Mumford Center for Comparative Urban and Regional Research. Reardon and Yun found that black students in schools were increasingly segregated from white students from 1990 to 2000 despite a drop in residential segregation between these two groups. School segregation between counties was 40 percent lower than intercounty residential segregation in 1990 compared to just 27 percent lower in 2000, even as the average county became less residentially segregated in the same period. Similarly the Mumford study found a two point increase in school segregation between black elementary school children and white elementary school children since 1989 even as residential segregation between these two groups dropped by three to four points.

<sup>4</sup> See Table 1 in Orfield, G. and Lee, C. (2004). *Brown at 50: King's Dream or Plessy's Nightmare?* Cambridge, MA: The Civil Rights Project at Harvard University.

than blacks in the South in the 2003-4 school year. Unfortunately little was ever done in most of the region to desegregate Latinos and many desegregation plans have been terminated without ever addressing the issue even as the Latino communities have become much larger and more isolated. When the school desegregation battle began in the region the focus was overwhelmingly on issues of black students being confined to separate schools that were unequal in many respects. Except in Texas, where Latino Civil Rights advocates in the G.I. Forum had been actively fighting segregation of Mexican American children, the issue of Latino segregation was largely ignored. In fact, in the early days, some districts including Houston and Miami-Dade counted Latino students as whites and used them to “desegregate” black students, often bringing together two disadvantaged groups. Most of the major desegregation plans of the region were in place before the Supreme Court explicitly recognized the rights of Latinos to desegregate in the 1973 *Keyes* decision and they were never modified to take that decision into account.<sup>5</sup> The key decision that led to major desegregation of the South was the 1991 *Dowell* decision, in which the Supreme Court authorized the termination of the desegregation plan in Oklahoma City, ending desegregation rights in a large city where the enrollment growth was being driven by Latinos in a community where the desegregation plan ignored Latinos.<sup>6</sup>

The peak of integration for Southern blacks came in the 1980s, during the Reagan era. As late as 1964 the Southern states had been overwhelmingly segregated, with only two percent of the blacks in the Old South attending white schools, no black teachers or administrators in white schools, and no white students attending historically black institutions. The logjam of fierce resistance to implementation of the Supreme Court’s decision was broken only after Congress passed the Civil Rights Act of 1964 and President Johnson’s administration used the authority to cut off funds and initiate Justice Department lawsuits against segregated districts. Then there was a very rapid surge of increased desegregated schooling. In four short years from 1968 to 1972, the percent of black students in predominantly minority schools dropped from 81 percent to 55 percent in the South and from 78 to 25 percent in intensely segregated minority schools.<sup>7</sup> That progress continued, though at a much more gradual rate into the 1980s. The Nixon, Reagan and first Bush administrations actively pushed for limiting and terminating desegregation plans and their strategy finally won a majority on the Supreme Court in the *Dowell* decision.<sup>8</sup> Ever since there has been a steady move toward more segregated schools in all parts of the South, even though residential segregation has declined in the region.

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<sup>5</sup> *Keyes v. Denver School District No. 1*, U.S. 189 (1973). This was the first Supreme Court decision on school segregation that ruled on *de facto* segregation in the North and West, in contrast to *de jure* segregation in the South. Aside from recognizing Latinos’ right to desegregation, *Keyes* made school districts accountable for policies that resulted in segregated school systems such as the drawing boundary lines and construction schools in segregated neighborhoods.

<sup>6</sup> *Board of Education of Oklahoma v. Dowell*, 498 U.S. 237 (1991). Two other decisions, *Freeman v. Pitts*, 503 U.S. 467 (1992) and *Missouri v. Jenkins*, 115 S.Ct. 2038 (1995), further relaxed desegregation standards by releasing schools districts from court oversight even when these districts had not achieved the levels of desegregation. Especially with *Missouri v. Jenkins*, the emphasis shifted from desegregation as a goal to the return of school districts to local control.

<sup>7</sup> Intensely segregated minority schools are schools that are 90-100% minority. See Orfield, G. (1983). *Public School Desegregation in the United States, 1968-1980*. Washington, DC: Joint Center for Political Studies, p. 4.

<sup>8</sup> For a full description see: Gary Orfield and Susan E. Eaton, *Dismantling Desegregation: The Quiet Reversal of Brown v. Board of Education*, New York: New Press, 1996.

The Southern and Border states, like the country as a whole, have a growing population of nonwhite students, but that does not account for the resegregation patterns.<sup>9</sup> While we fully acknowledge the importance of thinking about demographics, to attribute changes in black segregation levels to demographic changes simplifies the dynamics of segregation. For Latino students, since there never was substantial desegregation and the Latino enrollment has grown extremely fast, the demographic factors of growth and increasing residential isolation are obviously very important. The vast majority of desegregation plans and orders in the South were directed at desegregating blacks and black students in the South and the Border states were the most affected by changing segregation policies in the 1990s, producing a ten percentage point decline in the percent of black students in majority white schools since the early 1990s, much more than can be attributed to a modest increase in the region's percent of black students. During the same period, the percent of Latino students attending majority white schools dropped by only six percent.

If desegregation plans were still in effect we would expect that as the share of whites in a state declined white students would tend to be in schools that, on average, had an increased share of black students. In several states, however, even though the percentage of white students has declined significantly, the level of white contact with blacks actually fell. Given the decline in residential segregation and the rise of the share of blacks relative to whites, this indicates that one cannot explain this pattern as a reflection of demographic forces—it is a reflection of policy about schools, reflecting the fact that most of the major urban court orders in the Southern and Border states have been terminated or are being phased out.<sup>10</sup>

Although all parts of the Southern and Border States area are becoming more segregated, the largest changes have come in the states and metro areas that had achieved the highest levels of desegregation, especially states where the school districts covered entire counties and the counties were big enough to cover most of the metropolitan housing market. Three of the four states showing the largest increases in segregation for black students are Florida, North Carolina and Delaware, each of which had the great majority of its urban students in metropolitan school districts which were under comprehensive desegregation plans from the early 1970s to the recent past. The fourth state on the list, Oklahoma, was a state with a relatively small percentage of African American students and a high concentration of those students in the Oklahoma City school district, which was desegregated until it became, in 1991, the first school district in the country to be officially allowed to return to segregated neighborhood schools by the U.S. Supreme Court.<sup>11</sup>

Among a list of the large school districts in the country that have terminated their desegregation orders, the most dramatic backward movement has come in Charlotte-Mecklenburg, the large metropolitan school district that was the subject of the Supreme Court's first busing order in the 1971 *Swann* case<sup>12</sup>, which maintained a high level of desegregation until federal courts forced the

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<sup>9</sup> Parts of the following section have been adapted from Lee, C. (2004). *Is Resegregation Real?* Cambridge, MA: The Civil Rights Project at Harvard University.

<sup>10</sup> See Appendix for a list of districts that have been declared unitary.

<sup>11</sup> Jellison, J. (1996). *Failed Promises of Local Control in Oklahoma City*. Cambridge, MA: The Harvard Project on School Desegregation.

<sup>12</sup> See supra note 1.

school board to abandon its highly successful desegregation policy. The districts, as shown in a recent study by the Center for Civil Rights at the University of North Carolina's law school, has subsequently experienced a very rapid increase in racial and poverty segregation and the creation of schools with very large achievement gaps.<sup>13</sup>

There never was a serious effort to desegregate Latino students. The Supreme Court's 1973 *Keyes* decision recognizing the Latino right to desegregation came during the Nixon Administration which was actively hostile to school desegregation and actively focused instead on bilingual education remedies<sup>14</sup>, which would be attacked and weakened by the Reagan Administration. In many of the cities most important to Latino students, the cases were never pursued or rapidly dropped: the state constitution was amended in California in the 1980s to block the threat of metro desegregation in Los Angeles; in Chicago the desegregation case was dropped for a very weak compromise by the Carter Administration in 1980; in Houston and Phoenix, major metro cases were dropped shortly after the Reagan administration came to power. In Denver, where the order did produce a real drop in segregation for a time, the state constitution was amended to end the previous possibility or expansion of the school district's boundaries as the metro grew and segregated housing spread within Denver. The few urban federal orders that did focus on this issue in California or Texas have been dissolved or are being phased out. Nothing has been done in the areas where Latino population is now surging, such as North Carolina and Georgia.

### **Data and Methods**

Data from this report are computed from the Common Core of Data of the National Center for Education Statistics of the U.S. Department of Education for the years 1991 and 2003. Earlier data come from the data collected by the Office for Civil Rights. The most recent data available from the federal government is for the 2003-2004 school year.<sup>15</sup> Where data for a given year is missing, such as the racial statistics from Tennessee for 2003-04 and Virginia and Georgia for 1991-2, it is noted in the tables and, if possible, the nearest year is substituted and noted. In calculating segregation, we rely on two measures to portray different dimensions of segregation. The exposure index shows the percentage of a particular group present in the school of the average student in another group.<sup>16</sup> For example, with a national Latino-white exposure index of 78 percent, the average Latino student attends a school that is 78 percent white. We also calculate the percentage of black and Latino students in predominantly minority (more than 50 percent minority) and extremely segregated minority (more than 90% minority) schools. This measure shows the number and proportion of students who are attending racially imbalanced and isolated schools. This report begins by showing the patterns of segregation and desegregation of

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<sup>13</sup> *The Socioeconomic Composition of the Public Schools: A Crucial Consideration in Student Assignment Policy*. Chapel Hill: UNC Center for Civil Rights, 2005.

<sup>14</sup> Orfield, G. (1978). *Must We Bus? Segregated Schools and National Policy*. Washington, D.C.: Brookings Institution.

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

<sup>16</sup> Massey, D. S. and Denton, N.A. (1988). "The dimensions of racial segregation." *Social Forces* 67:281-315; Orfield, G., Bachmeier, M., James, D., and Eitle, T. (1997). "Deepening segregation in American Public Schools." Cambridge, MA: Harvard Project on School Desegregation.

various groups, regions<sup>17</sup> and states by using data from 1968 until present day.<sup>18</sup> It examines both the changes over the last decade (1991-2003) as well as those over a much longer period (1954-2003).

### National Enrollment

In the South, blacks comprise 27 percent of the population, followed by Latino students at 20 percent. Nationally Latinos are now the largest minority group at 19 percent, followed closely by blacks at 17 percent (Table 1). As Latino enrollment continues to grow in regions such as the South, it might be easy to attribute the trends shown in the following tables to the rapid surge in Latino enrollment. While it is true that some of the decline in desegregation can be accounted for by the declining share of whites and the rising share of Latinos, it is also clear that the demographic changes are not affecting the regions, states, and districts across all racial groups uniformly, which one would expect if the patterns were due merely to demographic changes.

**Table 1**  
**Regular Public School Enrollments by Race/Ethnicity and Region, 2003-04**

	%White	%Black	%Latino	%Asian	%Native American
West	47	7	36	8	2
Border	69	21	4	2	4
Midwest	74	15	7	3	1
South	50	27	20	2	0
Northeast	66	16	14	5	0
<b>Total</b>	<b>58</b>	<b>17</b>	<b>19</b>	<b>4</b>	<b>1</b>

### Regional Trends

For both blacks and Latinos, the percentage of Southern students in majority minority (50-100%) schools has increased since 1991 (Table 2). Currently, more than three quarters of Latino students (78%) attend majority minority schools, followed closely by 71 percent of black students. A slightly lower percentage of black students (69%) attend majority minority schools in the Border states which have a smaller share of black students than the Southern states (27% versus 21% respectively). Despite a small Latino share of student population in the Border states (4%), more than half of these students (56%) are concentrated in majority minority schools. In contrast, only seven percent of white students are in these schools.

<sup>17</sup> Our definition of the regions is as follows: **South:** Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia; **Border:** Delaware, Kentucky, Maryland, Missouri, Oklahoma, and West Virginia; **Northeast:** Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont; **Midwest:** Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin; **West:** Arizona, California, Colorado, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. Note: Hawaii and Alaska, which have very distinctive populations are treated separately and the District of Columbia is treated as a city rather than a state.

<sup>18</sup> Before the Common Core collected data on enrollment by race, the Office for Civil Rights of the Education Department collected such data since 1968, with high coverage for the South and other areas with significant minority enrollments, and samples that could be used to project state totals for states across the country. Data before 1987 is from this source unless otherwise noted. The federal government has officially issued desegregation statistics only twice since the early 1970s.



For those who argue that the increasing share of students in these schools can be explained by demographic changes, it is interesting to note the uneven character of these changes. Since the Latino enrollment is growing far faster than black enrollment, the demographic explanation would suggest a far more rapid increase for Latino segregation in the South than for blacks in the recent past but the opposite is true. The concentration of Latino students in majority minority schools in the South has increased by two percentage points in twelve years (76% in 1991 to 78% in 2003) at the same time that the share of black students in these schools has increased by 11 percentage points (60% in 1991 to 71% in 2003). In the Border states, for black students, who constitute one-fifth of the student population, there has been a 10 percentage point increase in the share of students attending majority minority schools, from 59 percent in 1991 to 69 percent in 2003. As Reardon and Yun have shown, this is not a reflection of spreading residential segregation since the housing segregation of blacks in the region actually declined in the 1990s.<sup>19</sup>

**Table 2**  
**Percentage of Students in 50-100% Minority Schools in the South**  
**and Border States by Race, 2003-04**

	1991-2			2003-4		
	US Total	South	Border	US Total	South	Border
White	8.5	13	4	12	19	7
Black	66	60	59	73	71	69
Latino	73	76	38	77	78	56
Asian	51	34	25	56	44	35
Native American	43	47	21	48	48	35

Furthermore, when we examine the changes in the attendance of intensely segregated minority schools (90-100% minority), there has been virtually no change in the percentages of white students attending these schools in the South and Border regions (Table 3). In contrast, the share of black students in intensely segregated minority schools increased by six percentage points in the South and by eight percentage points in the Border region. For Latinos, the increase has been one percentage point in the South and five percentage points, from a much lower starting point, in the Border region. While demographic changes have resulted in a more diverse student body, these changes do not explain the increased segregation of blacks.

Currently, the differences across racial groups in the attendance of intensely segregated (90-100% minority) schools are even greater than that of majority minority groups. Only 1 percent of white students attend these schools in the South in the 2003-4 school year, compared to 32 percent of black and 40 percent of Latino students. In the Border region, less than 1 percent of white students attend these schools, compared to 42 percent of black and 16 percent of Latino students.

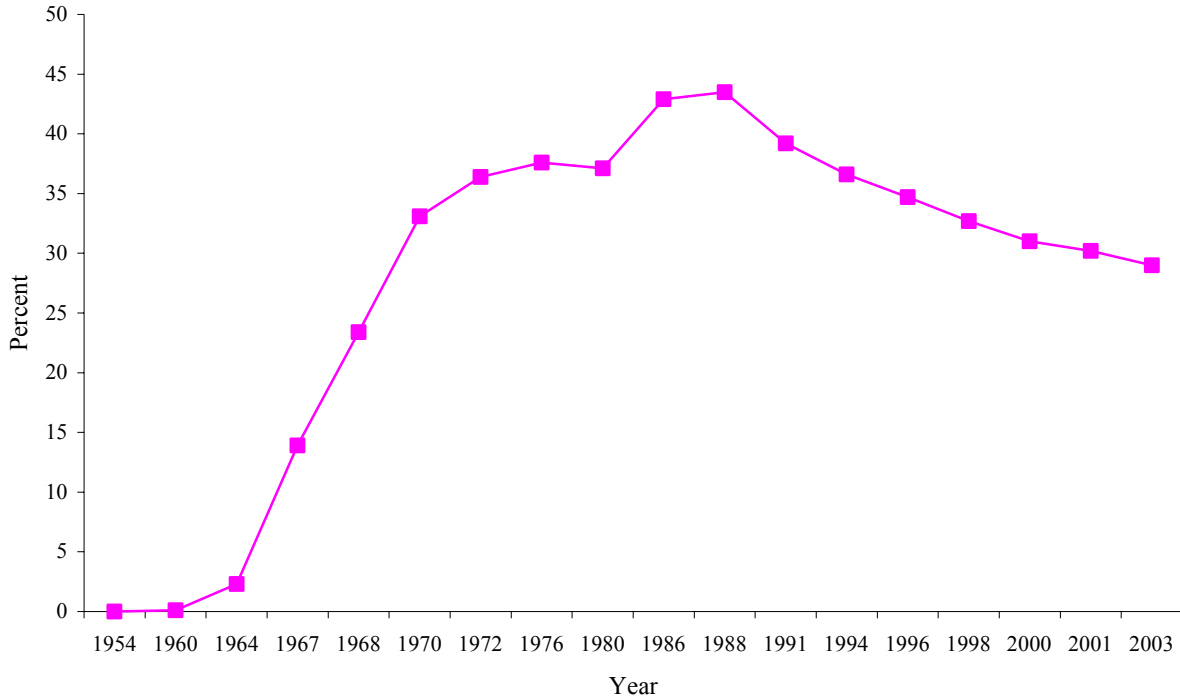
<sup>19</sup> Reardon and Yun, *supra* note 3.

**Table 3**  
**Percentage of Students in 90-100% Minority Schools in the South**  
**and Border States by Race, 2003-04**

	1991-2			2003-4		
	US Total	South	Border	US Total	South	Border
White	0.4	1	0.2	1	1	0.3
Black	34	26	34	38	32	42
Latino	34	39	11	39	40	16
Asian	11	5	3	15	8	6
Native American	20	22	1	21	18	1

Reversing what had been a steady increase in desegregation of black students in the South from 1964 to the 1980s, the percent of black students in majority white schools in the South dropped in the last decade to its present level of 29 percent (Figure 1). From mid-1960s to early 1970s, the enforcement of the 1964 Civil Rights Act and the tightening of desegregation standards as well as the authorization of busing by the Supreme Court made the South the most integrated region in the nation. After nearly a quarter of a century of increasing integration, the trend was reversed with three Supreme Court decisions in the 1990s which relaxed the desegregation requirements so that districts could be declared unitary even before desegregation goals set by earlier Supreme Court decisions and local court orders had been reached. In many cases, resegregation ensued. In a number of cases school districts that wished to keep all or some of their desegregation strategies were actually forbidden to do so by increasingly conservative federal courts.

**Figure 1: Percent Black in Majority White Schools in the South, 1954-2003**



### **State Trends**

Although the percentage of nonwhite students has increased significantly in Southern and Border states, the typical white student in the 2003-4 school year is actually in a school with fewer blacks in six of the states: Alabama, Arkansas, Florida, Louisiana, Mississippi, and North Carolina (Table 4). There was no change in six other states, and no state had more than one percentage point increase in white exposure to black students. On the other hand, 13 of the 17 states had an increase of two to seven percentage points in the average percent of Latino students in the school of the typical white student. Whereas in 1991, there were 12 states with one percent or less Latino students, there were only four states 12 years later, indicating the rapid growth of Latino students in the South and Border regions.

**Table 4**  
**Changes in White Exposure to Blacks and Latinos, 1991 and 2003**

State	White Exposure to Blacks			White Exposure to Latinos		
	1991-2	2003-4	Change 1991-2003	1991-2	2003-4	Change 1991-2003
Alabama	20	18	-2	0	2	2
Arkansas	14	12	-2	1	5	4
Delaware	27	27	1	3	7	4
Florida	17	16	-1	7	14	7
Georgia**	22	22	0	0	6	6
Kentucky	8	8	0	0	1	1
Louisiana	27	26	-1	1	2	1
Maryland	16	17	1	2	4	2
Missouri	8	8	0	1	2	2
Mississippi	32	28	-3	0	1	1
North Carolina	23	22	-1	1	6	5
Oklahoma	7	7	1	3	6	3
South Carolina	30	29	0	0	3	3
Tennessee***	11	11	0	0	1	1
Texas	10	10	0	18	24	6
Virginia*	17	18	1	0	5	5
West Virginia	3	4	1	0	1	1

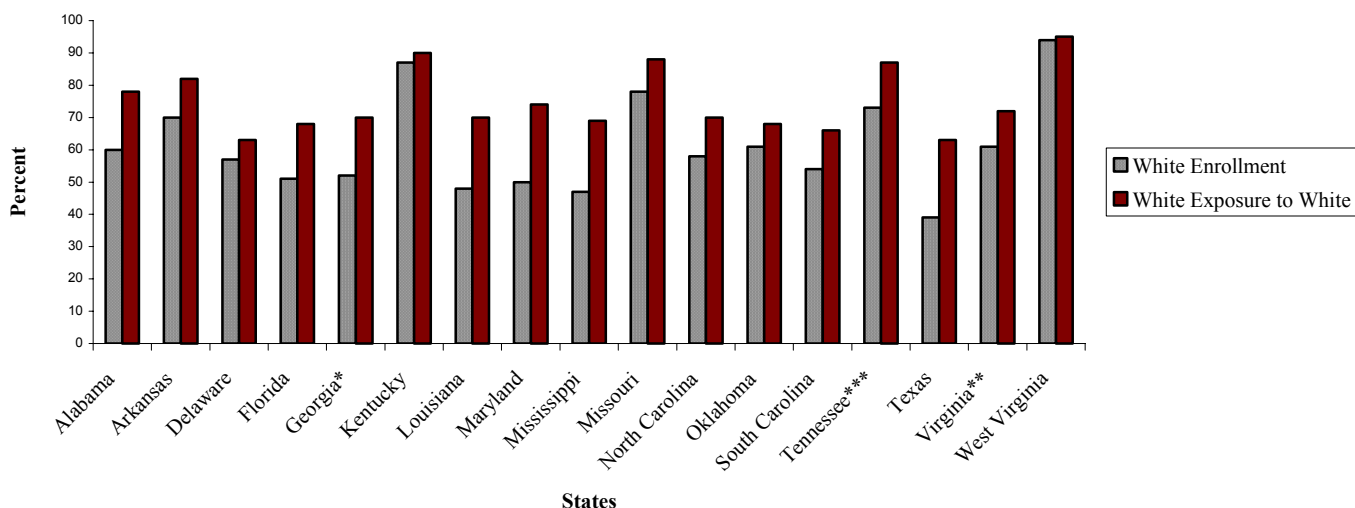
\*Due to unavailability of data for 1991, the next available year was used: 1992-3

\*\* Due to unavailability of data for 1991, the next available year was used: 1993-4

\*\*\*Due to unavailability of data for 2003, the next available year was used: 2000-01

Figure 2 compares the percent of white students enrolled in the state with the isolation of white students (exposure of white students to other white students). Despite increasing exposure to Latino students, white isolation remains high in most states. Without exception, the average white student in the South and Border regions attend schools with higher percentages of white students than one would expect given the state's white enrollment. In states such as Louisiana, Maryland, Mississippi, and Texas, white students are, on average, in schools with more than 20 percent more white students than the state-wide average. Alabama, Georgia, and Florida are three other states that have relatively large differences between white enrollment and white isolation.

**Figure 2: White Enrollment and Isolation in Southern and Border States, 2003-4**



Furthermore from 1970-1980, there was a steady increase in black exposure to white students in both South and Border states; the states with the largest declines in segregation were Delaware and Kentucky with city-suburban desegregation plans that consolidated city and the surrounding suburbs, resulting in full desegregation of students in the metropolitan areas of Wilmington and Louisville respectively (Table 5). Our previous reports have consistently shown that these two states, as a result of those plans, were the nation’s most integrated states with significant black enrollments.<sup>20</sup> Oklahoma and Missouri are two other states that implemented desegregation plans that resulted in substantial declines in the level of black segregation. Missouri also showed the only large drop in segregation between 1980 and 1991, likely due to the fact that it was the place of the largest city-suburban voluntary transfer plan under the St. Louis desegregation consent agreement. Since 1991, all the Southern and Border states show an increase in segregation for black students, especially in states such as Delaware and North Carolina, where the percent of white students in the school attended by the typical black student has dropped 16 and 10 percentage points respectively. This trend coincided with the ending of the Wilmington and Charlotte-Mecklenburg court orders, two large metropolitan areas with large concentrations of minority students. Despite these changes, we still see remnants of the advances made in the desegregation era. Black students in Delaware and Kentucky, two states which enacted city-suburban desegregation, encounter less racial isolation in their schools than their peers in the 14 other states. In Kentucky, where Jefferson County (metro Louisville) has successfully fought in federal court to retain its integration plan, the average black student attends a school that is 65 percent white. In Delaware 49 percent of the students in the school attended by the average black student are white after the plans of the four districts in metro Wilmington have been partially dismantled.

<sup>20</sup> Orfield, G. and Lee, C. (2004). *Brown at 50: King’s Dream or Plessy’s Nightmare*. Cambridge, MA: The Civil Rights Project at Harvard University.

**Table 5**  
**Changes in Percentage of White Students in Schools Attended by Typical Black Students**  
**1970-2003 (ranked by change 1991-2003)**

	% White	% White Students in School of Average Black				Change		
	2003	1970	1980	1991	2003	1970-80	1980-1991	1991-2003
Delaware	57	47	69	65	49	22	-4	-16
North Carolina	58	49	54	51	40	5	-3	-10
Oklahoma	61	42	58	51	42	16	-7	-9
Florida	51	43	51	43	34	7	-8	-9
Arkansas	70	43	47	44	36	4	-2	-8
Texas	39	31	35	35	27	5	0	-8
Kentucky	87	49	74	72	65	25	-2	-7
Missouri	78	21	34	40	33	13	6	-7
Maryland	50	30	35	29	23	5	-6	-6
Louisiana	48	31	33	32	27	2	0	-6
Georgia**	52	35	38	35	30	3	-3	-5
Virginia*	61	42	47	46	41	6	-1	-5
Alabama	60	33	38	35	30	5	-3	-5
Tennessee**	73	29	38	36	32	9	-2	-4
Mississippi	47	30	29	30	26	0	1	-4
South Carolina	54	41	43	42	39	2	-1	-3
West Virginia	94	---	---	---	79	---	---	---

\*Due to unavailability of data for 1991, the next available year was used: 1992-3

\*\* Due to unavailability of data for 1991, the next available year was used: 1993-4

\*\*\*Due to unavailability of data for 2003, the next available year was used: 2000-01

Currently, three of the four states in the Southern and Border regions with the highest levels of segregation for black students on all three measures of segregation are Maryland, Louisiana, and Mississippi: in Maryland, more than half of the black student population attend intensely segregated (90-100%) minority schools (Table 6), a pattern strongly influenced by the expansion of segregated housing out from Washington D.C. in Prince George's County. More than two-fifths of black students in Alabama, Mississippi, Louisiana, and Missouri are concentrated in these schools. Less than a quarter of black students attend majority white schools in Maryland, Texas, Louisiana, and Mississippi. In these states, the average black student attends a school that is more than 70 percent nonwhite.

Except for Maryland, most of the states with the highest levels of segregation are in the Deep South, many of which had begun resegregating since the lifting of desegregation court orders. In places that upheld the desegregation orders, such as Louisville in Kentucky, desegregation levels remain high. Kentucky has the lowest segregation levels for black students among the Southern and Border states, with more than three quarters of the students attending majority white schools and zero percent of the black students attending intensely segregated minority (more than 90% minority) schools. There is a big gap in desegregation between Kentucky, where the typical black student attends a school with 35 percent minority students, and the next most desegregated state, Delaware where more than half of the students in a school attended by the average black student are minority.

**Table 6**  
**Segregation Levels in South and Border States for Black Students**  
**on Three Measures of Segregation, 2003-04**

	<b>% in 90-100% Minority Schools</b>	<b>% in Majority White Schools</b>	<b>Black/White Exposure</b>		
Maryland	53	Maryland	19	Maryland	23
Alabama	46	Texas	22	Mississippi	26
Mississippi	45	Louisiana	23	Louisiana	27
Louisiana	41	Mississippi	24	Texas	27
Missouri	41	Georgia	27	Georgia	30
Texas	38	Alabama	30	Alabama	30
Georgia	37	Arkansas	31	Missouri	33
Florida	32	Florida	33	Florida	34
Arkansas	23	Missouri	33	Arkansas	36
South Carolina	19	Virginia	35	South Carolina	39
Oklahoma	17	North Carolina	36	North Carolina	40
Virginia	15	South Carolina	37	Virginia	41
North Carolina	13	Oklahoma	41	Oklahoma	42
Delaware	8	Delaware	50	Delaware	49
Kentucky	0	Kentucky	77	Kentucky	65
West Virginia	0	West Virginia	93	West Virginia	79

For Latino students, the three most segregated states are Texas, Florida, and Maryland. Half of the Latino students in Texas, which has the highest proportion of Latinos in the region, attend intensely segregated (90-100%) minority schools while more than a fifth of Latino students attend these schools in Florida and Maryland respectively (Table 7). These three states also have the lowest shares of Latino students in majority white schools and the lowest Latino-white exposure rates. Latino students are even less likely than black to attend majority white schools in Texas, Florida, and Delaware.

The problem of Latino segregation is severe because there has never been any serious effort to desegregate Latinos and Latino enrollment is growing in states with already large concentrations of Latinos. Even since 2001, the share of Latinos in majority white schools has dropped, especially in states such as Texas, Maryland, Florida, Virginia, Georgia, Delaware and Louisiana.<sup>21</sup> States such as Texas and Florida that are seeing the fastest growth in Latino enrollment are also among the states where Latino students experience the greatest segregation. Many of the civil rights cases against Latino segregation were brought to court in Texas where despite a brief period of integration from 1970 to 1980, it was one of the first states to end its urban desegregation plans.

**Table 7**  
**Segregation Levels in South and Border States for Latino Students**  
**on Three Measures of Segregation, 2003-04**

% in 90-100% Minority Schools		% in Majority White Schools		Latino/White Exposure	
Texas	50	Texas	15	Texas	21
Florida	29	Maryland	25	Florida	32
Maryland	27	Florida	28	Maryland	33
Georgia	16	Virginia	42	Georgia	43
Mississippi	9	Georgia	43	Virginia	47
Louisiana	9	Delaware	44	Delaware	48
Delaware	7	Louisiana	44	Louisiana	48
North Carolina	7	Oklahoma	49	North Carolina	49
Missouri	7	North Carolina	50	Oklahoma	49
Alabama	6	South Carolina	59	South Carolina	53
South Carolina	4	Mississippi	68	Mississippi	56
Virginia	3	Arkansas	69	Arkansas	62
Arkansas	2	Missouri	70	Missouri	63
Oklahoma	2	Alabama	76	Alabama	64
Kentucky	0	Kentucky	81	Kentucky	71
West Virginia	0	West Virginia	100	West Virginia	88

## RECOMMENDATIONS

The first necessity is for the Southern and Border states to face the reality that their many generations of segregated schools never produced anything like equal opportunity and to recognize that their own state data on test scores, dropout rates, NCLB classifications, the presence of qualified and experienced teachers, the available of honors and AP courses and many other aspects of schooling show profound inequalities. The Supreme Court said over half a century ago that in the context of a history of imposed segregation, separate schools are "inherently unequal." We now understand that this is the result of separation by race and poverty and all the in-school and out-of-school inequalities that are associated with that separation. Though there are a handful of segregated high

<sup>21</sup> *Ibid.*



poverty schools that achieve equal test scores, particularly in the early grades, this is very rare and there are none that provide equal preparation for success in a multiracial society.

Other policy recommendations include:

There should be an urgent effort to integrate the faculties and train the teachers and staffs in the large numbers of racially changing suburbs and central cities in techniques that produce better outcomes in diverse classes. This should include training in how to deal with immigrant and language minority students and parents. In addition to preservice training, teachers need regular support through good inservice and professional development

In the face of persistent housing discrimination and the further spread of residential segregation, there should be organized community and state efforts to support and stabilize integrated communities and to closely monitor and severely punish residential discrimination in sales, rental, and mortgage financing. If communities wish to avoid the fully predictable results of segregated high poverty schools and segregated white schools, which do not prepare children for success in a diverse society, they should not build only economically segregated new suburban communities marketed almost exclusively to white.

Most of the South's segregated high schools are "dropout factories" where most of the students do not graduate. In addressing this and related problems, educational leaders and policy makers should examine the greater success of diverse high schools and create magnet, transfer and other policies to develop more of them or if that is not possible, to consider the possible value of integration by social class and achievement levels in improving desegregation and educational success by limiting the number of high schools with high concentrations of poverty such as in Wake County, (metro Raleigh) NC.

Researchers at the public and private universities in each state and community should regularly issue independent reports on the spread of segregation and its relationship to educational inequality. Otherwise most public officials will simply ignore the obvious connections. Journalists should carefully examine and report on these trends and show how they are related to educational success.

Where there are existing desegregation plans, they should be maintained as long as possible if they are functioning reasonably well or modified and kept if they are not. Once a plan is abandoned, communities will face sustained attacks, sometimes supported by the courts, against voluntary integration efforts the local educators believe to be necessary.

Community leaders should commit themselves to voluntary action to maintain integrated magnet schools and make this a basic goal of charter policy.

NCL B transfer money should be used only for transfers to clearly more successful

schools with preference for transfers that improve race and class integration and prohibition on funding transfers that further increase segregation.

As some of the South's historic central city neighborhoods revive, there should be efforts to draw the new middle class residents into the schools, creating the possibility of racial and economic integration.

Implement plans that provide incentives for suburbs to participate in inter-district transfers in metro areas.

**Appendix A**

**Selected Unitary Status Rulings between 1990-2002<sup>22</sup>**

STATE	NAME OF DISTRICT	YEAR UNITARY STATUS GRANTED OR DESEG. ORDER DISMISSED	CASE CITATION	COMMENTS
Alabama	Alexander City Board of Education	2002	2002 WL 31102679	Declared partially unitary for all factors (student assignment, faculty and administrative staff hiring, assignment and promotion, student discipline, extracurricular activities, dropout and graduation rates, and special education) except hiring and promotion of higher-level administrators. (Found partially unitary in the areas of transportation and facilities in 1998.) Court found the school district had primarily complied with 1998 consent decree.
Alabama	Auburn County Board of Education	2002	2002 WL237091 (M.D.Ala 2002)	Court found compliance with 1998 consent decree and declared fully unitary

<sup>22</sup> This chart does not include a number of unpublished decisions. Unpublished rulings declared many school districts unitary, including California's San Jose Unified School District, Florida's Broward, Pinellas, and Polk Counties, Louisiana's Livingston Parish School System, Minnesota's Minneapolis City Schools, North Carolina's Franklin County School District, Tennessee's Hamilton County School District, Texas' Fort Worth and Houston School Districts, Alabama's Mobile School District, and Virginia's Norfolk School District.

Alabama	Butler County Board of Education	2002	183 F.Supp.2d 1359 (M.D. Ala 2002)	Court found compliance with 1998 consent decree and declared fully unitary
Alabama	Lee County Board of Education	2002	2002 WL1268395 (M.D. Ala 2002)	Declared partially unitary for all factors except faculty assignment. Court found the school district had primarily complied with consent decree of 1998.
Alabama	Opelilka City Board of Education	2002	2002 WL237032 (M.D. Ala 2002)	Court found compliance with 1998 consent decree and declared fully unitary.
Alabama	Russell County Board of Education	2002	2002 WL360000 (M.D. Ala 2002)	Court found compliance with 1998 consent decree, and declared fully unitary.
Alabama	Tallapoosa County Board of Education	2002	2002 WL 31757973	Declared partially unitary for all factors (faculty hiring and assignment, student assignment and instruction, extracurricular activities, student discipline, student dropout intervention, facilities, and special education) except faculty assignment at one school. Court found that the school district had primarily complied with consent decree of 1998.

Arkansas	Little Rock School District	2002	2002 WL 31119883	Declared partially unitary. Found unitary status in student discipline, extracurricular activities, advanced placement courses, and guidance counseling. Court will continue monitoring the school district's assessment of programs most effective in improving African American achievement.
California	San Diego Unified School District	1998	61 Cal.App.4 <sup>th</sup> 411	By 1985 the trial court found that the school district had made substantial progress toward eliminating segregation. In 1996, the court issued a final order stating that it would completely end its supervision on January 1, 2000. Plaintiffs opposed moving the date to end its supervision to July, 1998. Court supervision ended in 1998 pursuant to the modified final order.
Colorado	Board of Education School District No. 1, Denver	1995	902 F. Supp. 1274 (D. Colo. 1995)	Declared fully unitary.
Delaware	Christiana School District  Brandywine School District  Colonial School District  Red Clay School	1996	90 F.3d 752 (3 <sup>rd</sup> Cir. 1996)	Declared fully unitary. (interdistrict remedy case) Plaintiffs did not oppose finding regarding transportation and facilities.

	District (Wilmington)			
Florida	Duval County Schools (Jacksonville)	2001	273 F.3d. 960 (11 <sup>th</sup> Cir. 2001)	1986 found partially unitary in transportation and extracurricular activities. Declared fully unitary. Plaintiffs only opposed and provided evidence regarding vestiges of discrimination in school assignment.
Florida	Hillsborough County (Tampa)	2001	244 F. 3d 927 (11 <sup>th</sup> Cir. 2001)	1970 found partially unitary in transportation, extracurricular activities and facilities Declared fully unitary.
Florida	Miami-Dade County	2001	Unreported	Unitary status review initiated by the Court. Declared fully unitary. Plaintiffs agreed that the school district was unitary with respect to <i>Green</i> factors.
Florida	St. Lucie County (Fort Pierce)	1997	977 F.Supp. 1202 (S.D. Fla. 1997)	Declared fully unitary. Joint motion with plaintiff seeking unitary status.
Georgia	Coffee County (Douglas)	1995	1995 U.S. Dist. LEXIS 4864	Motion for Unitary Status unopposed by plaintiff.
Georgia	Dekalb County School System (Atlanta)	1996	942 F.Supp. 1449 (N.D. Ga 1996)	1988 declared partially unitary in student assignment, transportation, facilities and extracurricular activities. Delared fully unitary.

Georgia	Muscogee County (Columbus)	1997	111 F.3d 839 (11 <sup>th</sup> Cir. 1997)	Declared fully unitary. Plaintiffs only opposed finding on student assignment.
Georgia	Savannah-Chatham School District	1994	860 F. Supp. 1563 (S.D.Ga 1994)	Declared fully unitary. Plaintiffs did not oppose finding regarding transportation and extracurricular activities.
Illinois	Rockford Board of Education School District No. 205	2001	246 F.3d1073 (7 <sup>th</sup> Cir. 2001)	Declared fully unitary. Plaintiffs opposed the finding because of continued disparities in achievement.
Indiana	Indianapolis Schools	1998	Unreported	Settlement Agreement with a 13 year phase out plan (interdistrict desegregation order)
Kansas	Unified School District No. 500, Kansas City (Wyandotte County)	1997	974 F. Supp. 1367 (D. Kansas 1997)	Declared fully unitary. Unopposed by plaintiffs. Parties developed a Desegregation Exit Plan.
Kansas	Unified School District No. 501 (Shawnee County -- Topeka)	1999	56 F.Supp.2d 1212 (D.Kan. 1999)	Declared fully unitary. Based on implementation of 1994-1995 remedial plan previously agreed upon by the parties. Plaintiffs did not oppose.

Kentucky	Jefferson County Public Schools (Louisville)	2000	102 F.Supp.2d 358 (W.D. Ky. 2000)	Declared fully unitary. Plaintiffs opposed due to segregation at the classroom level.
Maryland	Prince Georges County (Greenbelt )	2002 (expected)	18 F.Supp.2d 569 (D.Md. 1998)	Approval of Memorandum of Understanding with an expectation of a declaration of unitary status at the end of fiscal year 2002
Michigan	School District of the City of Benton Harbor	2002	195F.Supp.2d 971 (W.D. Mich. 2002)	Court declared fully unitary Plaintiff's agreed that school district was unitary with respect to <i>Green</i> factors, but thought achievement disparities were still vestiges of segregation
Michigan	School District of the City of Pontiac	1974 partial 2000	95 F.Supp.2d 688 (M.D. Mich. 2000)	Found fully unitary against school district request to continue the order for three more years.
New York	Buffalo School District	1995	904 F.Supp. 112 (W.D. NY 1995)	Declared fully unitary.
North Carolina	Charlotte-Mecklenburg Board of Education	2001	269 F.3d 305 (4 <sup>th</sup> Cir. 2001)	Declared fully unitary.
Ohio	Board of Education of City School District of Cincinnati	1991	1991WL11010 72 (S.D. Ohio 1991)	Settlement Agreement in 1984 scheduled to expire in 1991 but court found that the school district did not fully comply in the areas of low achieving schools and unbiased disciplinary policies. The court extended its jurisdiction for at least two years.



Ohio	Dayton Public Schools	2002	2002 WL1284228 (S.D. Ohio 2002)	Declaration of unitary status. Joint motion seeking unitary status.
Oklahoma	Oklahoma City Public Schools	1991	778 F.Supp. 1144 (W.D. Okl, 1991)	Declared fully unitary as of 1985 and dissolved the permanent injunction governing the school district.
Pennsylvania	Woodland Hills School District	2000	118 F.Supp. 2d 577 (W.D. Pa. 2000)	Partial unitary status granted- jurisdiction retained over curriculum because math curriculum had continued tracking contrary to previous court order. Court expects district to be unitary by the end of the 2002-2003 school year.
Texas	Dallas Independent School District	1994	869 F.Supp. 454 (N.D. Tx. 1994)	Declared unitary, but would not be dismissed until 1997; judge questions whether would release because of disparities in student achievement.
Texas	Jefferson Independent School District	2001	Unreported	Declared partially unitary in 2000 in transportation, facilities and transfers through agreement of the parties; Entered into a consent order, July 2002 with the expectation that the district would be declared unitary by July 2001