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Publication Date

2017-05-23

Southern Schools

More Than a Half-Century After the Civil Rights Revolution

May 2017

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Introduction

The South was the central focus of the *Brown v. Board of Education* decision from the U.S. Supreme Court in 1954. The landmark ruling held that laws mandating segregation in the school systems of the eleven states of the Old Confederacy, along with D.C. and six other states, violated the U.S. Constitution. Intense opposition met the decision across the South. A decade later, 98 percent of black students were still in all-black schools when Congress passed the 1964 Civil Rights Act. The Act forbade discrimination in any school district receiving federal funds and authorized the Justice Department to sue school systems even if they were willing to give up their federal funds. A year later, federal funding for education increased dramatically through the passage of the Elementary and Secondary Education Act, adding an important carrot to federal enforcement efforts. The only serious period of enforcement using these authorities came in the 1965-1968 period which initiated historic changes—making the South the most integrated region of the country by the early 1970s.¹ The Supreme Court clarified and strengthened desegregation laws for the region in the historic decisions in *Green* (1968) and *Swann* (1971). The lower courts also found the Nixon Administration guilty of intentionally ignoring those same laws and forced it to implement urban desegregation in the early 1970s. At desegregation's peak, there were desegregation plans in almost all Southern school districts. Some parts of the South experienced higher levels of desegregation than other major school districts around the country. This was particularly true for large, Southern urban centers that implemented long-lasting metropolitan desegregation. An advantage in the South was the number of countywide districts across which desegregation plans applied.

Southern and Border states with segregation plans were required to do vastly more than states in the North and West that had very segregated schools but which had no laws requiring segregation as the South had. The Supreme Court ignored that issue for two decades after *Brown*. Then, between 1973 and 1974, it issued decisions that created a heavy burden of proof for civil rights groups to prove illegal racial discrimination, and largely protected the suburbs from school desegregation plans, making desegregation impossible in many metros with intense residential segregation. Because Northern metros were divided into many small districts where district boundaries overlaid very high residential segregation, only limited and temporary integration could be achieved in many areas.

During this same period, the only major centers of Latino enrollment in the South were in Texas and in southern Florida. There was no Supreme Court recognition of Latino desegregation rights until 1973. By 1974 the Supreme Court made its first decision since *Brown* limiting desegregation policy. Administrative enforcement also had virtually stopped and Congress had weakened the Civil Rights Act. By the 1980s, the country had a presidential administration firmly opposed to desegregation orders and the Supreme Court's leading opponent of desegregation,

¹ See Orfield, G. (1969). *The reconstruction of Southern education: The schools and the 1964 Civil Rights Act*. Hoboken, NJ: John Wiley & Sons, Inc.; Frankenberg, E., & Taylor, K. (2015). [ESEA and the Civil Rights Act: An interbranch approach to furthering desegregation](#). *RSF: The Russell Sage Foundation Journal of the Social Sciences* 1, 32-49.

William Rehnquist, was named Chief Justice. The federal desegregation aid program, which gave districts money to work on successful race relations and integration in schools, was canceled in President Reagan's first budget. In 1991, the Supreme Court in the Oklahoma City case (*Dowell*) authorized courts to dissolve desegregation plans if they thought the districts had accomplished as much as was feasible.

From 1954 to 1988 there was an increase in the interracial contact between whites and black students in the South in spite of the fact that the white share of student population had declined significantly. This increase can be understood as a result of the legal decisions and federal enforcement that affected virtually every district in the region. After 1990, however, there was a steady increase in segregation for black students nationally, which had especially large impacts on the South where most blacks historically have lived. There never was any significant federal effort to desegregate Latino students since the 1973 decision and their segregation has steadily increased since Latino data was first collected nationally in the late 1960s. The nation's share of Latino students quintupled over the next half century as a vast immigration of a young population with large families transformed major parts of American society. This began to have profound impacts on the South.

The Civil Rights Project has been following these changes since its creation 21 years ago. One of its very first conferences was on segregation of Southern schools in Atlanta, cosponsored by the Southern Education Foundation. In 2002, the Project, together with the Center for Civil Rights at the University of North Carolina, had a large conference in Chapel Hill which led to the book, *School Resegregation: Must the South Turn Back*. We collaborated with UNC Chapel Hill and the University of Georgia in an important conference in 2009, hosted in Chapel Hill during the wake of the 2007 Supreme Court's decision limiting voluntary integration. This resulted in the book, *Integrating Schools in a Changing Society: New Policies and Legal Options for a Multiracial Generation*. We also recently published major reports on desegregation in Virginia, North Carolina, Maryland and Washington, DC, while a number of scholars and lawyers associated with our Project played significant roles in lawsuits and many conferences in the South. This short research brief is issued with Pennsylvania State University's new Center for Education and Civil Rights, which is helping to produce research and work with districts in the South and the country to reduce contemporary segregation. We have also worked with districts and communities in the region who are voluntarily seeking to overcome growing segregation. We have followed the great successes and, in our judgment, the tragic reversals in the region as integrated schools, flourishing for decades under a court order, now turn back, watching their desegregation efforts dissolved. For some time, our regular reports showed no Southern states among the nation's most segregated, but this is no longer the case.

Separate has never been equal. Since *Plessy v. Ferguson* 121 years ago, white people have continuously decided that separate is good enough for black and Latino children, but not for their own children. Markets have not solved segregation; they have often made it worse. We want to believe segregation is self-curing and solved by time. In fact, it is strong and self-perpetuating, with divided schools fostering a divided society. The story of the South is not complete. It has large, tragic and sometimes transformative dimensions. It is by no accident that Martin Luther

King's movement for racial equality was formed in the South—where he understood all the contradictions, and helped achieve a remarkable transformation—but there is no permanent answer. Each generation in a rapidly changing society has to find solutions that work as circumstances change. The South still has many advantages it could draw on to face these complex challenges, such as having more black teachers than any other region of the country, along with an historical understanding of how racial segregation has harmed its communities.

It is clear that the region is now moving backward in terms of the progress it made in desegregating schools. Moreover, the South has barely begun to develop ways to address the challenges that Latino families and their children face. In fact, some states have recently created overtly racist policy proposals and rhetoric that simply ignores the reality: the region's future depends on developing the talents of the people who live there and are the fastest growing segment of the population.

The South has a small but rapidly growing share of charter schools, which in the region—as in the country—are even more segregated for African-American students than the traditional public schools. When thousands of districts adopted “freedom choice” more than a half-century ago right after the *Brown* decision, the South learned the lesson that choice schools may be segregated schools. The South needs to again count on the civil rights dimensions of good magnet schools, and spread these practices to other types of school choice. Private schools are about 7% of the region's enrollment and are disproportionately white. Back in the 1960's many “segregation academies” were created at the same time major desegregation orders were issued. In some states, like Florida, there has been a major effort to provide subsidies to private schools through the tax system, raising many issues of equity. Importantly, almost nine out of ten students in the region still attend regular public schools.

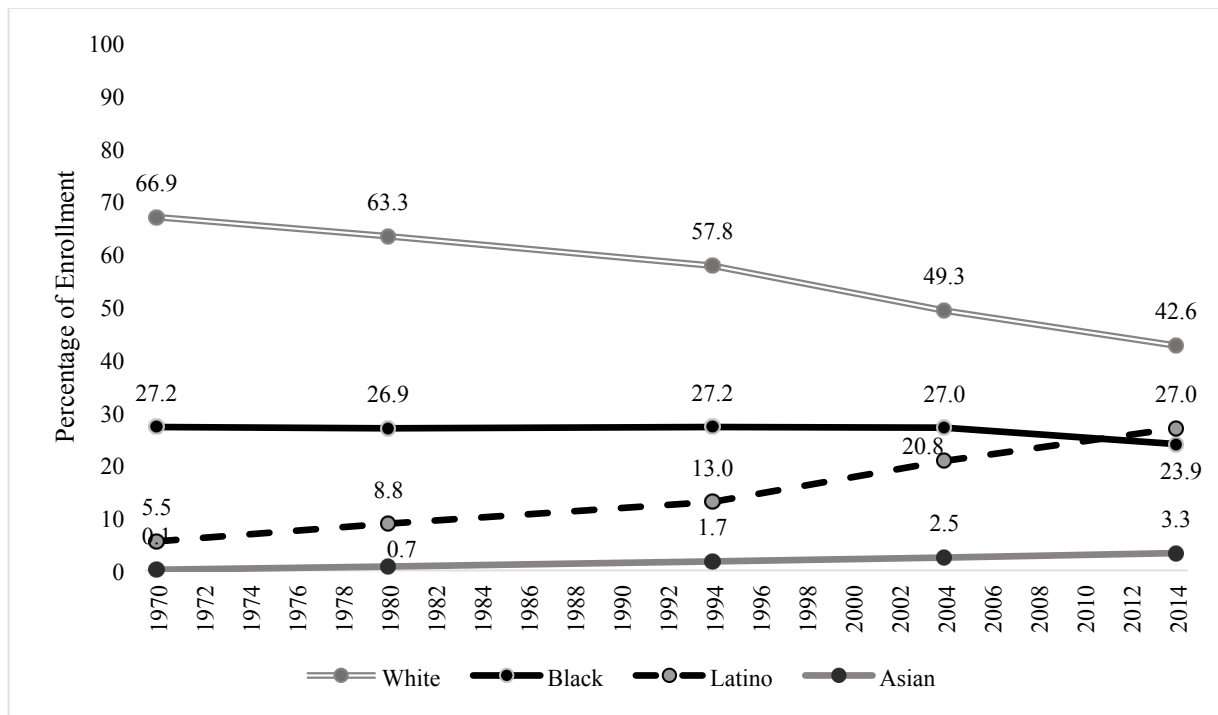
Much of the hard-won progress of the great civil rights movement and its legal victories is now eroding and inequality is deepening. There is no likelihood that the federal government will provide leadership in the next few years. The time has come for Southern educators, universities, journalists and researchers to help people understand the risks of doing nothing, and the ways that we could begin to turn back toward the vision of the civil rights era. The days of court-ordered mandatory reassignment are over; today's integration efforts almost always involve carefully designed school choice. There are many ways the region could move forward. We have studied and collaborated with Southern educators and communities on the topic of integration—and two of this study's authors are graduates of the region's diverse public schools. We look forward to working with educators, community members, and policymakers in the South to once again realize civil rights gains in the region's public schools.

Demographic Changes & Segregation in the South's Public Schools

For the past decade or so, the Civil Rights Project has labeled the South, long defined by a black-white paradigm, a tri-racial region.² By 2009, the combined share of black and Latino students surpassed the share of white students and created a majority-minority region. Today, white students comprise just over two in five students in the South, a stark decline from 1970, when whites accounted for about two in three students. Behind the West, the South reports the most racially diverse school enrollment in the country.

We also report here that, for the first time, the share of Latino student enrollment (27%) has surpassed the share of black student enrollment (24%).³ While the South still serves the highest share of black students compared to other regions of the country, its new racial paradigm raises crucial questions about access to equal educational opportunity for two historically marginalized groups (Figure 1).

Figure 1: Percentage of students enrolled in public schools by race/ethnicity in the South, 1970-2014



	1970	1980	1994	2004	2014
Total enrollment	11,820,616	11,552,614	13,107,478	14,100,139	16,571,560

Source: U.S. Department of Education, National Center for Education Statistics, Common Core of Data (CCD), Public Elementary/Secondary School Universe Survey Data. Data prior to 1991 obtained from the analysis of the Office of Civil

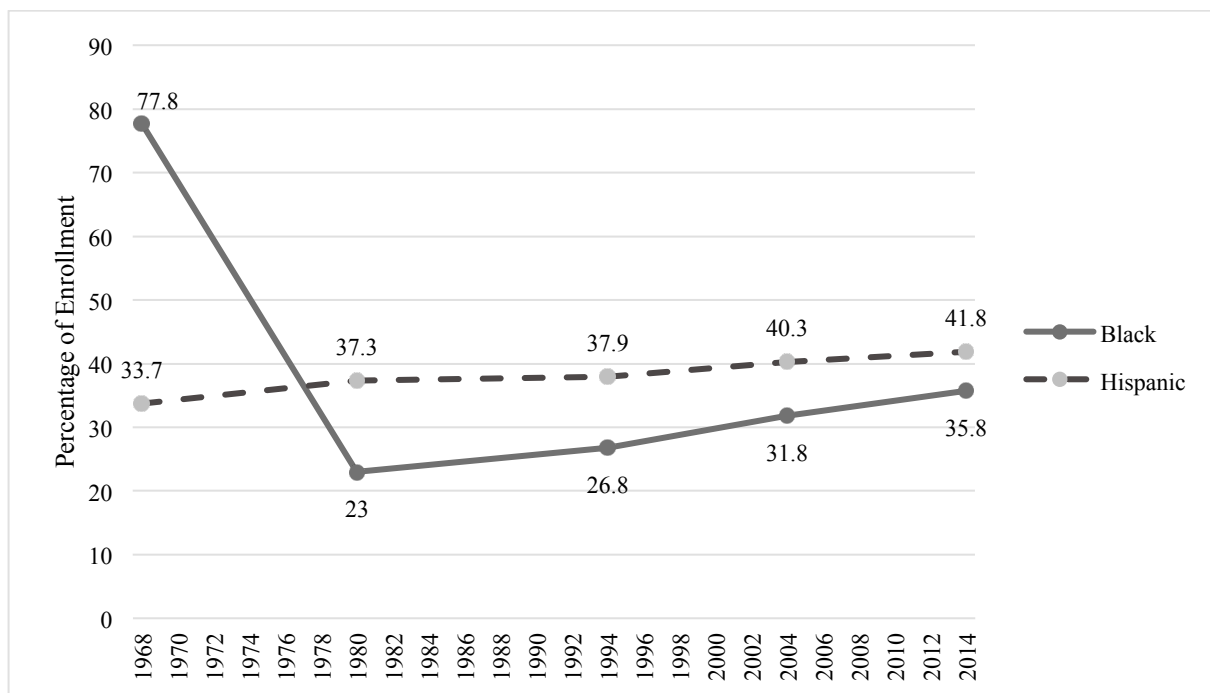
² The definition of the Southern region used in Civil Rights Project reports has included the following states: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia.

³ The federal data that we analyze classifies students as Hispanic (of any race). We interchangeably use “Latino” to refer to these students.

In this report, we use two common measures of school segregation that help us to understand the types of school environments that students experience—and how those environments have changed over time.⁴ The first is a measure of concentration, or the percentage of students in racially isolated minority schools (those in which at least 90% of students are students of color). The second is the exposure or isolation index, which describes the interracial exposure that the “typical” student experiences in his/her school. If schools were perfectly integrated, the exposure of every group of students would be equal and would be the same as the racial/ethnic composition of the schools.

The share of black students attending intensely segregated (90-100% minority) schools dropped sharply, from nearly 80% to 23%, during the desegregation era. That swift progress gradually has eroded over the past three decades. More than one in three black students attends an intensely segregated school in the region today. The pattern for Southern Latino students in intensely segregated schools has been more stable—and more severe. Higher percentages of Latino students (41.8%) attend intensely segregated schools than black students (35.8%) (Figure 2).

Figure 2: Percentage of Black and Hispanic Students in Intensely Segregated Minority Schools in the South, 1968-2014



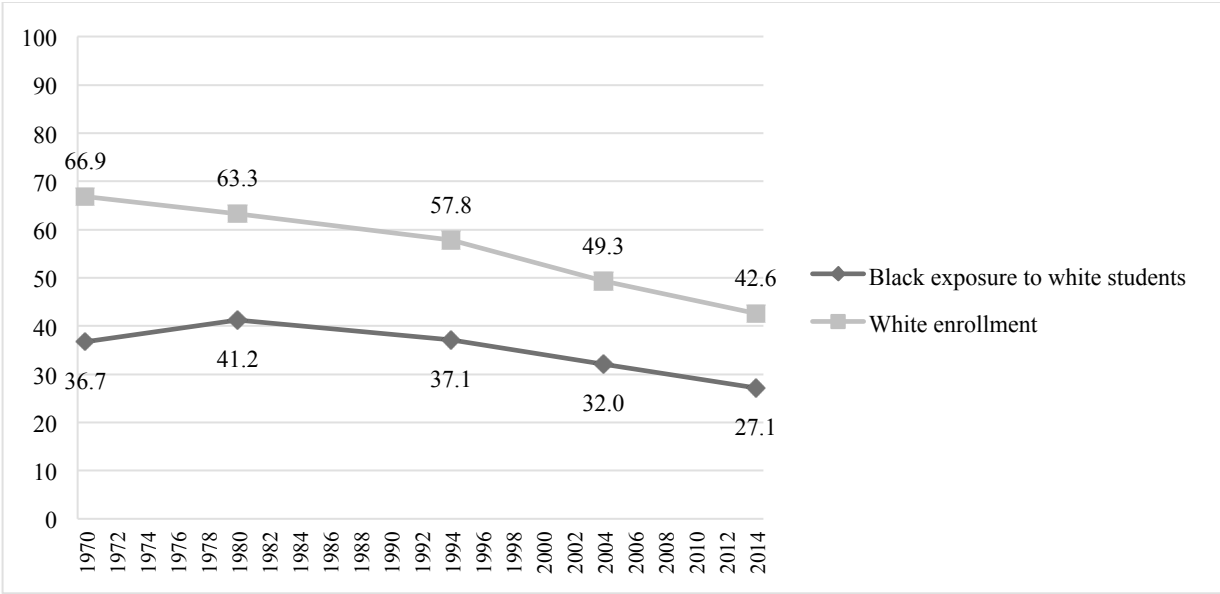
⁴ For more discussion of various school segregation measures and their interpretation, see G. Orfield, G Siegel-Hawley and J. Kucsera, 2014 at <http://civilrightsproject.ucla.edu/news/news-and-announcements/news-2014/crp-researchers-reaffirm-findings-of-increasing-segregation>.

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

Black students’ contact with white students rose in the South during the period of strongest desegregation enforcement, even as the share of white enrollment had begun to decline. Since 1980, black student contact with whites has fallen steadily. At the same time, the gap between black exposure to white students and the overall share of white students has narrowed somewhat. The typical black student in the South today goes to a school that is about 27% white, even though whites account for about 43% of the enrollment (Figure 3).

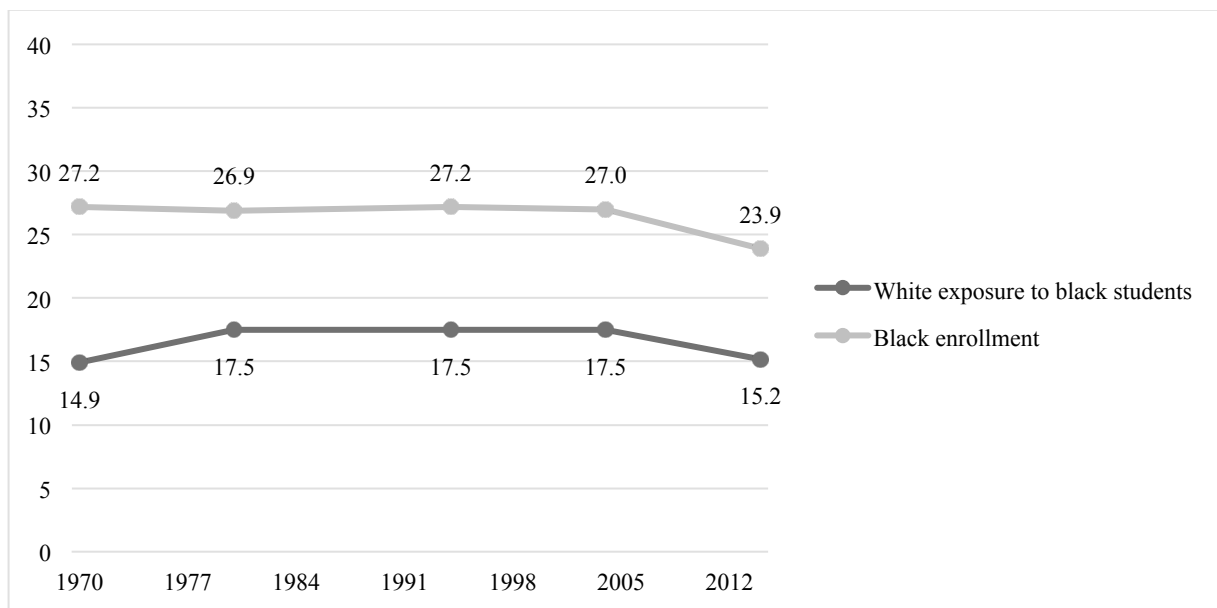
Conversely, white contact with Southern black students is disproportionately low. The overall share of the black enrollment has remained fairly constant (around 27%) in the region with a modest decline in the last several years. Yet white students have consistently attended schools in which blacks constituted between 15 and 17% of the enrollment (Figure 4).

Figure 3: White Enrollment Percentage and Exposure to White Students for the Typical Black Student in the South, 1968-2014



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

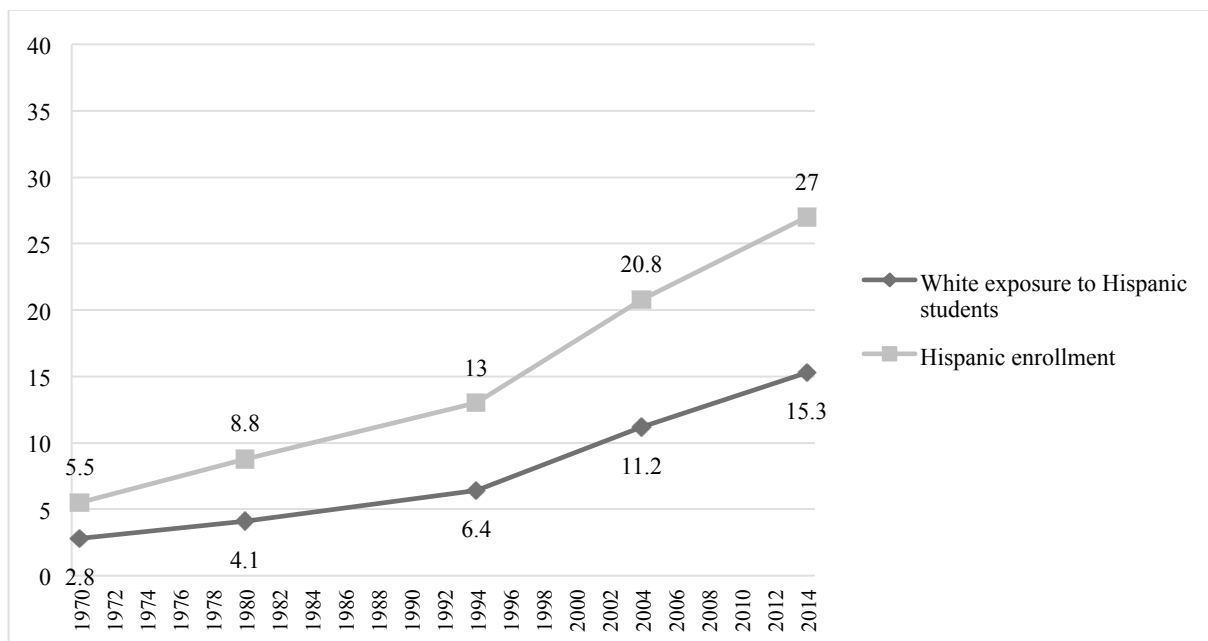
Figure 4: Black Enrollment Percentage and Exposure to Black Students for the Typical White Student in the South, 1968-2014



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

The last four decades have seen a steady increase in white student contact with Latino students in the South—alongside a steady uptick in the Latino enrollment share. The typical white student in the South now has as much contact with Latino peers as black peers. Unlike white contact with black students, though, the gap between the overall share of Latino enrollment and white exposure to Latinos has been widening. White students head to schools in the South where, on average, Latino students account for 15% of the enrollment, almost half the share of the overall Latino enrollment (27%) (Figure 5).

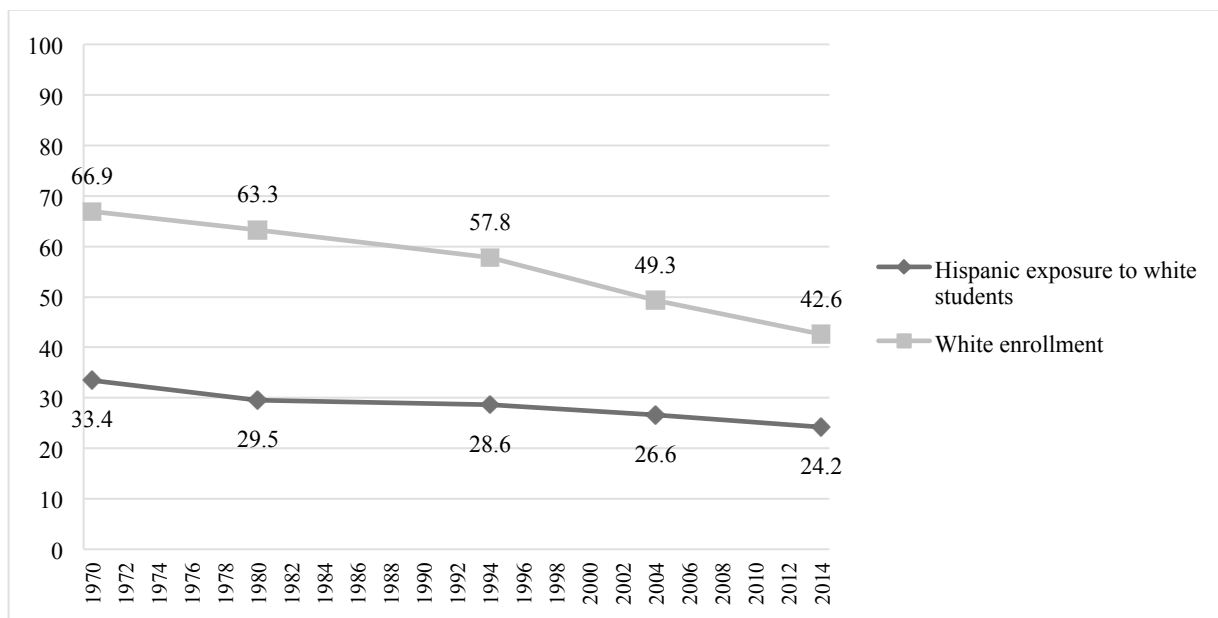
Figure 5: Hispanic Enrollment Percentage and Exposure to Hispanic Students for the Typical White Student in the South, 1968-2014



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

Latino student contact with white students in the South has been declining since the federal government began collecting data in 1968 (see Figure 6). That trend stands in contrast to black-white exposure, which saw an uptick during the most active federal enforcement of school desegregation in the 1970s. For both black and Latino students, the gap between the overall share of whites enrolled in Southern schools and whites enrolled in schools with black and Latino students has narrowed over time.

Figure 6: White Enrollment Percentage and Exposure to White Students for the Typical Hispanic Student in the South, 1968-2014



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

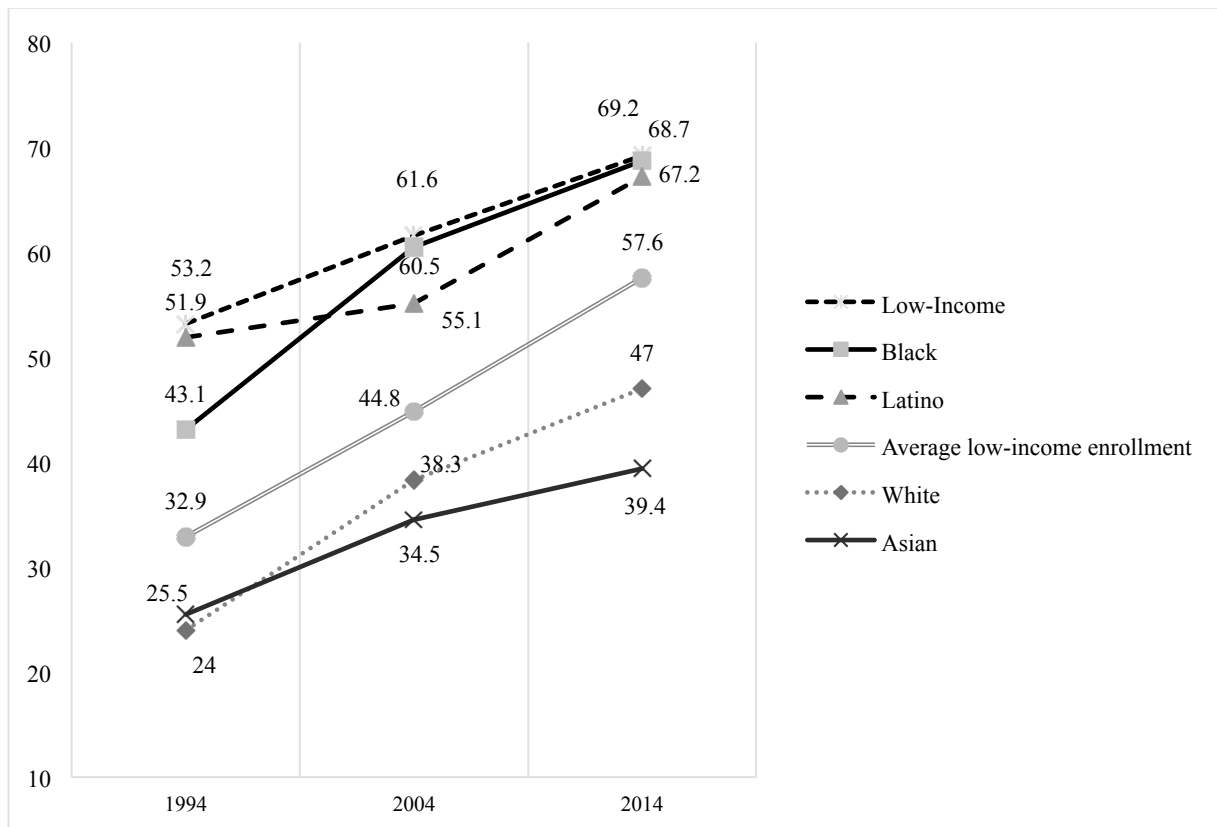
Double Segregation by Race and Poverty

The typical Black, Latino and low income student in the South experiences intense overexposure to student poverty compared to the typical white or Asian student. This aspect of school segregation—racial disparities in exposure to students from low-income households—has been clearly linked to academic achievement gaps.⁵ On average, black, Latino and low income students head to schools in which low income students make up 70% of the enrollment. The typical white or Asian student, by contrast, goes to schools where fewer than 50% of students are low income. Asian students, on average, experience the lowest exposure to poverty in schools (Figure 7).

For all groups, exposure to school poverty has increased over time. Since 1994, as the overall share of Southern low income students has almost doubled to nearly 60%, students in every major racial group came into more contact with school poverty. The pace of increased exposure to poverty looks different across racial groups, however. The rapid rise in exposure to poverty for white and Asian students has leveled off in the past decade or so even as it has rapidly increased for black, Latino and low income students.

⁵ <https://cepa.stanford.edu/sites/default/files/wp15-12v201510.pdf>

Figure 7: Percentage of Low-Income Students in Public Schools Attended by the Average Student, By Race/Ethnicity, in the U.S. and in the South, 1994-2014



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

Charter School Enrollment Trends

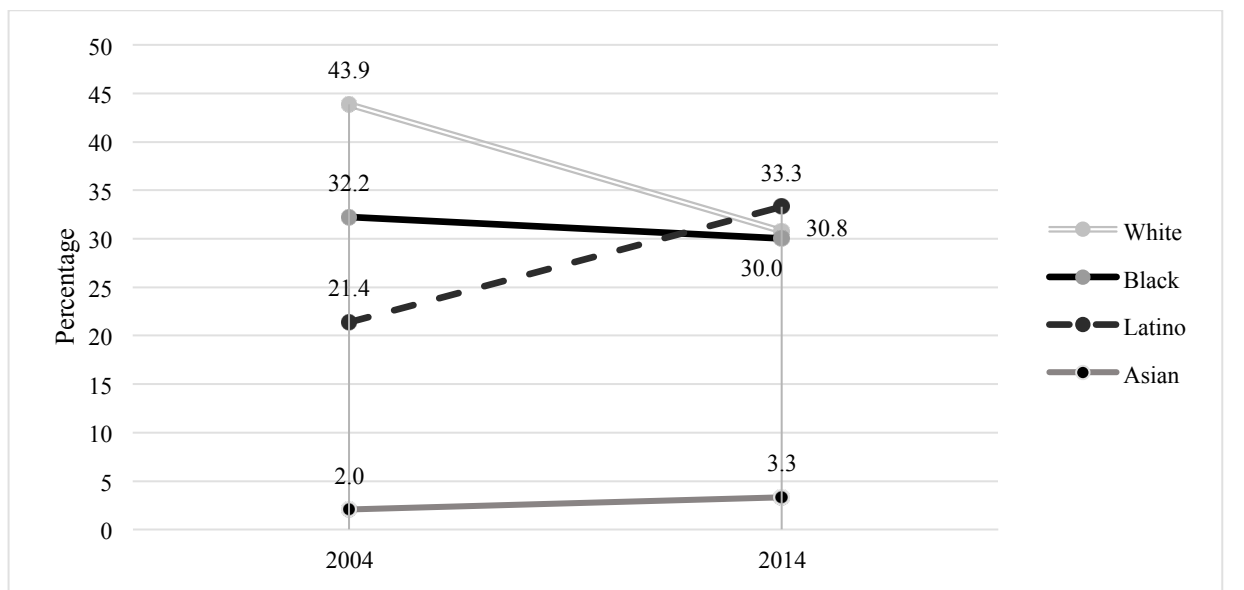
The enrollment of charter school students in the South has more than quadrupled to over 700,000 in the last decade. Today, the charter school enrollment represents 4.4% of all public school students in the South. The growth of charter schools in the South is outpacing the nation as a whole in terms of the number of students enrolled in charters.⁶ Some of the increase is likely driven by the growth of charter schools in New Orleans after Hurricane Katrina (see table of state percentages, Table 1), although it represents substantial expansion across the region.

As the charter school enrollment in the South has grown, its racial composition has begun to diverge more sharply from the racial composition of all public schools in the region. In 2004, the percentage of white students in the region’s public schools was 49%, slightly higher than the 44% enrolled in charter schools. A decade later, the charter enrollment in the South is only 31% white, while the region is 43% white. Today, both black students and Hispanic students comprise disproportionately higher shares of the charter enrollment in the South (approximately

⁶ The percentage of the nation’s charter schools that are located in the South climbed from 20.6% in 2004 to 27.7% in 2014.

six percentage points higher). In fact, by 2014, Latinos were the largest group of students in the region’s charter schools and white and black students accounted for roughly similar shares of the charter enrollment (Figure 8).

Figure 8: Percentage of Student Enrolled In Public Charter Schools by Race/Ethnicity in the South, 2004-2014



	2004	2014
Total Enrollment	172,007	726,155

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

Of the ten states nationally with the highest percentage of students enrolled in charter schools, two were in the South: Louisiana and Florida. While the South does not report many states with high percentages of charter enrollment, as a region the South includes many states with a substantial share of students in charter schools (see Table 1). Growth has been rapid; in 2007-08, Florida and Louisiana were the only Southern states with more than 3% of students enrolled in charter schools (3.8% and 3.1%, respectively).⁷ This illustrates how rapidly this sector has expanded in many states across the region.

Table 1: Percentage of students *in the South* in charter schools by state, 2014-2015

State	Percentage of public school students in charter schools
Louisiana	9.7
Florida	8.6
North Carolina	4.6
Texas	4.2
Georgia	4.1

⁷ Frankenberg, E., Siegel-Hawley, G., & Wang, J. (2011). [Choice without Equity: Charter School Segregation](#). *Education Policy Analysis Archives*, 19(1).

Arkansas	4.1
South Carolina	3.6
Tennessee	2.2
Virginia	0.1
Mississippi	0.07

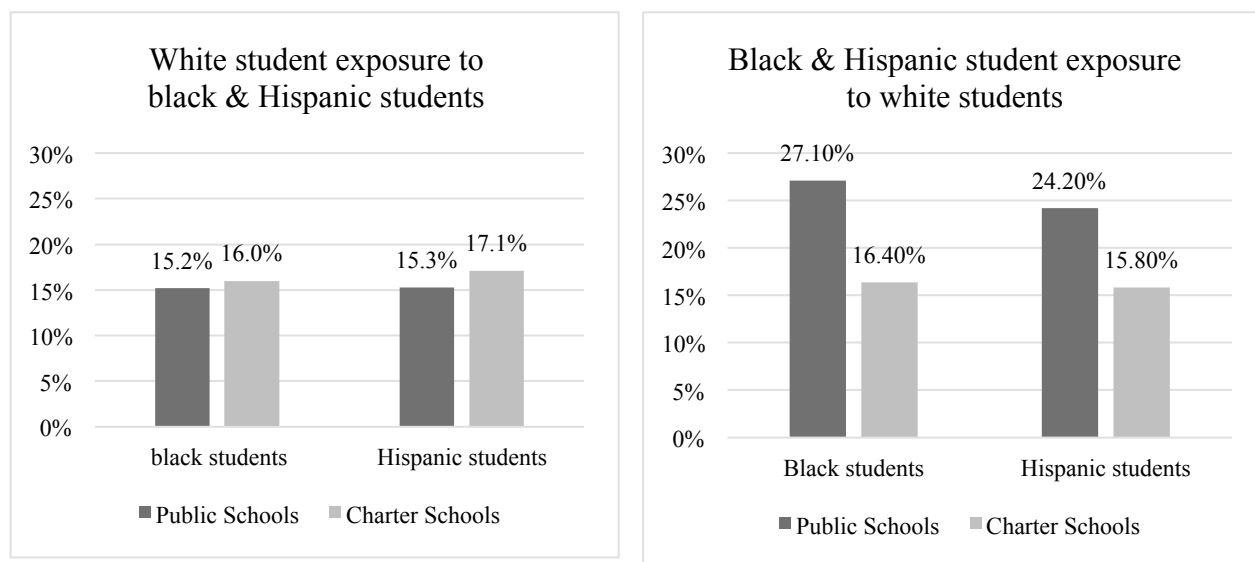
Source: U.S. Department of Education, National Center for Education Statistics, Common Core of Data (CCD), Public Elementary/Secondary School Universe Survey Data. Note: In 2014-15, Alabama did not have any charter schools.

Segregation in Charter Schools

There are differences in exposure for students in charter schools compared to all public schools in the South. Black and Hispanic students in the region have much lower exposure to white students in charter schools than in all public schools (inclusive of charter schools; see Figures 3 and 6). The typical black charter school student is in a charter school where white students comprise only 16% of the enrollment, ten percentage points lower than for all black public school students in the South (right panel of Figure 9). At a time when black exposure to whites has declined substantially for Southern students, increasing shares of black students in charter schools with lower exposure to white students is part of the explanation.

On the other hand, white students have slightly higher exposure to black and Hispanic students in charter schools than they do in public schools (left panel of Figure 9). In particular, the percentage of Hispanic students in the typical white charter student’s school is 17%, compared to 15% in the region’s public schools. White students’ exposure to black students is similar, slightly higher in charter schools (16%) than in public schools (15%) in the South. Thus, while charter schools provide slightly more racial diversity for white students, on average, black and Hispanic students experience less exposure to white students in them.

Figure 9: Racial exposure in the South in all public schools and in charter schools, 2014-15



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

Private School Enrollment Trend

Private schools enrolled approximately 1.2 million students in the South, accounting for close to 7% of the total enrollment in the South in 2011-12, the last year for which data is available from NCES. The private school enrollment in the region remains larger than the charter school enrollment.

The enrollment of students in private schools in the South has fallen slightly during the last year for which we have available data. Private schools enroll approximately 160,000 fewer students than in 2001. However, there was a much sharper enrollment decline among all private schools in the nation (from 5.4 million to 4.5 million students). As was the case with charter schools, a higher percentage of the nation's private school students are located in the South in 2011 (27% of students) compared to 2001 (25% of students).

The private school enrollment in the South is largely white, even though students of color make up the majority in the South's public schools. In 2012, seven in ten Southern private school students were white, which represented an increase in diversity over the preceding decade. White enrollment in private schools still is much higher than the public school enrollment. In fact, going back to 1970, the public school enrollment in the South has never been more than two-thirds white, indicating a persistent gap in composition with the region's private schools. Hispanic and black students account for 12 and 11 percent of the private school enrollment, respectively, which is approximately half their share of the public school enrollment in the South (Table 2).

Table 2: Number and percentage of student enrolled in private schools by race/ethnicity in the South, 2004-2014

	2001	2011
Total Enrollment	1,371,821	1,212,760
% White	83.9	70.6
% Black	8.6	10.9
% Hispanic	4.7	11.5
% Asian	2.3	4.3
% AI	0.5	0.3
% Multiracial	0.0	2.4

Source: Source: U.S. Department of Education, National Center for Education Statistics Private School Universe Survey (PSS), SY 2001-2002 and SY 2011-2012

Conclusion

Fifty years ago, the South was in the midst of a rapid and radical transformation of its public schools, going from complete segregation to the most desegregated region of the country for black and white students. Several generations of students were educated in the region's diverse schools, but much of the progress is eroding as the South undergoes another shift toward a tri-racial region where no one group comprises a majority of students. Instead of leadership to successfully prepare schools for this new demographic reality, many Southern states have passed

laws making public schools less welcoming for students from immigrant families. States across the region are also establishing multiple means for students to leave public school districts, either through charter schools or expanding voucher programs for private schools. These data likely do not yet reflect the impact of this latter policy trend.

We conclude this brief report on segregation in the South's schools with the following recommendations:

- Educators and communities need to make a commitment to lasting diversity. Many areas in the South have educators and community members/leaders who understand the importance of diverse schools for students of all racial/ethnic backgrounds and for their communities as well. It is time for these leaders to help start a discussion about the benefits of diverse schools, and the harms of segregation.⁸
- All school choice programs need voluntary goals, policies, and practices that foster diversity and integration. Contemporary integration plans, unlike those of fifty years ago, almost always involve some type of school choice. To reverse the trends reported here, it is incumbent on educational stakeholders to ensure that all types of school choice receiving public funds (charter schools, private schools receiving public funding) are designed to help further integration, not exacerbate segregation.
- School staffs need training in handling three-way diversity. In order to welcome students from diverse backgrounds into integrated schools, universities must play a major role in assisting schools as well as ensuring that teacher and educational leadership preparation programs graduate educators who have studied the many dimensions of how schools and districts should be structured. This includes hiring staff and faculty from diverse backgrounds, ideally multilingual, and utilizing curriculum that respects the culture and historical struggles of both blacks and Latinos.
- Magnet schools should include dual language immersion programs, now being actively developed, for instance, in North Carolina. Such programs are often seen as very desirable by white parents; integration is a natural byproduct when also including native language speakers. Further, by providing equal status for English and other language speakers, the structure of such schools aligns with Gordon Allport's theory about how to best set up intergroup contact.⁹
- State officials need to firmly oppose breaking up school districts in ways that intensify segregation and create white enclaves. One of the reasons the South had the highest levels of school desegregation was the existence or creation of *countywide* districts in many parts of the South. Metropolitan areas in other regions of the country with higher district fragmentation (e.g., smaller districts) were more segregated. Because there is little

⁸ For materials to help in communities, see, e.g., pp. 93-94 in <https://civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/still-looking-to-the-future-voluntary-k-12-school-integration/naacp-still-looking-future-2008.pdf>

⁹ Allport, G. W. (1954). *The nature of prejudice*. Reading, MA: Addison Wesley.

student assignment across district boundary lines, the creation of new districts engrains patterns of school segregation in ways that are very difficult to undo.

- Fair housing policies to locate subsidized housing in decent school areas are critical—local communities can build on the work being done in New Orleans and Texas.¹⁰ Careful consideration of school district lines and housing policies is also significant to avoid massive school resegregation in the inner-ring suburbs of most metropolitan areas. Housing policies need to be metropolitan in scope.
- Finally, deeper research of housing and school segregation trends at the district, state, and regional levels are necessary to understand the new dimensions of separation and inequality. This understanding facilitates the formation of comprehensive, context-specific policies to promote integration in Southern schools by socioeconomic levels, race, and language status among students.

¹⁰ For more guidance from federal government, see June 2016 letter:
http://www.prrac.org/pdf/Joint_Letter_on_Diverse_Schools_and_Communities_AFFH.pdf