



The Unfinished Battle for Integration in a Multiracial America – from *Brown* to Now

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APRIL 2024

The Civil Rights Project



Proyecto Derechos Civiles

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Suggested Citation:

Orfield, G., Pflieger, R. (2024). *The Unfinished Battle for Integration in a Multiracial America from Brown to Now*. Los Angeles, CA: The Civil Rights Project/Proyecto Derechos Civiles, UCLA.

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Executive Summary: The Data

- Schools have become less white and more Latino, Asian, and multiracial. Whites made up 45.3% of enrollment in 2021, down from 80.7% in 1968. Latinos made up 28.2% of enrollment in 2021, up from 4.7% in 1968. Blacks have been a relatively stable population, around a sixth of the total.
- The proportion of schools that were intensely segregated (with zero to 10% whites) nearly tripled over the last 30 years, rising from 7.4% to 20%.
- Intensely segregated schools have high poverty levels, producing double segregation by race and poverty. In 2021, 78% of their students were poor.
- Black and Latino students were the most highly segregated in 2021. Though U.S. schools were 45% white, Blacks, on average, attended 76% nonwhite schools, Latino students 75% nonwhite.
- The 17 Southern and Border states long segregated by state law were the major target of federal desegregation efforts.
- Latino desegregation was delayed and weakly enforced.
- The Supreme Court blocked desegregation of metro areas.
- Major desegregation of Southern Black students occurred and grew most in the 1960s and 1970s. Virtually all Southern Blacks were segregated before *Brown*. The share of Black students in majority white schools in the South reached a peak of 43% in the 1980s. After the Supreme Court directed ending desegregation plans in 1991, it declined to about 16% by 2021.
- The share of Latino students in majority white schools in the South fell from 30.4% in 1968 to 15.4% in 2021.
- No Southern state went against the average trend of rising Black-white integration in the 1960s and 1970s and growing segregation since 1990.

- Supreme Court decisions and federal civil rights laws have dramatic consequences for integrating public schools and then resegregating them.
- Among U.S. communities, central city schools are the most segregated with Black and Latino students attending schools that are, respectively, 84% and 83% nonwhite.
- Rural schools had much higher contact for Black and Latino students with white students. White students were a much higher share of the rural school population.
- The suburbs of large size metros have a great deal of diversity but high levels of segregation.
- There are two large publicly supported systems of school choice: magnet schools and charter schools. Charter schools are more seriously segregated than traditional public schools. About 2/5 of charter schools were intensely segregated – almost double the national average and triple the magnet schools’ average. Magnet schools were significantly less segregated than charters although charters can often draw students from across district boundaries.
- Mandatory desegregation was largely dissolved as the Supreme Court changed policy. Voluntary desegregation plans were limited by the Supreme Court in 2007.
- Asian enrollment continues to grow with 2.8 million in 2021 (5.8% of total enrollment), up from 1.3 million in 1990 (3.5% of total enrollment). Asian students attend schools with higher-income students in rates similar to white students and far more than Black and Latino students.

The Unfinished Battle for Integration in a Multiracial America

from *Brown* to Now

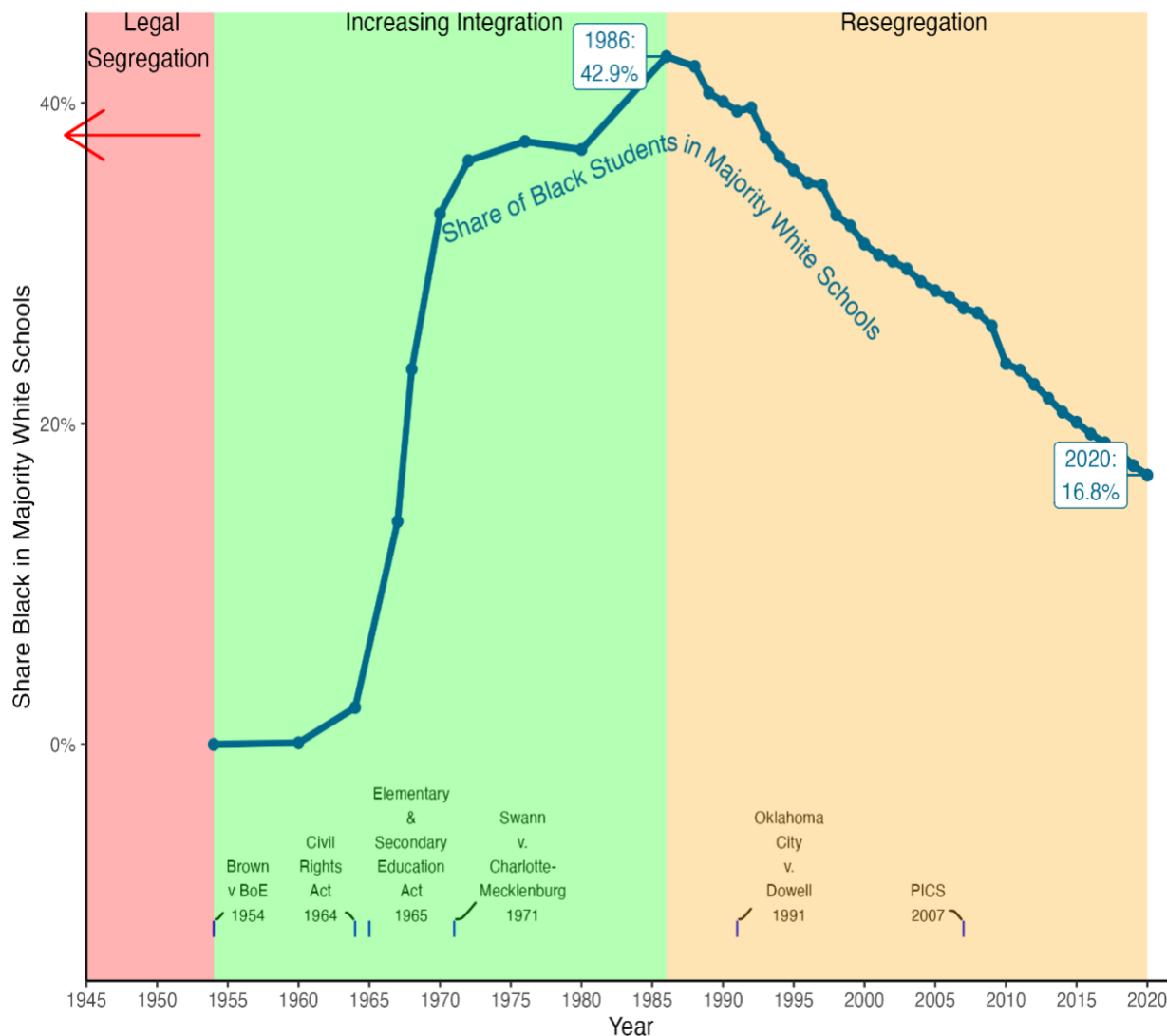
Gary Orfield and Ryan Pflieger

The Centrality of the Desegregation Struggle

Racial separation and inequality have always been basic structures of our communities. Americans, especially white Americans, tend to believe that problems of deep racial inequality were largely solved sometime in the past. But opportunities and outcomes are still strongly related to race on many dimensions. During the two great efforts in American history to change these structures, the Reconstruction and the civil rights movement, there were strong moves toward equal opportunity, but both generated strong resistance before reaching their goals.

The most important Supreme Court decision of the last century was *Brown v. Board of Education*, which held that the educational systems of seventeen states that mandated segregated schools violated the Constitutional guarantee of equal protection of the laws and must be changed. That decision helped set off the civil rights revolution. *Brown* called for a radical change. Even today, after so many years of strong backward movements from the civil rights era, the schools of the South are dramatically less segregated than the apartheid conditions that had always existed before *Brown*. Its goals, however, have not been attained and, as this report shows, we have been moving backward. We are living in a time of severe racial polarization and some authorities are trying to block educators and students from even reading about the history of discrimination that led to *Brown*. Schools are the largest American public institution and race is the most severe social problem, so continuing conflict is unsurprising.

Figure 1: The South, Cycle of rising integration & resegregation with key policy changes, 1950–2020



Notes on court decisions listed at bottom of Figure 1: 1) *Brown v. BoE*: Racial segregation in public schools ruled unconstitutional; 2) *Civil Rights Act*: Outlawed racial discrimination in education. 3) *Swann v. Charlotte-Mecklenburg*: Desegregating schools through busing ruled constitutional; 4) *Oklahoma City v. Dowell*: Threshold lowered for school districts to be released from desegregation orders; 5) *Parents Involved in Community Schools v. Seattle (PICS)*: Ruling limits using race in school assignment and constrains desegregation methods. Segregation statistics are for these Southern states: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia. Sources: For years before 1988: Orfield, G., & Lee, C. (2004). “Brown at 50: King’s Dream or Plessy’s” Nightmare? The Civil Rights Project at Harvard University. For years from 1988: Common Core of Data. Note that data before and after 1988 are not perfectly comparable.

Americans are profoundly divided over social policy but share a belief in education. *Brown* brought to a head the conflict between the professed belief in equal opportunity and the reality of clearly inferior schools for Black and Latino children. Many whites saw the desegregation changes

that the courts and federal agencies ordered as a threat. From a civil rights perspective, the battle was for connecting young people of color to transformative educational opportunities. Opponents mobilized and they attacked the courts and the law. Powerful recent research shows that there were lifelong benefits for desegregated students.

Most of the early studies of the effects of desegregation were just fall and spring test score statistics. We learned that there were huge gaps in educational testing and that simply putting students together made a significant difference but serious gaps remained. Only long after the struggle, have we had the data to much better understand how desegregation changed students' lives. Incredible advances of computing in the era of big data let researchers follow the impacts over decades of students' lives. It turned out that, in spite of all the conflict linked to desegregation, it had strong impacts on success in college and jobs and was even significantly related to better health and less exposure to the criminal justice system in adult lives. Sadly, a lot of this compelling data came after resegregation had taken place in many communities.

School desegregation trends are key barometers of race relations in the U.S. not only because of the schools' historical role in race relations and American law, but also because it's now clear that the impacts are far reaching. As our population has changed, it's clear that a society with no racial majority has to find ways to live and work together and that the schools are a potential key.

This report examines the changing patterns of segregation and diversity in U.S. public schools, updating earlier work with contemporary and historical data. At a time when U.S. social and political polarization are severe and race relations are dangerously strained, schools matter even more. A first step is measuring where we are. (Many earlier reports on desegregation trends produced by the Civil Rights Project since it was founded can be viewed at civilrightsproject.ucla.edu).

Segregation produces inequality. When you build a barrier separating the more powerful and resource-rich part of society from groups with far less, the schools reflect those differences. In our society with racial segregation of neighborhoods and schools, persisting discrimination, where opportunity is strongly linked to educational success, perpetuates inequality. Unequal education transmits inequality from parents to their children. Failure to bring diverse children together in schools is a lost opportunity to lower prejudice and stereotypes and help students learn to function effectively in our profoundly multiracial society. For the historically dominant white communities, diverse schools are a key way to learn skills in working across racial lines, especially as the society becomes more diverse and white children are a declining minority.

Nearly 70 years ago when *Brown* was decided the U.S. was a much smaller, far less diverse, society in which the challenge of opening up opportunity for a large, mostly regional, Black population had not been seriously addressed since the end of Reconstruction. Aside from small and largely isolated Indian populations, the country was basically a white-controlled society with little recent immigration and small Latino populations, mostly in the Southwest and a handful of cities. The U.S. was at an historic low point in immigrant population. The historic reality addressed was discrimination and exclusion of the Black population. Efforts to assimilate communities originating in various European backgrounds were working. *Brown* gave the authority of the highest court, backed by support from both Democratic and Republican administrations of that time, to open up white schools to Black students, something that had never happened in the communities where the great majority of Blacks lived. The goals were ending the denial of equal educational opportunity, helping American society overcome deeply rooted prejudices, and gaining a better chance for success in the lives of Black students.

This report shows that after a period of increasing diversity in our schools for a generation after *Brown* and the 1964 Civil Rights Act, the U.S. turned more than a third of a century ago toward

policies that increased isolation of Black and Latino students by race and poverty. That happened after the Supreme Court's 1991 decision calling for the termination of desegregation plans. That trend continues in this analysis of the newest federal data.

The trends are toward increasing double segregation, by both race or ethnicity and poverty, segregation that channels most Black and Latino students away from our strong educational opportunities and keeps them isolated from the middle class in a time when employers are requiring higher and higher education credentials than ever before and networks and relationship skills built in strong schools lead to opportunities. Sometimes the segregation also includes separation by home language, adding another dimension in a country with millions of students who grow up with another home language. Segregation has always been a challenge for Black students. It was severe for many years for Latinos in some areas, especially in parts of the Southwest, and has increased in many more areas with the great immigration from Latin America that made Latinos the nation's largest nonwhite population. Latino segregation has steadily increased, in spite of the Supreme Court's recognition of their right to desegregation remedies. Segregation for Latinos reached the level for Blacks nationally on major measures, by the 1980s.

How We Define Segregation

The term segregation used in this report is basically about statistics of separation, not about the cause of segregation or the moral and legal responsibilities for addressing them. Those are important issues that courts, policymakers, and researchers struggle with. First, we must know what the trends and patterns are and how they differ in different regions and segments of our society. Where are the places with the most and least intense segregation? How much segregation is double, both race and concentrated poverty? Is it getting better? In a society where Asians are the most educated and highest income group, where do they fit in the picture of segregation and race relations? There are many ways of measuring segregation. This report is about the change in the racial compositions of schools in districts, states, and the nation over time since the educational and social benefits are expected to relate to interracial contact.

In a society with a strong tradition of individualism, a large majority of the American population believe that public education is the key to mobility.¹ There has never been consensus, however, about how to provide equal educational opportunity across racial and ethnic lines.

Public beliefs about school integration are full of contradictions. Americans tell pollsters that they value equal opportunity. They see serious racial division and they want their children to grow up able to function in a very diverse society, but they chose homes that keep them separated. Over the years Americans have expressed support for the idea of integrated education but have been very divided about how to achieve it. They want to expand opportunities for all but oppose any change that they fear might possibly threaten advantages they possess.² Less educated and economically successful whites fear racial change, and many believe that whites are discriminated against in civil rights policy and the policy has too much favored people of color.

Racial division has been reinforced by political division and even violent incidents of racial hate.³ We have no serious plans for genuine equality in our changing society. School desegregation's history reflects all of these contradictions, as it has changed deeply over the 70 years since the Supreme Court decided *Brown*. Martin Luther King wrote about the contradictions and noted that the “tendency of the nation to take one step forward on the question of racial justice and then to take a step backward is still the pattern.”⁴ This report shows that pattern in school desegregation.

At the beginning of the school desegregation era in 1954, 81% of Southerners were opposed to the *Brown* decision which was supported by about two thirds of the U.S. public by the early 1960s.

¹ Jennifer L. Hochschild, *Facing Up to the American Dream: Race, Class, and the Soul of the Nation*, Princeton University Press, 1996.

² Sarah Patton Moberg, Maria Krysan, and Deanna Christianson, “Racial Attitudes in America,” *Public Opinion Quarterly*, Volume 83, Issue 2, Summer 2019, Pages 450–471

³ In 2022, the Justice department reported more than 13,000 hate crime incidents, three-fifths about race and ethnicity. (Dept. of Justice press release, “FBI Releases 2022 Hate Crime Statistics,” <https://www.justice.gov/hatecrimes>.)

⁴ Martin Luther King, Jr., *Where Do We Go from Here: Chaos of Community*, 1967.

Over time *Brown* became far more widely accepted, reaching 87% of the U.S. public forty years later.⁵

The real crisis for integration policy came when the Supreme Court finally faced the question of what to do with school districts with severe housing segregation and a history of unconstitutional school segregation. Most Blacks and a rapidly growing number of Latinos were confined in neighborhoods residentially segregated by both race and poverty largely because of housing discrimination. Since few whites lived in these spreading ghettos and barrios, neighborhood schools would do very little to integrate Blacks and Latinos in metropolitan areas where most lived. The Supreme court in 1971 mandated integration in Southern cities even if it meant required transfer of students to schools in another neighborhood where most of the residents were of another race.⁶ It triggered a national campaign by a segregationist Alabama Governor, George Wallace, opposing what he called “busing.” President Nixon adopted this issue and the term in his campaigns and administrations as he brought much of the South into the GOP.⁷ No subsequent President made serious support of urban desegregation a priority. The busing issue burst onto the list of top issues in the U.S. at its peak in the early 1970s. Most large Southern cities were desegregated in that period, and a number of Northern and Western cities were sued by civil rights organizations. At the peak of resistance, 87% of whites were opposed to busing, including 92% of young white southerners. Attention declined sharply in the 1980s after the plans had become routine for some time. Interestingly enough, parents of children who were bused for desegregation purposes, both Black and white, tended to see it as a satisfactory or positive experience.⁸ Over time the pattern was rising support for the goal of desegregated education but a substantial racial division about what should be

⁵ “Public Opinion and School Desegregation,” G. Orfield,” Public Opinion and School Desegregation,” *Teachers College Record*, vol. 96, no.4 (1995) p. 655.

⁶ *Swann v. Bd. of Education of Charlotte-Mecklenburg Bd. of Education*, 401 U.S. 1 (1971).

⁷ Gary Orfield, *Must We Bus? Segregated Schools and National Policy*, Washington: Brookings Inst., 1978.

⁸ Polls by Gallup, Harris and NORC surveys, cited in “Public Opinion and School Desegregation,” pp. 654-670.

done. Mandatory desegregation plans (called “forced busing” by opponents) were replaced by plans using choice combined with desegregation goals and enrollment strategies after 1980. In 2020 the huge Black Lives Matter demonstrations in hundreds of U.S. cities were triggered by police violence but also brought issues of race to the forefront. When Americans were asked about school segregation, they said they believed something should be done. They most favored, by wide margins, expanding magnet schools. There was also majority support for using housing to create more integration.⁹ The House of Representatives passed a bill for desegregation aid that year, but it died in the Senate.¹⁰ This report includes a description of the relationship between magnets and other forms of school choice and desegregation.

The data in this report over more than a half century reflect changes strongly related to the rise and fall of federal civil rights policy and enforcement. They show five distinct policy related periods. Before *Brown* there were seventeen states with total segregation by law, and many other regions with almost complete residential and school segregation shaped by many kinds of discrimination. With the civil rights revolution, federal policy and law were changed dramatically by Congress. The lower courts and thousands of districts were forced to implement various kinds of desegregation plans, and discrimination was outlawed in federal programs and the housing market. The peak period of rapid change came from 1965 through the early 1970s. That period was followed by a long stalemate as the laws remained in place but expansion ended, and there were growing attacks on civil rights policies, including a long struggle to control the Supreme Court. The Reagan-Bush Supreme Court appointments created a more strongly conservative Supreme Court which ended desegregation efforts, triggering a long period of resegregation, intensified by demographic change, continuing to the present as this report shows. This backward turn was extended to colleges

⁹ Justin McCarthy, “Most Americans Say Segregation in Schools is a Serious Problem,” Gallup Poll, Sept 17, 2019, pp. 2-6.

¹⁰ H.R. 2639 (116th Cong.): Strength in Diversity Act of 2020

in the 2023 Harvard and UNC Supreme Court decision outlawing the voluntary approaches most elite colleges had been operating for a half century.¹¹

History

The Court concluded in *Brown* that “education is perhaps the most important function of state and local governments” and was required “in the performance of our most basic public responsibilities” as the “very foundation of good citizenship.” Schooling was essential to success in life and “must be made available to all on equal terms.” The Court noted that “colored” children had been forced to attend separate schools that were “inherently unequal” and generated a “feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone.”¹² It was not about desegregation as an educational treatment but about ending exclusion and inequality and providing the kind of opportunity whites enjoyed. Segregated and unequal schools and colleges held back students of color. Schools were socializing children into profoundly unequal opportunities.

Brown destroyed the constitutional underpinning of segregation, but it didn’t provide a solution. In the second *Brown* decision, in 1955, the Court provided for gradual change supervised by Southern federal judges.¹³ The decision was almost unanimously opposed by Southern political leaders and the judges moved glacially, so slowly that 98% of Southern Black students were still in all-Black schools a decade after *Brown*, in 1964. The civil rights movement, partially inspired by *Brown*, became a powerful national movement in the 1960s reaching its high point in the Birmingham demonstrations in 1963 and the Selma voting rights march in 1965. Public opinion, President Lyndon Johnson, and bipartisan political leadership supported major changes. The

¹¹ *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*, 600 U.S. (2023)

¹² *Brown v. Board of Education*, 347 U.S. 483 (1954)

¹³ *Brown v. Board of Education*, 349 U.S. 294 (1955); J. W. Peltason, *Fifty-Eight Lonely Men: Southern Federal Judges and School Desegregation*, Urbana-Champaign: Univ. of Illinois Press, Second Edition, 1971.

decisive step came with the passage of the twentieth century's most important civil rights law, the 1964 Civil Rights Act, which gave the federal government a mandate to enforce desegregation and very powerful tools to do the job. Up until that time the reality was only a handful of private civil rights lawyers from outside the South trying to win cases in conservative courts, facing often intense community pressure, threats, and even violence.¹⁴

The Civil Rights Act changed the federal government from a passive bystander to a powerful force, mandating that the government end discrimination in all institutions receiving federal aid and giving it both unprecedented power to cut off federal dollars that were essential for the schools. The law enabled the Justice Department to sue school districts that did not desegregate. At the same time federal aid for the schools was vastly expanded creating more incentives to comply. President Johnson made enactment of this law his absolute priority leading to months of historic battle in the Congress and, eventually, into a powerful bipartisan victory, decisively defeating Southern defenders of segregation. President Johnson put his vast political power into enforcing the law and significant desegregation began in thousands of school districts.¹⁵ (No President in the next half century would make a major effort for desegregation.) The Supreme Court powerfully supported and reinforced the enforcement policies and created sweeping mandates for comprehensive desegregation in the states with a history of segregation by law.¹⁶ The period produced a vast change in Southern education, moving it from virtual apartheid in the early 1960s to becoming the nation's most integrated region by the early 1970s (which it was to remain for most of the next half century).

The last major expansion of civil rights law was the enactment of the federal fair housing law in 1968, in the immediate aftermath of the assassination of Martin Luther King. There was a major

¹⁴ Anthony Lewis and the New York Times, *Portrait of a Decade: The Second American Revolution*, New York: Bantam Books, 1965; Robbins L. Gates, *The Making of Massive Resistance*, Chapel Hill: Univ. of North Carolina Press, 1965; Gary Orfield, *The Reconstruction of Southern Education: The Schools and the 1964 Civil Rights Act*, New York: John Wiley, 1969.

¹⁵ Gary Orfield, *The Reconstruction of Southern Education: The Schools and the 1964 Civil Rights Act*, New York: John Wiley, 1969; Bernard Grofman, ed., *Legacies of the 1964 Civil Rights Act*, Charlottesville: Univ. of Virginia Press, 2000.

¹⁶ *Green v. Bd. of Education of New Kent County*, 391 U.S. 430 (1968)

increase in Black population in the suburbs in the 1970s and 80's.¹⁷ There was a modest decline in overall Black-white residential segregation in the following decades.¹⁸ So housing change contributed modestly to school diversity but many suburban communities resegregated, and today's Black and Latino suburban students face serious segregation.

The extension of desegregation requirements including transportation of students to other neighborhoods in the Court's 1971 *Swann* decision produced major changes in Southern cities. The election of President Richard Nixon, who opposed civil rights change in his "Southern strategy" and had the rare opportunity to quickly appoint four conservative justices to the Supreme Court, brought an end to administrative enforcement of the 1964 Act and to expansion of desegregation law in the Supreme Court. One of Nixon's appointees, William Rehnquist, had opposed the *Brown* decision as a Supreme Court clerk¹⁹ and would consistently lead the effort to limit it and roll back desegregation law for a third of a century, with increasing control after being named Chief Justice by Ronald Reagan.

In its divided *Keyes* decision in 1973, the Supreme Court created limited policies for desegregating Northern and Western cities where there was extensive evidence of intentional segregation. Importantly it extended desegregation rights to rapidly growing Latino communities. Getting desegregation, however, required massive proof of a history of discrimination in boundaries, assignments, site selection, transportation systems, faculty segregation, etc. and violations were proved in almost all cities where the civil rights groups had resources to sue. But *Keyes* was never seriously enforced by any administration, some of the largest school districts were never sued, and

¹⁷ Elaine L. Fielding, *Black Suburbanization in the Mid-1980s: Trends and Differentials*. Center for Demography and Ecology, Univ. of Wisconsin, Working Paper #90-13,

¹⁸ Reynolds Farley and Robert Wilger, *Recent Changes in Residential Segregation of Blacks from Whites: An Analysis of 203 Metropolises*, Rept. 15, Population Studies Center, University of Michigan, 1987.

¹⁹ John W. Dean, *The Rehnquist Choice*, New York: Free Press, 2001.

Congress limited urban desegregation enforcement in an amendment seriously weakening civil rights law actively sponsored by Delaware Senator Joe Biden.²⁰

Expansion of rights soon ended in the transformed Supreme Court. In two critical 5-4 decisions in the Rodriguez school finance cases in 1973 and the Milliken Detroit desegregation cases in 1974, the Supreme Court blocked both efforts to equalize school funding²¹ and to expand urban desegregation to include the suburbs where most whites lived.²² Since most big city school districts already lacked enough whites for lasting desegregation, these decisions meant that the federal courts had, for most urban students, blocked both desegregation and equalization. These decisions still stand 50 years later.

Though the expansion of civil rights law had ended in the 1960s and limits were in place, the previous court orders and desegregation plans remained in effect until a decade of strong civil rights opposition and conservative judicial appointments by the administrations of Ronald Reagan and George H.W. Bush. Both administrations asked the Supreme Court to dissolve desegregation orders. Bush consolidated an anti-civil rights court by the appointment of Clarence Thomas, a consistent opponent, to replace Thurgood Marshall. In the late 1980s, the Supreme Court turned toward a much more restrictive view of civil rights. The Court held that considering race positively to produce integration was permissible only with unambiguous evidence of intentional discrimination.²³ The Court decisions increasingly assumed that historic violations had been adequately remedied, that remedies were temporary, and worried about discrimination against whites. These assumptions

²⁰ U.S. Senate, Committee on the Judiciary, "Hearings: The 14th Amendment and School Busing," 97th Cong., 1st Session, 1981, pp. 1-3.

²¹ *San Antonio Independent School Dist. v. Rodriguez*, 411 U.S. 1 (1973)

²² *Milliken v. Bradley*, 418 U.S. 717 (1974).

²³ David G. Savage. *Turning Right: The Making of the Rehnquist Supreme Court*, New York: John Wiley & Sons, 1992; Erwin Chemerinsky, *The Conservative Assault on the Constitution*, New York: Simon and Schuster, 2010; Martin Garbus, *Courting Disaster: The Supreme Court and the Unmaking of American Law*, New York: Times Books, 2002; Linda Greenhouse, *Justice on the Brink: The Death of Ruth Bader Ginsburg, and the Rise of Amy Coney Barrett, and Twelve Months that Transformed the Supreme Court*, New York: Random House, 2021.

brought a radical change in desegregation policy in the 1991 *Dowell* decision²⁴ where the Court concluded that desegregation orders were temporary and that courts should end plans after deciding that what the judge saw as a reasonable effort to comply for a time, sufficed, even if segregation and inequality persisted. The decision permitted local districts to institute policies that greatly increased segregation so long as they said that it was for some other purpose, such as limiting transportation costs. Over the next decade almost all of the nation's major court-ordered integration plans were dissolved and the districts resegregated.²⁵ It set the dominant pattern for the next third of a century.

The data in this report show clearly how policy and legal changes have affected desegregation for Black students. For the rapidly expanding Latino enrollment the data show a continuous rise in segregation since national data was first collected in the 1960s. There was, with few exceptions, no serious enforcement of their newly recognized rights.

Why Segregation Matters

The *Brown* decision and the civil rights laws made the schools an instrument to bringing down racial barriers and equalizing opportunity by race. We have very few other major institutions working systematically for those goals, and this report assesses how we are doing 70 years later. The trends are especially important because segregation cuts off opportunity for groups that include more than two of every five U.S. students. There are many goals of schooling, including equalizing opportunity and preparation for adult life and good citizenship. Most Americans, though, are most concerned about preparing for college and building credentials and knowledge that will lead to good jobs and a more successful life. It turns out that desegregation is strongly linked to these goals.

There is nothing simple about trying to create and sustain successful integrated institutions in a still segregated and divided society. Civil rights law tried to extend access across racial lines to

²⁴ *Board of Education of Oklahoma City v. Dowell*, 498 U.S. 237 (1991)

²⁵ Orfield and Eaton, *Dismantling Desegregation*

good educational opportunities. American public education encompasses fifty different state education systems which exercise a great deal of power, and many thousands of school districts as well as publicly financed but privately-run charter schools. It is a highly decentralized system but all parts of it are subject to federal civil rights law. It is also a system bound together by the education profession and its many organizations. Public schools are nested in communities and there are other sets of public authorities and private interests as well as campaigns and elections that have power. Generally speaking, coordination between the schools and other public institutions varies widely, and sometimes does not work, producing unstable or contradictory policies. In this complex setting, nothing is easy to change but ideas are widely exchanged and, often, influential.

Conditions for Successful Integration

School desegregation where it was done was not a miracle cure. It remains a partial treatment for a fundamental disease, but it can be done on scale. It would, of course, be best if we could prevent the largely white resistance to families of color growing up and living in racially and economically diverse neighborhoods where racism mattered less and less.²⁶ Aside from public family housing, which is very limited and largely full of very poor Black and Latino tenants, however, we have limited capacity to change housing patterns through public agencies under existing housing policies. The new construction of family housing for poor families, largely nonwhite, continues to be heavily concentrated in areas served by segregated low-achieving public schools.²⁷ Research indicates that there are millions of fair housing violations each year, but fair housing officials have been only able to investigate a miniscule fraction and the discrimination has become harder to detect and prove. There are millions of small landlords, rental agents, real estate brokers, appraisers, mortgage

²⁶ Gary Orfield, "Housing Segregation Produces Unequal Schools," in Prudence L. Carter and Kevin G. Welner, *Closing the Opportunity Gap, What America Must Do to Give Every Child and Even Chance*, New York: Oxford Univ. Press, 2013, pp. 40-60

²⁷Deirdre Pfeiffer, *The Opportunity Illusion: Subsidized Housing and Failing Schools in California*, Los Angeles: Civil Rights Project, December 2009

lending officials, etc. and many of the transactions are complex with multiple stages which makes this very difficult work. Much stronger fair housing policies could help. In 2023 the Biden Administration announced an important effort to increase enforcement by requiring positive plans for fair housing from many recipients of federal aid.²⁸ A 2024 survey reports that about a third of Black and Latino respondents believe they have been discriminated against in the housing market.²⁹ Deep changes in housing, zoning and fair housing policies could make an important difference but there hasn't been a major new federal housing policy for fifty years though one is badly needed. Public schools, in contrast, are in the public sector and reach nine-tenths of young people, so they have enormous reach.

Complex and contradictory attitudes

Americans support civil rights, think children should go to diverse schools, and favor magnet schools. But, in a third of a century of school resegregation there have been no significant new policies or court decisions supporting even voluntary desegregation. In fact, funds for voluntary efforts were cut off under Reagan and never significantly restored and the Supreme Court, in 2007, outlawed common forms of choice-based voluntary integration. In spite of consistent evidence of poor results from segregated schools and research findings on the life changing possibilities of school and housing integration, policy has moved backward in the last generation of a white majority of American students.

Beginning in the 1964 campaign, a major realignment of Southern whites into the Republican party took hold as the GOP adopted policies calling for a rollback of civil rights and strongly opposing additional steps. Civil rights and minority opportunity policies have rarely been

²⁸ U.S. Dept. of Housing and Urban Development Press release, "HUD Announces New Proposed "Affirmatively Furthering Fair Housing" Rule, Taking A Major Step Towards Rooting Out Longstanding Inequities in Housing and Fostering Inclusive Communities," January 19, 2023

²⁹ Dana Anderson, *Redfin Survey: Roughly One-Third of Black, Hispanic Respondents Faced Discrimination during Recent Housing Hunt*, September 28, 2023

among the top priority issues for whites. With urban desegregation orders and plans to integrate suburban housing developed in the early 1970s, support for civil rights faltered. President Richard Nixon actively opposed and campaigned against those efforts and his administration began to use some of the authority granted the Justice Department by the Civil Rights Act to go to court to oppose school integration strategies.³⁰

The busing issue became an intense political issue in the 1970s, with numerous legislative amendments and lawsuits trying to limit it. The Supreme Court became strongly divided but did not change the basic law. Republican administrations were actively opposed. Most Democrats supported compliance with the court orders, but there were notable exceptions, including Senator Joseph Biden (D-Delaware) who changed his position and sponsored a successful amendment forbidding the use of the Civil Rights Act for such orders.³¹ (Decades later, he changed his position again during his 2020 presidential campaign). Democratic Presidents Carter, Clinton, and Obama defended compliance with court orders, but their administrations did not initiate any significant new desegregation policies or substantial litigation efforts. In spite of negative headwinds, however, desegregation of black students continued to increase until the late 1980s, as the data in this report shows.

During the 1970s choice-based magnet school and voluntary transfer policies became very important parts of desegregation strategies. The goal was to minimize the necessity for mandatory transfer of students by creating desirable new educational options that parents could choose but with recruitment and enrollment policies that assured their diversity, reserving seats for underrepresented groups if needed. Magnet schools spread rapidly, aided by federal desegregation assistance, reaching an enrollment of over 2 million students. Many were very popular, creating

³⁰ Richard Nixon, “Special Message to the Congress on Equal Educational Opportunities and School Busing,” March 17, 1972.

³¹ Steven V. Roberts “School Busing Amendment Poses Legal Problem for White House,” *New York Times*, Feb. 8, 1978

some conflicts when some students did not get their first choice because of the requirement that they meet desegregation goals. Magnet schools and voluntary transfer policies were an imperfect solution, since more connected families were more likely to understand and use what were often complex systems and there was tension with other schools now defined implicitly as non-magnetic. There was strong white pressure to change diversity policies to admit more white students to oversubscribed magnets.³² Unfortunately, in spite of strong research about its positive impact, the large federal program that fostered voluntary integration, staff retraining and other elements of school integration was cancelled in 1981, in the first year of the Reagan administration, and not restored.³³ Magnets were never nearly as effective as comprehensive mandatory plans in achieving desegregation but they were far better than doing nothing or relying on choice processes without desegregation goals.

Integration is complex. It involves trying to create and maintain positive and stable integration in a highly segregated and extremely unequal society. It involves finding ways for adults raised in a racially polarized society to run institutions where success requires understanding and commitment to positive race relations. Students, teachers, staff, and parents all come into diverse schools with expectations, concerns and, often, with stereotypes. Making this all work is not easy, especially without a diverse faculty trained to address the issues. That is why “desegregation” is often defined as getting a diverse group of students into the same school, while “integration” is the effort to create schools with successful diverse faculties, real diversity among students, with policies and practices deeply committed to equal status and fair treatment for all students; integration involves respect and teaching about the backgrounds of the different groups in the school and community.

³² Smrekar and Goldring, *School Choice in Urban America: Magnet Schools and the Pursuit of Equity*, Amy Stuart Wells and Robert Crain, *Stepping over the Color Line: African American Students in White Suburban Schools*; Bruce Fuller, Richard F. Elmore, and Gary Orfield, eds., *Who Chooses, Who Loses: Culture, Institutions, and the Unequal Effects of School Choice*, New York: Teachers College Press, 1996.

³³ John Ellwood, ed., *Reductions in U.S. Domestic Spending*, New Brunswick, NJ: Transaction Books, 1982, pp 191-198.

This requires leadership communicating a positive vision of the school's goals and dealing with the misunderstandings and mistakes as well as the opportunities that come with major social change. Because we are well aware of this complexity, the Civil Rights Project recently commissioned a diverse group of young researchers, former teachers, to review research on the issues that must be addressed to realize equity and integration in diverse schools.³⁴

Multiple Goals and Evidence of Benefits and Conditions to Attain Them

There have been an enormous number of reports and studies on desegregation but most of them have focused on only one of these goals and addressed it in simplistic terms—does desegregation quickly equalize educational results? The answer is no. There is progress but large gaps remain. Those studies usually treat desegregation as nothing more than the presence of students of two races in the same school and educational achievement as nothing more than changes in test scores. The first major national study, the Coleman Report, reported that Black students in diverse schools performed significantly better but a large gap remained. Importantly it attributed remaining unequal outcomes largely to the social conditions that confronted Black children and their families and the high performing peer groups and strong teachers in white schools. Like most of the studies, it did not deal with the other goals or broader definitions of education or lifelong impacts. The vast majority of the research studies paid very little attention to the group that was becoming the largest nonwhite group in the nation and experiencing severe segregation, Latinos.

By the 1970s some leading researchers were developing much broader concepts of the realities. The end goal was not simple racial balance or simply putting kids next to each other in classrooms, but it was a process to create conditions of genuine equity. You could not measure its impacts accurately in a short term because years of schooling cumulate and the size of the impact

³⁴Suneal Kolluri, Liane I. Hypolite, Alexis Patterson Williams, and Kimberly Young, *The Racial Reckoning and the Role of Schooling: Exploring the Potential of Integrated Classrooms and Liberatory Pedagogies*, UCLA Civil Rights Project, Sept. 2023.

depends on conditions within schools. Test scores turn out to be not the primary goals of children, parents or employers. Completion and graduation truly matter, access to a good college is often life changing, and ability to enter middle class society and institutions is deeply consequential for life chances. Integration is not letting some “others” into a white school, it is about changing schools; its goal is to create pluralistic schools where part of the learning is about the other parts of our society, about learning how to understand and successfully cross the lines of separation. Sociological research showed that it mattered when desegregation began, how many years students experienced it, whether there were faculty of color as well as whites, how students were placed in courses and tracks, what their parent education and home resources were, what other students they associated with, among other dimensions.

The studies that received a vast amount of attention by opponents were studies that claimed that desegregation was futile because whites would flee integrating schools. This was the only significant research federally funded in the Reagan-Bush era. The white flight studies were strongly criticized statistically but very widely used by desegregation opponents. Critics pointed out that white declines had begun far before urban desegregation, were linked to spreading residential segregation, occurred in cities that had no desegregation, and continued when desegregation plans were ended, indicating that the basic causes were not desegregation plans. Instead, they were related to the spread of segregated housing, but the white flight claim was powerfully communicated.³⁵ Very little systematic desegregation research was commissioned by the federal government for a third of a century as the attack on desegregation in the courts proceeded.

Researchers explored the relationship between segregation by race and concentrated poverty, the “double segregation” that most students of color faced was found to be a profoundly damaging

³⁵ Reynolds Farley, Toni Richards and Clarence Wurdock, “School Desegregation and White Flight: An Investigation of Competing Models and Their Discrepant Findings” *Sociology of Education*. Vol. 53, No. 3 (July, 1980), pp. 123-139.

combination.³⁶ Often researchers and opponents of desegregation statistically tried to separate the impact of concentrated poverty from race, but the reality was that they were highly correlated at the school level, not really independent variables and that much of the cause of poverty was actually a history of discrimination or current discrimination.

Learning about the broader impacts was greatly aided in recent years by “big data” research. The vast increases in computing power and the availability of more and more data over time made it possible to study more kinds of relationships more systematically. When it was possible to look at experiences over decades, over the development of students’ lives and life experience in diverse schools there were important findings. There were impacts on high school and college completion, on exposure to advanced courses, and on success in college. There were effects on future involvement with the criminal justice system, with employment and income, and even with later health. Powerful new studies and reports produced systematic findings on the power of residential and school diversity on life opportunities in our stratified society.

Harvard Professor Raj Chetty and his project have been able to analyze a huge number of tax returns which shows how income changed over time. With big data you can ask much more far reaching questions. The Chetty studies received national attention when he showed that where you grew up had lifelong effects and that people who grew up in poor nonwhite communities did much worse on major dimensions. Even controlling for other forces,

“...when Black students within a district attend schools with more poverty than those of their white peers, achievement gaps widen. And the more time students spend in these economically segregated conditions, the more the gaps widen.... We also found that in districts where economic segregation decreased between 2009 and 2019, achievement gaps also narrowed. In other words, the

³⁶ Gary Orfield and Chungmei Lee, *Why Segregation Matters: Poverty and Educational Inequality*, Harvard Civil Rights Project, January 2005.

evidence is clear: When students are segregated economically, the Black, Hispanic, and low-income students who are concentrated in high-poverty schools have fewer opportunities to learn. High-poverty schools appear to be generally less effective partly because they have fewer of the resources, like skilled and experienced teachers, that make schools most effective. When we examine data from every public school in the country, we find a clear pattern: Students learn less in typical high-poverty schools than in typical low-poverty schools. This is true even when we compare students of similar economic backgrounds.”³⁷

Berkeley Prof. Rucker Johnson’s studies of decades of longitudinal data found major lifelong benefits in higher education, income, health, lack of crime and other key outcomes.³⁸ Other recent studies have documented strikingly lower crime rates and better long-term health, among other outcomes. sean reardon and associates argue that “the inequitable distribution of skilled teachers among schools accounts for one-fifth of the effect of segregation on achievement disparities.”³⁹ In summary, the accumulating longitudinal evidence suggests that school integration changes the lives of students of color, bringing them significantly more into the opportunities traditionally enjoyed by whites in American society, which is what Black and Latino plaintiffs fought for.

One of the basic hopes of desegregation efforts was the reduction of racial prejudice, which had been endemic in U.S. society. The same year that the Supreme Court handed down the *Brown* decision, a leading scholar at Harvard published a ground-breaking book on the contact theory, Gordon Allport’s *The Nature of Prejudice*. The contact theory postulated that interracial contact would lower prejudice and increase understanding. The kind of contact mattered. There had been a great

³⁷ sean f. reardon, Erin Fahle, Heewon Jang and Ericka Weathers, “Why School Desegregation Still Matters (a Lot),” *Ed Surge*, Vol. 80, No. 4 (December 1, 2022).

³⁸ Rucker C. Johnson with Alexander Nazaryan, *Children of the Dream: Why School Integration Works*, New York: Basic Books, 2019.

³⁹ sean f. reardon, Erin Fahle Heewon Jang Ericka Weathers • EL, *Educational Leadership*, “Why School Desegregation Still Matters (a Lot),” Vol. 80, No. 4 (December 1, 2022)

deal of contact throughout the history of the South, but under the worst possible conditions and prejudice had flourished. Allport's book outlined the social-psychological conditions he believed necessary for the most positive kind of contact. He called for equal status interaction as an essential element. His analysis concluded that it was important that the different groups share common goals and work together cooperatively, and that the members of the two groups have equal status, that they "Share common goals and work together cooperatively, and that leaders in the institution support the interracial contact."

Allport's theory has been applied and tested in research across the world. A major summary of this very large body of application and research in many kinds of settings and widely varying cultures was prepared by sociologists Linda Tropp and Thomas Pettigrew in very widely cited articles and a major book. Their meta-analytic analysis of 515 studies, found that "intergroup contact typically reduces intergroup prejudice." This was true even without considering the Allport conditions, but those conditions "typically lead to even greater reduction in prejudice."⁴⁰

Summarizing a wide array of studies in 2018, Linda Tropp and Suchi Saxena, concluded that "decades of research including experimental, longitudinal and meta-analytical studies provide evidence that greater contact between different racial and ethnic groups can reduce prejudice and promote more positive intergroup relations." Getting strong results requires that schools "ensure that students from different backgrounds have opportunities to cultivate meaningful relationships."⁴¹

There were three important streams of research on the conditions for maximizing positive outcomes, research led by Elizabeth Cohen and colleagues at Stanford, Robert Slavin at Johns Hopkins, and Elliot Aronson at Texas.⁴² The basic findings from research and efforts to implement

⁴⁰Thomas F. Pettigrew & Linda R Tropp, (2006). "A meta-analytic test of intergroup contact theory." *Journal of Personality and Social Psychology*, 90(5), 751–783. <https://doi.org/10.1037/0022-3514.90.5.751>

⁴¹ Linda Tropp and Suchi Saxena, "Re-Weaving the social Fabric through Integrated Schools: How Intergroup Contact Prepares Youth to Thrive in a Multiracial Society." Research Brief No. 13, National Coalition on School Diversity, May 2018.

⁴² Elliot Aronson, *The Jigsaw Classroom*, Sage publications, 1978.

positive change were that consciously arranging classrooms to put students together in cross racial groups where they would pursue shared projects tended to produce substantially more positive race relations as well as academic success. The Student Team Learning training and materials, for example, were widely disseminated and produced significant positive findings.⁴³ In the 1980s the funding for these efforts was largely eliminated but these findings have lasting value.

The Pandemic impacts underlined features of the continuing inequality among schools of different racial and ethnic groups. Schools serving white and Asian students and the students' families were much better equipped when much of U.S. education went online during the 2020 spring lockdown and the following academic year. Racial gaps grew.⁴⁴

The school desegregation saga over 70 years has been a dramatic test of the capacity of the American systems of government and schooling to face up to and repair the injuries of racism. The *Brown* decision seemed to have a simple directive—stop separating children by race and send them to school together. That simple goal, spread out over many thousands of school districts, turned out to be a major challenge. It became apparent to some leaders that there were more political rewards for playing on stereotypes and fears of racial change than supporting a challenging process. One of our two central political parties made rolling back racial change a central strategy and changed the Supreme Court. The judicial limits and reverses made lasting integration far more difficult. There was a radical change in educational and social policy in the 1980s putting the blame on the schools serving nonwhite children and adopting a strategy of tests and accountability rather than a focus on rights and resources found in the previous decades. The Supreme Court decided to end enforcement of desegregation and to require no continuing responsibility of school districts for desegregation,

⁴³ Robert Slavin, "Cooperative Learning", *Review of Educational Research*. Vol 50, 1980, pp. 315-342.

⁴⁴ Megan Kuhfelt, Jim Soland, Karyn Lewis and Emily Morton, "The Pandemic has had a Devastating Impact on Learning," Brookings Inst. Commentary, March 3, 2022.

turning the issue over to local politics, but then further limiting efforts by declaring important forms of voluntary desegregation unconstitutional.

A number of studies have used statistical methods to identify whether specific policies, practices, or situations influenced desegregation. These studies try to “control for other factors” and reduce the chances that causation is conflated with correlation. Although these studies have limitations, they represent a base of facts worth considering. These studies suggest that there are a number of factors that influence desegregation, including: district size, poverty level, and voting preferences (Cascio et al., 2008); extra-legal or non-factual reasons, given that districts were released from desegregation orders with segregation levels quite similar to other districts with similar segregation levels (reardon et al., 2012); government-initiated desegregation plans and their dissolutions (Johnson, 2015; reardon et al., 2012).

Ironically, as the dismantling of desegregation proceeded, research was reaching the point where it was evident that the *Brown* court and the early advocates had actually been right—that segregation was even more damaging, and integration far more beneficial across life, than had been understood. At the same time the resurgence of demagogic racism made creating racial understanding much more urgent. We’ve reached the point where it is increasingly apparent that it would be good for students, and the society to have more integrated schools but we have few significant legal tools left to accomplish much. There are important efforts in a few states and some communities under state law. From that process may come the beginning of a new movement to rethink *Brown* for a far less white and more multiracial society which is increasingly afflicted with schools that perpetuate division and inequality. Those who won the *Brown* decision and the Civil Rights Act won against huge odds. The stakes are high and those who want to revive the goal of integrated schools must win it again.

Racial Composition of Students in U.S. Public Schools

In 1968, public schools had a large white majority, with over 80% of enrolled students being white, but by 2021, this number had dropped to approximately 45%, making white students no longer the majority (Table 1).⁴⁵ The proportion of students that were Latino increased substantially during this same time period, from about 5% to 28%, changing from a small minority to the nation's largest nonwhite population. The Asian student population, extremely small in the 1960s, more than doubled since 1990 and now makes up nearly 6% of students. The proportion of students who were Black and American Indian were relatively constant over this period. Black students made up 14.7% in 1968 and 14.9% as of 2021. American Indian students made up 1.1% as of 1990 and 1.0% as of 2021.

Basic racial categories of students were established by 1968 and were held relatively constant until a significant racial classification change instituted by the U.S. Department of Education around 2008 (Richards & Stroub, 2020). A multiracial category, or individual students simultaneously reporting more than one racial classification, was included. Multiracial enrollment nearly doubled in the last decade, making it the fastest growing racial classification. Multiracial students now make up nearly 5% of students.

⁴⁵ We use the shorthand “racial” and “race” in this report to stand in for a very complex construct with numerous conceptual ambiguities and numerous issues with data collection over time. Of special note is the inclusion of Hispanic/Latinx/Latino (which are commonly understood as designations of ethnicity, which is another complex construct!) and changes in racial data collection and reporting over time, such as the creation of a multiracial category (or two or more races) in the available data about a decade and a half ago. The terms Hispanic, Latinx, and Latino are used interchangeably in this report, but often refer to the same data sources. The Latinx category is defined as a student of any race: for example, if a student reported black and Latinx, the student was classified as solely Latinx for the purposes of this report. See Richards & Stroub (2020) for a summary of classification scheme changes over time and what those changes suggest for the interpretation of segregation statistics. Racial composition of the school population is also presented in the Appendix, using slightly different racial classifications over time. The general patterns are consistent between the CCD and US Census data.

Data and Methods

We examined racial segregation in US public schools over 6 decades, using multiple measures, diving deep into the intersection of race and class segregation. We analyzed variations in trends nationally and across regions and states. We put a wide range of statistics in the context of policy, legal and demographic changes to outline the pressures, limits, and attempts to desegregate. The analysis compares segregation across types of choice schools and types of communities. This comprehensive analysis primarily relied upon more than 15 million records from the Common Core of Data, an authoritative data set for demographic analysis of public schools, which the U.S. Department of Education has made available since the late 1980s. The analysis includes data that summarized segregation in earlier decades. We also reviewed dozens of research reports to situate the changes in segregation over time and explain some of the reasons segregation remains a powerful drag working against equal educational opportunity.

Table 1: Public School Enrollment by Race, 1968–2021

	1968	1990	2000	2010	2020	2021
White	34.7 (80.7%)	25 (67.4%)	27.8 (61.1%)	25.4 (52.7%)	22.1 (45.8%)	21.9 (45.3%)
Black	6.3 (14.7%)	5.8 (15.6%)	7.7 (16.9%)	7.6 (15.8%)	7.2 (14.9%)	7.2 (14.9%)
Latino	2 (4.7%)	4.6 (12.4%)	7.5 (16.5%)	11.1 (23.0%)	13.5 (28.0%)	13.6 (28.2%)
Asian	-	1.3 (3.5%)	1.9 (4.2%)	2.4 (5.0%)	2.8 (5.8%)	2.8 (5.8%)
American Indian	-	0.4 (1.1%)	0.6 (1.3%)	0.6 (1.2%)	0.5 (1.0%)	0.5 (1.0%)
Multiracial	-	-	-	1.1 (2.3%)	2.2 (4.6%)	2.3 (4.8%)

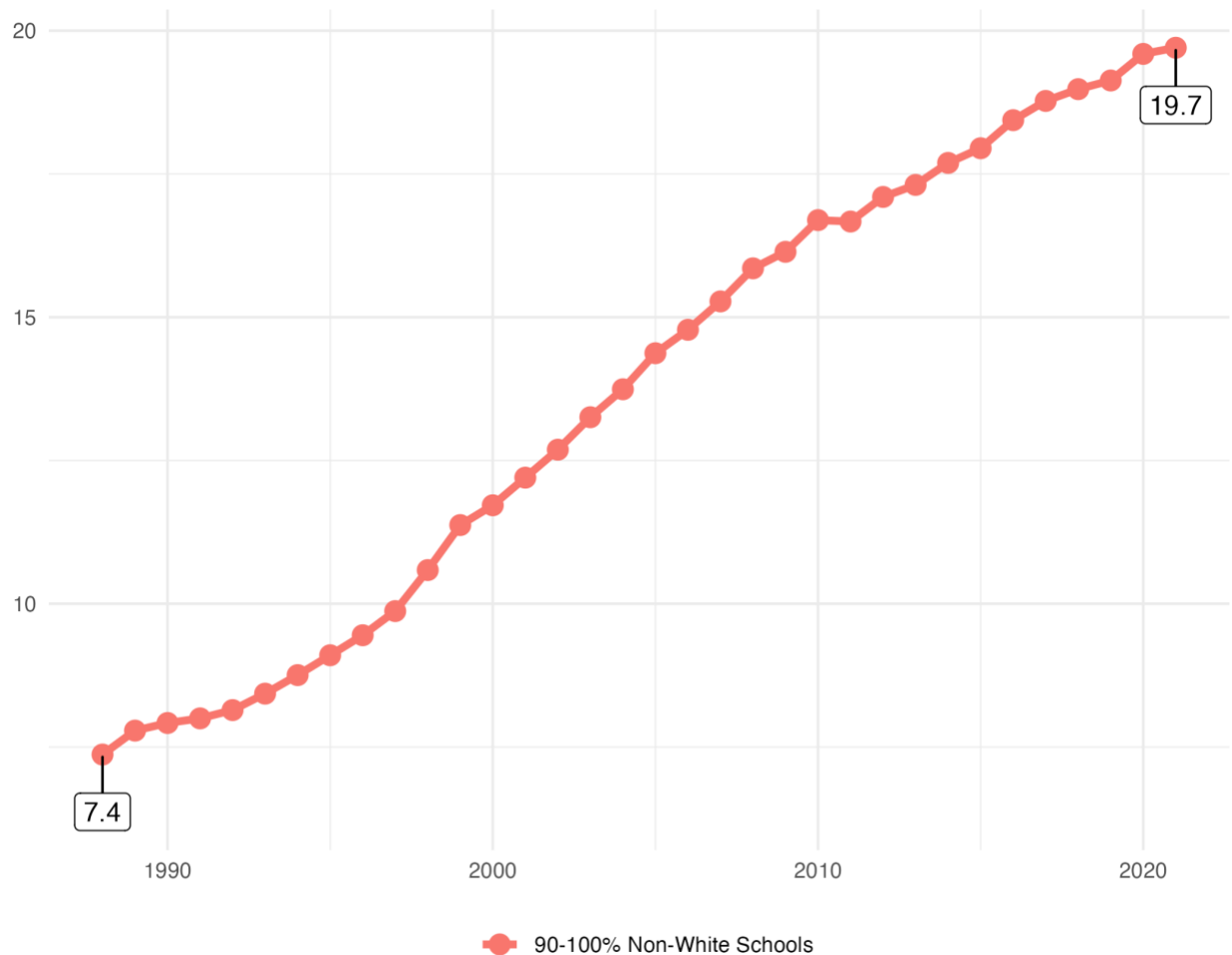
Source: U.S. Department of Education, National Center for Education Statistics (NCES), Common Core of Data (CCD), Public Elementary/Secondary School Universe Survey Data, Education Data Portal (Version 0.15.0), Urban Institute, 2020-21, 2010-11, 2000-21, 1990-91, and 1988-89. Data for 1968 were obtained from the analysis of the Office of Civil Rights data in Orfield, G. (1983). *Public School Desegregation in the United States, 1968–1980*. Washington, D.C.: Joint Center for Political Studies.

Note: Enrollment in millions. Column proportions in parentheses. Definitions available for American Indian/Alaska Native and Multiracial can vary and the statistics presented here could be significantly different if other definitions were used.

Intensely segregated schools, which we define as schools that are 90-100% non-white students, are some of the clearest examples of a non-random distribution of students by race – and the proportion of these schools has nearly tripled over the last 30 years (Fig. 2). These schools are significantly more likely to have concentrations of students who are poor, explored in depth later in this report. From 1988 to 2021 the share of intensely segregated schools increased steadily. In 1988, about 7.4% of schools enrolled more than 90% students of color (i.e., out of the approximately 67,000 schools in the data, approximately 5,000 had an enrollment that was greater than 90% students of color). By 2021, 19.8% of schools were greater than 90% non-white.

Intense Racial Segregation

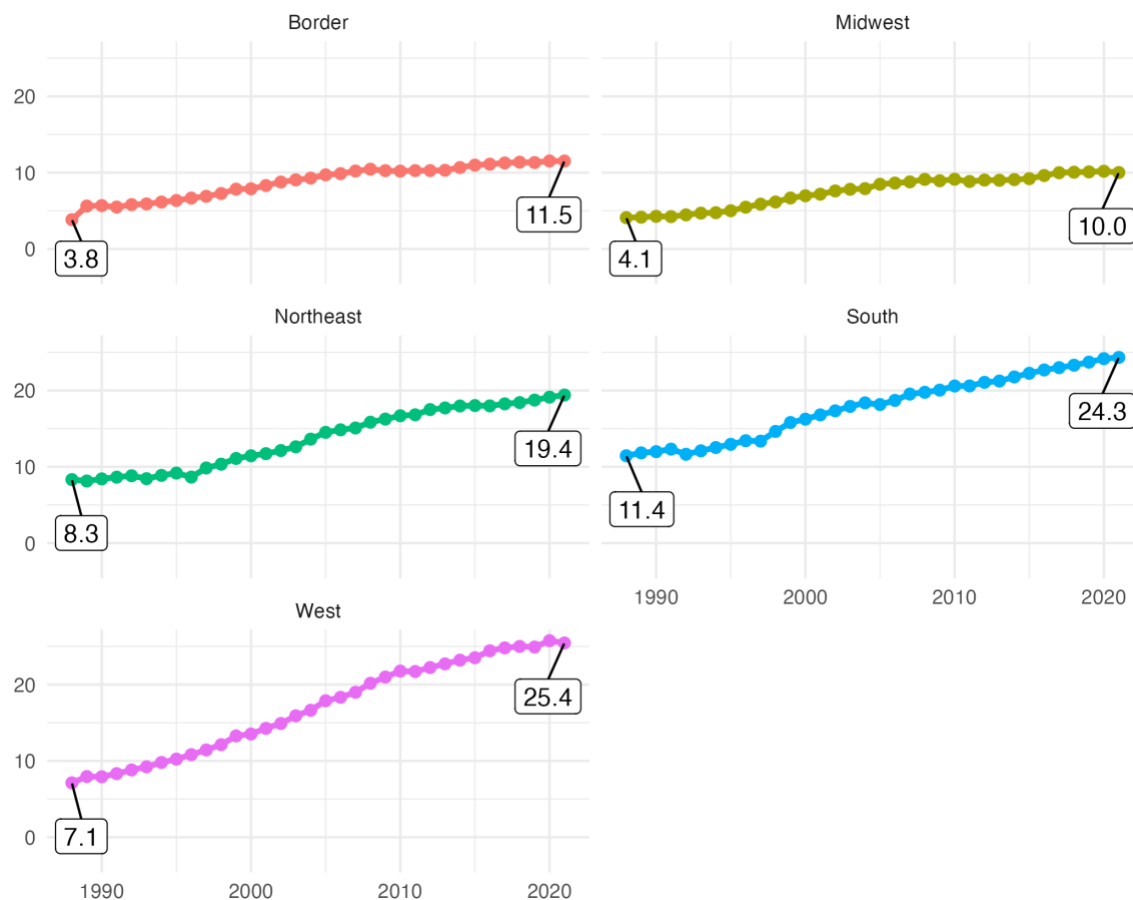
Figure 2: Percent of US Public Schools that were Intensely Segregated, 1988–2021



Source: The Common Core of Data.

Sufficient racial diversity exists in the US to have far fewer intensely segregated schools, in spite of major demographic changes. There is no demographic necessity for the increasing proportion of intensely segregated schools. Residential segregation of Blacks has significantly declined since the federal fair housing law was enacted in 1968. Rather, the significant increase in intensely segregated schools is a matter that policy choices and legal rulings likely continue to influence.

Figure 3: Percent of Intensely Segregated Schools, 1988–2021, by Region



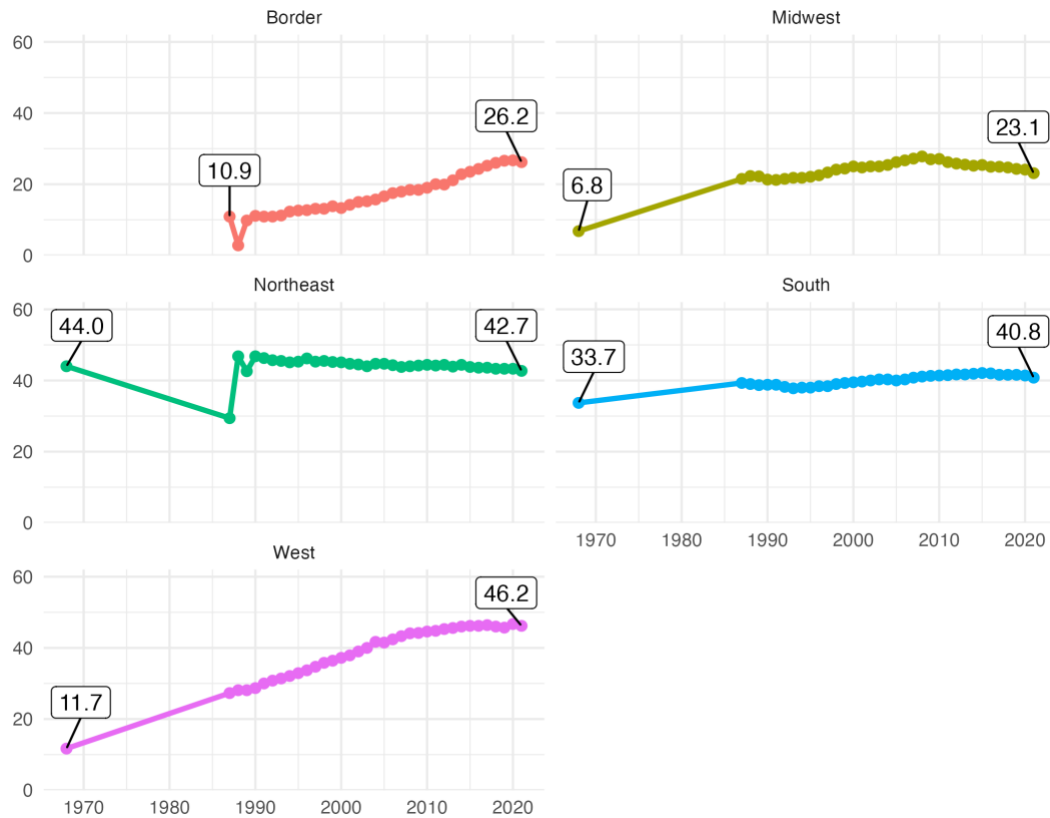
Source: The Common Core of Data. Data for 1968 were obtained from the analysis of the Office of Civil Rights data in Orfield, G. (1983). *Public School Desegregation in the United States, 1968–1980*. Washington, D.C.: Joint Center for Political Studies.

Note: 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, District of Columbia, 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, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

All regions of the US took the general shape of the national trends -- they all rose fairly steadily since 1988 (Fig. 3). There was a divergence in the West from the national trend in terms of a faster increase in the proportion of 90-100% non-white schools, which nearly tripled in that region over the last 3 decades as the Latino enrollment soared. Nationally, the immigrant share of the US population decreased from the turn of the 20th century until approx. 1970, a few years after the

Immigration and Nationality Act of 1965 became law (Budiman, 2020). For the last 5 decades the immigrant population has increased and much of it has been in the American West, where two-thirds lived in recent years (Budiman, 2020). The faster increase in intensely non-white schools in the West may be connected to these immigration patterns.

Figure 4: Percent of Latino Students in 90-100% Non-White Schools, by Region, 1968–2021



Source: The Common Core of Data. Data for 1968 were 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 provides the proportion of Latino students in 90-100% non-white schools, by region over the prior 5 decades. The West increased the fastest, more than quadrupling. The Border states also grew substantially from low levels. Yet the rate of increase has slowed in recent years, and even begun to decline in some regions. States in the Northeast mostly held steady.

Intensely Segregated School across States

Most states followed the general national trend in terms of intensely segregated schools (see Appendix). However, some states diverged in terms of the degree of increasing segregation. Kentucky and Delaware became two of the most desegregated states under court orders ending the segregation that flowed from the states' history of segregation laws. The desegregation was related to metropolitan desegregation orders that applied to a large proportion of the state's total enrollment in the two major metropolitan areas: Wilmington, Delaware and Louisville-Jefferson County, Kentucky (Niemeyer et al., 2014a). Court orders with "teeth" to desegregate these two metro areas were delivered in the mid-1970s.⁴⁶ These two plans and another in the Indianapolis area were the only metropolitan plans approved after the Supreme Court's 1974 decision in the *Milliken v. Bradley* case blocked suburban desegregation. Courts subsequently granted Wilmington, Delaware unitary status in 1995 (*Coalition to Save Our Children v. State Board of Education*, 901 F. Supp. 784)⁴⁷ and Louisville-Jefferson County in 2000 (*Hampton v. Jefferson County Bd. of Education*), removing the court's pressure to desegregate (Frankenberg et al., 2003). The County School Board, however, decided to continue the successful desegregation plan without a court order and was sued. The Supreme Court heard evidence from both Louisville and Seattle defending their desegregation plans, but forbade key elements of the voluntary plan in the 2007 *Parents Involved* decision which provoked intense dissents from desegregation supporters on the Court.⁴⁸ Even after that decision, the school board implemented a voluntary plan focused on the composition of neighborhoods, not individual students (forbidden by the Supreme Court) and maintained a high level of school diversity in the

⁴⁶ *Evans v. Buchanan*, 393 F. Supp. 428 (1975, *Evans v. Buchanan*, 423 U.S. 963 (1975)); *Newburg Area Council v. Board of Education of Jefferson County*, 510 F. 2d 1958, *cert. denied*, 421 U.S. 931 (1975).

⁴⁷ Author Orfield was scheduled to testify as a rebuttal witness to the testimony before the court ultimately relied on in ending the desegregation order, but the judge decided to deny rebuttal testimony before her decision (see Orfield, "Conservative Activists and the Rush Towards Resegregation," in Jay P. Heubert, *Law and School Reform*, Yale Univ. Press, 1998, p. 67). The consequences are examined in Arielle Niemeyer, *The Courts, the Legislature and Delaware's Resegregation*, Los Angeles: UCLA Civil Rights Project (2015). Senator Joe Biden was a leading opponent of this plan.

⁴⁸ *Parents Involved in Community Schools v. Seattle School Dist. No. 1*, 551 U.S. 701 (2007).

face of strong pressures from Republicans in the state legislature through the period studied.⁴⁹

Kentucky saw little increase in intensely segregated schools after 1988 to 2021, from almost none to about 1%. The district voluntarily continued its successful desegregation plan efforts giving Kentucky substantial desegregation for nearly a half century.

There was a combination of city and county districts as a result of the Louisville City Board of Education dissolving itself, which forced consolidation with the county under state law which continues up to the present day. The number of Black and Latino students increased in Kentucky, yet Jefferson County policy kept the state from having a significant increase in 90-100% Black and Latino schools that we see in other states.

The few cases where city suburban desegregation was permitted for unique legal reasons after *Milliken* produced much higher levels of integration than in other areas. Delaware, like Kentucky, had no intensely segregated schools in 1988, and for years had been one of the most integrated states in the nation under a desegregation order. But segregation grew starting in the 1990s, with about 6.5% intensely segregated schools in 2021. Delaware is a relatively small state, and the desegregation plan covered a substantial majority of all Delaware students. Metropolitan desegregation and orders in county-wide systems covering most of metropolitan areas were successful at producing substantial integration, but that was largely dismantled as unitary status was granted in the early 1990s (Niemeyer et al., 2014b). The damaging educational effects of the resegregation of Charlotte-Mecklenburg County, NC have been studied in depth.⁵⁰ Louisville is not resegregating some schools.

⁴⁹ G. Orfield and Erica Frankenberg, *Experience Integration in Louisville: How Parents and Students See the Gains and Challenges*, Report to Jefferson County Public Schools (January 2011).

⁵⁰ Roslyn Arlin Mickelson, Stephen Samuel Smith, and Amy Hawn Nelson, eds. *Yesterday, Today, and Tomorrow: School Desegregation and Resegregation in Charlotte*, Harvard Education Press (2015).

California's intensely segregated schools increased sharply, growing from 11% to 44% from 1988 to 2021. Hawaii, with a largely Asian school system is an outlier with a large proportion of intensely segregated schools. Several states saw about a 20-percentage point increase in intensely segregated schools. Maryland, New Mexico, Nevada, and Texas had some of the largest percentage point increases in intensely segregated schools. Maryland saw a massive outward migration of Black families from Washington. In Nevada, notable because in 1998 it had almost no intensely segregated schools under the county-wide desegregation order in the huge Clark County where most Nevada residents live, saw statewide intense segregation increase to near 22% by 2021 following the dissolution of the desegregation order and continued in-migration.⁵¹ Washington DC, and some other large metros like New York City⁵² have seen an increase in white enrollments as gentrification rises in costly housing markets which may explain some of the decrease.

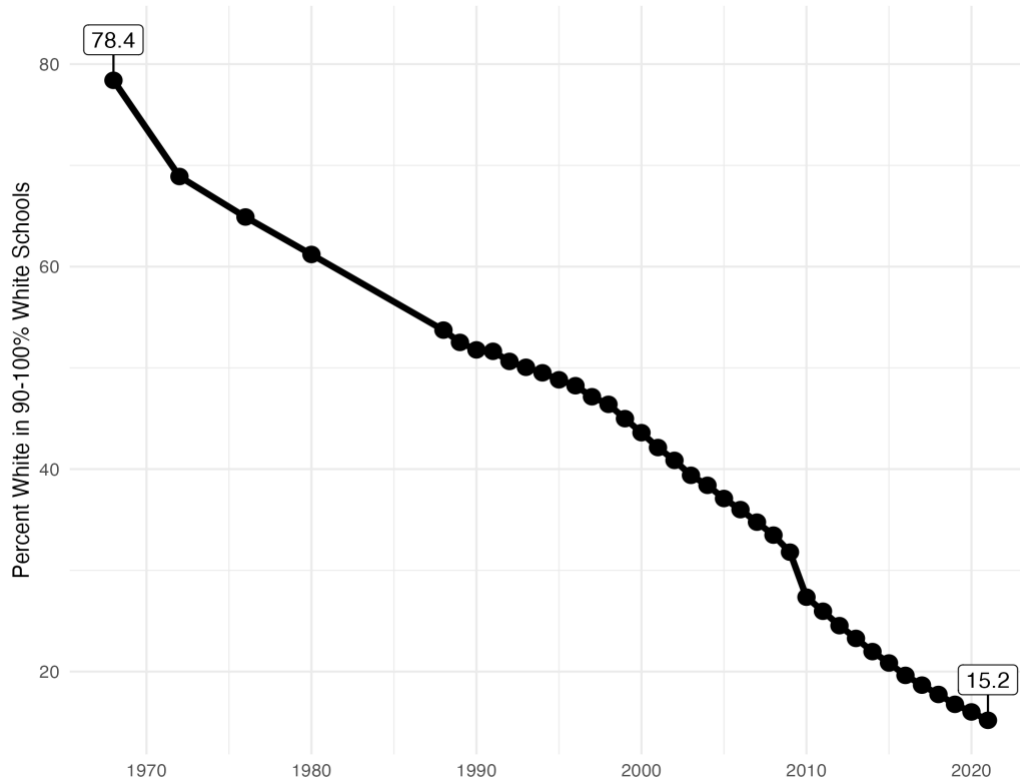
As the white population and enrollment drops in the U.S. there are fewer and fewer entirely white communities and schools which means whites are not as intensely segregated among themselves (Fig. 5). Although segregation is severe, it is not absolute and in a society of four major racial/ethnic groups white children now seldom attend schools where all the students are white. There were 551 public schools that were all-white in 2021, down from 5,339 in 1990. Surveys report that the percent of whites saying they would object to school integration declined greatly over time and fair housing law enforcement has raised the cost of rigid segregation, so what was called the “white noose” around the central cities back in the 1960s is now the slightly diverse outer and richer suburbs. One of the ironies of the spreading segregation in the suburbs is that whites are

⁵¹Veronica Terriquez, Jennifer Flashman, Sarah Schuler-Brown, *Expanding Student Opportunities: Prime 6 Program Review, Clark County School District, Las Vegas, Nevada*, Los Angeles: UCLA Civil Rights Project (June 2009).

⁵²Gary Orfield and, Jongyeon Ee, *Our Segregated Capital: An Increasingly Diverse City with Racially Polarized Schools*, Los Angeles: Civil Rights Project, 2017.; Danielle Cohen, *NYC School Segregation Report Card Still Last, Action Needed Now.*, Los Angeles: UCLA Civil Rights Project (June 2021)

experiencing somewhat greater contact with non-whites even as Blacks and Latinos are seeing less contact with whites as the population proportions change among the nation’s school age population.

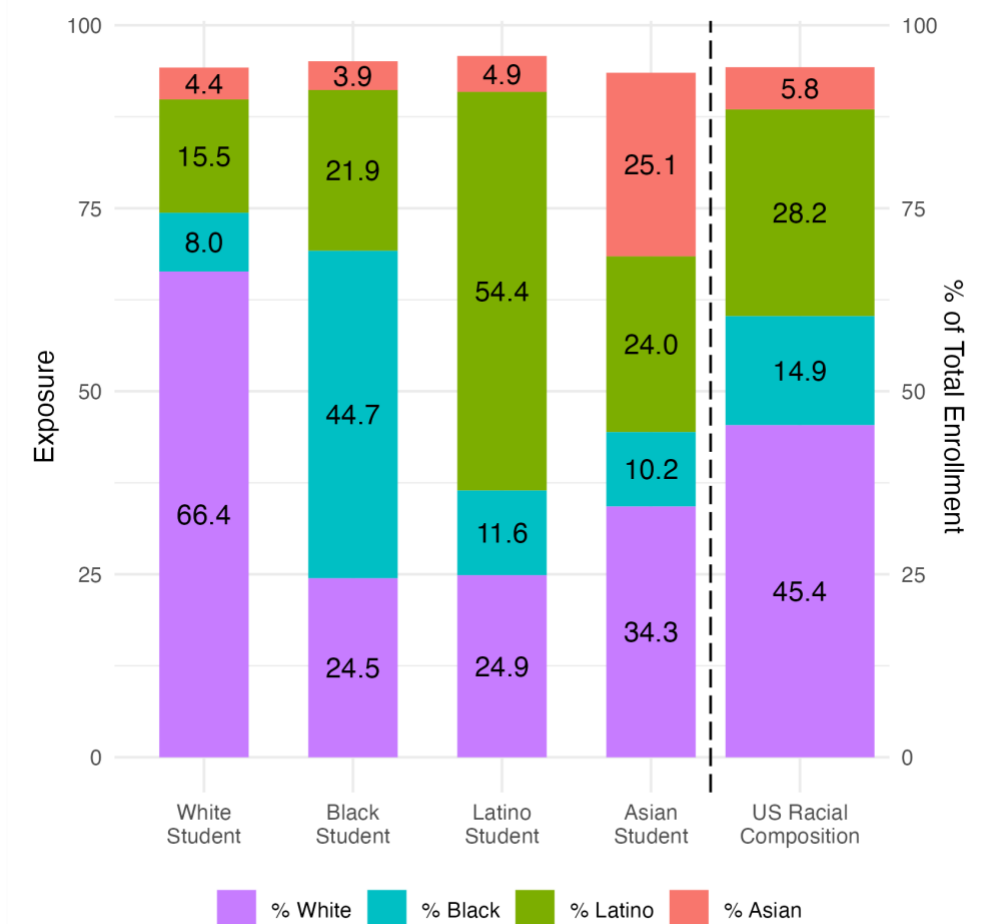
Figure 5: Declining Share of Whites in Intensely Segregated White Schools, 1968–2021



Source: The Common Core of Data. Data before 1988 were 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.

Overall, the data suggests that levels of segregation remain significant when judged from the perspective of how exposed each racial group is to their own race, other races, and relative to the proportion of each racial group in the student population (Fig. 6). Each racial group is disproportionately exposed to their own group. For example, in 2021, the average white student attended a school with 66.4% white students, the average Black student attended a school with 44.7% Black students, the average Latinx student attend a school with 54.4% Latinx students. Only the typical Asian student attended a school with a larger proportion of another race, which was 34.3% white vs. 25.1% Asian.

Figure 6: Racial Composition of Schools Attended by the Typical Student, by Race, 2021



Source: The Common Core of Data.

Note: Percentages do not sum to 100 due to the exclusion of American Indian and multiracial students for comparisons, although these racial groups are included in the t_i term (see appendix).

The long history in the United States of separating racial groups, in particular Black students from white students, is still a relevant piece of the context for understanding how students attend, and do not attend, school together. In 2021, Black students were least likely to attend schools with white students: the typical black student attended a school with 24.5% white students, although white students made up 45.4% of enrollment. Latino students were also similarly segregated from white students, with the typical Latino student enrolled in a school with 24.9% white students. Asian students were more likely than Black and Latino students to attend school with white students with an Asian-to-white exposure of 34.3%. With the typical white student attending a school with 66.4%

white students, whites separated from other racial groups continues to be a trend that has lasted for centuries.

Over the last 30 years, exposure across racial lines has changed somewhat, but a central finding of continued segregation remains apparent (see Appendix). Black, Latino, and Asian students are less likely in 2021 to attend schools with a significant number of white students than 3 decades earlier. The typical Black student in 1990 attended a school with more white students than in 2021 (34.7% vs. 24.5%). Although the typical white student attended a school with more Latino students in 2021 than 30 years early, the typical white student did not attend school with more Black students. Asian students over this period decreased more in the likelihood they would attend schools with white students (from 49.2% in 1990 to 34.3% in 2021). The typical Latino moved from a school with 31.5% white students to a school with 24.5% white students, which was a smaller decrease than for Asian and Black students.

Exposure statistics based on school-level data tell us little about the quality of interactions or experiences that students have with other groups but, of course, potential benefits depend on a prerequisite of interracial contact. The benefits of inter-racial learning that come from integration, such as prejudice reduction, have been found where racial groups are exposed to each other. In this regard, the racial exposure statistics suggest that schools in the US continue a long history of separation that thwarts the benefits of integration.

Isolation by Both Race and Social Class: Double Segregation

A very large body of research, over many decades, demonstrates that economically powerful families disproportionately obtain strong schooling opportunities and life outcomes. Academic achievement test scores are strongly linked to family income, so are college enrollment and completion rates, even controlling for test scores. Racial segregation matters. So does class

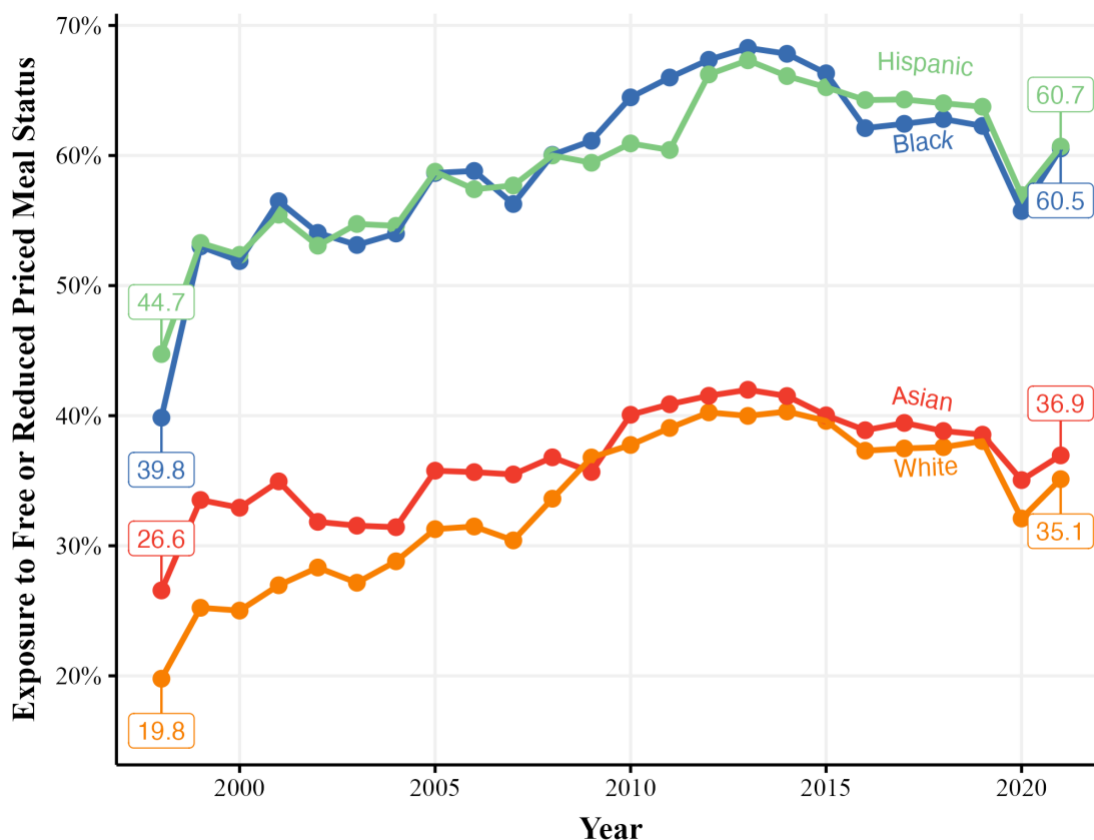
segregation. And the two are tangled together in ways that intensify the educational consequences of both Black and Latino students who disproportionately attend schools with majorities of economically marginalized students, schools with lower academic achievement. Black, Latino, and Native students are more likely to be poor and far more likely to live and go to school in areas of concentrated poverty because of the combined force of economic barriers and discrimination. Much of the variation in academic outcomes across race associated with racial segregation is related to variation in the poverty of schools (Johnson, 2015; Orfield and Lee, 2005). In a recent study, Fahle et al. (2020) concluded, “racial segregation appears to be harmful because it concentrates minority students in high-poverty schools, which are, on average, less effective than lower-poverty schools” (p. 1). This section provides an updated high-level summary of double segregation by race and class (for a more thorough treatment see, e.g., Orfield et al., 2012). Segregation multiplies opportunity gaps and cuts off connections with middle class peers and networks. There are large and consistent income gaps by race which reflect the advantages related to money, such as funds for school resources at home, which include high-speed internet connections and computers that made such difference during the pandemic, the purchase of stable housing and quality healthcare, and the family resources schools can tap.

Many Americans experience spells of poverty at some time during their lives, or when they lose a job, or experience a serious illness or a divorce, but often those are temporary and do not involve breaking contact with a middle-class community. Black and Latino and Native families disproportionately experience persistent poverty in communities of concentrated poverty, and without a network of financial support, which greatly intensify the consequences.

Segregated Black and Latino children are much more likely to experience double segregation—isolation by both race and poverty in schools with little contact with either whites or middle class fellow students. Double segregation is the norm for Black and Latino students. Middle

class schools are the norm for white and Asian students, who often attend the same middle class schools together.

Figure 7: Student Exposure Rates to Poorer Students, 1998–2021



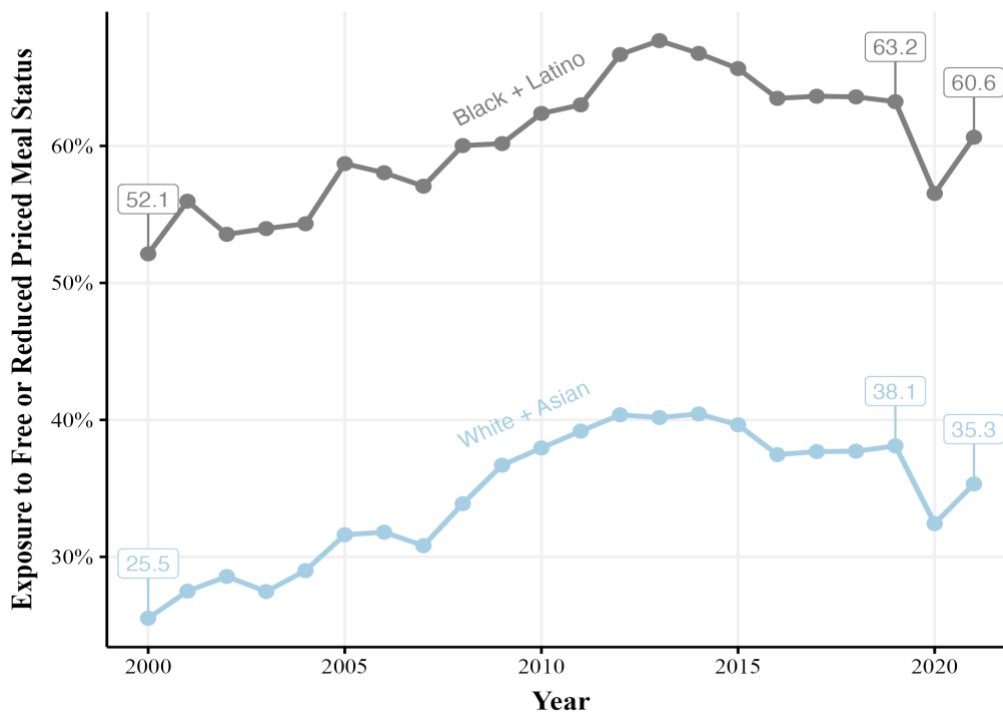
Source: The Common Core of Data.

Note: Higher income is defined here as not qualifying for free or reduced priced meals. No imputation was used to correct missing data. Extreme values for free + reduced priced lunch were excluded, using a conservative rubric of 4 times above or below the interquartile range within each school (i.e., outlier thresholds were determined individually for each school using the data within schools across years). Further, data for California in the year 2011 was anomalous and thus excluded.

All four major racial groups saw increasing exposure to students in poverty for the last two decades, but there was also a clear difference by race (Figure 7). Black and Latino students were far more likely to be in schools with poorer students. In 2021, the average Latino student attended a school that had 60.7% poor students and the average Black student attended a school with 60.5% poor students. The average Asian and white students attended schools with 36.9% and 35.1% students in poverty.

The correlation between race and higher incomes increased more for Asian American students than other racial groups between 1999 and 2021. The correlation increased 0.14 for Asian American students. For all of the years data were examined, the correlation between race and middle class status was highest for whites. The concentration of Black students and Hispanic students together with concentrated poverty is a form of double-segregation.

Figure 8: White + Asian vs. Black + Hispanic Exposure to Poorer Students, 2000–2021



Source: The Common Core of Data.

Note: A lack of consistent reporting of free or reduced priced meals for all schools, but charter schools especially, suggests caution should be employed when interpreting these trends. Further, FRL data for California in the year 2011 was anomalous and thus excluded.

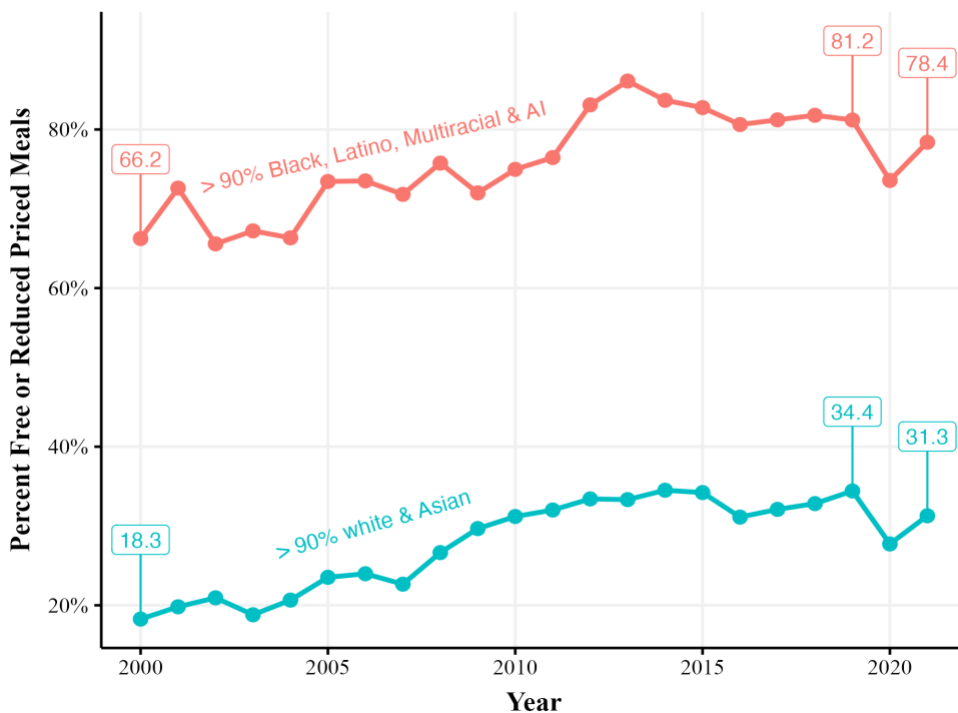
Comparing exposure to poverty of Black and Latino to the experience of White and Asian students shows a clear difference (Figure 8). The combined White and Asian group has far less exposure to poverty than a combined Black and Hispanic group. In 2021, the average Black/Latino student was in a school that was 60.6% low-income, while the average white/Asian student attended

a school with 65% middle class students. Importantly, the gap in exposure remains fairly consistent over time, in a relatively narrow range.

Exposure to poverty increased slowly for the last 20 years and then dropped dramatically in the 2020-21 school year. In recent years child poverty decreased substantially due to expansions in welfare programs that politicians chose to implement during the pandemic. For example, one report (Lantz, 2022) found that expansions of a single policy in 2021 – increasing benefit levels and access to the Child Tax Credit – contributed to a 30% reduction in child poverty. The expanded Child Tax Credit reached over 60 million children and decreased poverty rates more for Black and Latino children than for white and Asian children.⁵³ That expansion has now ended.

⁵³ Other public welfare programs implemented in the last couple years, such as stimulus checks and expansions of the EITC, unemployment benefits, food assistance, health insurance, housing subsidies also likely decreased the child poverty rate. The decrease in the poverty rate is a likely cause of the decrease in *exposure* to poverty, although other seismic shifts during this period, such as increased mortality and a shift to online schooling make the relationship complex to untangle. Notably, the racial gap in exposure was effectively maintained because all the major racial groups experienced lower exposure to poverty. Closing the racial gap in poverty during the pandemic may have been stymied by some public programs, such as the Paycheck Project Program, that were found to have racially discriminate effects (Lederer & Oros, 2020; Liu & Parilla, 2020). Much of the recent welfare expansions have already been withdrawn or are soon to be discontinued Miller & Parlapiano (2023), so exposure to poverty has increased again.

Figure 9: School Poverty in Intensely Segregated Schools, 1998–2021



Source: The Common Core of Data.

Note: American Indian is abbreviated AI. FRL data for California in the year 2011 was anomalous and thus excluded. The multiracial category was sparsely reported before 2011 and not reported prior to 2008, so interpretation across this time period should be done with caution.

The poverty rate was significantly higher in schools with greater than 90% under-represented minority students (URM: Black, Latino, Multiracial & American Indian) than in schools that were greater than 90% white and Asian (Figure 9). In 2021, 78.4% of students in high URM schools were reported as qualifying for free or reduced priced meals. In schools with greater than 90% white and Asian students, the comparable statistic was 31.3%. The poverty rate in overwhelmingly URM schools was 2.5 times higher than in overwhelmingly White and Asian schools. This gap in exposure to poverty across race was mostly steady over the last 20 years.

Intensely segregated schools by race and class enroll a substantial proportion of students of color. For example, in 2021, about one third of all Black students were enrolled in these intensely double-segregated schools (i.e., schools that had greater than 90% of students qualifying for FRPM

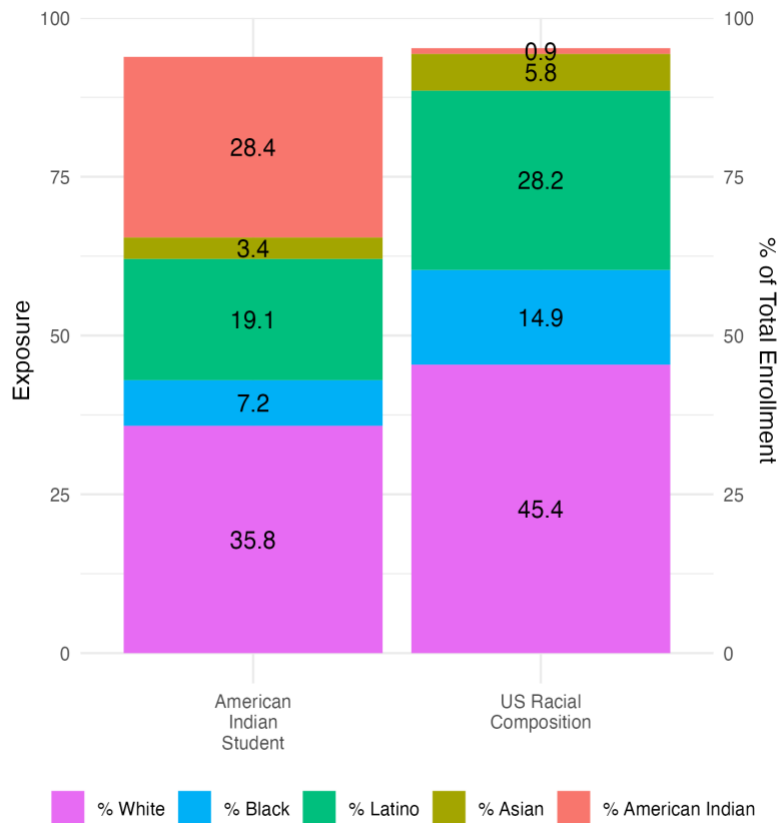
and enrolled more than 90% students of color). Race and poverty are deeply linked in American society. Its schools and poverty are often a result of a history of racial discrimination and inequality which gets projected across generations.

American Indian and Alaska Native Segregation

There has long been a lack of serious data on Native education. In 2021, there were approximately 470,000 American Indian students reported by the U.S. Department of Education as enrolled in US public schools. About one-tenth of these students attended 174 schools funded by the Bureau of Indian Education in more than 60 reservations and 20 states (Bureau of Indian Education, 2023). Approximately 50 schools were Bureau of Indian Education-operated and 130 were tribally controlled, according to the Bureau of Indian Affairs.

Our analysis of 2021 data found there were 271 schools that were 100% American Indian, enrolling approximately 40,000 students. But American Indians were also enrolled in schools in all 50 states and about half were enrolled in schools that were less than 20% American Indian (i.e., 243,937 were enrolled in 33,000 different schools). So there was both hyper-concentration in some schools and many schools where American Indians were a clear minority.

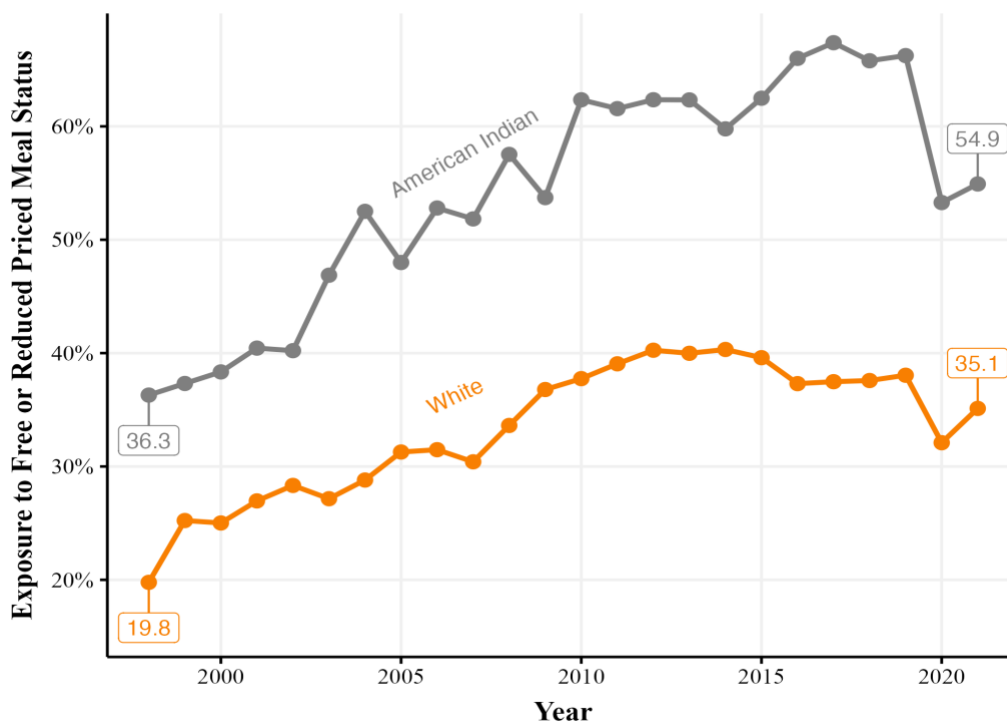
Figure 10: Racial Composition of Schools Attended by the Typical American Indian Student in Non-Bureau of Indian Education Schools, 2021



Note. *American Indian* is a shorthand for “American Indian or Alaska Native” as reported in the Common Core of Data. Bureau of Indian Education schools were 100% American Indian and were excluded from this figure.

The typical American Indian public-school student attended a school with 28.4% American Indian students, compared to about 1% native students in U.S. public schools (Figure 10). Note that this excludes all Bureau of Indian Education schools, on reservations, which were 100% American Indian.

Figure 11: Exposure to Poverty for American Indian and White Students, 1998–2021



Note: Excludes Bureau of Indian Education schools. Higher income is defined here as not qualifying for free or reduced priced meals. No imputation was used to correct missing data. Extreme values for free + reduced priced lunch were excluded using a conservative rubric of 4 times above or below the interquartile range within each school (i.e., outlier thresholds were determined individually for each school using the data within schools across years). Further, data for California in the year 2011 was anomalous and thus excluded.

The typical American Indian or Alaskan Native student was in a school with a higher rate of poverty than the typical white student every year analyzed (Figure 11). The gap grew since the early 2000s. By 2021, the school of the typical American Indian student enrolled 55% of poor students. (100% of the students in the 174 Bureau of Indian Affairs schools were coded as free-lunch eligible in the available 2021 data. These schools were excluded from the public-school analysis and would have increased the inequality if they had been included.)

Most Segregated States

Ranking states by the lowest Latino (Table 2) and Black (Table 3) exposure to white students tells us which states these students were least likely to be in contact with white students.

Table 2: States with Lowest Exposure of Black Students to Whites, 2021

Rank	State	Percent White in Typical Black Student's School	State Percentage of White Students
1	California	14.6	21.2
2	New York	15.0	41.6
3	Maryland	17.0	34.1
4	Illinois	18.2	46.5
5	Nevada	18.6	29.3
6	Texas	19.1	26.4
7	New Jersey	19.7	40.1
8	Georgia	20.7	36.8
9	New Mexico	23.3	21.1
10	Connecticut	23.4	49.2
11	Florida	23.4	36.2
12	Mississippi	24.1	43.2
13	Michigan	24.3	64.7
14	Louisiana	24.9	43.0
15	Tennessee	25.4	59.8
16	Pennsylvania	26.8	62.6
17	Wisconsin	27.0	68.2
18	Arizona	27.5	36.2
19	Alabama	28.2	52.6
20	Ohio	28.2	67.1

Source: The Common Core of Data.

Note: The calculations for this state table do not include Hawaii, Alaska, or US territories. The District of Columbia was also not included, but it had the lowest Black exposure to white students.

Table 3: States with Least Latino Exposure to White Students, 2021

Rank	State	Percent White in Typical Latinx Student's School	State Percentage of White Students
1	California	13.8	21.2
2	Texas	17.0	26.4
3	New Mexico	18.4	21.1
4	New York	20.5	41.6
5	Maryland	21.2	34.1
6	Nevada	22.0	29.3
7	New Jersey	23.4	40.1
8	Arizona	24.8	36.2
9	Florida	25.5	36.2
10	Illinois	25.8	46.5
11	Rhode Island	27.9	53.8
12	Georgia	29.0	36.8
13	Connecticut	30.6	49.2
14	Massachusetts	32.1	55.6
15	Virginia	34.0	45.8
16	Louisiana	34.4	43.0
17	Oklahoma	34.5	46.3
18	Delaware	35.9	41.7
19	North Carolina	36.1	45.0
20	Colorado	36.9	52.0

Source: The Common Core of Data.

Note: The calculations for this state table do not include Hawaii, Alaska, or US territories. The District of Columbia was not counted in this analysis as a state, but the district had the highest segregation rates across all indicators. California, in 2021, had the least exposure of Latinx students to white students: the typical Latinx student was in a school that was 13.8% white.

Table 4: States with Highest Concentration of Latino Students in Intensely Segregated Schools

Rank	State	% Latino Students in 90-100% Non-White Schools	State % of Latino students
1	California	58.7	55.7
2	Texas	53.4	52.6
3	New York	53.2	28.5
4	New Jersey	45.9	31.6
5	Rhode Island	45.8	28.1
6	Maryland	44.9	20.9
7	Illinois	40.7	27.1
8	Arizona	39.0	46.8
9	Nevada	37.7	43.7
10	New Mexico	33.7	63.2
11	Florida	32.9	35.5
12	Georgia	31.1	17.6
13	Pennsylvania	30.8	13.6
14	Massachusetts	30.3	22.9
15	Connecticut	23.0	28.4
16	Louisiana	21.6	9.4
17	Tennessee	19.9	13.1
18	Oklahoma	19.8	19.2
19	North Carolina	18.5	19.8
20	Colorado	17.3	34.3

Source: The Common Core of Data.

Note: The calculations for this state table do not include Hawaii, Alaska, or US territories. The District of Columbia was not counted in this analysis as a state, but the district had the highest segregation rates across all indicators.

Segregation, Desegregation, and Resegregation in the US South

For nearly a decade after the landmark 1954 *Brown* decision, which declared racial segregation in schools unconstitutional, few Black students in the South attended schools with white students. However, a significant increase in integration began sometime shortly after 1964, according to the data presented in this report. A separate study (Boozer et al., 1992) estimated segregation

using retrospective survey data, and also found nearly total Black-white segregation in Southern and Border⁵⁴ states before (as far back as 1924) and after *Brown*. Indeed, Boozer et al. (1992) found evidence that the trend toward integration began around 1964. By the mid-1980s, according to the data we analyzed, the proportion of Black students in majority white schools in the South reached a peak of 43%. This measure of integration has been declining steadily since then, with the proportion of Black students in majority white schools in the South around 16% as of 2021. Note that the percent of schools that were majority white has been decreasing over the last 20 years, along with the proportion of the population that is white, and some might suggest that this explains the increase in segregation (as measured by exposure to white students). Yet, the proportion of the population that is white was also decreasing during the 1950s and 1960s when we saw a rapid *decrease* in segregation, so a simple explanation that relies solely on demographic shifts in the population is too simplistic.

Significant policy enactment and court rulings coincide with increases and decreases in school segregation. The beginning of the increase in integration coincided with two milestone pieces of legislation: The Civil Rights Act of 1964 and the Elementary & Secondary Education Act of 1965. Integration continued to increase after the *Swann v. Charlotte-Mecklenburg* court decision in 1971, when the Supreme Court concluded that inter-district integration plans, like the ongoing plan in the Charlotte metropolitan area that included busing, were permitted under the Fourteenth Amendment.

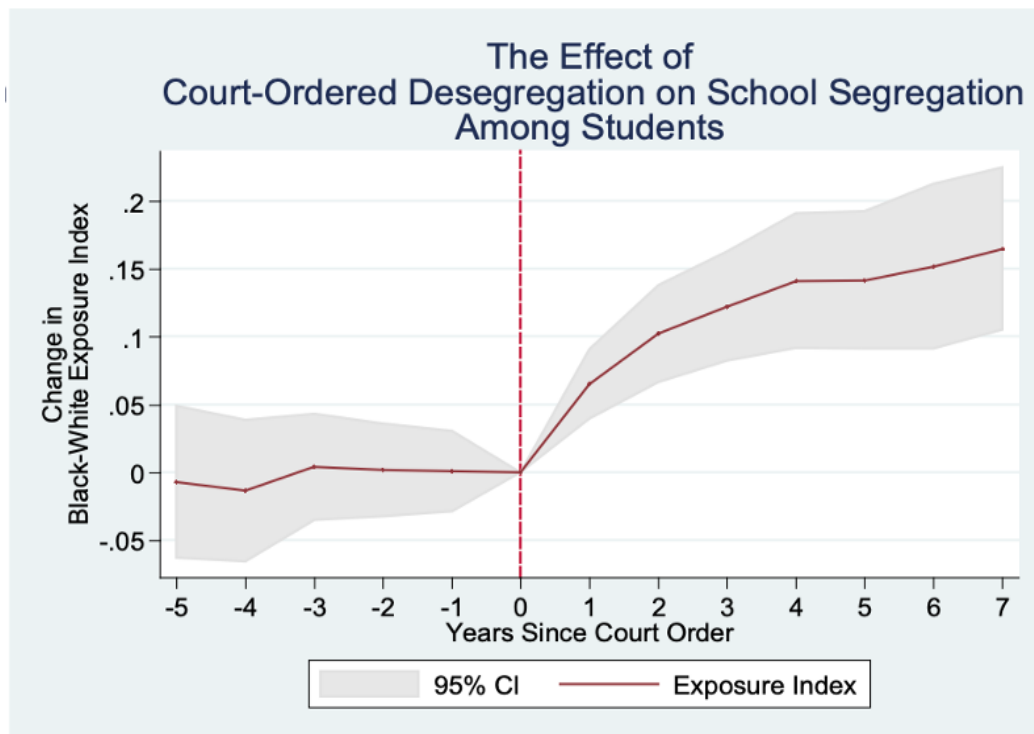
Oklahoma City v. Dowell, decided by the Supreme Court in 1991, provided for the termination of desegregation orders. This ruling came a few years after the proportion of Black students in majority white schools had recently begun to fall and was followed by nearly 30 consecutive years of decreasing integration after what had been a generation of increasing integration. The beginning of

⁵⁴ The Border states were the six slave states from Oklahoma to Delaware that remained in the Union, tended to have lower Black populations, and imposed *de jure* segregation until 1954.

the decline can be partially explained by the fact that orders had been under attack by the Reagan Justice Department throughout the 1980s and some had been lifted.

Rucker Johnson Analysis of the Effect of Desegregation Orders on Desegregation

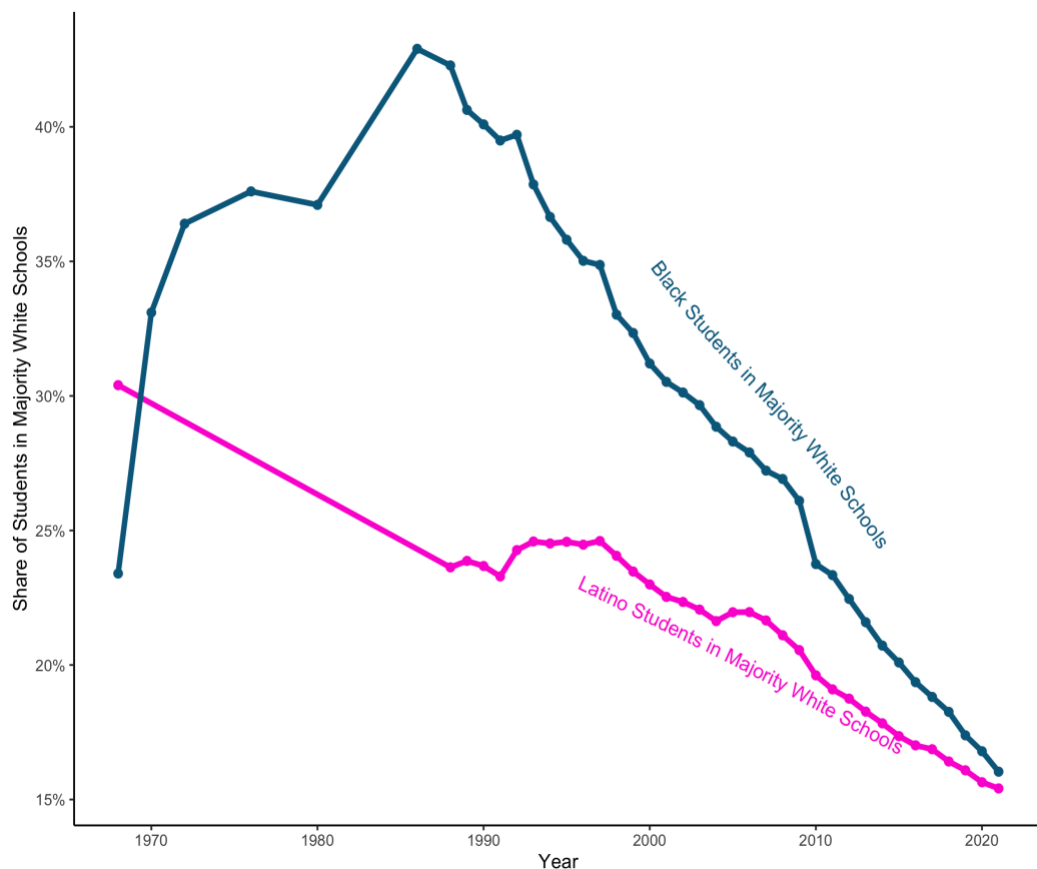
Research by Rucker Johnson (2015) provides evidence that, on average, desegregation increased following desegregative court orders. Johnson reported that there were about 900 districts that were ordered by courts to desegregate between approx. 1954 to 1980. In addition, most districts that desegregated did so under agreements with the Office for Civil Rights (OCR) under the Civil Rights Act. Desegregation was strongly influenced by legal action. In the figure below, we see that Black-white exposure increases approx. 0.15 within 4 years after court orders. But it is also important to note that integration increased for reasons other than court orders and in other time frames. Indeed, the OCR was created to enforce the Civil Rights Act.



Source: Johnson (2015), [online appendix](#).

Comparing what happened to segregation of Blacks and Latinos in the South is very informative about the impact of enforcement. The South, where enforcement was concentrated, contained only two states with substantial Latino enrollment at the height of the civil rights period: Texas and Florida. By the end of the period there had been massive migration to the South and parts of the Border states. The region, which has always been home to most Blacks, had become highly tri-racial. In the period from 1964 to the late 1980s there was a very large increase in Black contact with white students. Latinos at the beginning of this period were in schools with a significantly higher share of white students but, in dramatic contrast to Blacks there was no significant regional desegregation impact in the next quarter century even through the Supreme Court had recognized their desegregation rights in 1973. One reason was that the South already had desegregation plans before Latino rights were recognized and many were not updated in the absence of federal pressure. There was a little temporary gain for Latinos around 1990, perhaps reflecting suburbanization, but then the increase in segregation resumed. After the Supreme Court decided to terminate desegregation plans in 1991, both Latino and Black students became more segregated, ending up at nearly the same level of intense segregation from white students. The white demographic trends did not change after the 1980s, but the legal policy did, and segregation levels reversed.

Figure 12: Timeline of Major Legal Decisions, Legislation, and Latino/Black-White Segregation

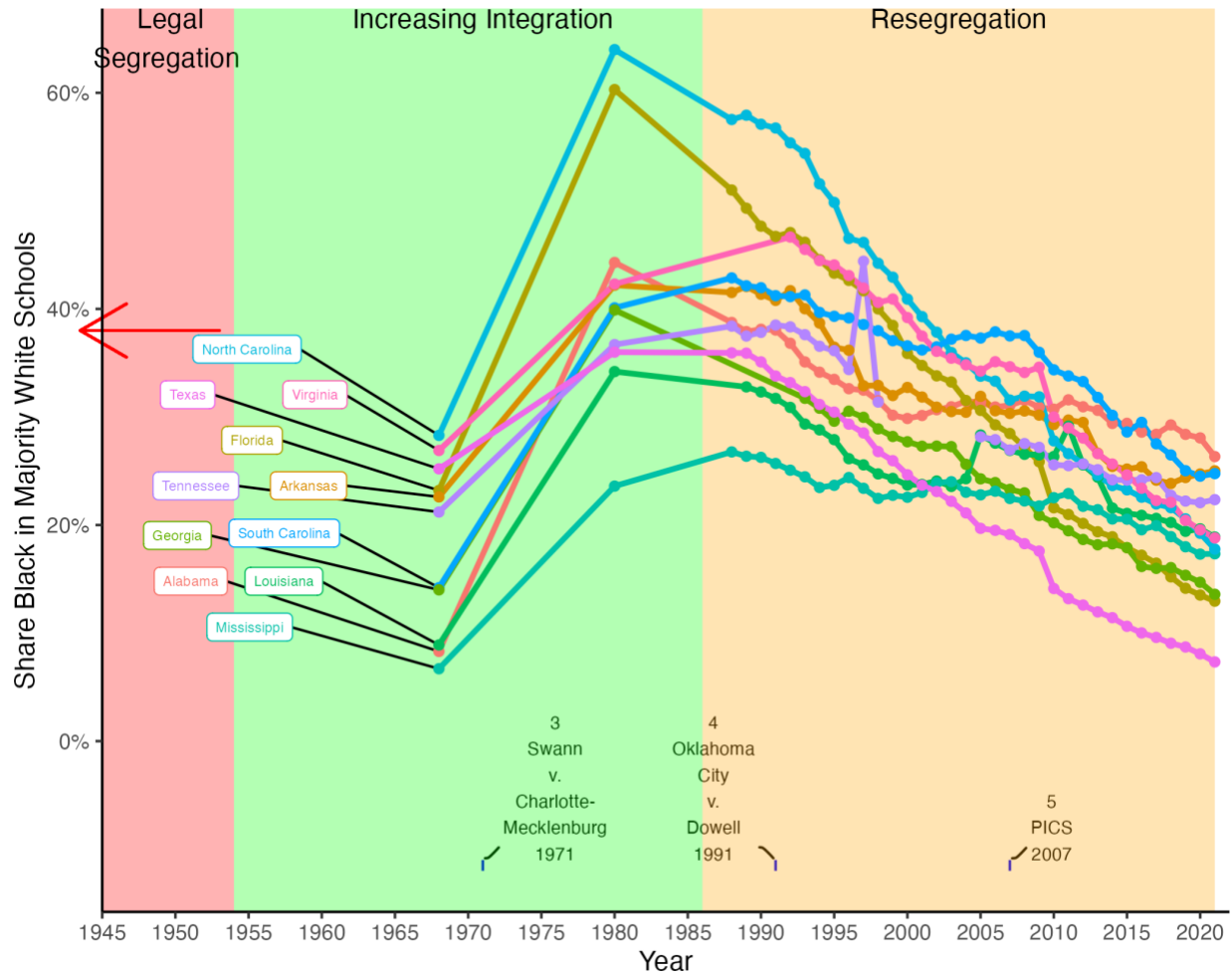


Sources: For years before 1988, for Latinx, see Table 9, Orfield, G., & Lee, C. (2004). “Brown at 50: King’s Dream or Plessy’s” Nightmare? The Civil Rights Project at Harvard University. For years from 1988: Common Core of Data.
 Note: Segregation statistics are for these Southern states: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia.

Available data on Latino-white exposure nationally goes back only to 1968. Policies were more likely to focus on Black-white segregation than Latino-white segregation. Policy was a significant for Black segregation. As integration policies eroded, the demographic trends that were long dominant for Latino-white segregation began to become more dominant for Black-white segregation. There was a fairly steady *decline*, in the proportion of student enrollment that was white since at least 1955 (see Appendix), throughout both the gains and reversals. Demographic pressure was real and influential but was outweighed by policy changes for Black students, while the trajectory of Latino segregation was primarily demographic. Regulation, court cases and the Civil

Rights Act law specifically addressed Black segregation. The same was not true for Latino segregation, with some notable but infrequent exceptions, especially in Denver (*Keyes v. Denver School District No. 1*, 413 U.S. 189).

Figure 13: Percent of Black Students in Majority White Schools, by Southern State, 1968–2020



Source: The Common Core of Data. Data for 1968 and 1980 were 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 changes were similar across very different states in the South. No Southern state went against the average trend of rising and then falling Black-white integration as measured by the proportion of Black students in majority white schools (Figure 13). The magnitude of the rise and

fall varied across states, sometimes substantially, but the general trend was consistent: integration was higher during the 1970's into the 1990s than before and after.

Metropolitan district fragmentation impact

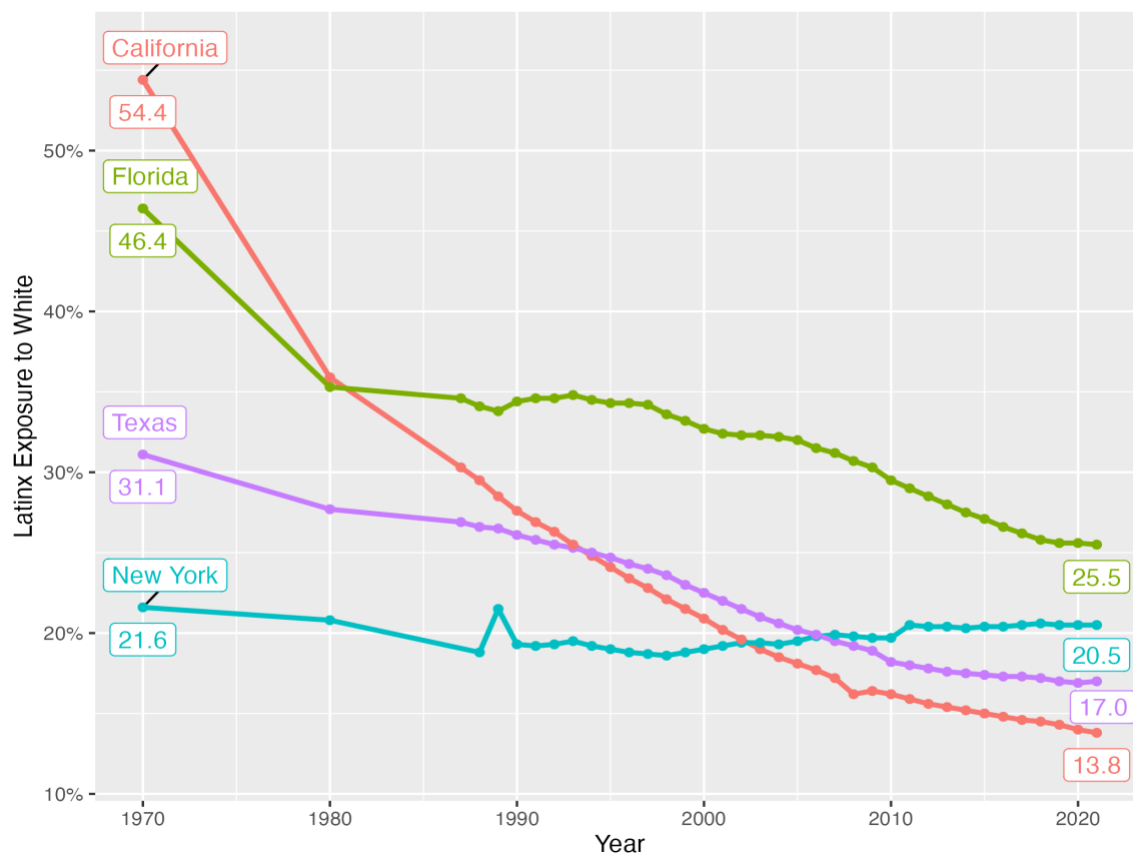
Variation in the spatial range and political incorporation of school districts could explain some of the variation among states. School districts that encompass entire metro areas, which were often county-wide, may be more frequently found in the South and can be associated with integration (Ayscue & Orfield, 2015). When core urban areas, which disproportionately enroll students of color, are separated by school district boundaries from the whiter suburbs, district balkanization can connect to school segregation, although “simply eliminating district boundaries is not enough” to ensure meaningful integration (Siegel-Hawley, 2014). The legal barriers to integrating across district lines makes balkanization of districts more significant. For these reasons, segregation may be higher in states with urban areas that are contained within a single district and segregation may be lower in states where there are large proportions of districts that cover core urban areas and outlying suburbs.

There was variation in school district structure across Southern states. For example, school districts have been county-wide in several states since at least 1947 (Sherron & Kenny, 2017), which often meant metro-wide desegregation plans that were more effective at de-balkanizing segregated neighborhoods, suburbs, and urban areas (Ayscue & Orfield, 2015).⁵⁵ Florida has had county-wide school districts for at least the last seven decades. Florida had some of the largest increases in integration after the 1960s but have had large declines as plans were dissolved since a peak in the early 1980s. Virginia had independent city school districts, but also many county-wide districts, which points to higher integration. Texas did not have large county-wide districts (e.g., San Antonio has almost a dozen districts and Dallas is similar), which points to less integration. Given that

⁵⁵ Charter schools and other forms of school choice make county-wide districts increasingly less straightforward.

schools in urban areas disproportionately enroll students of color, the location of school district lines in a metro area can influence levels of segregation. This variation in school district structure across Southern states might explain some of the variation in segregation. However, the relatively consistent segregation-integration-resegregation trends across all Southern states suggests that national and/or regional influences are quite profound, in spite of variation among Southern states. It is also notable that states outside of the South, e.g., New York and New Jersey, have more fragmented school districts and have higher segregation (Ayscue & Orfield, 2015). New England, where the metros grew up embracing what had been villages long before the American Revolution, has many separate small districts. Most of the Midwest follows the Northeastern model.

Figure 14: Percent of White students in the School of a Typical Latino Student, States with Most Latinxs, 1970–2021



Source: The Common Core of Data. Data for 1970 and 1980 were 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. States with most Latinxs as of 2021.

Over half (56%) of all Latino students in the United States are in four states—California, Texas, Florida, and New York. The typical Latino student attended a school with a higher proportion of white students in all four states in 1970 compared to 2021 (Figure 14). However, there were large differences between states. California Latino students saw a huge decline in exposure to white students over 5 decades (54.4% to 13.8%), but New York Latino students were segregated from the start and saw very little change (21.6% to 20.5%).

Scholars note a history of entrenched school segregation of Chicano students in the Southwest from the 1930s to the present (Valencia et al., 2002). And the Civil Rights Project has produced several studies finding persistent increases in Latino segregation since the early 1970s (e.g., Orfield, 1988). A very early case challenging Latino segregation was filed in 1925 (*Romo v. Laird*) and there were several in California, (e.g., *Mendez v. Westminster*), Arizona and Texas after World War II as Latino activism grew, but those were about individual students being able to attend their local public school, not the kind of class action lawsuits and plans that developed in the South in the aftermath of *Brown*. The experience of early civil rights laws based on correcting individual violations in a variety of fields, including employment and voting, proved that cases about individuals rarely accomplish lasting change. Frustration over time led to the development of more systemic remedies such as school desegregation plans and the voting rights laws were needed to create substantial change in the face of local resistance.

Segregation Trends: Variation by Region and Urbanicity

Segregation varied across regions of the US. The South and the Border States represent an especially important contrast to other regions because they were the states that had legal mandates to segregate schools until after the *Brown v Board of Education*.⁵⁶

⁵⁶ Oklahoma was a territory before it became a state in 1907. The Border region includes Washington DC.

Table 5: Percent of Public-School Enrollment, by Race and Region: 2000–2021

	Total Enrollment	% White	% Black	% Latino	% Asian	% American Indian	% Multiracial
US Total 2000	45,398,402	61.2	16.9	16.4	4.2	1.3	-
US Total 2021	48,265,064	45.4	14.9	28.2	5.8	1.0	4.8
Northeast 2000	8,022,819	68.0	15.1	12.2	4.4	0.3	-
Northeast 2021	7,312,306	51.0	13.4	23.6	7.7	0.4	3.8
South 2000	13,366,807	52.5	27.6	17.4	2.1	0.5	-
South 2021	16,755,691	38.5	22.8	30.4	4.0	0.4	4.0
Border 2000	3,436,384	71.3	20.2	3.3	1.9	3.3	-
Border 2021	3,549,545	56.2	18.1	13.5	3.4	2.5	6.4
Midwest 2000	9,676,688	76.4	14.3	6.0	2.3	1.0	-
Midwest 2021	9,125,172	62.2	13.4	14.4	4.0	0.8	5.1
West 2000	10,516,724	50.5	6.5	32.8	7.9	2.4	-
West 2021	11,189,697	35.5	4.6	44.4	8.6	1.4	5.4

Source: The Common Core of Data.

Note: 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, District of Columbia, 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, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

The largest growth and the most diversity in public-school enrollment are in the South and the West (Table 5). The percentage of white students declined in these two regions, while the large growth of Latino students has decreased the possibility for exposure to white students. The share of Asian students increased somewhat, while the percentage of Black students has been declining from a high level in the South, in spite of reverse Black migration back to the region, because of the substantial migration of Latinos and whites to the Sunbelt.

Latino students grew substantially in the Border states, from 3.3% in 2000 to 13.5% in 2021. The Northeast, on the other hand, has seen a decline in its share of white students, while the percentage of Latino and Asian students increased. While there are clear regional differences in

terms of the magnitude of racial composition change over time, the direction of change for each racial group is similar in almost all years, particularly with the growth of Latinos and the declining share of whites. There were some regions that experienced different rates of change. The Northeast region saw a slightly larger percentage decrease in the share of white students from 68% in 2000 to 51% in 2021, compared to the national decrease from 61.2% to 45.4%. The region, strongly influenced by immigration, also experienced a larger percentage increase in the share of Latino and Asian students, and a slightly larger percentage decrease in the share of Black students. The Border region saw a smaller percentage point increase in the share of Latino students, from 3.3% in 2000 to 13.5% in 2021, compared to the national average increase from 16.4% to 28.2%, yet the quadrupling in size of Latino enrollment in the Border region is still notable and indicates a significant demographic shift in the region's public-school enrollment.

Although there were notable regional differences, each region mostly tracked the direction of change found in the average national trend. For example, between 2000 and 2021, the national average percentage of Latino students increased from 16.4% to 28.2%. In all regions, the percentage of Latino students also increased. Similarly, the percentage of white students in the nation decreased from 61.2% to 45.4%, and in all regions, the percentage of white students also decreased. Common factors influenced these changes, such as immigration and birth rate decline.

Variation in Segregation by Location Type

Some might hope that the political progressivism and racial tolerance associated, at least in a popular consciousness, with urban areas would translate into more integrated schools in cities. And the image of explicitly racist rural whites might suggest rural areas would be the most segregated. However, by this study's measures, cities are the most segregated and rural areas are the most integrated. Furthermore, location type is relevant for understanding segregation trends for several reasons. First, segregation within and between school districts, whose boundaries often align with

local governments, has been a subject of shifting legal debates for decades. The Supreme Court created a massive barrier to inter-district remedies in the 1974 *Milliken v. Bradley* decision. Second, white suburbanization shifted racial demographics in cities and suburbs and influenced residential and school segregation. Third, cities and their suburbs arose in different eras. Pre-automobile cities tend to be smaller and contain a smaller part of the metro housing market while post-auto cities are more expansive. Gentrification has become a substantial force in some cities with very expensive housing markets. These are among the multiple factors shaping segregation and discrimination.

Table 6: Schools by Locale Type, 2021–22

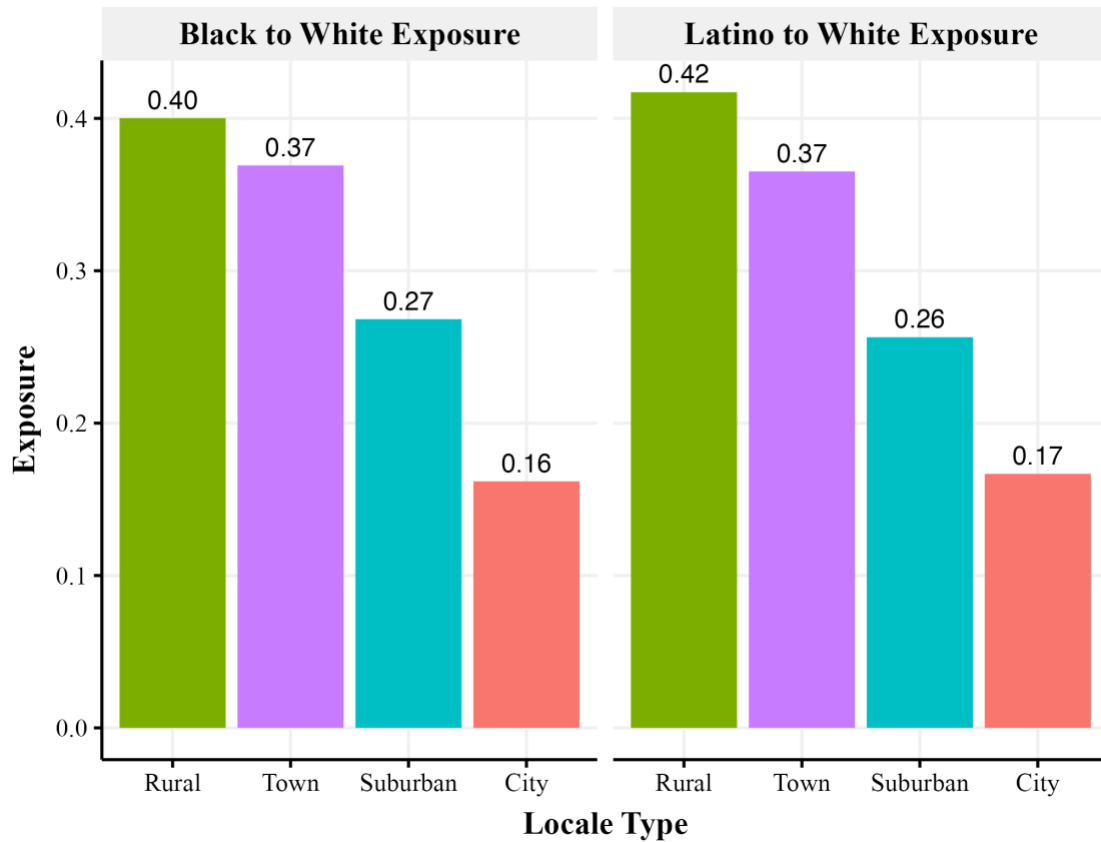
Locale Type	Number of Schools	Frequency
Suburban	28,368	0.32
Rural	26,003	0.29
City	24,234	0.27
Town	11,288	0.13

Sources: The Common Core of Data and EDGE.

Note: Locale definitions can be found [online](#). To explore variation in locales in one example state, Georgia, see this [interactive map](#).

Schools were designated in the federal data source as one of four locale types: city, suburban, town, and rural (the 2021-22 locale designation for each school was found in the EDGE data provided by NCES). These locale types vary from urbanized cities with large populations to remote rural places that are more than 25 miles from an urbanized area.

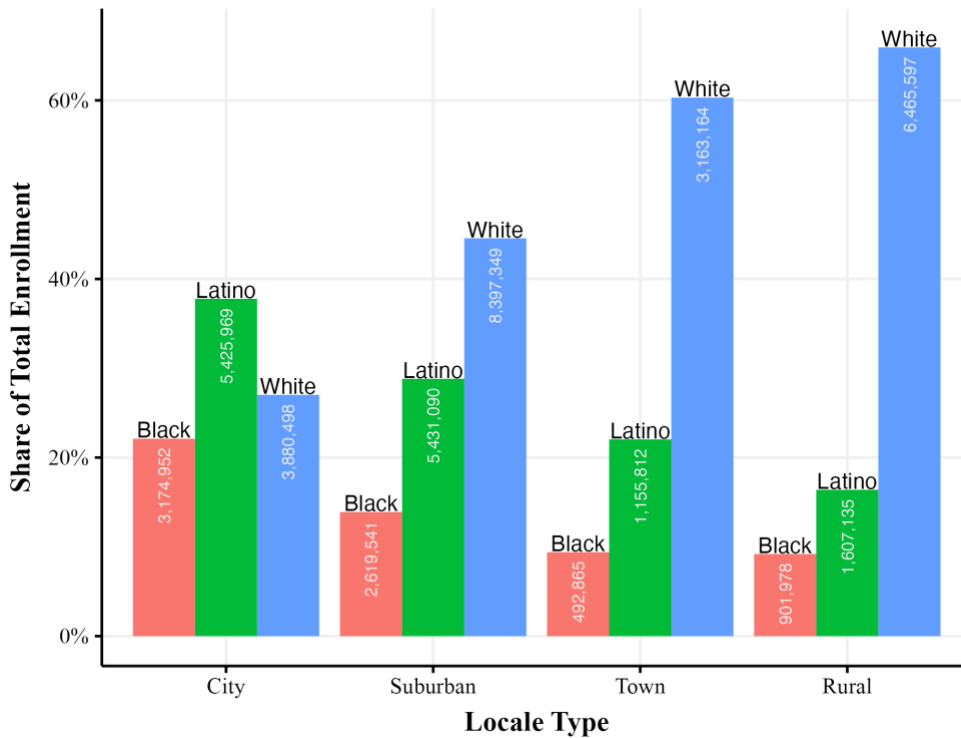
Figure 15: Exposure to White Students, by Locale Type, 2021-22



Sources: The Common Core of Data and EDGE.

Black and Latino students have the highest exposure to white students in rural schools and the lowest in cities (Fig. 15). In rural schools, the average Black student was in a school with about 40% white students, whereas in city schools the average Black student's school was approx. 16% white. For Latino students, the comparable statistics were similar: 42% and 17%, respectively.

Figure 16: Enrollment by Locale and Race, 2021–22



Sources: The Common Core of Data and EDGE.

Note: Within-locale proportions do not sum to 100 because denominators include all racial groups.

Schools in rural areas have the highest proportion of white students (Figure 16). One explanation, albeit a narrow numerical one, for higher exposure rates to white students in rural areas is that rural areas have the highest proportion of white students. Another explanation is that measuring segregation via exposure statistics does not fully capture the kinds of racial separation that varies across location types. A third explanation draws on two ideas: 1) court mandates to integrate have largely dissolved in the last several decades and the integration in cities and suburbs that accompanied those mandates also has dissolved, and 2) residential segregation is higher in cities and suburbs than in towns and rural areas. In small towns there is often only one middle school or one high school. Without legal mandate and plans pushing toward integration, schools default to

reflecting residential segregation. See Orfield and Frankenberg (2008) for an expanded treatment of this argument.

Cities and Suburbs

Cities and suburbs represent unique types of places that we examine in more detail next.

These two types of locales represent the most populated places, each with at least 250,000 people.

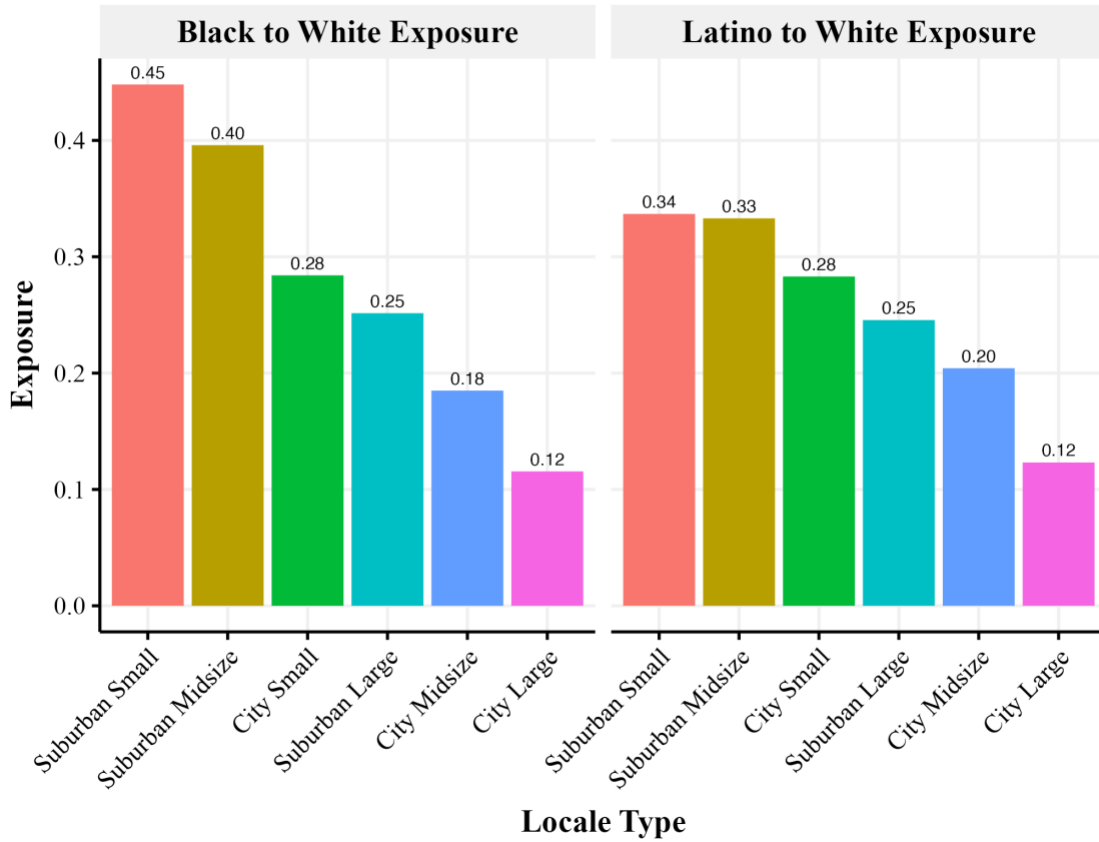
Table 7: Cities and Suburbs, 2021–22

Locale Type	Number of Schools	Frequency
Suburban Small	1,679	0.02
Suburban Midsize	2,894	0.03
Suburban Large	23,795	0.26
City Small	5,490	0.06
City Midsize	5,191	0.06
City Large	13,553	0.15

Sources: The Common Core of Data and EDGE.

Note: Frequencies are out of all 12 locale types. See the Appendix for additional data.

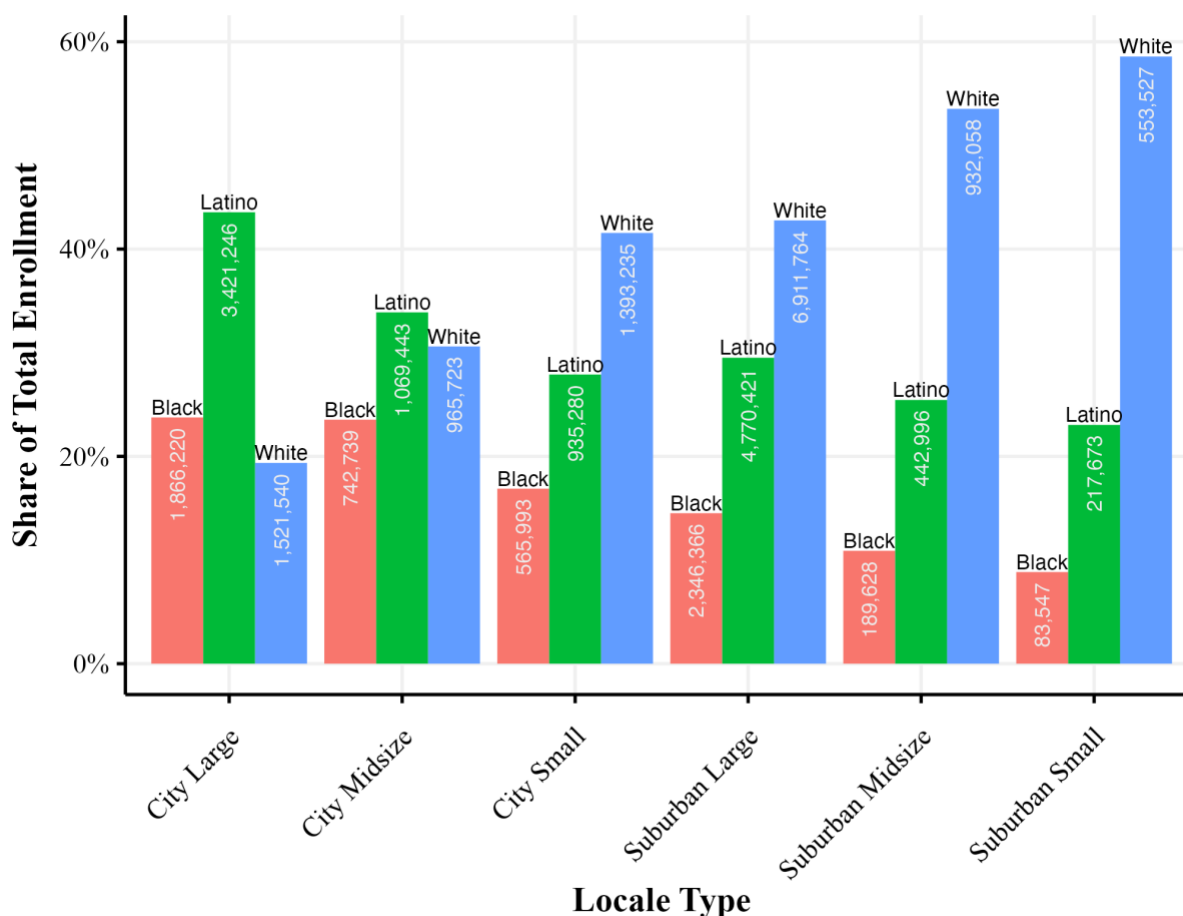
Figure 17: Exposure to White Students, in Cities and Suburbs, 2021–22



Sources: The Common Core of Data and EDGE.

There was variation not just across locale types, but among cities and suburbs by the size of the metro area (Figure 17). Black and Latino exposure to white students was higher in the suburbs and cities of small and middle size metros. Part of the variation in exposure to white students is related to differences in the proportion of white students in each locale (Figure 18).

Figure 18: Racial composition by Large City and Suburb, 2021–22



Sources: The Common Core of Data and EDGE.

Note: Within-locale proportions do not sum to 100 because denominators include all racial groups.

Choice and Segregation: Magnets and Charters

The mandatory assignment policies that were central to integration efforts from the 1960s to the 1980s were increasingly replaced by plans not mandating student assignment, of which school choice was the central component. Magnet schools, which initially had the conscious goal to integrate schools, were the central choice given to families. Voluntary transfers which increased integration were another common choice element. Parents could elect to send their children to, for example, a magnet school that had a special focus on the arts or a school that highlighted a special

computer enrichment program. These schools intended to act like magnets, and attract a racially-diverse student body through targeted outreach, marketing and admissions policies. They included very popular specialized schools.

Charter schools are another kind of choice school that came out of a different tradition – one that did not highlight segregation as a problem or highly distinctive curricula, but instead was driven by free-market ideas, the belief that public schools were failing, that teachers’ unions needed to be curtailed, and that giving public funds to private groups would work better. Charters have come to enroll more students than magnets, were heavily favored in public funding in the Bush, Clinton and Obama eras, but have been increasingly found to be associated with segregation.

Magnet Schools

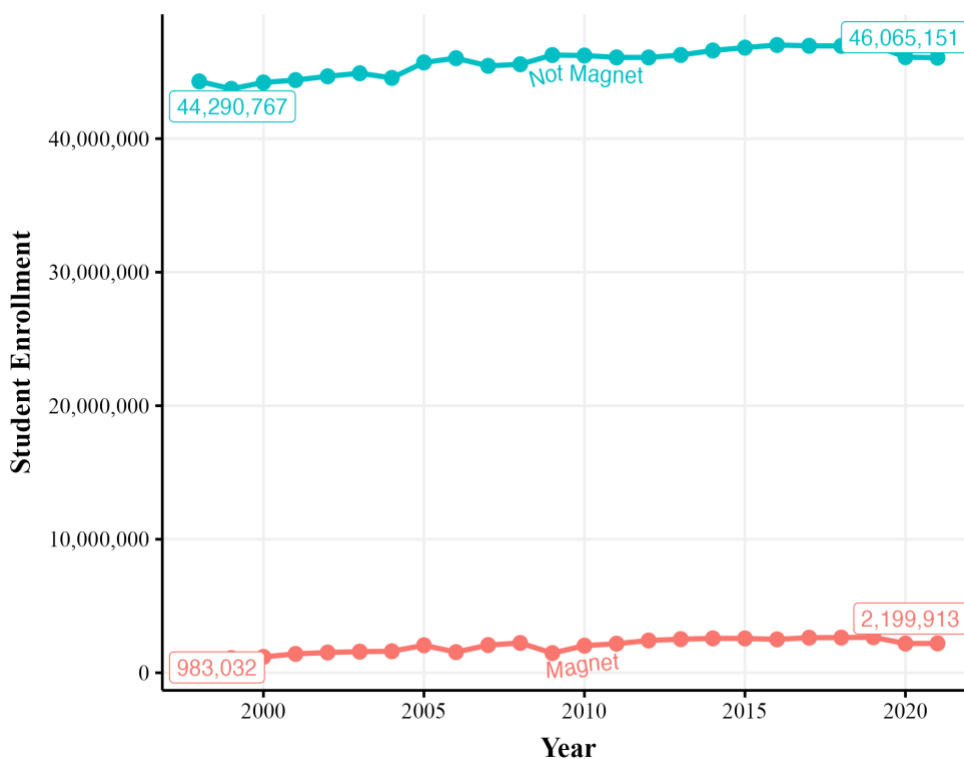
Given the interest and possibility of magnet schools to integrate school experiences for children, especially as a viable alternative to other forms of market-based school choice, it is important to look at the racial composition of these schools over the last two decades. There were 2,913 magnet schools in 2021, enrolling 2,199,913 students (Figure 19). This was up approximately double over 20 years: from 1,404 schools and 1,188,799 enrolled in 2000.⁵⁷

Early magnets usually operated under very different policies, with explicit integration goals, race conscious integration strategies, free transportation, and more accountability than the ones we study in this report, which often became colorblind after desegregation plans were terminated. The desegregation plans that led to the creation of magnets were largely gone by the late 1990s and in 2007 any selection of students by race, even if seen as essential to produce substantial and lasting integration was declared unconstitutional by the Supreme Court in the *Parents Involved* case. So, we are basically looking at magnets, after the end of desegregation plans and the end of the funding

⁵⁷ Note that other sources, including a separate analysis using the CRDC, suggest a significantly higher number of magnet schools and suggest CCD magnet designations are incomplete especially in later years (Wang & Herman, 2017; “What Are Magnet Schools,” 2021).

those plans mandated. Although magnets cannot now select individual students on the basis of race some have a long tradition of diversity and schools can have policies to assure representation of various city neighborhoods, children from low scoring-sending schools, and other criteria. Others, in the same period, moved to become elite schools with admissions by test scores.

Figure 19: Magnet and non-Magnet Student Enrollment, 1998–2021



Source: Common Core of Data.

Note: The CCD is an authoritative source of data on public schools, but as others have noted (Wang & Herman, 2017), the magnet designations in these data are incomplete.

Charter Schools and Segregation

Many studies, although not all, conclude that charter schooling is associated with higher racial segregation (Bifulco & Ladd, 2007; Cobb & Glass, 1999; Garcia, 2008; e.g., Howe et al., 2001; Miron et al., 2010). A prior report by the Civil Rights Project extensively explored segregation in charter schools and concluded that “charter schools make up a separate, segregated sector of our already deeply stratified public school system” (Frankenberg et al., 2010, p. 5). Garcia (2008) found

“students leave district schools with more exposure between White students and minority students to attend charter schools with less exposure between White and minority students” (Garcia, 2008, p. 598). Detailed studies of Washington, D.C. and New York City schools showed that the charters were substantially more segregated than regular public schools even though the charter systems are relatively new and have substantial freedom of action in recruiting and enrolling students.

Our analysis found charter schools have grown substantially in the last 25 years (with enrollment up approximately 800%) and are associated with substantial racial segregation, especially in terms of the proportion of intensely segregated schools with greater than 90% nonwhite students. On the other hand, magnets are associated with less racial segregation but have not grown nearly as much over the same time period (with enrollment up 220%).

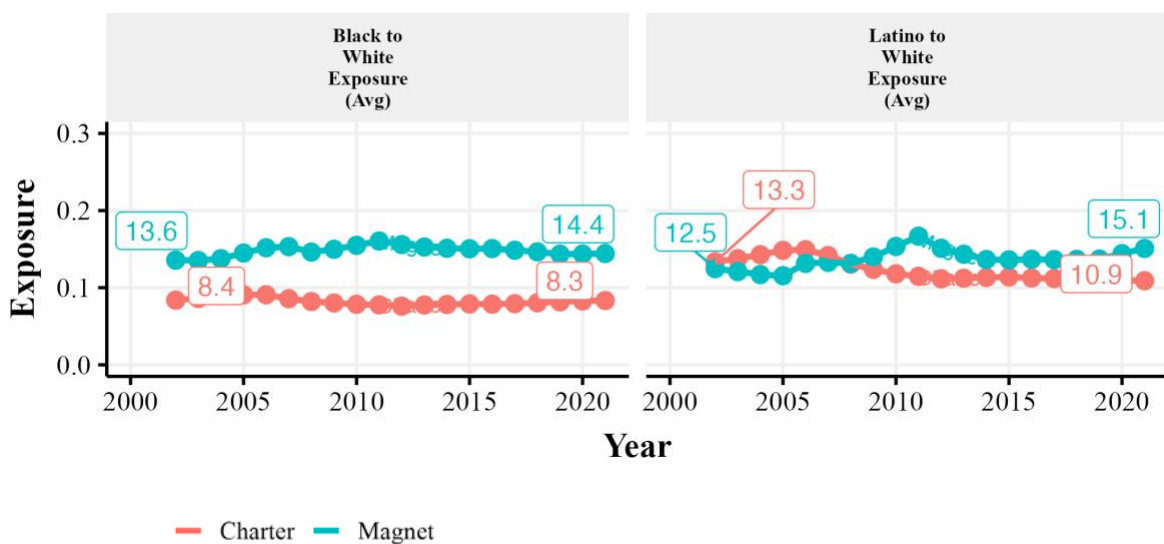
Comparing Magnets and Charters

This following section compares magnet and charter segregation in districts that had both kinds of choice, regardless of location (although most are in large urban areas, they are not completely there). This section presents policy-relevant comparisons of the two types of schools that are explored in more detail in our forthcoming report (Pfleger & Orfield, 2024).

Charters physically reside inside the boundaries of a traditional school district but operate independently, and therefore are classified as distinct from the school district. For the following, we used a 2021 school district boundary file from the US Census (TIGER) to identify the surrounding districts so we can compare their segregation levels. We include only districts that had a sufficient quantity of each type of school, so that comparisons could be made within districts with at least five magnets and five charter schools in one of the study years (2000 - 2021). That is, if a district in any year had five of each choice type, then all magnets and charters in that district are included, excluding districts with no or only a few of either type of choice school. Our comparisons are meaningful for a large number of students across a large range of districts and states. (Note that

many schools with “magnet” in the school name are not designated in the magnet field of the CCD – this could be a sign of a federal undercount of magnets). In the analytic sample there were similar numbers of students enrolled in the two sectors in the last several years. Approx. 38% of all U.S. magnets were larger than charters, possibly more high schools, but the mean highest grade offered suggests they were in similar in grade range.

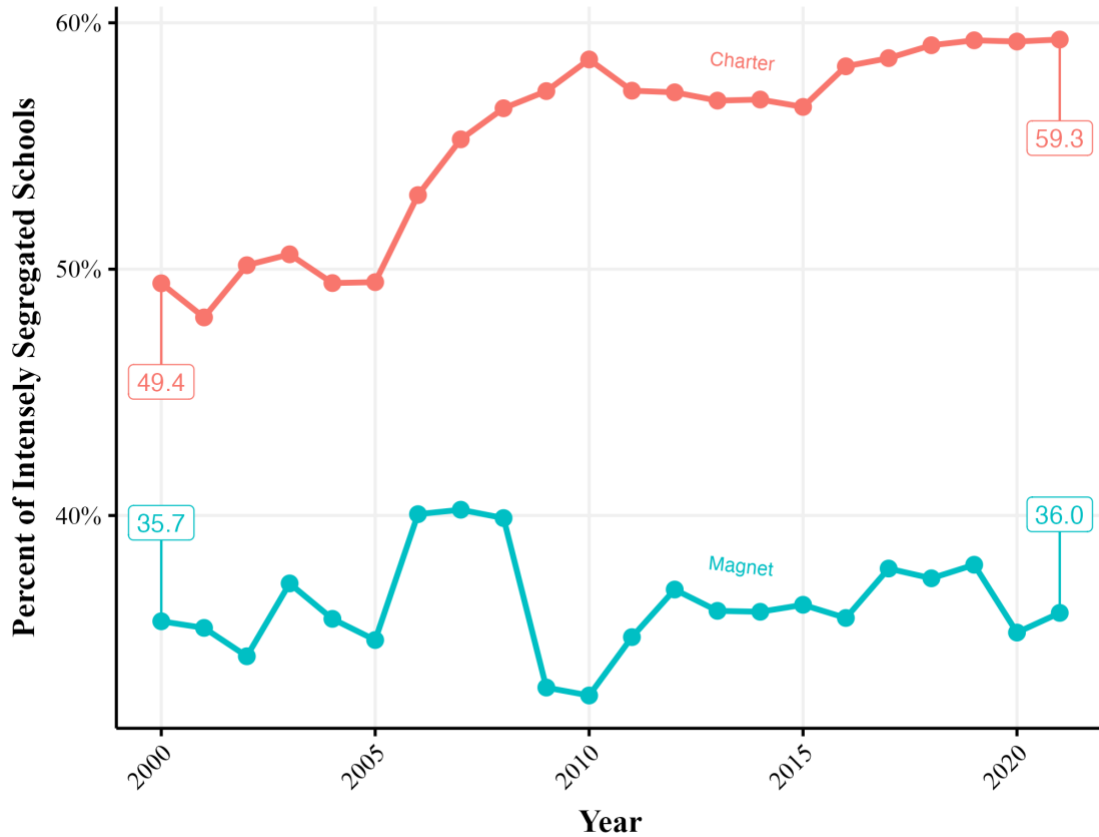
Figure 20: Exposure to Racial Groups: Magnet vs. Charter



Note. Includes schools in the analytic sample. Rolling 3-year averages. Caution should be used in interpreting these trends. In particular, peaks and valleys around 2009 may be an anomalous artifact of dirty data. Numerous states had missing magnet data for some years. A small subset of schools that were both magnet and charter were excluded.

There were important differences in racial exposure between the two choice types (Fig. 20). Compared to charter schools, Black students had more exposure to white students in magnet schools. In magnet schools, the average Black student was in a school that was 14.4% white in 2021 and the average Latino student was in a school with 15.1% white students. In charter schools, the comparable statistics were 8.3% and 10.9% white.

Figure 21: Percent of Intensely Segregated Schools, Magnet vs. Charter, 1998–2021



Source: The Common Core of Data.
 Note: Includes schools in the analytic sample.

The charter sector had the highest proportion of schools that were intensely segregated, as defined by schools that enrolled greater than 90% Black, Latino, Multiracial & American Indian (Fig. 21). In 2021, 59% of charter schools in the analytic sample were intensely segregated. In contrast, magnet schools in the same geographic districts were considerably less segregated, with only 36% being intensely segregated.

Conclusion and Recommendations

Segregation of U.S. schools continues to increase, especially intense double segregation by race and concentrated poverty. As we have passed through a vast transition in the racial composition of the society and our metropolitan communities, there has been a serious failure to develop policies to foster positive and equitable race relations. Segregation is harming the segregated students including the whites. We've given up the best chance we have to prepare all of our students for the very diverse society they will be living and working in. The deepening isolation has been spurred both by a Supreme Court hostile to desegregation, and the changing population of the U.S., with its historically low birth rates and several decades of overwhelmingly Latino and Asian immigration. Our unequal society has become more complex but there has been a policy vacuum.

What can we do about the increasing isolation in highly unequal schools? The numbers we've presented show the problems and trends. Research which is expanding our understanding of the lifelong consequences of segregation has raised the stakes. Statistics can describe the changes; they do not give the answers about policy. Policy requires goals, priorities, resources, information and accountability. This final section relies on a great deal of other research from the Civil Rights Project and many other scholars and educators who have been learning how to make diversity work for a half century. It is intended to stimulate discussion and action.

The *Brown* decision, the civil rights movement, and political leadership changed the schools and the society. Black students, especially in the South, experienced much more diverse education following enforcement of the 1964 Civil Rights Act and powerful decisions by the Supreme Court in the 1960s and early 1970s. In the brief period in which federal officials, the Supreme Court, and Congress created policies with clear goals, powerful enforcement mechanisms and the willingness to use them, historic changes took place.

Urban desegregation plans outside the South, however, were critically limited by the 1974 decision, *Milliken v. Bradley*, that protected the suburbs from desegregation orders, even when there was no plan excluding suburbs that could remedy the intentional segregation of students of color in heavily Black and Latino cities. No administration has actively pursued desegregation of Latino students and by the late 1980s their segregation was reaching the Black level of double segregation by ethnicity and concentrated poverty. As Latinos became our largest nonwhite group, this change was passively accepted and only in a few localities was there any serious effort to prevent it. By the 1990s, the major urban desegregation plans in the country were rapidly being dissolved by conservative courts and segregation was steadily rising across the country. The last major mandatory desegregation plans were ordered about 40 years ago. Since that time the plans relied heavily on magnets, voluntary transfers and choice with equity policies which have, however, been very severely weakened by key Supreme Court decisions from 1991 to 2007. The federal government withdrew from the field.

This report shows that the pattern of intensifying segregation was continuing into the 2021-22 school year, nearly 70 years after *Brown*. It shows that, in spite of the accumulation of powerful evidence that segregation harms the education and life chances of students of color, the major integration efforts have been halted and reversed. The basic stance of state and local educational leaders has been to let segregation return and to do nothing about it, acting as if high stakes test-based educational reform or school choice could actually solve the racial problem. After a quarter century of intense efforts focused on high stakes testing and sanctions, that failure led Congress to give up that effort in 2015 when the No Child Left Behind policies were ended. This report also shows the limited effect of the major forms of colorblind school choice as presently operated. So, now the question is whether it is still possible to increase integration as a crucial part of school reform.

When desegregation policies were framed in the 1960s it was primarily about getting Blacks access to the better schools that had traditionally been reserved for whites only. Obviously, it is a much more complex context when Latinos became the largest minority group and Asians became a large presence. Blacks in some regions are now actually a minority in the schools dominated by Latinos, a minority within a minority often separated by culture and sometimes by language in schools of concentrated poverty. In the recent past, Asians have become the largest immigrant group arriving in the U.S. But Asians, *on average* (there are very disadvantaged Asian subgroups) are not segregated, and actually have higher education and income than whites and they tend to attend middle class schools with whites. Desegregation is about getting historically excluded groups access to the more powerful schools. Now the students in combined Black and Latino groups need access to the stronger schools and we need to create more of them. We need new understandings and better policies.

It is common in politics that people want problems solved but by someone else through policies that do not inconvenience themselves. Most Americans of all racial groups think integrated schools are better, but are divided about what, if anything, to actually do. There has been a vacuum in federal desegregation policy since the 1980s when the last substantial desegregation aid programs were shut down. Given the consolidation of highly conservative control of the Supreme Court under President Trump, it's very likely that leadership in this generation will have to come from other levels of government or from public interest or private institutions. Civil rights organizations can play an important role and so could universities.

There are no universal solutions, but many things still permitted could make a difference. These recommendations draw on a half century of research and experience and the research literature on the processes of racial change, resegregation, and school diversity. If the courts are not to order desegregation it is now much more in the hands of educators and local communities and

some state governments. So, it is important to think not only about what could work but also about what could pass in a legislative body or a school board. In a period of severe polarization, examples of successful effort to reap the potential benefits are needed. Until there are major political or legal change initiatives, there must be primary reliance on choice, training, incentives and supports. Because it is so easy to look at a very large issue and conclude that it is just too hard, it is time to begin work on areas where progress is possible with visible benefits.

The following steps could help:

- 1) Authorities or private interests could support schools that are now diverse working to create positive race relations and equitable learning experiences.
- 2) School districts could expand magnet schools with special educational offerings to attract diverse enrollment with more targeted recruitment and goals for diversity. Forbidden to select individual students on the basis of race or ethnicity, they can, for example, give priority to students from concentrated poverty neighborhoods or from a different home language among other possibilities that would be more likely to foster diverse enrollments.
- 3) There should be systemic efforts to offer desegregated choice options, including dual immersion magnet schools including native Spanish speakers with diverse English-speaking students, turning fluency in another language from a problem to an asset.
- 4) Students should be able to transfer from very low achieving schools to empty spaces in high achieving schools.
- 5) Charter schools should be required by charter issuers and by funders to reach out to include all groups as some are now doing.
- 6) In racially changing neighborhoods government should work to support integration and prevent resegregation by race and poverty in schools and housing, supporting positive images of integration. Subsidized housing and tenants should be located in areas with good schools, bringing students of color into more diverse, better schools.
- 7) There should be information centers and counselors to inform families of color about integrated housing and school options and support their choices. Free transportation is essential to support real choice.
- 8) When neighborhoods gentrify there should be efforts to include both long-time residents and newcomers in schools and strengthen the public schools. Where the newcomers are

mostly white, and the older residents are people of color, providing the strong education professional families demand would be an asset for all children if there were serious efforts to foster positive relationships.

- 9) Real estate, rental agents and others who take actions that resegregate diverse communities, such as steering or denying credit unfairly to clients, should be strongly prosecuted under fair housing and licensing laws.

With these elements, none of which coerces any family's decisions, there could be plans to produce a significant increase in lasting integration. It would not be the kind of sudden and complete desegregation that took place under good system-wide court orders. Such policies would be only partial solutions, especially in large, isolated communities of color, but they would offer choices and opportunities that do not exist there now for many students and help diverse communities toward successful experiences. At a time when most families of color in large metro areas already live in the suburban rings, such policies could make a very large difference in supporting lasting positive integration there.

During a long period of policy reversals and neglect, educators have lost focus on this issue though many see the stark inequalities among the schools. We have massive evidence on the unequal resources and opportunities in segregated schools and very little evidence of educational equalization across racial lines. A first step should be for schools and communities to adopt a basic goal of lasting positive integration. In many resegregating communities the problems are not mentioned and there is no focus on solutions, often replicating the kind of resegregation that damaged many city neighborhoods in the mid-twentieth century. Since segregation is a common experience for most Americans and it is tenaciously woven into our society, change requires clear goals and persistent efforts. Much is known about how things work better at the classroom and school level.

What can local and state leader and local activists do?

- 1) Monitor enrollment by grade, birth statistics, transfers in and out of school districts so that administrators and the public know what is happening.
- 2) Support aid programs to help diverse schools operate effectively and fairly.
Resources and technical assistance for school staffs and leaders make things better and diversify faculty. Proven classroom techniques support cooperation and mutual learning. Money is needed for curriculum, materials, recruitment and other dimensions of choice plans.
- 3) Provide state and federal priority for use of federal aid funds to operate intentionally diverse magnet schools. States have a great deal of control over priorities with federal and state funds and money is needed for successful creation of strong choices and for selection and assessment of leaders.
- 4) Create or expand state and district policies allowing students from very weak schools to transfer to stronger schools, including in other districts.
- 5) Many states have school choice and inter-district transfer policies that can often increase segregation if not appropriately organized. Adopt criteria and recruitment that foster movements from doubly segregated schools to diverse higher achieving schools, from schools with poor academic results to those with better opportunities.
- 6) Invest in public relations and information campaigns to offset middle class fears, welcome prospective parents and publicize positive school developments. Successful new school programs can create self-fulfilling prophecies. We are a society with great skills in marketing and it is needed to create new social possibilities.
- 7) Provide funds for regional collaboration in transfer and magnet programs.
- 8) Create more magnet schools with strong distinctive curricula and integrative recruitment and selection criteria giving priority for those desiring to move from concentrated poverty or linguistically segregated neighborhoods.
- 9) Require charter schools to show strategies and progress in reflecting the broader diversity of their region.
- 10) Require subsidized housing agencies and programs to build in areas with strong schools and to provide counseling to those getting aid about diverse opportunities.
- 11) When developers get a density bonus for including affordable units, require diversity outreach to various communities and reports on tenant composition.
- 12) In neighborhoods with major gentrification provide aid to schools to effectively

avoid school closing or creation of white flight schools if the enrollment declines.

13) Audit housing market practices with testers and data to disclose and sanction practices resegregating neighborhoods, sometimes with school issues, with real remedies including revocation of real estate licenses and building permits in serious cases.

14) Provide voluntary technical assistance to school districts and municipal governments in integration, planning, school districting, and staffing training, and community relations. Many talents can contribute to such efforts.

These policies and approaches would not end segregation; they would not be sufficiently powerful. They depend on choice, but choice must operate under the damaging limits imposed by the Supreme Court. Even so, they could greatly expand the number of diverse schools and educational options. In places where no opportunity for integrated schooling exists it would be created, and it could change the lives of some of the students who came. That could start to change the long process of intensifying segregation. Good examples and research could help create momentum for additional positive experiences and an incentive to think more broadly and deeper about overcoming segregation in blatantly unequal schools.

More far-reaching changes would require much more. Winning the *Brown* decision required a long-term strategy to build evidence and win legal victories, starting from a situation in which there was no serious challenge to segregation and an extremely conservative Supreme Court. In terms of federal constitutional law that is the situation again. The real change that affected all branches of the federal government came after there was a powerful and effective social movement and serious leadership in the White House and in Congress. The immediate future, of course, will be deeply affected by the 2024 election, as it was by the 1964 election which empowered an era of large civil rights progress and the 1980 election which turned the country and the Court in a very different direction. Given the continuing transformation of the U.S. population, we could be heading toward

rising support for civil rights within a generation in spite of the current Supreme Court. If that were to happen, it would be very important to have models and evidence for leaders to consider.

The Supreme Court is a huge barrier to positive federal policy, as long as the majority that rejected both precedent and evidence, and ended affirmative action in 2023, remains in power. In the near future, the role of the more progressive states could be extremely important in filling the policy vacuum. There are statewide desegregation lawsuits under way in Minnesota and New Jersey, with groups of activists in a number of cities raising the issues. Many educators know the inequality of the present system, and educators of color have often experienced it in their own lives. Some education leaders are creating new strategies for diverse schools. The civil rights movement started with small groups developing new dreams, creating new strategies, planting seeds for a different future.

American schools have been moving away from the goal of *Brown* and creating more “inherently unequal” schools for a third of a century. We need new thought about how inequality and integration work in institutions and communities with changing multiracial populations with very unequal experiences. Most educators have tacitly accepted segregation, treating it as normal, often pledging equal opportunity but knowing it is unequal. We have lost talent that was not developed, and our schools have not been mobilized to help create understanding and reduce stereotypes in a time of racial division that has deeply infected our political system. New leadership is badly needed. When civil rights rise again in our national debates, it will soon become apparent once more that segregated schools are inherently unequal and the schools that serve all children together with equity are central to any good outcomes.

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Appendix

Data and Measures

Primary data for this report come from the U.S. Department of Education, National Center for Education Statistics (NCES), Common Core of Data (CCD), Public Elementary/Secondary School Universe Survey Data. Most data were accessed through the Education Data Portal (Version 0.15.0) provided by the Urban Institute, which harmonizes the data across years. However, the most recent data, for 2021-22, were retrieved directly from NCES.

The CCD is a comprehensive listing of public elementary and secondary schools in the United States. The data cover school years 1986-87 through 2021-22. In this report, when a single year is reported it references the beginning of the school year (e.g., *2021* means school year *2021-22*). Student race has been reported in the CCD since 1987. Our analysis includes “regular” schools that were not marked as closed, inactive, or future. Schools in U.S. territories and schools that were missing basic location data were excluded. After these exclusions, 89,893 schools remained in the analytic data set for the 2021-22 school year.

Data for race were missing for a large number of records in the early years of the CCD, so interrupting early trends should be done with caution. The small subset of students whose race was reported as “unknown” or “not reported” were recoded as multiracial (otherwise known as two or more races). Importantly, the categories for reporting race changed over time. Given these changes, Asian, after approximately 2008 (depending on the state), as used in this report, is a sum of Asian and Native Hawaiian or other Pacific Islander. The introduction of the multiracial category adds difficulty to interpreting longitudinal trends. The introduction of Native Hawaiian or other Pacific Islander can be made mostly comparable with earlier data because both before and after the introduction of the new category the group would likely be included in the Asian category (see Richards & Stroub, 2020).

Free and reduced meal eligible student counts were created by summing students reported as qualifying for free or reduced priced meals. To create the proportion of FRPM this sum was divided by total enrollment. Some schools reported a subset of years of FRPM counts that were far different than the trend in other years. These school-year FRPM counts were set to missing and excluded from the analysis if they were extreme outliers (i.e., more than 4 times the interquartile range of the school for the other years available). The exposure-to-FRPM analyses were run with and without this exclusion and both sets of results were similar.

Calculating Exposure

The following formula was used to calculate exposure:

$$P_{AB} = \sum_{i=1}^n \left(\frac{a_i}{A} \right) \left(\frac{b_i}{t_i} \right)$$

where

- P_{AB} represents the exposure index of racial group A to B ;
- n is the number of small units (e.g., schools) in a larger unit (e.g., a district or state);
- a_i is the number of students in racial group A in the small unit i (school i);
- b_i is the number of students in racial group B ⁵⁸ in the small unit i (school i);
- A is the total number of students in racial group A in the larger unit (district or state);
- t_i is the total number of students in all racial groups in the small unit i (school i).⁵⁹

Values lie between 0 and 1, with smaller values indicating less exposure of group A to B .

Limitations with 2021 data

The 2021-22 data is from a provisional dataset provided by NCES. It is “as of” July 17, 2022 (v.1a), which was released in December 2022. After the as-of date, a handful of states updated data

⁵⁸ Note that for the exposure measures of racial groups to students in poverty (or qualifying for free and reduced priced meals) B represents students in poverty.

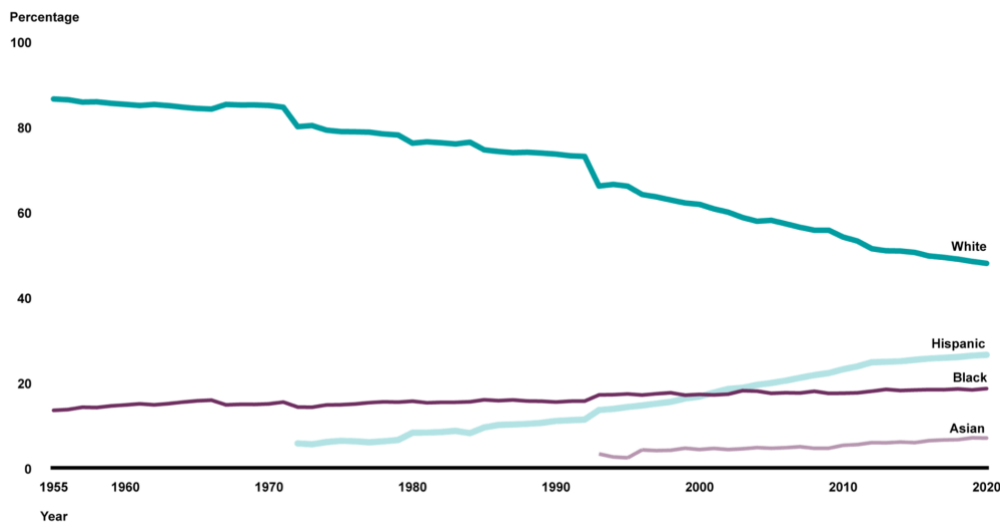
⁵⁹ Multiracial students were included in the total.

for 2021-22. Caution should be exercised when interpreting data into 2021. US Census data on [public school enrollment](#), collected every October via a large sample of households, shows a dip in 2020, but a rebound in 2021. This trend is different than found in the CCD data, which shows a dip in 2020, but then a continued decline in 2021.

School Enrollment from the Current Population Survey, US Census

The figure below (Figure 22) comes from data collected in the Current Population Survey and goes back further and with more regularity than the surveys conducted by the US Department of Education (e.g., the Common Core of Data). With data back to 1955, it is a useful supplement to Table 1, which begins in 1968.

Figure 22: Changes in K-12 Public School Enrollment, 1955–2020, by Race



Source. Reproduction from Student Population Has Significantly Diversified, But Many Schools Remain Divided Along Racial, Ethnic, and Economic Lines June 2022, [GAO-22-104737](#). GAO analysis of CPS data.

Figure 23: Percent of Intensely Segregated Schools, 1988–2021, by State



