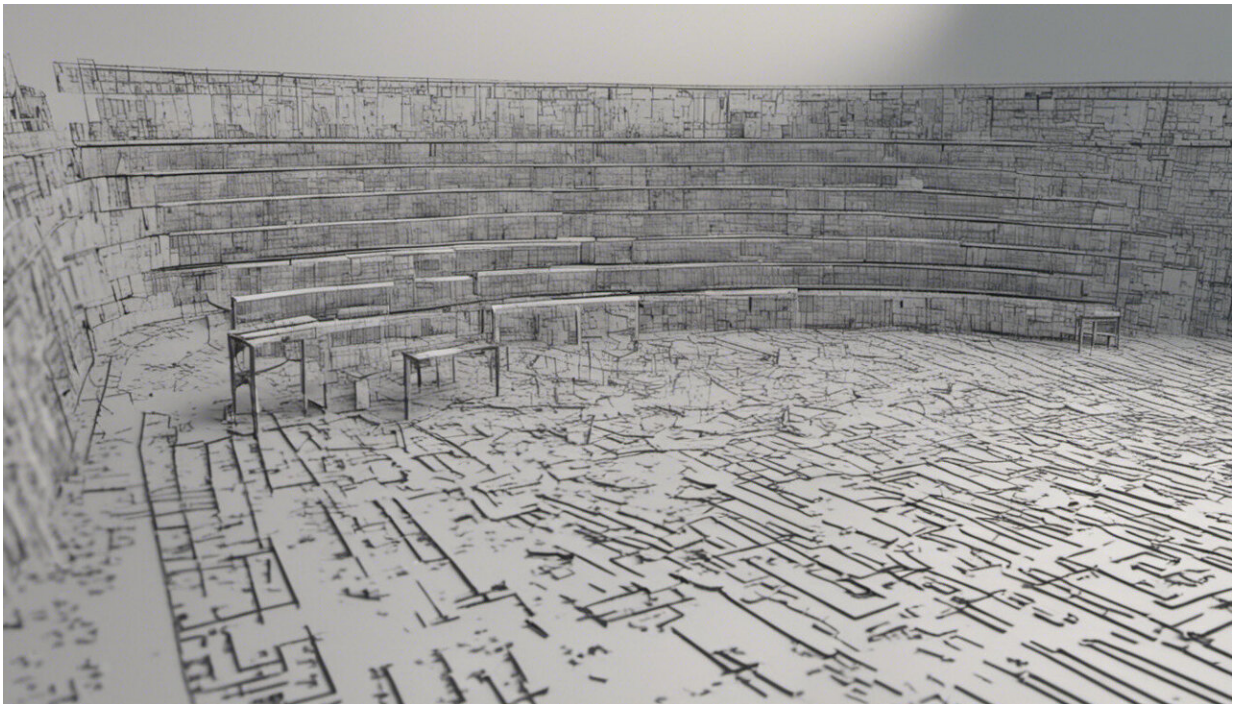


Schools resegregate after being freed from judicial oversight, study shows

December 5 2012, by Daniel S. Levine



Credit: AI-generated image ([disclaimer](#))

(Phys.org)—The lifting of court-ordered school integration efforts over the last 22 years has led to the gradual unraveling of a key legacy of the landmark *Brown v. Board of Education* decision. After being freed from judicial oversight, hundreds of large and medium-sized school districts in the South have steadily resegregated, slowly moving away from the

ideal of black and white children attending school together.

That's the finding of a study by researchers from the Stanford University School of Education, which was just published in the fall issue of the *Journal of Policy Analysis and Management*. It reports that nearly half of the almost 500 [school districts](#) that were under court order to desegregate as of 1990 have been released from judicial oversight during the last two decades, resulting in a slow but steady resegregation, as compared with districts where judicial oversight continues.

Smaller studies have examined the effects of the lifting of court-ordered desegregation plans. But the new study, which was conducted at the School of Education's Center for Education Policy Analysis, is believed to be the most comprehensive to date and looks at a longer time than previous studies. The researchers constructed a database that includes what is believed to be all 483 school districts in the country that enrolled at least 2,000 students and were under court supervision as of 1990.

"The study shows that many of the gains that resulted from the Brown decision are being lost," said Sean Reardon, a professor of education at Stanford and the lead author of the research paper "Brown Fades: The End of Court-Ordered School Desegregation and the Resegregation of American Public Schools." He added, "While the schools in these districts aren't becoming as segregated as they were before Brown, they are becoming much more segregated than they were 20 years ago."

In *Brown v. Board of Education of Topeka, Kansas*, a unanimous U.S. Supreme Court ruled that [segregated schools](#) were unconstitutional because "separate educational facilities are inherently unequal." It would take more than a decade after the 1954 ruling to enforce the decision in Southern school districts, but it eventually led to substantial decreases in school segregation throughout the South. But in a series of decisions in the early 1990s, starting with *Board of Education of Oklahoma City v.*

Dowell, the U.S. Supreme Court ruled that desegregation orders were intended to be temporary and eased the criteria required for release from court oversight.

The new study finds that more than 200 school districts – nearly half of those that were under court order to desegregate as of 1990 – have been released from court oversight during the last two decades. That trend has accelerated. If it continues, the authors say that the era that began with the Brown decision will soon be at an end.

Echoing previous studies, Reardon and his Stanford research team found no clear rationale for why court oversight was lifted in some districts but not in others. "Somewhat surprisingly, we found that the districts released from court orders were very similar to those not released in terms of their racial composition and segregation levels, suggesting that the process of release is not tightly linked to the success of the court order in producing integration," the paper says.

Reardon added: "If the districts being released from court oversight were those that have become most integrated, we might worry less about the number of districts that have been released, but that's not the case; many of the districts released from court order still had high levels of segregation at the time of release."

The Stanford researchers found that after being released from court oversight, school districts in the South, where nearly 85 percent of the cases occurred, became steadily more racially segregated. There was not strong evidence of resegregation in other parts of the country, where court orders were more often aimed at remedying inequities within a school system rather than integrating two separate school systems. In addition, the researchers found that the rate of resegregation is much larger in elementary grades, in large districts and in districts with larger black enrollments.

Reardon said the data show that the resegregation that happens after districts are released continues for at least 12 years. "There is not a sudden increase in segregation, but rather, a long gradual process," he said.

The study used three measures of segregation that have been used by other researchers in the past. One of these measures, the dissimilarity index, measures the proportion of students of one racial group who would need to switch schools in order that all schools would have the same racial composition. Among the districts that were under court order in 1990, the white/black dissimilarity index averaged 25.5, meaning that, on average, a quarter of black (or white) students would have had to switch schools in these districts to bring the schools into racial balance. After being released from court oversight, the dissimilarity increased by an average of 6.4 points over a 10-year period, to an average of 31.9. Among elementary schools, the index grew by 9.8 points, to an average of 35.3.

"While the increase may not appear that large at first glance, it indicates a worrisome trend, as it is very large compared to recent trends in school segregation levels," said Reardon. "School racial segregation levels have been relatively stable on average for the last several decades, rising modestly in some districts and declining in others. The average district released from [court order](#), however, saw segregation levels grow faster than 90 percent of other school districts."

The changes in the two other measures show the same pattern.

The resegregation of schools does not necessarily indicate any violation of the ruling in Brown. That ruling specifically related to finding segregation of schools unconstitutional when it results from state action – when state government or agencies require or enforce school segregation. It did not, however, find segregation unconstitutional if it

results from people deciding to live in segregated communities by choice. But nevertheless, it does raise some concerns, the researchers say.

"The retreat from court-ordered desegregation has real consequences in terms of the extent to which white and black children attend the same schools," said Reardon. "To the extent we think that's a problem, we should be worried about the end of the court orders."

Though there is evidence that desegregation in the 1960s and 1970s led to improvements in educational attainment by black students and possibly greater achievement, the researchers caution that it is unclear that resegregation seen in the 1990s and 2000s will have the opposite effect.

Reardon said that further study is needed to assess whether resegregation has significant consequences for educational attainment and academic achievement of students.

The [published version](#) of the paper is available for subscribers and for a fee. A [pre-publication version](#) of the article is available on Stanford's Center for Education Policy Analysis website.

The database the researchers constructed is also available for anyone to download.

Provided by Stanford University

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