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"What do separate and unequal schools look like in the 21st century? The legacy of state sponsored racial segregation in the South"

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“WHAT DO SEPARATE AND UNEQUAL SCHOOLS LOOK LIKE IN THE 21ST CENTURY?
THE LEGACY OF STATE SPONSORED RACIAL SEGREGATION IN THE SOUTH”

A Thesis

Submitted to the Graduate Faculty of the
Louisiana State University and
Agricultural and Mechanical College
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in

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by
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ABSTRACT

The vast majority of schools that have been subject to desegregation orders are located in the South. The official levels of state sponsored segregation by southern governments made the South unique. The South was a distinctive region when it came to racial brutality and resistance to racial integration. The American South is where the battle for school integration was fought with figures like George Wallace pledging segregation forever. What impact does the history of segregation have on southern schools today in relation to racial gaps in our education system? This analysis takes a look at the impact of historic state sponsored racial segregation on various education outcomes in the American South.

INTRODUCTION

In 1954, the Supreme Court of the United States ruled that segregation violated the Fourteenth Amendment of the United States Constitution in the area of public education. The Supreme Court ruled that social science evidence had found segregation impacted the self-esteem and promoted inferiority among African American children. The opinion in *Brown* also talked about the importance of education for society and democracy. The mandate in *Brown* was to provide every child in America regardless of race a fair and equal education. Since the ruling in *Brown* and the passage of the Elementary and Secondary Education Act in 1965, the federal government has been in the business of providing equal opportunity in education for every American. One of the biggest accomplishments of *Brown* was to put the issue of inequity in education at the forefront of the American public consciousness. *Brown* allowed equity in education to serve as the cornerstone of the civil rights movement. The inequity that *Brown* pointed out and sought to eliminate has proven to be deeply rooted in American society, and to date, its eradication has not occurred.

Racial and gender gaps in high school graduation rates, discipline rates, and test scores still persist. In the United States today, the national graduation rate is 68%, with nearly a third of high school students never graduating (Swanson 2004). The 68% national graduation rate masks some systemic racial and gender gaps in high school graduation rates. Students from historically disadvantaged minority groups have only about a fifty-fifty shot at finishing high school, by comparison, the graduation rate for Whites and Asians are 77 & 75 percent nationally (Swanson 2004). Males graduate from high school at about an 8% lower rate than females, but if you look at African Americans the numbers are dramatically worse (Swanson 2004).

The national graduation rate for African American females is about 56 percent compared to a national rate for African American males that is only 42 percent. The fourteen point gender gap is the largest among any racial group in the United States of America. The racial and gender gaps in the American education system persist beyond graduation rates.

In United States, zero tolerance laws and the proliferation of standardized test policies have created massive racial and gender gaps in these areas as well. Losen and Gillespie (2012) found that in 2009-2010 an estimated three million children lost instructional seat time due to suspension. The impact of this falls disproportionately on historically disadvantaged minorities in America, with African Americans bearing the brunt of this. The suspension rate for African American students in grades k-12 in the year 2009-2010 was 17%, compared to a suspension rate for White students of 5% (Losen and Gillespie 2012). The discipline gap has grown between African Americans and White students from 3 percent in 1972, to 11% in the year 2007 (Losen and Gillespie 2012). The large racial gap in our nation's standardized test results has become even more important due to the new reliance on standardized testing mandated by No Child Left Behind. African American and Latino children trail White children on average by 10 points on math and 7-8 points on reading tests (Duncan and Magnuson 2005). Race appears to be associated with serious negative policy consequences some sixty years after *Brown*.

In the year 2001, a bipartisan piece of education reform legislation was passed by a Republican president with the help of the liberal standard bearer in the United States Senate. The bill was called No Child Left Behind, and to some, it renewed the promise of *Brown* by promising to close the racial gaps in education outcomes. Since the ruling in *Brown*, the passage of the Elementary and Secondary Education Act, and No Child Left Behind, there has been substantial progress in giving more children a fair and equal education. However, the above

numbers show us that there is still an enormous amount of work to do in closing many of the racial gaps that exist in the American education system, but also in improving the system overall. There is still much work to be done in identifying factors to help close these gaps in America and improve not only our education system, but our democracy and society at large. The contribution of this thesis is to focus on the lingering effects of segregation and how they contribute to the failure of so many public school districts to thrive.

As of 2006, there were 287 school districts in the South that have yet to comply with the *Brown* ruling. In 2000, that number was 56% higher according to the US Commission on Civil Rights. A new study by Reardon et al. (2011) puts the total number of school districts nationwide that have yet to comply at 268. The list compiled by Reardon et al. (2011) is the most exhaustive and complete list to date on the status of school district compliance with *Brown*. Chief Justice Earl Warren spoke of the drastic impacts of a segregated school and how it inferred a sense of inferiority upon African Americans. Fifty two years later, we still have 287 school districts that have yet to comply with the ruling in *Brown*. In the past, this has been a very difficult issue to research because there was no master list kept anywhere of schools that have yet to comply with the ruling. Thanks to the wonderful work done by the United States Commission On Civil Rights and Stanford University today we have a more complete picture of school desegregation status. A more complete picture of desegregation allows me to examine the impact of being under a desegregation order.

The vast majority of schools that have been subject to desegregation orders are located in the South. The official levels of state sponsored segregation by southern governments made the South unique. In addition, no other region of the country came close the South's racial brutality and resistance to racial integration. The American South is where the battle for school

integration was fought with figures like George Wallace pledging segregation forever. What impact does the history of segregation have on southern schools today in relation to racial gaps in our education system? This research will be different from typical research on the impact of racial segregation on education because this looking at persistent segregation that has lingered for, at a minimum, 50 plus years. These cases represent some of the last vestiges of the Jim Crow South on that are still with us today. What does it mean for an African American, Hispanic, Asian, or White child to be attending school in a district that was once under a desegregation order or that may still be under such an order? How does a desegregation case influence graduation rates, racial gaps, and discipline rates across races? The research in this thesis hopes to shed light on these issues.

LITERATURE REVIEW

School Effectiveness

The school effectiveness literature is a broad literature that looks at many factors that influence student success and school success but uses a variety of measures to operationalize school success. The landmark study by Coleman et al. (1966) has shaped the direction of school effectiveness research since it was commissioned by Congress. Coleman et al. (1966) found that school resources, including teacher quality, did not have a statistically significant effect on student achievement. The study also found that educational backgrounds of the student body and their aspirations influence achievement rather than the racial composition. According to Wong and Nicotera (2004), the Coleman report results were misinterpreted to equate racial integration with educational opportunities, ignoring the importance of socioeconomic status and aspirations. The Coleman report's findings and methodologies have been criticized and challenged by education scholars (Alexander & Entwisle 1996; Barr, Dreeben, & Wiratchai 1983; Carver 1975). The debate surrounding the factors related to school effectiveness rages on in academic journals today with many scholars challenging the work of the Coleman report and some arriving at the same conclusion as Coleman.

The common view in the field is that the factors that influence student success such as high teacher expectations, rigorous curriculum, and a strong academic climate also are the same factors that determine whether or not a student stays in school (Purkey & Smith 1985). The opposing theoretical view is that different factors may influence different student outcomes (Fin 1989; Wehlage et al. 1989). Rumberger and Palardy (2005) find empirical support for the alternative view of school effectiveness, meaning a school that is effective in promoting achievement growth is not necessarily successful in reducing dropout or transfer rates.

Some research explains this by pointing out that the new standards in NCLB are prompting schools to discharge low performing students in order to meet new federal testing guidelines (Lewin and Medina 2003). Rumberger and Palardy (2005) find that student outcomes are most affected by background characteristics and schools have relatively small effects.

The research literature argues that a variety of individual student characteristics are related to student outcomes, including demographic characteristics such as ethnicity and gender and family characteristics such as previous achievement and retention (Bryk & Thum 1989; Chubb & Moe 1990; Goldschmidt & Wang 199; Johnson, Crosnoe, & Elder 2001; Lee & Smith 1995; 1999; McNeal 1997; Rumberger 1995; Rumberger & Thomas 2000). Some researchers find that social composition of the student body in a school can effect achievement apart from the individual level (Gamoran 1992). Swanson (2004) finds that a variety of socioeconomic variables impact the graduation rate of school districts in America. A variable often used to measure the socioeconomic status of a school district is the percentage of students on free and reduced lunch, and that was found to have a negative impact on graduation rates (Swanson 2004; Orfield et al. 2004). A standard way to measure free and reduced lunch is to take the national average which is 38% and then classify everyone above that as high and below that as low (Swanson 2004; Orfield et al. 2004). Numerous studies have shown that SES of the student body has a positive effect on student achievement (Coleman et al. 1966; Lee & Bryk 1989; Lee & Smith 1999).

The racial makeup of a student body also has an impact on student achievement and graduation rates. Orfield et al. (2004) found that minority majority school districts have lower graduation rates than majority white school districts; the gap was 18 points on average.

In the city of Atlanta, their predominately African American districts had a graduation rate average of about 39 percent (Orfield et al. 2004; Swanson 2004). Minority majority school districts achieved graduation rates or promotion to senior status rates the same as majority white districts when they contained high schools with selective programs, higher per pupil spending ratios, and a suburban location (Orfield et al. 2004; Swanson 2004). The literature about race and education success shows the intrinsic link in American society between race and socioeconomic status (Duncan, Brooks-Gunn, & Klebanov 1994).

Balfanz and Legters (2004) found that 80 percent of the nation's high schools that produce the highest number of dropouts can be found in 15 states. An interesting point about race and geography is that White students outside of the South are unlikely to attend dropout factories in large numbers (Balfanz & Legters 2004). The average White student in America goes to a school that is over three quarters White while the average minority student goes to a majority minority school (Swanson 2004; Orfield et al. 2004). The literature paints a picture of minority school children being the most economically disadvantaged and the most likely to be concentrated in failing school systems across the country. The factors that we know have the biggest impact on predicting dropout rates and low graduation rates are disproportionately associated with the poor and minority.

Other research argues that structural characteristics like location (urban, suburban, rural), size, and type of control impacts school performance (Rumberger & Thomas 2000). Swanson's (2004) analysis found that central city school districts have substantially lower graduation rates than any other type of district. Central city districts are consolidated metropolitan statistical areas (Orfield et a. 2004) and to be concentrated disproportionately with poor and minority students. The graduation rates were lowest where the majority of the kids were minorities and

overwhelmingly poor according to Swanson (2004). The research does suggest that those minority students, and even their White counterparts, benefit from being around a student body that is both racially and economically diverse. One of the structural factors that impact student outcomes is school type.

The education literature points out many advantages associated with having small schools and classes, well qualified teachers, and high per-pupil spending. Jewell (1989) argued that the education literature tends to send a singular message that smaller is better. There is no clear agreement about what constitutes a small or large school, but there is a general consensus that elementary schools are effective at around 300-400 and secondary schools around 400-800 (Cotton 1996). The size of schools is something that the federal government and local state governments can have an impact on. The research shows us that minority students are more likely to be attending the largest schools in the country with the highest dropout rates, and least favorable student to teacher ratios (Jewell 1989; Walberg 1992). Based on various geographic reasons and residential patterns, minorities tend to be concentrated in central cities or close-in suburbs that contain very large school districts. The way a school district is designed has an impact on dropout rates, graduation rates, and test scores so this impact should be taken into account. Other government actions that could impact graduation rates, discipline rates, and other education outcomes, their impact is not very clear in the literature.

There is a general consensus that teacher quality contributes to graduation rates, dropout rates, and test scores (Hanushek 1986). The impact of teachers' characteristics, such as certification and experience, on education outcomes is not very clear and creates considerable debate in the education policy community (Darling-Hammond, Berry, & Thoreson 2001; Goldhaber & Brewer 2001; Wayne & Youngs 2003). The evidence is mixed about which

characteristics of teachers matter in student success, but we do know of things about teachers that matter. The teacher to student ratio is shown to have a significant impact on student success (McNeal 1997; Rumberger & Thomas 2000). Toldson (2008) finds that African American teachers have a positive impact on the outcomes of African American students. This research finding would suggest that the government can help minority students by having a teacher workforce that is more representative of the student population. It is important to point out that the government role in improving graduation rates and providing more equitable discipline practices extends beyond policy that is regarded as education specific measures.

Barker and Grump (1964) found that small schools are better for student success because students are more engaged in extracurricular activities. Small schools and classes produce generally better results for all students in the country, but for the lowest performing minority students and the poor, the rate of improvement is the greatest (Berlin & Cienkus 1989; Eberts, Kehoe, & Stone 1982; Fowler 1995; Friedkin & Necochea 1988; Howley 1994; 1995; Huang & Howley 1993; Jewell 1989; Miller, Ellsworth, & Howell 1986; Rutter 1988; Stockard & Mayberry 1992). Small schools have on average better graduation and dropout rates than large schools, with large class sizes (Cotton 1996). In general, there is consensus that teacher quality matters, but there is some debate about what aspects of teacher quality matter most (Darling-Hammon, Berry, & Thorsen 2001; Goldhaber & Brewer 2001; Wayne & Young 2003). There is evidence out there that demonstrates that the pupil/teacher ratio matters when it comes to graduation and dropout rates (McNeal 1997; Rumberger & Thomas 2000). Small schools and class sizes contribute to academic achievement in a positive manner and have an even greater impact on the lowest performing students. The role of race and socioeconomic status in

graduation rates appears to be quite similar to the role of race and socioeconomic status in the literature on discipline rates.

Discipline Rates

The issue of disproportionality in discipline has been a topic of interest lately for government officials and policy makers. The Department of Justice and the Civil Rights Project at UCLA recently have done extensive work on what they refer to as an unnoticed crisis in America. Despite the recent popular interest in the area of disproportionate discipline, we have over 25 years of research that shows a consistent racial and socioeconomic bias in the administration of discipline (Children's Defense Fund 1975; McCarthy & Hoge 1987; Skiba, Peterson, & Williams 1997; Thornton & Trent 1988; Wu, Pink, Crain, & Moles 1982). Losen and Gillespie (2012) found that 1 out of every 6 African American students had been suspended more than once, while only 1 out of every 50 White students was suspended. We have an overwhelming amount of research that provides evidence of the racial and socioeconomic disparities in discipline rates but very little in the way of explanations as to why that is the case.

The research is limited in the area of what explains this huge racial divide in our administration of punishment. Some of the research links socioeconomic status and status of family to rates of suspension (Skiba et al. 1997; Wu et al. 1982). Bratlinger (1991), using qualitative research methods, interviewed students of different economic backgrounds, and found that everyone agreed that poor students were unfair targets of harsh discipline measures. Research does show that African American children are more frequently exposed to harsher discipline measures than mild alternatives when referred for an infraction (Gregory 1996; Shaw & Braden 1990; McFadden et al. 1992).

Losen and Gillespie (2012) find that other minorities are exposed to discipline at a higher rate than White students, but the evidence is not as clear across studies. An important finding for my current research project would be the fact that over discipline of African Americans is linked to proportion of African American students and the rate rises after desegregation (Larkin 1979; Thorton & Trent 1988). African American children that attend schools classified as high socioeconomic status, immediately after desegregation experience a sharp rise in the rate of discipline compared to those in poor schools (Larkin 1979; Thorton & Trent 1988).

The discipline literature contains some interesting findings about the intersection of race and gender. A number of studies have shown that boys are up to 4 times more likely than girls to be suspended or subjected to some other form of harsh discipline (Lietz & Gregory 1978; McFadden et al. 1992; Shaw & Braden 1990; Skiba et al. 1997; Taylor & Foster 1986). Gregory (1996) found that African American males are about 16 times more likely than White females to be subject to suspension or other harsh discipline measures. Research does find that African American male students are the most likely to be suspended, and this goes along with a perception problem of African American men and society. Some interesting psychology research has shown that African Americans tend to be disciplined at a higher rate because they are perceived as being more aggressive (Horner, Fireman, & Wang 2010). It has been found that teacher trust matters and African American teachers are less likely to refer African American students to the office (Horner, Fireman, & Wang 2010). The research about disproportionate discipline and race also shows these actions have a serious impact on the lives of students.

Research links student suspensions with a higher risk of retention in current grade, dropping out, and involvement with the juvenile justice system, even after controlling for race, poverty, and school characteristics (Losen & Gillespie 2012). The research shows us that a

disproportionate number of African American children are bearing the brunt of these measures. According to the Academy of Pediatrics, frequent out of school suspensions do not produce better learning environments, deter future misbehavior, or increase parental involvement (Losen & Gillespie 2012). This research ties into school effectiveness because out school suspension is linked to poor performance and bad education outcomes (Losen & Gillespie 2012). The school effectiveness research and disproportionate discipline research point to the persistent inequality in our society that Brown attempted to remedy. The Coleman et al. (1966) argued that essential student background characteristics are definitive and government education policy does not necessarily play a large role. Since that landmark study by Coleman many scholars and policy makers have argued that government can play a role in education policy. The government policy that has had the largest impact on education in this nation is *Brown v Board of Education*.

Racial Segregation

Racial segregation in the United States of America was always practiced unofficially after the Civil War and during slavery. In 1896, in *Plessy V. Ferguson*, the Supreme Court ruled in an 8-1 decision that separate but equal was legally permissible. When Justice Taney explained in the opinion that the Constitution cannot make equal what was not created equal, African American inferiority was endorsed by the Supreme Court. Separate but equal was the law of the land, but advocates for civil rights knew that separate would never be equal. The NAACP launched a legal strategy that would attack the separate but equal doctrine in state courts in hopes of getting to the Supreme Court.

The NAACP contested separate but equal in post-graduate schools on the basis of intangible qualities and material resources. In *Sweatt v. Painter*, the NAACP won its first major breakthrough that would ultimately pave the way for *Brown*. The major victory in *Sweatt v.*

Painter was to get the court to consider intangible factors when considering the quality of education. This was the first crack in the separate but equal legal doctrine that had been the law of the land since 1896.

The Supreme Court in 1954, in a unanimous opinion, ruled that separate but equal was inherently unequal, even if all the tangible resources in schools were the same. The Court would come back a year later in a separate ruling and order southern school districts to desegregate with “all deliberate speed” and put federal district court judges in charge. The decision in *Brown* used social science research to rule that segregation made African American children feel inferior, damaging their ability to learn and negatively affecting their life chances. It was not simply that African American students went to poorly resourced schools; segregation had a lasting impact on those students. The decision in *Brown* was met with massive resistance in the South. In the state of Virginia, officials chose to close public schools for years instead of integrating them (US Commission on Civil Rights 2007). All over the South, school boards and state legislatures did everything possible to avoid complying with the decision. A full decade after the decision in *Brown*, only 1.2 percent of African American school children attended a school with any White pupils (US Commission on Civil Rights 2007).

One branch of the federal government had guaranteed that African American children were entitled to an equal education in an integrated school, but for about a decade the executive and legislative branches were defiant or silent on the issue. In 1964, that would change with the election of Lyndon Johnson to the American presidency. The federal government took a carrot and stick approach to getting the South to comply with the decision in *Brown*. The Civil Rights Act of 1964 gave the Department of Justice the authority to sue school districts, when the received a complaint from a parent that does not have the resources to sue. The Elementary &

Secondary Education Act of 1965 gave poor school districts financial incentives to desegregate. In the 1960's, the federal government starts to push school districts to comply with the ruling in *Brown* and integrate. During the same time, the Supreme Court starts to get impatient with the massive resistance of the South to school integration.

The Supreme Court in *Green v. County School Board of New Kent County* gave specific guidelines for desegregation for the first time after *Brown*; Holley (2004) argues this is the true beginning of federal supervision. The Supreme Court identified 6 factors that would determine if all the vestiges of de jure segregation have been eliminated: student assignments, faculty assignments, staff assignments, transportation, extracurricular activities, and facilities (US Commission on Civil Rights 2007). The Supreme Court with this ruling took away some of the local control by giving specific and uniform indicators of complying with the decision. This new level of government involvement in the desegregation process had a real impact on the ground. Thernstrom and Thernstrom (1999) found that levels of interracial contact in southern schools shot up after 1968. In 1968, 78 percent of African American children went to schools that were 90% minority in the South, but from 1968-1972 that number fell to 25 percent (Thernstrom & Thernstrom 1999). In 1968, the election of Richard Nixon to the United States presidency changed the ideological makeup of the court.

The court took a dramatic shift to the right on issues of integration and school equity. In *Milken v. Bradley* the Supreme Court said that inter-district remedies were not permissible (US Civil Rights Commission 2007). The *Green* standards were gutted in the 1990's and the Supreme Court ruled that a district was in compliance, when it satisfied only 1 of the 6 conditions in *Green* (US Civil Rights Commission 2007). The language by the Court post-Warren era has even emphasized returning schools back to the local control, a standard strand of

conservative ideology. Despite the new emphasis on local control and a general drift to the right by the federal courts there is still a substantial number of desegregation law suits today.

Currently, there is no list anywhere that keeps track of the number of desegregation lawsuits that are still active today (US Commission on Civil Rights 2007). The US Commission on Civil Rights in the year 2007 published the desegregation status of the school districts in 7 states that were bound by the precedent in *Brown*. As of the year 2005, there were 287 school districts in the South at least that have yet to comply with the decision in *Brown*. Going back to the year 2000, there were still at least 430 school districts still under a desegregation order; the bulk of the decline in school districts no longer under a desegregation order have occurred post 2000 (US Commission On Civil Rights 2007). Table One paints a general picture of the current status of school district compliance with the opinion in *Brown* for a sample of southern states in the year 2007. The majority of the districts in these states were under a desegregation order at some point in their history. The majority districts placed under a desegregation order still functioned under a desegregation order as of 2007. In addition, Table One illustrates that some states have struggled to achieve unitary status more than others. For example, 53 of Louisiana's school districts were under a court order at some point in their history, and the majority of those districts in Louisiana were still under a court order as of 2007. In Alabama, nearly all of its school districts were under a court order for desegregation at some point. However, the majority of the districts that experienced a federal court order for desegregation had been declared unitary. Overall, North Carolina had only a small portion of its districts placed under court order desegregation and most of those districts have been declared unitary.

Table One: The Litigation Status of Every District in 7 States in the Deep South

State	Districts with Unitary Status	Districts Under Court Order	Uncertain Districts*	Nonlitigant Districts	Total Districts
Alabama	71	53		7	131
Florida	19	15		33	67
Georgia	33	76		71	180
Louisiana	16	43		9	68
Mississippi	24	71	1	53	149
North Carolina	12	15	12	76	115
South Carolina	18	14		53	85
Total	193	287	13	302	795

*Districts that are designated as uncertain are those districts that the US Commission on Civil Rights could not determine the status of their pending litigation (US Commission on Civil Rights 2007, 33).

Source: US Commission on Civil Rights Report 2007

Table Two illustrates the overtime decline in number of school districts placed under a desegregation order. The vast majority of school districts were placed under a court order during the 1960's, that decade saw 386 districts placed under a court order. There is clear decline in the number of districts placed under a desegregation order during subsequent decades. During the next decade, the courts put another 85 school districts under a desegregation order. The 1980's only saw 2 school districts placed under a desegregation order and finally in the 1990's only 1 school district in the state of Mississippi was placed under a desegregation order (US Commission on Civil Rights 2007).

Table Two: The Number of Districts Placed under Court Order by Decade in 7 Deep South States

State	1960s	1970s	1980s	1990s	2000s	Unknown*	Total Districts Ever Under Court Order
Alabama	123	1	0	0	0	0	124
Florida	17	17	0	0	0	0	34
Georgia	101	6	0	0	0	2	109
Louisiana	49	9	1	0	0	0	59
Mississippi	57	32	1	1	0	4	95
North Carolina	17	10	0	0	0	0	27
South Carolina	22	10	0	0	0	0	32
Total	386	85	2	1	0	6	480

*Unknown Category represents all the districts under a desegregation where the year of its origin could not be determined (US Commission on Civil Rights 2007).

Source: US Commission on Civil Rights 2007

The next and final chart in the literature review displays by decade and state the amount of school districts receiving unitary status. Table Three shows that the bulk of schools received unitary status in the 2000s. No school districts achieved unitary status in the 1960s. North Carolina is the only state that goes against this general trend of increasing unitary status in the 2000s. All of North Carolina's districts received unitary status did so prior to the 2000s. Nearly 63% of all unitary districts achieved that status in the 2000s, illustrating the general loosening of requirements necessary to be declared unitary by the courts.

Table Three: Number of Districts by Decade that Received Unitary Status

State	1960s	1970s	1980s	1990s	2000s	Unknown*	Total Districts With Unitary Status
Alabama	0	14	6	6	45	0	71
Florida	0	6	2	5	6	0	19
Georgia	0	2	2	4	25	0	33
Louisiana	0	3	1	0	11	1	16
Mississippi	0	1	3	2	18	0	24
North Carolina	0	6	1	5	0	0	12
South Carolina	0	0	2	0	16	0	18
Total	0	32	17	22	121	1	193

*Unknown Category represents all the districts under a desegregation where the year of its origin could not be determined (US Commission on Civil Rights 2007).

Source: US Commission on Civil Rights 2007

In the most recent decade we saw a rapid increase in the number of districts receiving unitary status, it is interesting to not also there has been a surge in research about re-segregation during the same decade (Ogletree 2005). The fact remains that there are a large number of school districts that have yet to comply with the decision in *Brown*. The numbers are truly staggering, when one thinks fifty plus years after the landmark decision in *Brown*, 287 districts have yet to comply with its ruling as of 2005. In fifty plus years a large number of school districts in the South have yet to live up to the legal promise of *Brown*. What does this mean for those children in the South that are still going to those segregated schools?

THEORETICAL DEVELOPMENT

The Supreme Court of the United States in the landmark ruling in *Brown* used social evidence to justify the detrimental effects of racial segregation upon African American children.

“Segregation of white and colored children in public schools has a detrimental effect upon the colored children. The impact is greater when it has the sanction of the law; for the policy of separating races is usually interpreted as denoting the inferiority of the Negro group. A sense of inferiority affects the motivation of a child to learn. Segregation with the sanction of law, therefore, has a tendency to retard the educational and mental development of Negro children and to deprive them of some of the benefits they would receive in a racially integrated school system (Cushman & Urofsky 2004, 175).”

The Court ordered that this system of state sponsored segregation be abolished and that children be given the chance to attend racially integrated schools. The major contribution, this thesis makes is to examine the impact of state endorsed segregation in public education fifty plus years after *Brown*. In the 21st Century, no one in a position of power explicitly endorses racial segregation, but the schools that have been impacted by a desegregation order give us a unique opportunity to explore the possibility of lingering effects from a time when such explicit endorsement was the norm in the South. The school districts that were forced to comply with the decision in *Brown* are school districts that were branded as state sponsors of segregation. Justice Warren used social evidence to describe the detrimental effects that segregated school systems had on minority school children.

The central argument of this thesis is that the detrimental effects of segregated school systems still linger today. In fact, this research argues that the lingering effects of past segregation and current segregation play a role in explaining district graduation rates, the racial gap in graduation rates and the racial gap in district discipline rates. This argument is based on two principal ideas. The first relates to how racial and ethnic inequalities with their

corresponding attitudinal and institutional legacies shape current public policy. The second relates to a fading interest in enforcement and a lack of consistency in enforcement strategies by the federal government.

V.O. Key (1949) argued for the centrality of race in southern politics. Hero (1998) maintains that racial diversity matters in shaping policy patterns across the American states. In fact, scholars such as Dye (1981) and Erikson, Wright and McIver (1993) argue that racial context matters for policy even when political ideology and socioeconomic factors are taken into account. Tolbert and Hero (2001) argue that a social diversity interpretation of a society's racial structure "suggests that the potential for policy outcomes with detrimental impacts for minorities is higher in political jurisdictions with large racial/ethnic populations" (p.577). The attitudinal and institutional legacies of racism are evident in political participation and partisan cleavages (Hill 1994; Hero 1998; Hutchings and Valentino 2004) and disparities in policy implementation (Hero 1998; Meier and Stewart 1991; Davis, Livermore, and Lim 2011). Education policy has proven to be a fertile field for examining the lingering effects of race in an institutional capacity as illustrated in the literature review. It seems entirely reasonable to hypothesize that the presence of a desegregation case in a district's past or in its current legal status might have some effect on education outcomes today.

The story of *Brown* from a judicial perspective and administrative perspective has been an inconsistent approach to enforcement. The Warren court era is one of tough guidelines handed by the court, but they also had a willing partner in the executive branch in the Johnson administration. The era of stringent requirements ends with the Warren Court and Johnson administration. Conservative justices and conservative politicians have dominated American politics from 1968-2008. In the 40 years from 1968-2008, the Democratic Party only controlled

the oval office for 12 of those years. The conservative justices began to focus on returning school districts to local control at the expense of substantive policy compliance. In the 1990's, the Supreme Court ruled that school districts would be found in compliance if they complied with only 1 out of 6 conditions established by the court earlier (US Commission on Civil Rights 2007). In the *Dowell* opinion, the Supreme Court talked about the importance of returning these schools back over to local control. The bulk of school districts granted unitary status has occurred after this court decision. Reardon et al. (2011) in some ground breaking research found that unitary status and non-unitary status districts tend to look the same. The major finding by Reardon et al. (2011) was that once released, levels of segregation gradually rise in those districts. School districts with a history of state sponsored segregation after oversight they revert back to their old ways gradually (Reardon et al. 2011). The kind of sustained enforcement necessary for substantive change has never really existed in our politics. The argument can also be made that the American public has lost interest in school desegregation.

Compliance and non-compliance with the decision in *Brown* is at its core as much about politics as it is about public policy. Patashnik & Zelizer (2009) argue that policy does not necessarily change the politics of an issue. Soss & Schram (2007) find that welfare reform in the 1990's did not de-racialize the issue of welfare. The politics around the issue of school integration are two fold with White Americans largely supporting it in principle, but the specific policy necessary to enforce it does not garner majority support. If you combine this with the inconsistent support and enforcement from the judicial branch and elected leaders, making real change through desegregation orders is a difficult task.

Making real change through desegregation becomes very difficult, when large portions of White Americans feel that we are beyond our racial challenges. School districts also have to deal with White flight to private schools, so a tough job is made even more difficult.

The argument presented here is that the landmark ruling *Brown* has not changed the politics around enforcing the decision. In the South, the *Brown* decision was met with massive resistance. Implementation of the decision has never been very easy and though overt discrimination is down, in many subtle ways, individuals have undermined the landmark decision. It has only become more difficult to enforce constitutional decisions that are race based with the current makeup of the Supreme Court. The Chief Justice of the Supreme Court in 2007 in *Parents Involved in Community Schools v. Seattle School Board* stated that “if we are to stop discrimination based on race, then we have to stop discriminating based on race”. The inability of our elected leaders and judges to consistently enforce *Brown*, leads me to argue that many of those detrimental factors have not been remedied effectively. The political realities of school integration and inconsistent enforcement measures leads me to argue that unitary and non-unitary status districts will have the same detrimental effect on African American school districts.

The impact of a court order will extend to factors beyond academic performance to factors like discipline measures. In the United States, we have over 25 years of data that shows minorities and African Americans in particular, are disciplined at a much higher rate than White students. What is argued here is that the school districts that have been under a court order will have a racial gap that is higher than those districts that have never been under a court order. Other scholars in the field of political science have noted linkages between racial attitudes and responses to desegregation, such as residential location.

One explanation that has been advanced is known as the racial threat hypothesis. The racial threat hypothesis is the theory that the larger the African American population in an area the more resistant Whites will be to Black progress because Whites feel they will have to sacrifice something for Blacks to progress. Rocha and Espino (2003) state the racial threat hypothesis is when a super ordinate group (an example would be Whites) becomes more racially hostile as the size of the proximate subordinate group increases, which punitively threatens the former's economic and social privilege. The racial threat hypothesis was first used by Key (1949) when he noticed that conservative gubernatorial candidates enjoyed the most support in southern counties with the highest African American population.

Glaser (1994) used the racial attitudes of a campaign worker in Alabama to help explain how the racial threat hypothesis works in practice. A campaign aide in Alabama sums up the racial threat hypothesis perfectly with the statement, "Nothing against the blacks from around here. They're genteel people on the whole. But when you bring some folks up, when you try to equalize them, you've got to bring other folks down. And we're tired of being brought down" (Glaser 1991, 136). The woman in this quote even became a Republican because she felt that whites had been giving up jobs, education opportunities, and benefits to blacks in a quest for equality for blacks (Glaser 1994, 136). Progress is viewed as a zero-sum game within the racial threat hypothesis and any increase in progress means a decrease for another group or individual American. The sizable African American population in the South makes it a great case to study the racial threat hypothesis. The research around the racial threat hypothesis seeks to explain the effect of someone's residential environment on their political behavior (Campbell, Wong, Citrin, 2006, 1).

Within the field of political science, the racial threat hypothesis has been used to explain a variety of different political phenomena in the South, including elections, racial attitudes, and the decline of whites in the Democratic Party (Giles & Hertz 1994). Giles and Hertz (1994) found that as the number of black southern Democrats grew, the number of white southern Democrats declined. The authors linked the decline in whites to a feeling that the large black increase was going to shift the priorities of the Democratic Party away from their needs to the needs of blacks. For example, one study found that whites were more resistant to black progress in areas with the highest concentration of blacks (Glaser 1994). This study on white racial attitudes in the south at the county level found that in the counties with the largest black population whites were more racially conservative. The study did not prove that the attitudes of whites were due to the prejudice of whites but the attitudes came about because of the possibility of black political progress. While these studies provide support for the racial threat hypothesis, not all research has come to the same conclusion.

In a study of three California ballot initiatives the racial threat hypothesis was shown to have a minimum effect on white voters voting on only proposition 187 (Campbell, Wong, and Citrin 2006). In the same study on issues like affirmative action and bilingual education, the percentage of minorities had no influence on the votes cast by whites on those ballot measures (Campbell, Wong, and Citrin 2006). Baybeck (2006) found that the racial threat hypothesis did not have a significant effect upon the attitudes of whites. In the study, Baybeck found that often the racial make-up of the city differs from that of the neighborhood for many whites in a city and he found the racial context matters when talking about the racial threat hypothesis. The presence of blacks in the study did not yield a negative effect upon the attitudes of whites.

In a study by Voss (1996) the racial threat hypothesis did not explain the vote for David Duke in that election because whites in heterogeneous areas were no more likely to support Duke than whites in homogenous areas. Despite these findings, political scientists have yet to test the impact of the racial threat hypothesis on student outcomes and White resistance to integration.

The literature demonstrates that the size of the African American population can be negatively related to attitudes about African American progress and generally more racially conservative attitudes. In many cases the size of the African American population is related to negative outcomes for African Americans. V.O. Key (1949) found that race and racial attitudes was at the center of southern politics, and race is expected to still play a pivotal role in southern politics and school performance. The size of the African American population should be positively related to the racial gap in discipline rates and racial gap in graduation rates.

H1: Graduation rates will be lower in districts that have been involved in a desegregation case. The impact of desegregation cases on graduation rates will be mitigated by the size of the African American student population in the district. Desegregation cases will have their greatest impact on graduation rates, when the African American population is higher.

H2: The gap between African American and White student's graduation rates will be greater in school districts that have been involved in a desegregation case. The impact of desegregation cases on the gap between African American and White students will be mitigated by the size of the overall African Americans student population in a district. Desegregation cases will have their greatest impact on graduation rate gaps, when the African American population is higher.

H3: Discipline rates will be higher for African American students, then White students in districts with a desegregation case. The impact of desegregation cases on the gap between African American and White students discipline rates will be mitigated by the size of the African American student population in the district. Desegregation cases will have their greatest impact on discipline rate gaps, when the African American population is high.

DATA AND METHODS

The influence of desegregation orders on educational outcomes is assessed in the states of Louisiana, Mississippi, Alabama, Georgia, South Carolina, and North Carolina. Combined these states contain a total of 795 school districts. Due to missing data, fifty-two percent (417) districts are included in the statistical analysis. The South was the primary region in the US affected by the decision in *Brown*. My sample of southern states captures the diversity of the region with Upper South, Deep South, and even border south being represented. The states in the sample are nationally unrepresentative in regards to the size of the African American populations, but this gives me even more confidence in my sample. The goal of *Brown* was to focus on those African American children in the South whose future was adversely affected by segregation; today, sixty-seven percent of African Americans reside in the South.

A complete description of each variable and their sources can be found in Appendix A. Three measures of educational outcomes are used in the analysis. The first dependent variable is the average freshman graduation by school district for the year 2004-2005, and it is collected from the Department of Education's Common Core data set at (nces.ed.gov/ccd). This variable is a continuous variable that ranges from 13 percent to 98 percent. The average overall graduation rate is 63.2 percent. The next dependent variable is collected from the Data Center Kids Count (datacenter.kidscount.org) and it is the African American and White racial gap in graduation rates by school district for the year 2009. The Data Center Kids Count is one of the few places you can find the graduation at the district level by race. Due to the limited availability of this type of data, the analysis only contains data for two of the states Louisiana and Mississippi. This variable ranges from -1 to .796 and it is continuous. The average gap between the races in graduation rates is .063.

The final dependent variable is the racial gap in discipline rates compiled from the UCLA Civil Rights Project (civilrightsproject.ucla.edu) for the year 2009. The gap is the difference between the African American discipline rate and White rate for each school district. This variable is continuous and ranges from -.1 to .64. The average discipline gap is .09.

The data for the independent variables comes from the Department of Education's Common Core data set, Commission on Civil Rights, Reardon et al, (2011), and the UCLA Civil Rights Project. The compiled the desegregation status independent variable for the seven states in my analysis from *the Commission on Civil Rights Report titled Becoming Less Separate: School Desegregation, Justice Department, and the Pursuit of Unitary Status* about the status school subject to a desegregation order for hypothesis one. The desegregation status independent variables were collected from the Reardon et al. (2011) paper for hypotheses number two and three. School districts that have been subject to a desegregation order are coded as a 1 and those never subject to a desegregation order are coded as a 0. The analysis contains data from the Commission on Civil Rights report to test hypothesis one, but not for the other two hypothesis because of data availability.

The data for discipline rate racial gaps and graduation rates racial gaps were not available until the year 2009 and the Commission's data only go up to the year 2005. Reardon et al. (2011) collected data on the status of school districts that is current as of the year 2009. In order to test the second and third hypothesis, data was used from Reardon et al. (2011) to update the desegregation independent variables. Desegregation status is expected to be positively related to the racial discipline gap, racial graduation rate gap, and negatively related to overall graduation rates.

Earlier research indicates that there are other demographic and socioeconomic variables that relate to educational outcomes. In particular, an interactive relationship is hypothesized between desegregation status and the proportion of African American students in a school district. The variable for the student population was collected from the Common Core data set for the year 2004-2005 and the UCLA Civil Rights Project for the year 2009. It is expected that the portion of African American students in a school district will be positively related to racial discipline gaps, racial gap in graduation rates, and negatively related to overall graduation rates.

There is a clearly defined link between poverty and education outcomes in the literature discussed earlier. As a consequence, the percent of free and reduced lunch students for the school districts is included in my analysis as a control and were collected from the Common Core data set for the years 2004-2005 and 2008-2009. It is expected that the percent of free and reduced lunch students to be positively related to racial gaps in school discipline rates, racial gaps in graduation rates, and negatively related to overall graduation rates. There are mixed results in the literature regarding spending and institutional characteristics. In order to avoid the potential of omitted variable bias, total revenue per pupil and teacher student ratio are included as controls. The variable was collected from the Common Core data set for the years 2004-2005 & 2008-2009. It is expected that per pupil spending should be negatively related to the racial gap in discipline rates, racial gaps in graduation rates, and overall graduation rates. The Department of Education's Common Core data set is also the source for the pupil to teacher ratio. In order to control for potential differences across urban and rural school districts, the analysis contains a variables that is coded as a one for urban and a zero for non-urban school districts. All of three of the dependent variables are continuous so the statistical methods used will be OLS multivariate regression models.

RESULTS

The results from the ordinary least squares regression predicting a district's overall graduation rate can be found in Table Four. Model One tests the independent effects of a desegregation case and a district's black student population on graduation rates. The overall model is statistically significant with an $F(6, 410)$ of 24.54 and corresponding $\text{Prob} > F$ of .000. The adjusted R-square for the model is .25. The hypothesis that school districts involved in a desegregation case will have lower graduation rates than school districts without such a case is rejected. *Desegregation Case* fails to achieve statistical significance. *Pct Black Students* achieves statistical significance in a one-tailed test with a $P > |t| = .074$. The relationship between *Pct Black Students* and *Overall Graduation Rates* is positive. The effects of changing percentages of black students in a district are illustrated in Table Five. Decreasing *Pct Black Students* from its mean of .398 to .121, one standard deviation below the mean decreases *Overall Graduation Rate* from 63.48 to 62.25. Increasing *Pct Black Students* from its mean of .398 to .675, one standard deviation above the mean increases *Overall Graduation Rate* from 63.48 to 64.71. Of the control variables included in the model, only one achieves statistical significance. *Pct Free and Reduced Lunch* are negatively related to overall graduation rates.

Model Two, testing the interactive relationship between desegregation status and increasing black student population, is statistically significant with an F of 21.78 ($\text{Prob} > F = .000$). The results from Model Two indicate that the effect of a desegregation case on a school district's graduation rate is mitigated by the district's black student population. The interaction term *Desegregation Case * Pct Black Students* is statistically significant with a $P > |t| = .044$. The coefficient of -8.167 indicates that our hypothesis is correct, increasing black student populations are associated with lower levels of graduation rates in desegregation districts.

Table Four: OLS Predicting Overall Graduation Rates

State	Model One Coef.	Std. Error	P> t	Model Two Coef.	Std. Error	P> t
Desegregation Case	0.287	1.082	0.791	2.673	1.600	0.096
Pct Black Students	4.416	2.469	0.074	10.770	3.997	0.007
Desegregation Case*Pct Black Students				-8.167	4.049	0.044
Pct Free and Reduced Lunch	-32.484	3.639	0.000	-31.901	3.637	0.000
Urban District	-0.521	.942	0.580	-0.405	.940	0.667
Total Revenues Per Pupil	0.000	.000	0.164	0.000	.000	0.237
Pupil Teacher Ratio	0.080	.257	0.757	0.119	.256	0.643
Constant	83.370	4.979	0.000	80.453	5.167	0.000
Number of Observations	417			417		
F	24.540		Prob>F=.000	21.780		Prob>F=.000
Adjusted R-Square	0.254					0.259

Table Five illustrates the effects of the interactive relationship. At low levels of *Pct Black Students*, a desegregation case actually appears to help graduation rates. At one standard deviation below the mean (.121) for *Pct Black Students*, the *Overall Graduation Rate* without a desegregation case is 61.07 compared to 62.74 with a desegregation case. At the mean of *Pct Black Students*, the *Overall Graduation Rate* is slightly lower when *Desegregation Case=1* at 63.45 compared to 64.04 when *Desegregation Case=0*. The difference between districts with and without a desegregation case becomes larger at one standard deviation above the mean of

Pct Black Students. The *Overall Graduation Rate* when black students are a substantial majority in a district (.675) and there is no desegregation case is 67.02. *Overall Graduation Rate* falls to 64.17 when that same district has experienced a desegregation case. Of the control variables included in the model, only one achieves statistical significance. *Pct Free and Reduced Lunch* are negatively related to overall graduation rates.

Table Five: The Effect of Desegregation and the Percent of Black Students on Graduation Rates

		0	1
Pct. Black Students (Model One)	1 SD Below		62.25
	Mean		63.48
	1 SD Above		64.71
Desegregation Case*Pct Black Students (Model Two)			
	Desegregation Case	0	1
	Pct Black Students at		
	1 SD Below	61.07	62.74
	Mean	64.04	63.45
	1 SD Above	67.02	64.17

Due to the data limitations, the analysis only contains data from Louisiana and Mississippi to determine the impact of desegregation cases on racial discipline gaps. The results presented here from the ordinary least squares regression model can be found in Table Six. Model Three tests the independent effects of a desegregation case, and size of the African American student population on the Black and White graduation rate gap. The overall model is statistically significant with an F (6, 82) of 2.33 and corresponding Prob > F of .0401. The second hypothesis that the racial gap in graduation rates will be higher in districts affected by a desegregation order cannot be rejected ($P > |t| = .092$ a one tailed test). The negative relationship

means that the racial gap in graduation rates between White Americans and African Americans decreases in a state that never been under a desegregation order.

Table Six: OLS Predicting the Racial Gap in Graduation Rates

State	Model Three Coef.	Std. Error	P> t 	Model Four Coef.	Std. Error	P> t
Desegregation Case	-0.049		0.092	-0.082	.056	0.151
Pct Black Students	0.037		0.648	-0.007	.103	0.948
Desegregation Case*Pct Black Students				0.078	.117	0.507
Pct Free and Reduced Lunch	0.217		0.07	0.212	.119	0.08
Urban District	-0.056		0.077	-0.058	.031	0.068
Total Revenues Per Pupil	-6.91		0.558	-7.64	.000	0.52
Pupil Teacher Ratio	0.002		0.881	-0.002	.001	0.859
Constant	-0.095		0.684	-0.062	.237	0.0792
Number of Observations	82			82		
F	2.33		Prob>F=.040	0.06		Prob>F=.150
Adjusted R-Square	0.0829					0.0766

The gap on average decreases from about .064 in district with a desegregation case to about .014 in a district without a desegregation case. Two of the control variables are statistically significant. *Pct Free and Reduced Lunch* are positively related to the racial gap in graduation rates. In addition, the urban or rural nature of a district is statistically significant and in a

negative direction. This means rural districts on average have a lower racial gap in graduation rates than urban districts.

Model Four, which tests the interaction between segregation status and black student population, is statistically insignificant ($F=.06$ $Prob>F=.1501$). The interaction between a district that has been affected by a desegregation order and the size of the African American student population was found to be statistically insignificant in Model 4. Two of the control variables are statistically significant. *Pct Free and Reduced Lunch* are positively related to the racial gap in graduation rates. In addition, the urban or rural nature of a district is statistically significant and in a negative direction. This means rural districts on average have a lower racial gap in graduation rates than urban districts.

Table Seven: The Effect of Desegregation and the Percent of Black Students on the Racial Gap in Graduation Rates

		0	1
Pct. Black Students (Model One)	1 SD Below	62	62.2
	Mean	63.1	63.4
	1 SD Above	64.4	64.7

The next results, presented from the ordinary least squares regression can be found in Table Eight. Model Five tests the independent effects of a desegregation case and the size of the African American student population on the racial discipline gap. The overall model is statistically significant with an $F(6, 553)$ of 18.35 and corresponding $Prob > F$ of .000. The adjusted R-square for the model is .16. The third hypothesis that disciplines rates will be higher

for African American students than White students in those districts effected by a desegregation was found to be statistically insignificant ($P > |t| = .614$).

Table Eight: OLS Predicting the Racial Gap in Discipline Rates

State	Model Three			Model Four		
	Coef.	Std. Error	P> t 	Coef.	Std. Error	P> t
Desegregation Case	-0.003	.006	0.614	0.01	.010	0.307
Pct Black Students	0.128	.015	.000	0.158	.023	.000
Desegregation Case*Pct Black Students				-0.042	.024	0.085
Pct Free and Reduced Lunch	-0.052	.021	0.012	-0.05	.021	0.015
Urban District	-0.0004	.006	0.934	-0.0001	.006	0.974
Total Revenues Per Pupil	-5.3	.000	0.633	-4.54	.000	0.682
Pupil Teacher Ratio	0.003	.002	0.021	0.003	.002	0.024
Constant	-0.025	.031	0.407	0.016	.031	0.596
Number of Observations	560			560		
F	18.35		Prob>F=.000	16.21		Prob>F=.000
Adjusted R-Square	0.157					0.16

The African American student population in a school district does have a statistically significant impact on the Black and White racial discipline gap ($P > |t| = .000$). As the African American student population in a district rises, the racial gap in discipline increases also. When the African American student population in the district is one standard deviation below its mean population of 12%, the racial discipline gap is at 5%. The racial discipline gap increases to 9%,

when the African American student population in the district is at its mean of about 40%.

Finally, when the African American student population in the district is at its maxim of 68%, the discipline gap rises to 13% on average. Two of the controls *Pct Free and Reduced Lunch* and *Pupil Teacher Ratio* are statistically significant. Higher levels of free and reduced lunch students are associated with lower discipline gaps across the races. Higher *Pupil Teacher Ratios* are associated with greater gaps in discipline between the two races.

Table Nine: The Effect of Desegregation and the Percent of Black Students on the Racial Gap in Discipline Rates

		0	1
Pct. Black Students (Model One)	1 SD Below		0.05
	Mean		0.08
	1 SD Above		0.125
Desegregation Case*Pct Black Students (Model Two)			
	Desegregation Case	0	1
	Pct Black Students at		
	1 SD Below	0.053	0.058
	Mean	0.096	0.09
	1 SD Above	0.14	0.12

The results from Model Six indicate that the effect of a desegregation case on a school district's racial discipline gap is mitigated by the district's African American student population. The interaction term *Desegregation Case*Pct Black Students* is statistically significant with a ($P > |t| = .085$). In school districts that have been affected by desegregation order the racial discipline gap increases as the African American student population increases. An interesting finding is that in the school districts that have not been affected by a desegregation order also sees a rise in the racial discipline gap as the African American student population increases.

The racial discipline at the maximum African American student population is higher in school districts that have not been affected by a desegregation order. The racial discipline gaps are substantively the same across all districts at the mean and minimum African American population. Two of the control variables from Model Six are statistically significant. *Pct Free and Reduced Lunch* are positively related to the racial gap in graduation rates. In addition, the urban or rural nature of a district is statistically significant and in a negative direction. This means rural districts on average have a lower racial gap in graduation rates than urban districts.

DISCUSSION

There is a long standing debate in the literature regarding the roles of socio-economic characteristics of a student body and institutional characteristics in producing education outcomes. This analysis indicates that the debate cannot be answered using either or. Rather, socio-economic characteristics and institutions both matter and that their relative influence depends on the other. From an institutional perspective, the presence of segregation order in a district's past or current situation influences education outcomes. From a socioeconomic perspective, the racial composition of a student body mediates the effect of segregation as an institutional influence. This finding is consistent across the models predicting overall graduation rates and the gap in discipline rates across the races. In the case of the racial gap in graduation rates, segregation status alone matters. The importance of segregation status and racial composition, coupled with the persistent finding regarding free and reduced lunch status, these findings suggest that a complete picture of the factors influencing education outcomes cannot be painted without the inclusion of socio-economic factors and institutional factors.

While the findings from these analyses indicate that segregation status and minority composition in a district work together to produce education outcomes, this analysis could be improved upon in several ways that might shed more light on their roles in education. The analyses are capturing education outcomes at a single point in time. We do not know if the effect of segregation orders wane or increase over time. A pooled cross-sectional analysis would be able to answer that question. The current analyses contain a limited number of controls. Existing research shows a clear link between poverty and education outcomes.

A more complete picture of poverty in the district could be explained by capturing district level economic factors as well as student body characteristics. This would include variables such as median income and the number of single female headed households.

Does the interactive relationship between segregation orders and racial composition exist at the individual school level? The unit of analysis in this case is the school district. By aggregating up the district, important school level factors are being masked. It could certainly be argued that schools are the appropriate unit to consider when the outcome is something like a graduation rate.

The lack of data on the gap in graduation rates across the races limits the confidence in those particular models. This is the only instance in which my hypotheses regarding the interactive relationship between segregation and racial composition were rejected. Until data can be obtained on the remaining states in the sample, caution should be used in drawing conclusions on whether or not segregation status and racial composition work together on this particular education outcome.

Finally, in terms of the sample, the analysis could be improved in two regards. First, since 48% of the districts in these states drop out an attempt should be made to find the missing data from other sources. Of particular concern is the idea that these districts may have some characteristics in common that relates to my research question that is causing them to drop out. In addition, a nationwide study might shed light on whether this process is particular to the south.

CONCLUSION

The goal of this thesis was to determine the impact of a desegregation case on overall graduation rates, the racial gap in discipline rates, and finally the racial gap in graduation rates. My findings here argue that institutional and socioeconomic factors matter in regards to education outcomes in our education system. Past or current involvement in a desegregation case has an impact on racial gaps in graduation rates. In the findings, a desegregation order alone does not impact racial gaps in discipline, but the combination of racial makeup of a school district and a history of a desegregation cases does matter. The results point to the importance of socioeconomic status of a school district and racial demographics in regards to student outcomes as well. Overall, these findings would suggest that a history of segregation, racial demographics, and socioeconomic status of a school districts matter in regards to education outcomes.

A key overall finding from the analysis is that institutional variables work in conjunction with socioeconomic status in order to produce education outcomes. The size of the African American population student population in a district and a history of segregation work in to affect the racial discipline gap and overall graduation rates. The consistent finding that socioeconomic status of a school district matters in regards to education outcomes should cause any researcher to ask what other factors it works in conjunction with. In the future those researchers exploring the impact of socioeconomic status on education outcomes should also focus on how it interacts with per-pupil spending. Policy makers and elected officials have tremendous latitude over the per-pupil spending in the district and in some instances they even redistribute state revenues to make per-pupil spending levels more equitable. The question has to be asked is an increase in per-pupil spending offset by the socioeconomic status of a district.

Investigating the impact of socioeconomic status on per-pupil spending will have huge implications for the education reform movement. A future analysis could find that per-pupil spending is mitigated by the socioeconomic status of a school district, and simply increasing school spending alone cannot change education outcomes in very poor districts. A finding such as this would call into the criticism that spending does not matter and we are simply throwing money away by increasing per-pupil spending. The findings in the current analysis cloud the political debate on education reform. In the state of Louisiana 17 districts have a free and reduced lunch population of about 80% and all those districts are minority majority. Only 7 out of seventeen of those districts have a grade of a C or higher on the annual state education report card. In order to improve the outcomes in this district the debate has to move beyond levels of spending alone and look at other factors that would influence education outcomes.

The current education reform movement in America is focused on changing various institutional factors in American education system, but there is little discussion about the socioeconomic status and racial make-up of the schools. The results from the analysis in this thesis would argue that institutional factors, socioeconomic status, and racial make-up of a school district all work together to effect education outcomes. The current political debate around education reform should focus more on the intersection of institutional factors, demographics, and socioeconomic status in order to get a better picture of what impacts education outcomes. Reformers cannot simply focus on improving all the institutional factors in a school district and focus no attention on socioeconomic status and racial demographics. The education reform debate needs to not focus on either or solutions and focus more on solutions that involved and or both.

In order to expand on my research findings and add to the literature there is a great opportunity to examine the effect of a desegregation case at the individual school level in a district. The current analysis could be masses some important findings about educational outcomes at the individual school level in a district. Individual school levels approach maybe a more appropriate level to examine, given that the education outcome in consideration is graduation rates. The gaps could be wider at the school level and the segregation could much worse, it is definitely a question worth pursuing in the future. Findings at the school level could be more helpful to policy entrepreneurs in the field of education that are working school by school to reform them.

Improving our education system is one of the few issues in our current very partisan political climate that people on the right and left can agree. My findings here argue that institutions matter and the socioeconomic makeup of a school district has an impact on education outcomes. The findings here add to the debate that racial and economic diversity in our education system matters. A school district that is made of predominately children that are poor and of color, has a detrimental effect on their education outcomes. Policy makers and advocates have been wrestling with the legacy of segregation for decades in the South in particular. Whether the segregation is officially or no longer officially recognized, policy should work to reduce the impact of the legacy of segregation in both.

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APPENDIX

Variable	2004-2005 Source	2008-2009 Sources	Description
Desegregation Case Status	US Commission on Civil Rights	Reardon et al. 2011	This is the variable for involvement in a desegregation cases either presently or formerly
Average Freshman Graduation Rate	Common Core Data Set Department of Education	N/A	The average graduation rate for a cohort of students from 9 th -12 th grade for each school district
Racial Gap in District Graduation Rates for LA and MS	N/A	Kids Count Data Center	The racial gap in the African American and White Student graduation rate by district
Racial Discipline Gap	N/A	UCLA Civil Rights Project	The racial difference in the African American and White American discipline rates
Percent Free and Reduced Lunch	Common Core Data Set Department of Education	Common Core Data Set Department of Education	The percentage of students in a district that participate in the fee and reduced lunch program
Per Pupil Spending	Common Core Data Set Department of Education	Common Core Data Set Department of Education	The amount of money a school district spends on a student.
Student to Teacher Ratio	Common Core Data Set Department of Education	Common Core Data Set Department of Education	The ratio of students to teacher in a school district.

VITA

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