# With All Deliberate Speed: The Reversal of Court-Ordered School Desegregation,1970-2013

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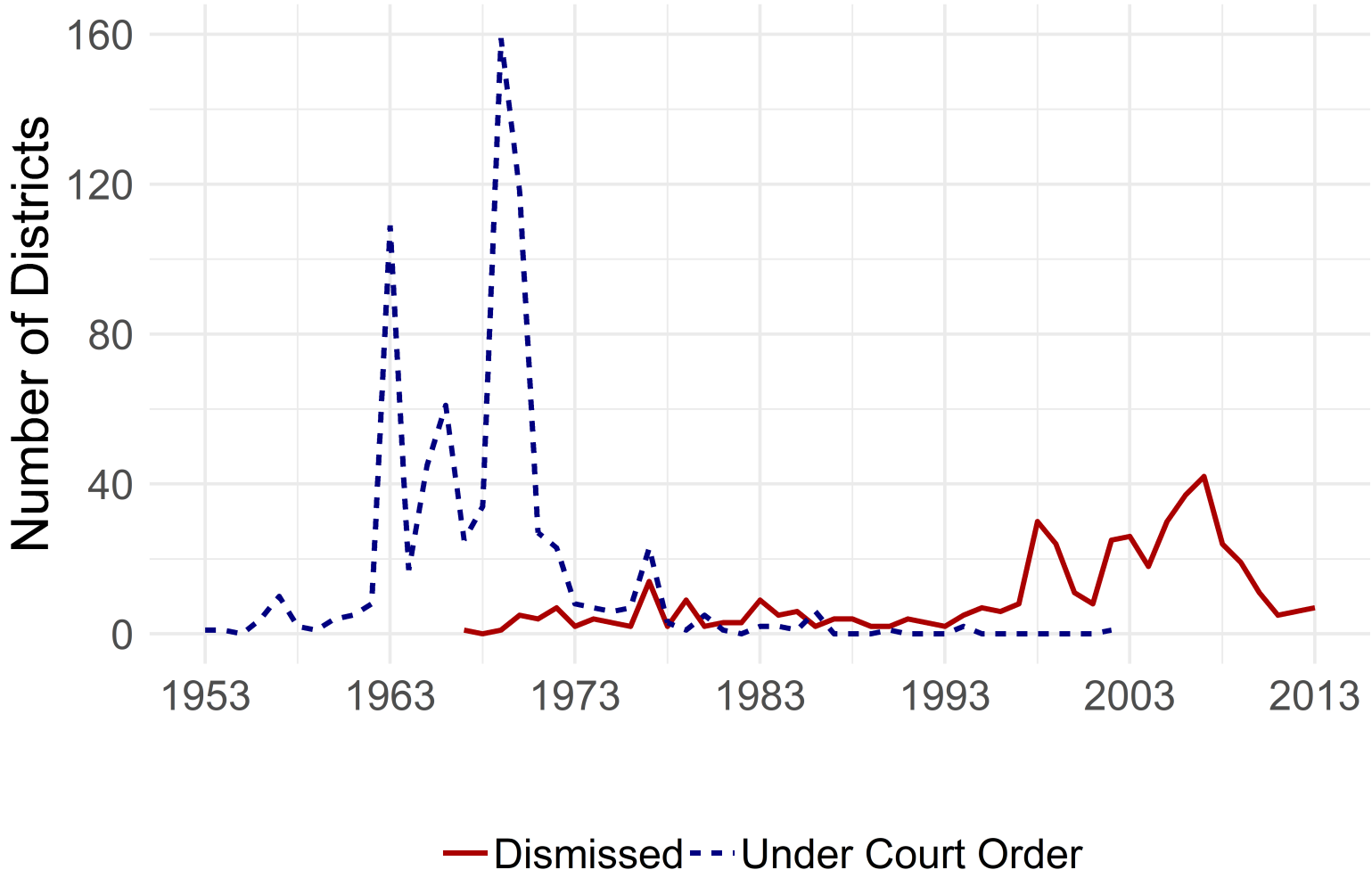
# School Desegregation and Resegregation

- After *Brown v. Board*, court-ordered desegregation for resistant districts.
- Since 1990s, many court orders dismissed (granted unitary status).

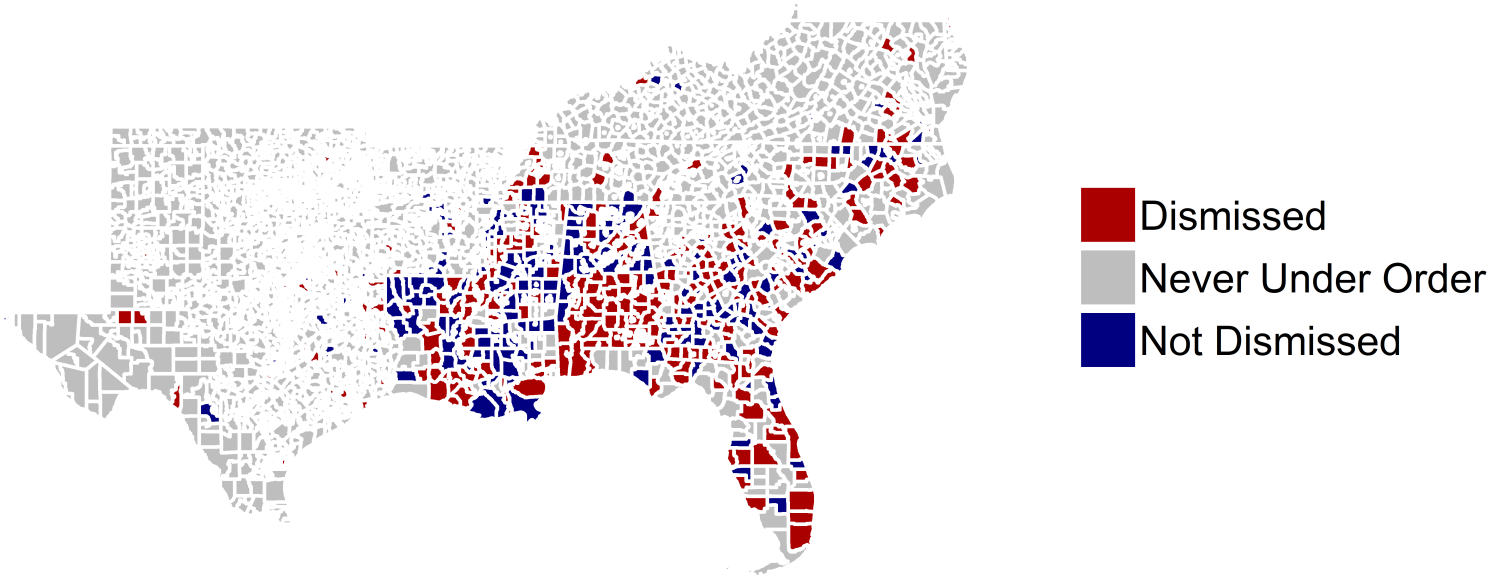
# Our Argument

- Resegregation is not over: it has been gradual and incomplete.
- Resegregation cannot be explained solely by elite (federal) actors and attitudes about desegregation policy.
- Local social conditions and local actors incentives are crucial.

# De(Re)Seg Trend,1953-2013



# De(Re)Seg Distribution,2013



# School Desegregation in the U.S.

- Court-ordered desegregation is being dismantled "With all deliberate speed."

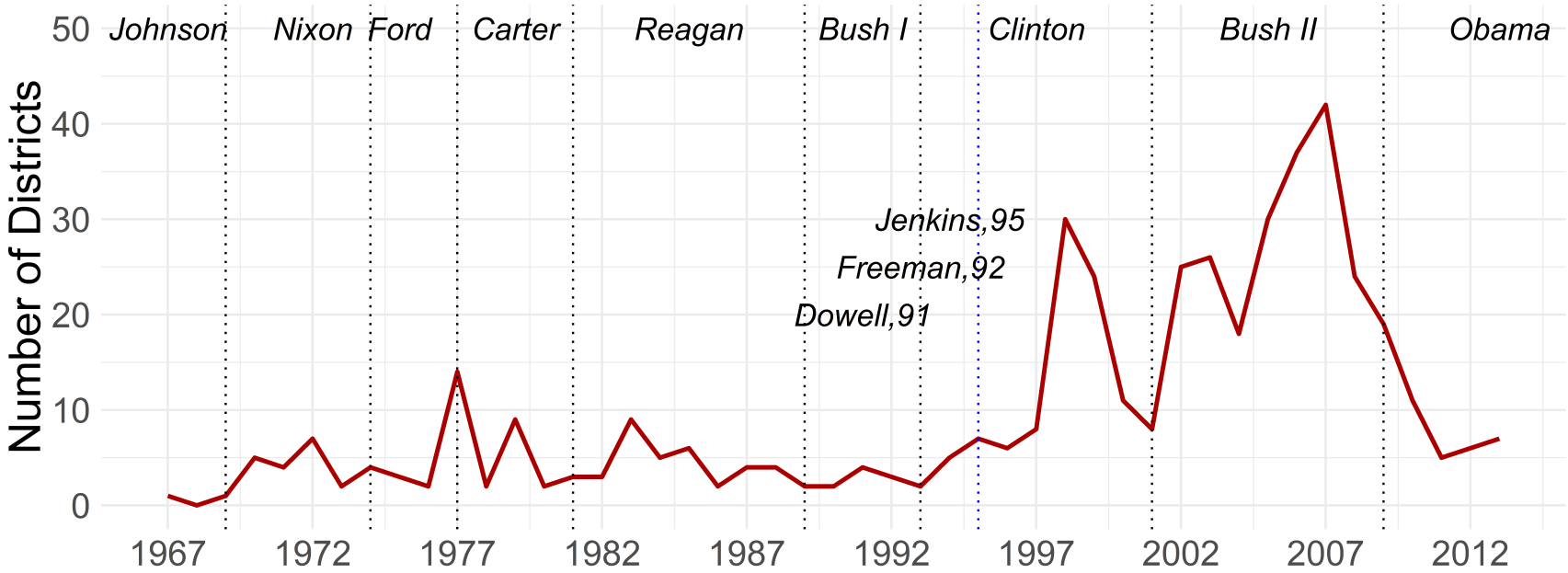
# Research Question

We seek to understand why.

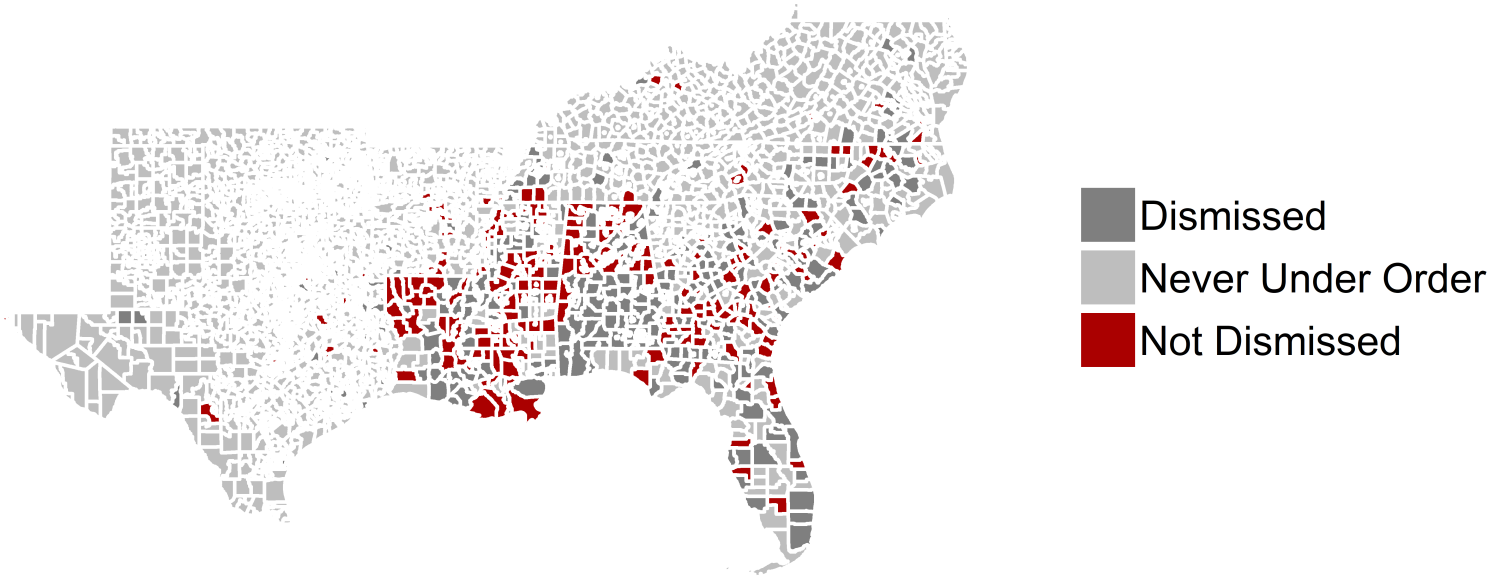
# Two Approaches to the Reversal of School Desegregation

- Mainstream: *A Top-Down Story* focusing on federal actors representing a political conservative movement hostile to school desegregation.
- Few case studies: *A Bottom-Up Story* focusing on local social conditions and actors pursuing their own interests.

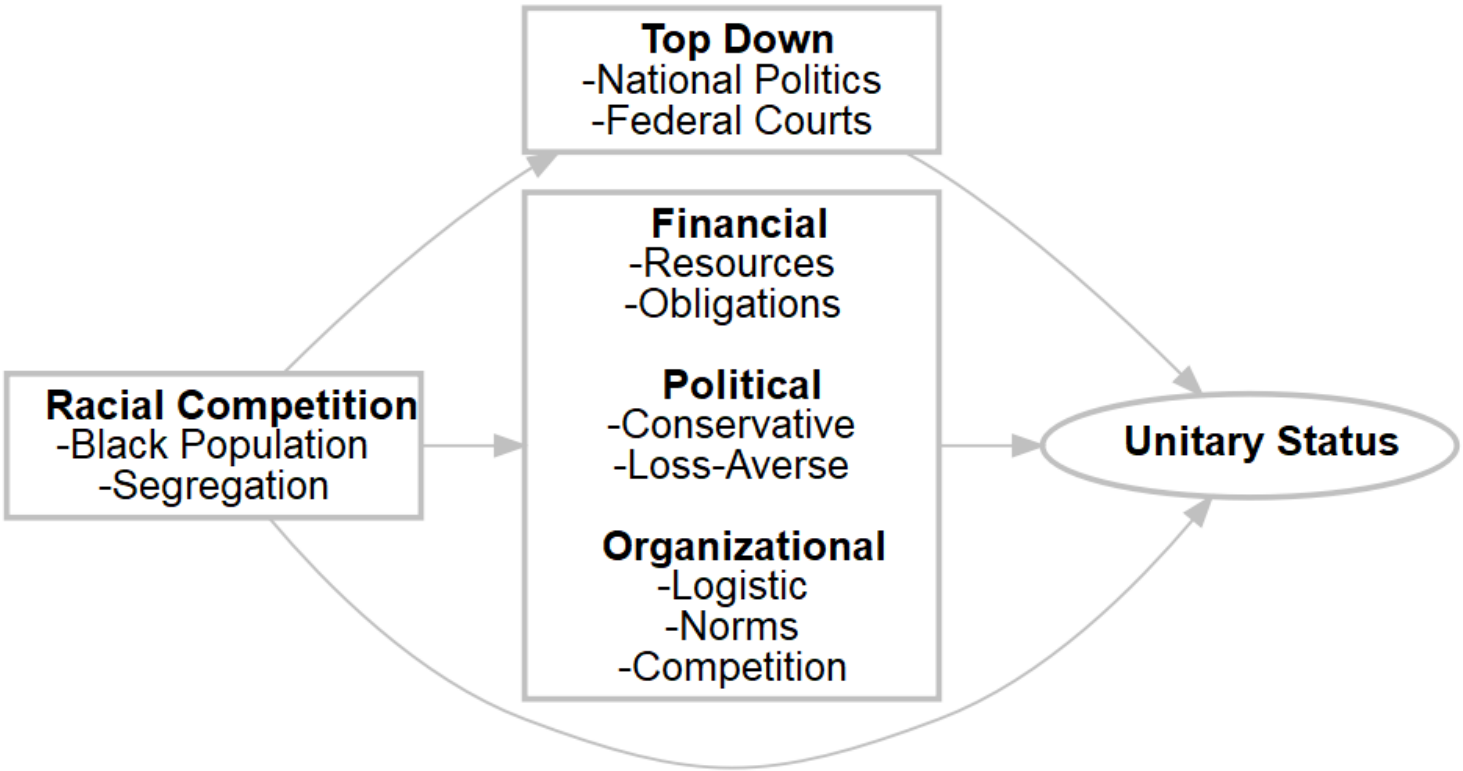
# Two Approaches:The Top-Down Story



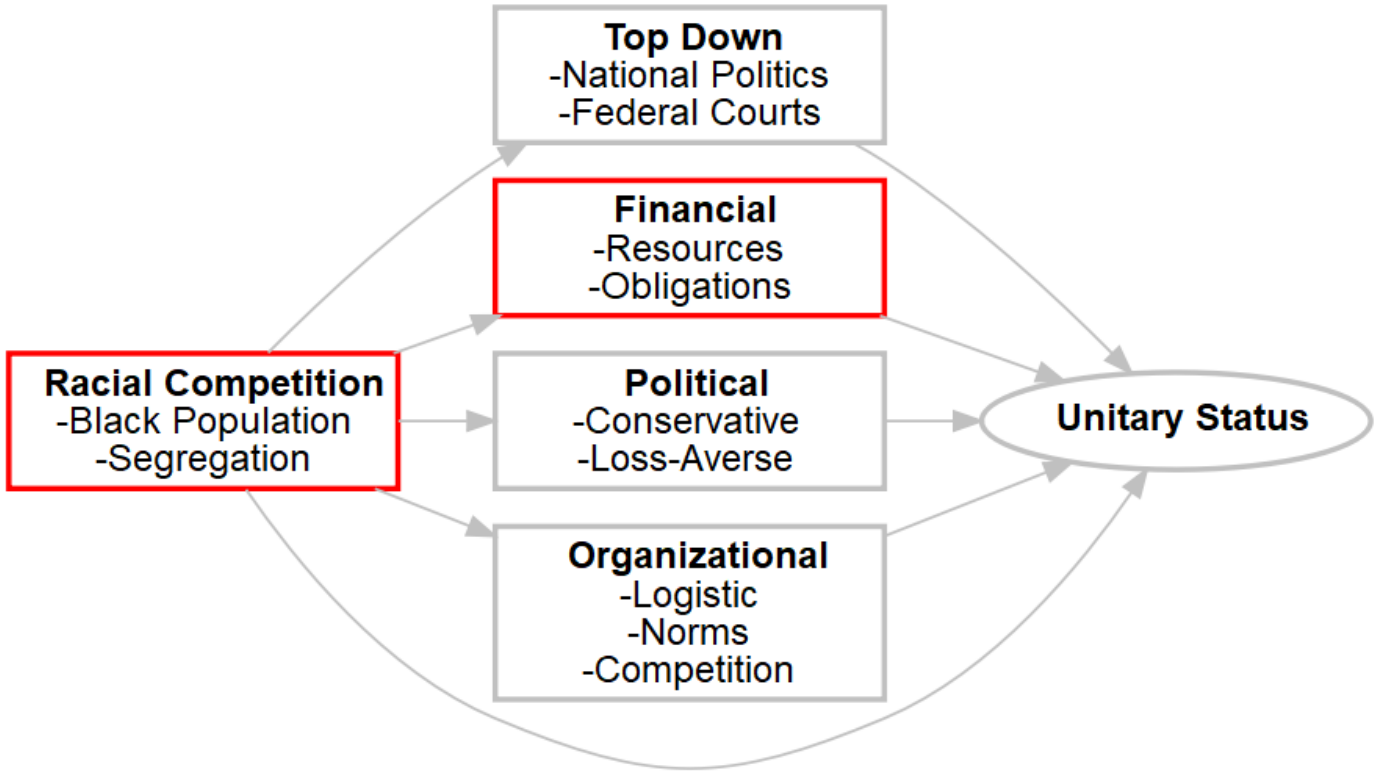
# Two Approaches:The Bottom-Up Story



# Reconciling Two Approaches: A Conceptual Model



# Reconciling Two Approaches: A Conceptual Model



# Financial Incentives and Hypotheses

- Legal costs hypothesis: state and district financial resources should be positively associated with unitary status.
- Deseg funding hypothesis: district dependence on state funding should be negatively associated with unitary status.
- State obligations hypothesis: state debt should be positively associated with unitary status, and should moderate the effect of district funding.

# Racial Competition and Hypotheses

- School segregation is driven by racial/ethnic groups competing for school-based status and resources.
- Racial competition likely contributes to whites' desire to achieve unitary status, which would enable them more freedom to seek out exclusive schools and reassert their status advantage.

# Racial Competition and Hypotheses (cont)

- Racial composition is the most common proxy for racial competition.
- We expect unitary status to be positively associated with black population share.
- We also expect a *tipping point* at which the association increases.

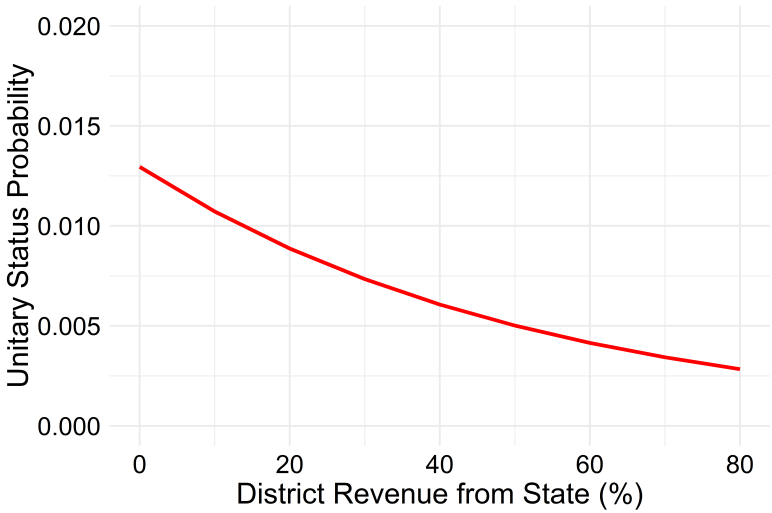
# Data

- The School Desegregation Orders Data (SDO) from Propublica (2013).
- State-level financial data from the Government Finance Database (Pierson et al. 2015).
- District-level financial data for 1970 and 1980 from the Elementary and Secondary General Information System, and for 1990-2013 from Local Education Agency Finance Survey.
- Racial Composition Data from the 1970-2000 decennial censuses and the 2009-2013 American Community Surveys.

# Method

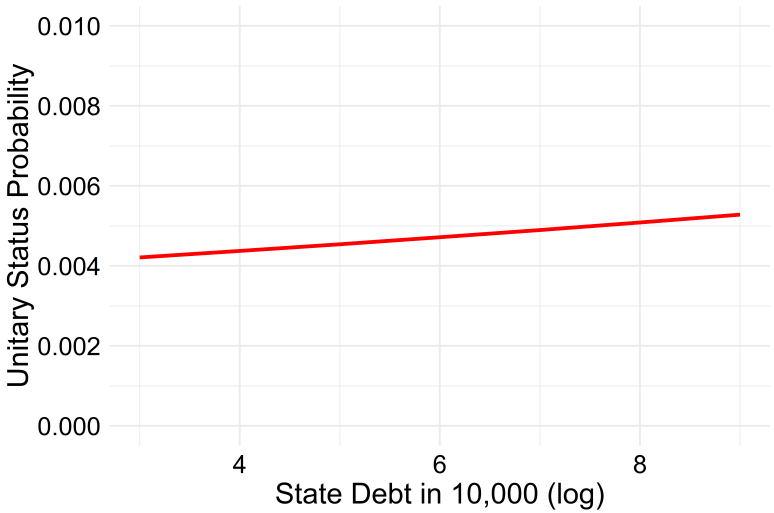
- Discrete Time Hazard Models: $\text{Log}(\frac{\Pr(\text{unitary}=1)}{1-\Pr(\text{unitary}=1)}) = \alpha + \beta \text{X}$
- District-year dataset with districts included each year from the beginning of the order until dismissal
- Spans 1970-2013
- Logit model predicting dismissal in each year among at-risk cases

# Results: Financial Incentives



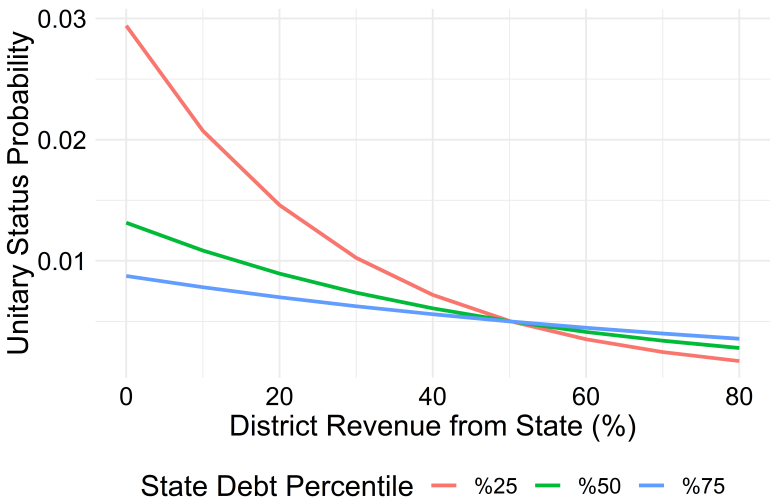

- Focus on district revenue: unitary status less likely as districts depend more on state revenue.
- Consistent with deseg funding hypothesis.

# Results: Financial Incentives (cont)



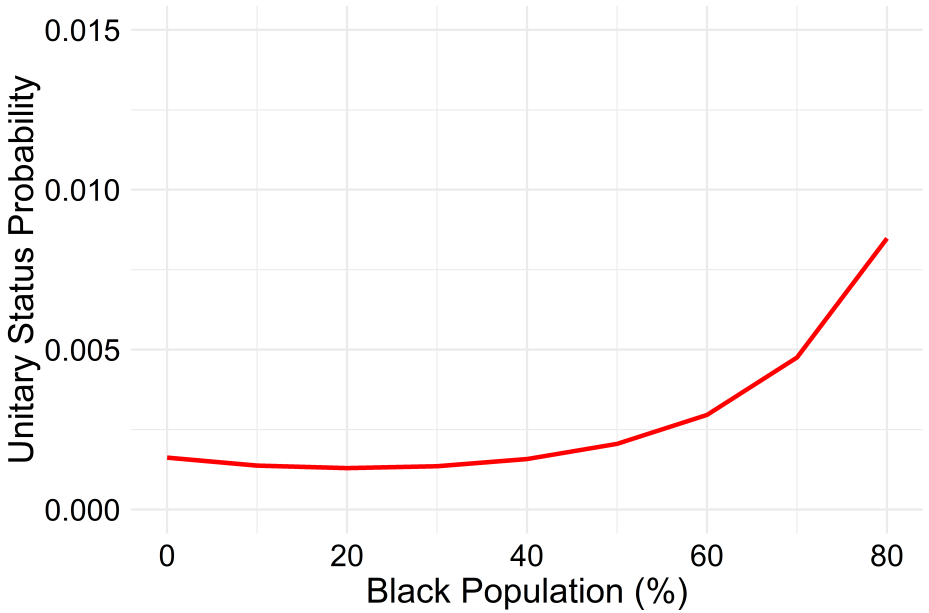

- Focus on state debt: unitary status more likely as state debts increase.
- Consistent with state obligations hypothesis.

# Results: Financial Incentives (cont)




- For districts with very high state funding, the negative effect of state debt disappears and possibly reverses.
- Consistent with state obligations hypothesis.

# Results: Racial Competition




- Unitary status is positively associated with black population share.
- There is a *tipping point* that the risk takes off when black population reaches 40 to 60%.

# Discussion

- To better understand school resegregation, we need to broaden our focus.
  - Not only national policies, but local processes.
  - Not only attitudes about desegregation policy, but financial and organizational incentives.

# Discussion (cont)

- Changes at the federal level cannot solely explain resegregation.
  - 40% of mandatory desegregated school districts remain under court order.
- Local factors determine which cases are litigated and whether they are dismissed.
  - We should focus more on local processes, instead of the presidential administration and the Supreme Court.

# Discussion (cont)

- Regarding incentives local actors face when considering whether to seek dismissals, competing financial incentives at the state and district level appear especially important.
  - When designing and protecting school desegregation policies, policy makers should attach economic incentives to the policies.
  - One strategy is to create magnet schools to hire personnel whose jobs depend on state funding.

# Discussion (cont)

- Desegregation orders have been most vulnerable when black population share reaches a tipping point of about 40%.
  - We need to learn more about the underlying mechanisms in these contexts.
  - How much is due to black frustrations or ambivalence about policies?
  - How much is due to white resistance?

# Limitations

- We have only been able to test our hypotheses very indirectly.
- Case studies could provide more direct evidence about the specific actors making important decisions (school boards, superintendents, voters, judges, etc.).

# QUSTIONS? THANK YOU!

*For more information please visit our websites.*

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# Appendix 1. Data Sources- Desegregation order data

Our primary source of information on school desegregation cases is the School Desegregation Orders (SDO) data from ProPublica (Qiu and Hannah-Jones 2014). We cross-referenced the SDO records with data collected a few years prior by Sean Reardon and his colleagues, provided via the Center for Education Policy Analysis at Stanford University (Reardon 2012). Reardons data updated and revised an earlier dataset compiled by John Logan and his colleagues and provided via the US Schools site at the American Communities Project at Brown University (Logan 2018).

# Appendix 1. Data Sources- Court data

The MQ score data used to measure Supreme Court ideology come from the Martin-Quinn Scores Project (Martin and Quinn 2016). We match counties to district courts and appellate court circuits using the County/District Locators database from the Public Access to Court Electronic Records (PACER) site (2018). We obtain data on the racial identifications and appointing presidents of all federal judges from the Biographical Directory of Article III Federal Judges (Federal Judicial Center 2018).

# Appendix 1. Data Sources-Financial data

State-level financial data come from the Government Finance Database compiled by Pierson, Hand, and Thompson (2015). District-level financial data for 1970 and 1980 come from the Elementary and Secondary General Information System (United States Department of Education, National Center for Education Statistics 2002a, 2002b). Yearly district-level financial data for 1990-2013 come from Local Education Agency Finance Survey (United States Department of Education, National Center for Education Statistics 2018c).

# Appendix 1. Data Sources-Political and racial competition data

We obtain state gubernatorial data from the Governors Database provided by the National Governors Association (2015). County-level Democratic vote shares in presidential elections come from the CQ Voting and Elections Collection (CQ Press 2018); County-level sociodemographic measuresracial/ethnic composition, age composition, educational attainmentcome from the U.S. Census Bureau; specifically, the 1970-2000 decennial censuses and the 2009-2013 American Community Surveys, extracted from Social Explorer (2018).

# Appendix 1. Data Sources-Organizational data

School desegregation data come from various sources over time. We obtain within-district elementary school segregation measures (dissimilarity) in 1968-71 and 1980-82 from the US Schools Project (Logan 2018). We calculate analogous measures on our own from 1989-2013 using school-level data from the Public Elementary/Secondary School Universe Survey (United States Department of Education, National Center for Education Statistics 2018b).

We calculate residential segregation using tract-level racial composition data from the Longitudinal Tract Data Base (LTDB) at Brown Universitys Diversity and Disparity Project (Logan, Xu, and Stults 2014).

# Appendix 1. Data Sources-Organizational data (cont)

Data on the number of schools per district and the number of districts per county come from the School District Geographic Reference Files in 1969 and 1973 (United States Department of Commerce, Bureau of the Census 2002a, 2002b); the data for 1980, 1990, 2000, and 2010 come from the CCD (United States Department of Education, National Center for Education Statistics 1999b, 1999a, 2018a). These district data are limited to districts that include operational elementary schools. County-level private school enrollments come from the decennial census, 1970-2000, and the 2009-2013 ACS, all acquired from the IPUMS National Historical Geographic Information System site (Manson et al. 2017).

# Appendix 2. Logit Models AMEs

| | Federal Courts | Full |
|---|---|---|
| MQ Score | 0.011 | 0.007 |
| SC White | 0.004 | 0.003 |
| SC Dem | 0.002 | −0.004 |
| AC White | 0.006* | 0.006* |
| AC Dem | −0.003† | −0.003 |
| DC White | −0.002* | −0.001 |
| DC Dem | 0.001 | 0.000 |

Note: Year, duration, and appellant court dummies not presented.

† $p < 0.1$, * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

# Appendix 2. Logit Models AMEs

| | National Politics | Full |
|---|---|---|
| Ford | 0.003 | 0.003 |
| Carter | 0.044** | 0.051** |
| Reagan | 0.062* | 0.044* |
| Bush 1 | 0.031† | 0.027† |
| Clinton | 0.031† | 0.030† |
| Bush 2 | 0.019 | 0.019 |
| Obama | 0.012 | 0.023 |

† $p < 0.1$, * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

# Appendix 2. Logit Models AMEs

| | Financial | Full |
|---|---|---|
| State budgt surplus | $0.002^{**}$ | $0.001$ |
| Log state debt | $0.000^{***}$ | $-0.002^{*}$ |
| state edu exp | $0.006^{***}$ | $0.005^{***}$ |
| District revenue from state | $-0.003^{***}$ | $-0.002^{**}$ |
| District budgt surplus | $-0.001$ | $0.000$ |
| Log district debt | $0.000$ | $-0.000$ |

$^{\dagger}\ p < 0.1,\ ^{*}\ p < 0.05,\ ^{**}\ p < 0.01,\ ^{***}\ p < 0.001$

# Appendix 2. Logit Models AMEs

| | Political | Full |
|---|---|---|
| Dem governor | $-0.001$ | $0.001$ |
| New party new gov | $-0.008^{*}$ | $-0.007^{\dagger}$ |
| Same party new gov | $0.002$ | $0.002$ |
| Dem Votes | $-0.000$ | $-0.003$ |
| Age 5-17 | $-0.014^{**}$ | $-0.017^{**}$ |
| Age 55+ | $-0.006^{*}$ | $-0.007^{*}$ |
| <High sch | $-0.008^{***}$ | $-0.004^{\dagger}$ |
| BA or more | $-0.005^{*}$ | $-0.011^{***}$ |

$^{\dagger}\ p < 0.1,\ ^{*}\ p < 0.05,\ ^{**}\ p < 0.01,\ ^{***}\ p < 0.001$

# Appendix 2. Logit Models AMEs

| | Organizational | Full |
|---|---|---|
| Sch seg | $-0.002^{***}$ | $-0.002^{**}$ |
| Residential seg | $0.001$ | $0.000$ |
| Neighboring orders | $0.000^{\dagger}$ | $0.000$ |
| Current neighboring orders | $-0.001^{*}$ | $-0.000$ |
| Log total districts | $0.001$ | $0.002^{\dagger}$ |
| Private sch students | $0.002$ | $0.003^{\dagger}$ |
| Log total schools | $0.004^{***}$ | $0.005^{**}$ |
| Metro area | $0.003$ | $0.003$ |

$^{\dagger}\ p < 0.1,\ ^{*}\ p < 0.05,\ ^{**}\ p < 0.01,\ ^{***}\ p < 0.001$

# Appendix 2. Logit Models AMEs

| | Racial Competition | Full |
|---|---|---|
| Sch seg | $-0.002^{*}$ | $-0.002^{**}$ |
| Res seg | $0.001^{***}$ | $0.000$ |
| Popblk | $-0.001$ | $0.001^{**}$ |
| Foreignborn | $0.001$ | $0.005^{\dagger}$ |
| Observations | 24063 | 24063 |

$^{\dagger}\ p < 0.1,\ ^{*}\ p < 0.05,\ ^{**}\ p < 0.01,\ ^{***}\ p < 0.001$

# Appendix 3. National Politics, Political, Organizational

- Political partisanship variables at the state, district, and national level are poor predictors.
- Some evidence that racial composition of judiciary matters.
- Some evidence that district competition with private schools and other districts heightens risk of unitary status.
- Unitary status is more likely as school segregation declines.

# Appendix 3. National Politics

- Presidential Administrations
- Federal Courts

# Appendix 3. Political Incentives

- Political conservatives are often cast as opponents of desegregation.
- Practical considerations may prevent extreme actions, esp. in competitive environments.
- Democratic politicians have rarely advocated for desegregation policy.

# Appendix 3. Organizational Incentives

- Local autonomy versus Equity
- Logistical difficulties (e.g., assignments, transportation)
- District competition for student enrollment

# Appendix 4. Results: National Politics

- The hazard of Unitary status is highest in the Reagan (R) and Carter (D); No strong partisanship effect.
- Unitary status is more likely when the Supreme Court is more conservative and has a greater share of white justices.
- The hazard of unitary status is highest in the 6th, 7th, and 10th circuits (Midwest and Southwest),and lowest in the 2nd circuit (Northeast).
- The white justices share in appellant courts is significantly associated with unitary status.

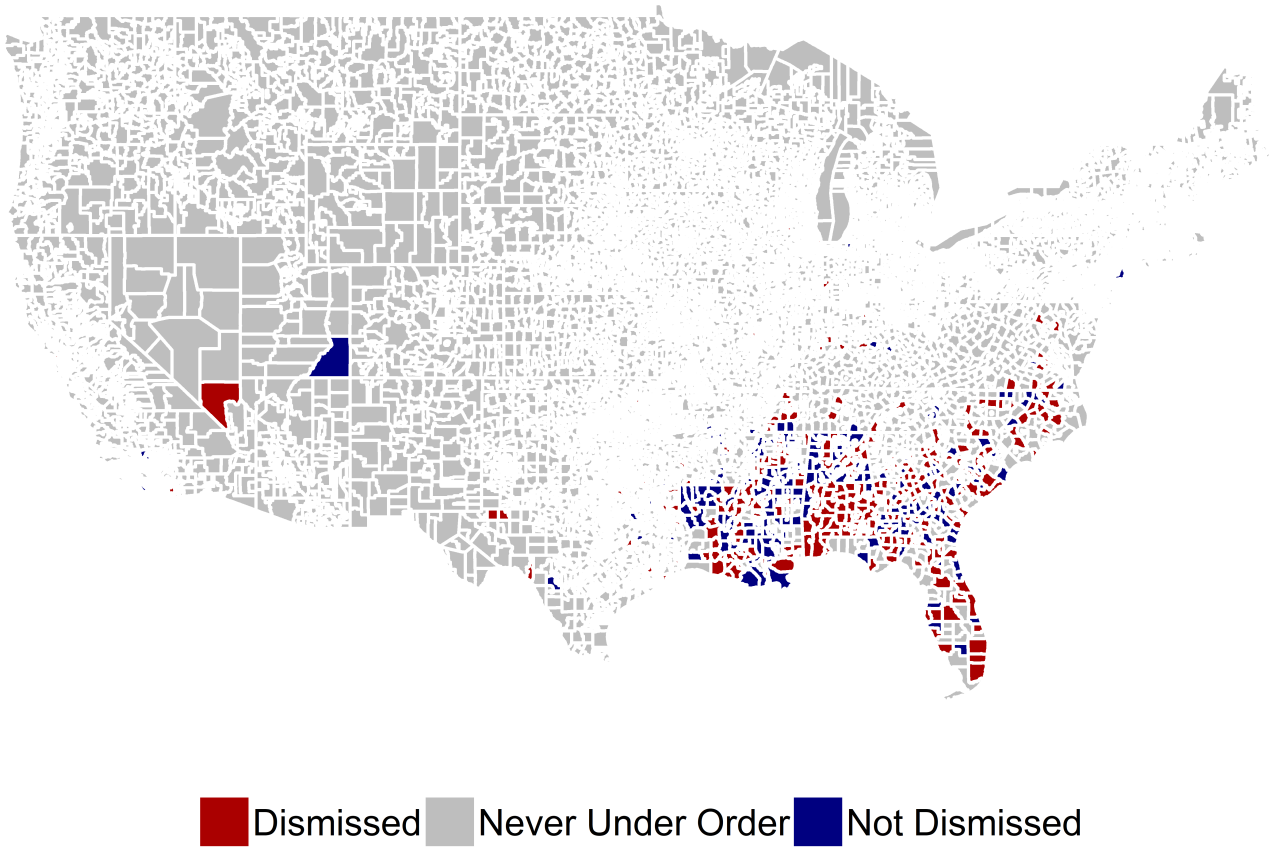
# Appendix 4. Results: Political Incentives

- Partisan political variables (e.g. democratic governor, vote share for democratic presidential candidate) are not useful predictors. Abandoning desegregation policy is politically contentious and is avoided in competitive contexts.
- Districts in counties with larger school-age populations and college-educated populations are less likely to attain unitary status.

# Appendix 4. Results: Organizational Incentives

- Unitary status becomes more likely as school segregation declines, though not statistically sifnificant.
- Little support for local norms related desegregation policy.
- Mixed evidence for logistical incentives and organizational competition to pursue unitary status. A larger total number of schools reduces the hazard of unitary status. The numebr of districts and the share of students in private schools are both positively associated with unitary status.

# Appendix 5. Mapping School Segregation in the U.S



# Appendix 6. Court Orders by Appeal Circuits

| Circuit | State | Freq |
|---|---|---|
| 1st | MA(3) | 3 |
| 2nd | CT(1),NY(5) | 6 |
| 3rd | DE(4),NJ(3),PA(4) | 11 |
| 4th | NC(33),SC(33),VA(20) | 86 |
| 5th | LA(59),MS(96),TX(53) | 208 |
| 6th | KY(3),MI(7),OH(6),TN(21) | 37 |
| 7th | IL(5),IN(29),WI(1) | 35 |
| 8th | AK(26),MD(1),MN(1),MO(27),NE(1) | 56 |
| 9th | AZ(2),CA(10),NV(1) | 13 |
| 10th | CO(1),KS(2),OK(2),UT(1) | 6 |
| 11th | AL(125),FL(34),GA(108) | 267 |
| Total | | 728 |