

Racial Inequality in the U.S. Education System

Post-Brown: An Introduction to the History and Policies that Shape Our Contemporary Context

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Introduction

Over the last 20 years, the nation's public school population has shifted to be more racially and ethnically diverse – a notable change from the demographics of past decades.

In 2014, white students were no longer the numerical majority in public schools for the first time.¹ In the fall of 2020, of the nearly 50 million public school students, 46 percent were white, 28 percent were Latinx², 15 percent were Black, 5 percent were Asian American, and 1 percent were American Indian or Pacific Islander.³

¹ Krogstad, J., & Fry, R. (2014, August 18). Dept. of Ed. projects public schools will be 'majority-minority' this fall. The Pew Research Center.

² We use Latinx to encompass Latinx students across racial identity groups due to the nature of reporting in education data and are cognizant of how this reporting obscures variation within Latinx communities based on skin color and race. In fact, variation with racial groups is generally obscured in education research and where possible, we note differences by class or race as indicated in research findings. Black, Asian, and white are used to indicate non-Latinx student groups and communities throughout the report.

³ The remaining share of students identified as two or more races; U.S. Department of Education, National Center for Education Statistics, Common Core of Data (CCD), "State Nonfiscal Survey of Public Elementary/Secondary Education," 2020-21 Preliminary; and Department of Defense Education Activity (DoDEA) Data Center, Enrollment Data, 2020.

Despite the changing demographics, racial disparities with respect to educational access and opportunities persist.

Even after decades of education reforms aimed at addressing racial inequity within the education system, academic, economic, and social outcomes of Black and Latinx students in particular continue to lag behind their white counterparts. Black and Latinx students have lower high school graduation rates, lower college attainment rates, and are more likely to attend schools with higher shares of students in poverty and fewer material resources.⁴

These disparities have been further exacerbated by the COVID-19 pandemic, as health and economic crises disproportionately impacted lower-income students, families, and communities of color. Policymakers, researchers, educators, and parents also note that schools are ill-equipped to deal with the social, emotional, and academic needs of students today, which, over time, may fuel greater inequality. Lower-income Black and Latinx students were also less likely to have access to the resources needed to participate in virtual schools during the pandemic.⁵

The history of underfunding lower-income Black and Latinx public schools in the United States has come to bear at a crucial moment in the country's history. Black communities in particular, already grappling with failing policy responses to police brutality, have further lost trust in the public education system and other public institutions in recent years.⁶

In more ways than one, the schooling experiences of students of color during the COVID-19 pandemic have illustrated that contemporary educational inequality is inextricably linked with the history of education and other sectors such as public health and housing in the United States. Decades of research indicate that racism undergirds our public institutions and shapes various aspects of our contemporary society, including public policies. These policies, in turn, shape local school practices that impact the day-to-day experiences of students in classrooms. Even as schools are shaped by broader trends of racial inequality, they serve to maintain – or in rare cases disrupt – racial inequality for students and families. The U.S. education system is, in many ways, a case study for what legal scholar Derrick Bell described as the “permanence of racism” in our society.⁷ Bell argued that there was a cyclical predictability of racism as it has been internalized and institutionalized.

⁴ Hussar, B., Zhang, J., Hein, S., Wang, K., Roberts, A., Cui, J., Smith, M., Bullock Mann, F., Barmer, A., and Dilig, R. (2020). *The Condition of Education 2020 (NCES 2020-144)*. U.S. Department of Education. Washington, DC: National Center for Education Statistics.

⁵ Ibid.

⁶ Horsford, S. D., Cabral, L., Touloukian, C., Parks, S., Smith, P. A., McGhee, C., Qadir, F., Lester, D., & Jacobs, J. (2021). *Black education in the wake of COVID-19 and systemic racism: Toward a theory of change and action*. Black Education Research Collective. Teachers College, Columbia University

⁷ Bell, D. (1992). *Faces at the Bottom of the Well: The Permanence of Racism*. Basic Books.

To this end, this report draws on the extant research in the education field to provide a summative history of policies that have shaped contemporary racial inequality within the United States education system after the 1954 *Brown v Board of Education* ruling.⁸ Historians have noted that the post-Reconstruction period gave rise to the racial dynamics and power struggles that play out in education today.⁹ During this time, philanthropists and business owners took an interest in the education of poor children and children of color.¹⁰ What followed was the formation of a highly separate and unequal education system for Black students, Native American students, and the smaller numbers of Latinx and Asian students who were here during the first half of the 20th century.

The conditions of schooling for students of color led to the landmark 1954 *Brown v Board of Education* ruling that created a pathway to desegregation for Black students in particular across 17 Southern and border states with legal forms of segregation at that time. We center this report on the policies and practices post-*Brown* that have shaped the inequitable schooling conditions of students of color today.

After 1954, racial and socioeconomic segregation across public schools continued and still serves as a backdrop to the U.S. education system. The implications of racial segregation for the academic outcomes of students of color have been well-documented in education research, particularly post-*Brown*.

As the promise of *Brown* has yet to be fulfilled, examining school segregation is central to understanding racial inequality in the contemporary education system. Under school segregation, students of color experience highly unequal schooling conditions and access to opportunities, all in the context of a highly racialized and racist society such as the United States.

History of U.S. Public Schooling

An enduring myth of the 1954 *Brown v Board* decision is that it spurred equal opportunity in the nation's education system.¹¹ Indeed, the Supreme Court ruling that segregated schooling

⁸ *Brown v. Board of Education*, 347 U.S. 483 (1954)

⁹ Rooks, N. (2020). *Cutting school: The segrenomics of American education*. The New Press.; Watkins, W. H. (2001). *The White architects of Black education: Ideology and power in America, 1865-1954*. Teachers College Press.

¹⁰ *Ibid.*

¹¹ Bell, D. (2004). *Silent covenants: Brown v. Board of Education and the unfulfilled hopes for racial reform*. Oxford: Oxford University Press; Franklin, V. P. (2005). Introduction: *Brown v. Board of Education: Fifty Years of Educational Change in the United*

violated the 14th amendment equal protection clause suggested that the decision to desegregate would foster equality for the plaintiffs and all students of color.¹² However, *Brown v Board* failed to secure equal educational opportunity for all students regardless of race or ethnicity because it falsely presumed that simply allowing students of color to be taught in the same well-resourced classrooms and schools as their white peers would resolve educational inequality.¹³ Despite the *Brown v Board* mandate of shared physical educational spaces, the learning climate and opportunities for students within desegregated spaces has been persistently unequal since the 1950s. Moreover, resegregation patterns have prevented the ideal vision of *Brown* (i.e., fully racially integrated schools) from coming to fruition.

Understanding the complexity of this enduring legacy of educational inequality requires first examining the pre-*Brown* K-12 education system, specifically school operations, climate, and curriculum — foundational elements of U.S. public schooling that have remained virtually intact even after the *Brown* ruling. The U.S. public school system was established to foster individual freedom, social unity, and aligned civic tradition.¹⁴ This was largely the vision of Horace Mann, an abolitionist and state representative of Massachusetts who evangelized the idea of universal schooling funded by local taxes. Mann’s vision of a “common school” system in which anyone can receive basic education regardless of social status spurred from his belief that education is an “*absolute right* of every human being that comes into the world.”¹⁵

The growth of the common school in the 1830s was revolutionary as, until then, formal education was limited to the wealthy, who could afford private tutors and homeschooling.¹⁶ Yet despite the concentration of schooling among the elite, America’s literacy rate was among the highest in the world at the time.¹⁷ Between 1800 and 1840, literacy in the North increased from approximately 75 to 95 percent and in the South, the literacy rate increased from approximately 55 to 80 percent.¹⁸ These high literacy rates undergirded resistance to the common school

States. *The Journal of African American History*, 90(1/2), 1–8.; Oglethorpe, C. J. (2005). *All deliberate speed: Reflections on the first half century of Brown v. Board of Education*. New York: W.W. Norton & Co.; Patterson, J. T. (2001). *Brown v. Board of Education: A civil rights milestone and its troubled legacy*. Oxford: Oxford University Press; Rothstein, R. (2014). *Brown v. Board at 60: Why Have We Been So Disappointed? What Have We Learned?* Economic Policy Institute

¹² U.S. Const. amend. XIV, § 2

¹³ Cashin, S. (2004). *The failures of integration: How race and class are undermining the American dream*. New York: Public Affairs ; Franklin, V. P. (2005). Introduction: Brown v. Board of Education: Fifty Years of Educational Change in the United States. *The Journal of African American History*, 90(1/2), 1–8.

¹⁴ Kaestle, C. F. (1978). Social Change, Discipline, and the Common School in Early Nineteenth-Century America. *The Journal of Interdisciplinary History*, 9(1), 1–17.; Royce S.P. (1933) *Public School Support in the United States during Periods of Economic Depressions*, Brattleboro, Vermont: Stephen Daye Press.; Committee on Education (1944) *United States Chamber of Commerce, Education, An Investment in People*.

¹⁵ Cremin, L.A., ed. (1957). *The republic and the school: Horace Mann on the education of free men*. New York: Teachers College, Columbia University.; Mann, H. (1971). Education as a human right. In J. J. Chambliss, *Enlightenment and social progress: Education in the nineteenth century* (pp. 181-190). Minneapolis: Burgess Publishing

¹⁶ Bowles, S., & Gintis, H. (1976). *Schooling in capitalist America: Educational reform and the contradictions of economic life*. Basic Books.

¹⁷ Barker, H., & Burrows, S. (2002). *Press, Politics and the Public Sphere in Europe and North America, 1760-1820*. Cambridge University Press.; Kaestle, C.F. (1973). *The Evolution of the School System: New York City 1750-1850*. Cambridge, Mass.: Harvard University Press.

¹⁸ Kaestle, C.F. (1973). *The Evolution of the School System: New York City 1750-1850*. Cambridge, Mass.: Harvard University Press.

movement among the nation's elite, which overwhelmingly viewed common schools as a form of social welfare. However, through Mann's persistent evangelism,¹⁹ both elite and working-class Americans were convinced that common schools were beneficial for themselves and the nation and began sending their children to common schools. By 1910, 72 percent of American youth attended school.²⁰

Notably, the common school boom emerged at a time of significant population growth in the nation as a result of waves of European immigrants who, driven by famine, job shortages, and rising taxes in their home countries, immigrated to America through the 1800s.²¹ Many of these immigrants were from the lower social classes of their homelands and attracted by jobs and opportunities for economic mobility in the industrializing northern U.S. The immigration rate often outpaced the growth rate of the Northern and Midwestern cities in which they predominantly settled. For instance, in the late 1800s the U.S. had approximately 75 million residents, compared to the 20 million immigrants who arrived between 1880-1914 alone.²² This significantly shifted the demographics of common schools; for instance, in Chicago's public schools the student population quadrupled between 1860 and 1880 to more than 30,000.

As immigrants arrived from parts of Western, Eastern, and Southern Europe²³, their diverse²⁵ ethnicities, religions, and cultural practices diverged from the Anglo-Saxon Protestant norms that dominated the United States. For education reformers, the common school was purposed as a tool to assimilate newcomers and mitigate social divisions.²⁴ While this process was popularly²⁶ described in the mainstream as the "melting pot" phenomenon, in which varied cultures add value to each other, it was more akin to an extractive process in which one culture dominated. School curriculum and culture were strategically designed to strip immigrants of their cultural and social ties and inculcate patriotism and assimilation to White Anglo-Saxon Protestant (WASP) norms.²⁵

Operating alongside the xenophobic and WASP-centric culture of public schools from the time of their inception was a system of racial oppression that permeated every sector of society. As the common school movement was growing through the mid-late 1800s, access to such schools

¹⁹ Mann promised the working class that "education ... is the great equalizer of the conditions of men, the balance wheel of the social machinery" and promised the wealthy that their economic and social safety and prosperity was dependent on a society of literate law-abiding citizens. Cremin, L.A., ed. (1957).

²⁰ Graham, P.A. (1974). *Community and Class in American Education, 1865–1918*. New York: Wiley.

²¹ Roediger, D. R. (2005). *Working toward Whiteness: How America's immigrants became White: the strange journey from Ellis Island to the suburbs*. New York: Basic Books.

²² U.S. Department of Homeland Security (2012). *Yearbook of Immigration Statistics*. Washington DC: U.S. Department of Homeland Security

²³ Including Germany, Ireland, Italy, Poland

²⁴ Bernstein, B. (1975). *Class, codes and control: 3*. London: Routledge.; Lash, C.L. (2018). Making Americans: Schooling, Diversity, and Assimilation in the Twenty-First Century. *The Russell Sage Foundation Journal of the Social Sciences*, 4 (5) 99-117.

²⁵ Banks, James A. "Multicultural Education and Curriculum Transformation." *The Journal of Negro Education* 64, no. 4 (1995): 390–400.; Bodnar, J. (1985). *The transplanted: A history of immigrants in urban America*. Bloomington: Indiana University Press.; Labaree, David F. 1997. "Public Goods, Private Goods: The American Struggle over Educational Goals." *American Educational Research Journal* 34(1): 39–81. Roediger, D. R. (2005). *Working toward Whiteness: How America's immigrants became White: the strange journey from Ellis Island to the suburbs*. New York: Basic Books.; Tyack, D., (1967) *Turning Points in American Educational History*. Waltham, Mass.: Blaisdell.

were limited by geography and race. Common schools expanded rapidly in the North and Midwest, where the growing industrial economy fueled increasing funds for establishing schools throughout the region. The Southern elite and planting class also rejected common schools, though for different reasons. Many Southerners, accustomed to an agrarian, plantation-based economy far different from their urbanizing Northern counterparts, viewed schooling as fostering arrogance while contributing little to agricultural life. This regional cultural view of schools resulted in lower public support in the South for revenue measures to fund schooling. As a result of these regional distinctions, common schools were adopted much more widely in the North than the South.²⁶

During the 1830s, more than three million people of African descent were enslaved (primarily in the South) and less than half a million were free (the majority of who lived in the North).²⁷ Though free Black Americans had established schools for their children as early as the late 1700s, enslaved Black Americans were legally banned from learning to read and write.²⁸ For Native Americans, the launch of the common school movement occurred during a period of forced resettlement for the nation's largest tribes east of the Mississippi. In what became known as the "Trail of Tears," the federal government (authorized through the 1830 Indian Removal Act) expelled more than 60,000 Native Americans from millions of acres of land in the southeast and resettled them in land acquired through the Louisiana purchase. As part of this ethnic cleansing and removal, the U.S. government established the Bureau of Indian Affairs (BIA), which would oversee affairs on the newly created reservations. The BIA launched schools that segregated Native American youth and by the 1880s, the schools were serving approximately 10,000 Native American students.²⁹

At this time, Asian and Latinx Americans were overwhelmingly concentrated in the West. Due to anti-Asian exclusion laws, which specifically targeted Chinese immigrants, a limited number of Asian immigrants arrived to the region in search of economic opportunity through the growing railroad industry. While they sought to enroll their children in schools, they were often barred. Ultimately, collectives of immigrants, overwhelmingly Chinese, homeschooled their children. Also in the West were people of Hispanic descent, many of whom were residents of Mexico in the areas ceded to the U.S. after the Mexican-American war in 1848, namely present-day California, Arizona, New Mexico, and parts of Utah, Nevada, and Colorado. Some were Spaniards, some mestizo, and all were granted U.S. citizenship as a result of the cession.³⁰ While light-skinned Latinx Americans were allowed to attend school with whites, many were

²⁶ Hodgson, F.M. (1987). *Culture-Specific Institutions that Delayed the Growth of Common Schools in the Antebellum South, 1700-1860*

²⁷ Cummings, J., & Hill, J. A. (1969). *Negro population in the United States, 1790-1915*. New York: Kraus Reprint.; McKenney, N. D. R. (1979). *The social and economic status of the Black population in the United States: An historical view, 1790-1978*.

Washington: U.S. Dept. of Commerce, Bureau of the Census. *Current Population Reports, Special Studies, Series P-23, No. 80*.

²⁸ Anderson, J. D. (1988). *The education of Blacks in the South, 1860-1935*. Chapel Hill: The University of North Carolina Press ; Franklin, J. H., & Higginbotham, E. B. (2011). *From slavery to freedom: a history of African Americans*. 9th ed. New York: McGraw-Hill.

²⁹ Cahill, C. (2011). *Federal Fathers and Mothers: A Social History of the United States Indian Service, 1869– 1933*. Chapel Hill: University of North Carolina Press.

³⁰ Fox, C., & Bloemraad, I. (2015). Beyond "white by law": Explaining the gulf in citizenship acquisition between Mexican and European immigrants, 1930. *Social Forces*, 94, 181– 207

relegated to segregated “Mexican schools” based on their surname and skin color.³¹

Despite the varied regional and racial experiences of public schooling, the curriculum and culture of schools remained relatively similar throughout the nation. In elementary schools, basic literacy and numeracy were the primary learning objectives; namely, preparing students to master reading, spelling, punctuation, and to perform simple math problems. Secondary schools curriculum centered on advanced writing, mathematics, penmanship, geography, and English. In both elementary and secondary schools, there was a sharp focus on regimen and strict discipline, often through corporal punishment. Inculcating subservient mannerisms and familiarity with rote memorization was believed to adequately prepare students for factory work in the growing industrial sector.

Segregated Public Schooling in Pre-*Brown v Board* America

In the pre-*Brown v Board* era, the culture and quality of education in schools varied greatly between white students and students of color. For many Native Americans, public schooling was viewed as a symbol of repression and social control. In alignment with the “Kill the Indian, Save the Man” campaign, the Bureau of Indian Affairs chose to establish boarding schools, rather than expand on-reservation schools. These off-reservation schools were located in white communities for the purpose of more rapidly deculturating Native American youth from their heritage and “saving” Native peoples from “savage” lifestyles.³²

The flagship boarding school was the Carlisle Indian Industrial School, which became a model for all others in the nation. The architect of this school model, Col. Richard Henry Pratt, championed “Kill the Indian, Save the Man” as the school’s unofficial motto and worked as its headmaster for nearly three decades. The Carlisle school was housed in an old army barracks in Carlisle, Pennsylvania and waged an oppressive assault on students’ cultural identity, with the goal of stripping tribal knowledge, traditions, and language from their memory.³³ Among these school practices and rules, all students were given new “white” names (including surnames). They were also forbidden from speaking in their Native languages and donning any signs of tribal affiliation, including wearing long braids (for Native boys), as well as cooking or eating traditional foods or engaging in other cultural practices.³⁴ Further, Native American students were forced to convert to Christianity.

The school was highly regimented as students were required to march to and from classes, meals, and dormitories. Curriculum in Native American schools depicted Native Americans in racially derogatory ways while framing whites as heroic, benevolent saviors. For instance,

³¹Fox, C., & Bloemraad, I. (2015). Beyond “white by law”: Explaining the gulf in citizenship acquisition between Mexican and European immigrants, 1930. *Social Forces*, 94, 181–207

³²Brayboy B.M.J., Faircloth, S.C., Lee, T.S., Maaka, M.J. & Richardson, T.A. (2015). Sovereignty and Education: An Overview of the Unique Nature of Indigenous Education. *Journal of American Indian Education*, 54(1), 1–9.; Woolford, A. (2016). *This benevolent experiment: Indigenous boarding schools, genocide, and redress in Canada and the United States*. Lincoln, NE: University of Nebraska Press

³³Pratt, R. H. & Hamilton Library Association Issuing Body. (1908) *The Indian Industrial School, Carlisle, Pennsylvania: its origin, purposes, progress and the difficulties surmounted*.

³⁴Pratt, R. H. & Hamilton Library Association Issuing Body. (1908) *The Indian Industrial School, Carlisle, Pennsylvania: its origin, purposes, progress and the difficulties surmounted*.

history curriculum framed Christopher Columbus as a beneficent hero who saved Native Americans from their own cultural misfortunes and provided a pathway to modernization.³⁵ Additionally, for military celebrations, such as Memorial Day, students were required to demonstrate their patriotism by decorating the graves of white soldiers.³⁶ This was a psychologically oppressive exercise as students were forced to celebrate the very soldiers who killed, raped, pillaged, and stole the lands of their parents and grandparents.

The oppressiveness of Native American boarding schools led many students to resist. For students who resisted or otherwise failed to comply with the harsh restrictions, discipline was severe and included corporal punishment, confinement, restriction of diet (sometimes from any food at all), and deprivation of privileges.³⁷ Many Native American parents resisted sending their children to these schools and, by the 1930s, some communities established tribally controlled schools that centered on culturally sustaining educational practices. However, federal officials countered efforts of Native American educational sovereignty by enacting laws that authorized the Bureau of Indian Affairs to withhold monetary and/or food rations for Native American families and reservations if they resisted allowing their children to attend the boarding schools.³⁸ Further, law enforcement forcibly removed many Native American youth from their families, as formalized into law by a 1906 rule that authorized a Special Officer force to seize Native youth and place them in boarding schools without consent of parents or kin.³⁹

Black segregated public schools, which were established primarily in the South after emancipation and paralleled by significant growth of Black independent schools in succeeding decades, were one-room schoolhouses, often within a church building.⁴⁰ Certain walls were painted with slate to be used as a chalkboard. Teachers and administrators of Black segregated schools were predominantly Black. Though these schools were organized within the same districts as all-white schools, they received less than their fair share of funding for building, teacher salaries, curriculum, and more.⁴¹ As such, Black communities often held fundraisers to subsidize school expenses and, when needed, even build their own school facilities.⁴² This

³⁵ Jon Reyhner. "American Indian Boarding Schools: What Went Wrong? What Is Going Right?" *Journal of American Indian Education* 57, no. 1 (2018): 58–78.

³⁶ Lomawaima, K.T., Brayboy B.M.J., & McCarty, T.L. (2018). Editors' Introduction to the Special Issue: Native American Boarding School Stories. *Journal of American Indian Education*, 57(1), 1–10.

³⁷ Low, D. (2003). "Boarding School Resistance Narratives: Haskell Runaway and Ghost Stories." *Studies in American Indian Literatures* 15, no. 2 (2003): 106–18.

³⁸ Marr, Carolyn J., (2004) *Assimilation through Education: Indian Boarding Schools in the Pacific Northwest*.

³⁹ Dunbar-Ortiz, R. (2014). *An indigenous peoples' history of the United States*. Boston : Beacon Press ⁴² Du Bois, W. E. B. (William Edward Burghardt), 1868-1963. (2007). *Black reconstruction in America : an essay toward a history of the part which Black folk played in the attempt to reconstruct democracy in America, 1860-1880*. New York: Oxford University Press.

⁴⁰ Du Bois, W. E. B. (William Edward Burghardt), 1868-1963. (2007). *Black reconstruction in America : an essay toward a history of the part which Black folk played in the attempt to reconstruct democracy in America, 1860-1880*. New York: Oxford University Press.

⁴¹ Du Bois, W. E. B. (William Edward Burghardt), 1868-1963. (2007). *Black reconstruction in America : an essay toward a history of the part which Black folk played in the attempt to reconstruct democracy in America, 1860-1880*. New York: Oxford University Press.

⁴² Tyack, D., & Lowe, R. (1986). *The Constitutional Moment: Reconstruction and Black Education in the South*. *American Journal of Education*, 94(2), 236–256.; Walker, V. S. (1996). *Their highest potential: An African American school community in the segregated South*. Chapel Hill: University of North Carolina Press.

reflected the strong collectivist ethos and community of care within Black neighborhoods of the Jim Crow era.

In Southern states, Black schools typically received older used textbooks from all-white schools. Because of the anti-Blackness explicit in curriculum at the time, some Black teachers would avoid teaching from prescribed curriculum to focus on the history and contributions of Black people. This “fugitive pedagogy,” as termed by education scholar Jarvis Givens, was a key form of resistance by Black teachers to the system of education and racial oppression. This pedagogy of care led many Black students to perceive school as a trusting, safe haven – a stark distinction from the violent reign of racial terror that Black Americans navigated, not only in the South, but also in the Midwest and West. Because in some communities Black students could be targeted for attending school, they adopted secretive practices – e.g. concealing books in paper bags and leaving the school building in pairs – to avoid attracting suspicion from white mobs.⁴³

Asian immigrants, similar to Black and Native Americans, experienced racism in attempts to enroll in school. Between 1850 and 1860, the number of people of Chinese origin in the U.S. grew from 4,018 to approximately 35,000 and continued to nearly double each decade through the early 1900s.⁴⁴ Chinese immigrants, who represented the greatest portion of Asian immigrants at the time, primarily settled in Western states such as California, Oregon, and Hawaii. While the West had less legalized segregation, it was enforced de facto. As most of these immigrants were men who initially came without their families, in the 1880s, it is estimated the nation was home to approximately only 1,000 Chinese children. When Chinese American student Mamie Tape was barred from attending an all-white California school in 1885, her parents sued and won a landmark case, *Tape v Hurley*, which set precedent that every student has the right to attend school in California, regardless of citizenship status. However, later that year, the state passed a law mandating educational segregation of Asian students.⁴⁵

Research on the Chicana schooling experience in the West and Southwest further demonstrates the complexities of race in the United States. Some Chicana Americans of lighter complexion passed as white and attended all-white schools. As adults, they held the same privileges as whites including land ownership and voting.⁴⁶ Meanwhile, those of darker complexion received harsh treatment and were segregated to Mexican schools. These segregated Mexican schools grew in the mid-1900s to accommodate the children of increasing waves of Mexican immigrants who arrived to the West and Southwest to work in the growing mass agricultural industry amid the growing demand for laborers and ranchers.⁴⁷ By 1940, more than 80 percent of⁴⁹ Mexican American students in California went to segregated “Mexican” schools. Similar to segregated schools for other students of color, the school buildings often had dilapidated

⁴³ Givens, J. R. (2021). *Fugitive pedagogy: Carter G. Woodson and the art of Black teaching*. Harvard University Press.

⁴⁴ U.S. Census Bureau, Chinese population in U.S. (1840-2010)

⁴⁵ Kuo, J. (1998). Excluded, Segregated, and Forgotten: A Historical View of the Discrimination of Chinese Americans in Public Schools. *Asian American Law Journal*, 5 (1).

⁴⁶ Pitt, L. (1966). *The Decline of the Californios: A Social History of the Spanish-Speaking Californians, 1846-1890*. Berkeley: University of California Press, 1966); las Monroy, D. (1990) *Thrown among Strangers: The Making of Mexican Culture in Frontier California*. Berkeley: University of California Press.

⁴⁷ Mize, R. L., & Swords, A. C. S. (2010). *Consuming Mexican labor: From the Bracero Program to NAFTA*. Toronto: University of Toronto Press. Mize, R.L. (2016) *The Invisible Workers of the U.S.-Mexico Bracero Program*. Lanham: Lexington Books

infrastructure and limited funding, which resulted in deficiencies in basic supplies and teacher shortages. Moreover, schools did not offer 12 years of full instruction.⁴⁸ In 1945, a decade before *Brown v Board*, four Mexican-American families sued districts in southern California for refusing access to their county district school— a white school with pristine facilities – and instead forcing their children to attend an under-resourced segregated school.⁴⁹ In the court records, government and school officials claimed that “Mexicans are inferior in personal hygiene, ability and in their economic outlook.”⁵⁰ Similar to these racist justifications for the unequal education for Mexican-Americans were the racially derogatory narratives about Mexicans and other Latinx groups within school curriculum. During the 1900s, these narratives rose significantly in the mainstream amid the Great Depression, as people of color and immigrants were scapegoated for taking economic opportunities from whites.

Racial Segregation Within and Across Schools

The education system in the United States today is notably different from the education system in place during the *Brown v Board* decision. As noted in the introduction, student demographics have shifted across city and suburban neighborhoods in the United States since 1954 through multiple waves of migration and immigration spurred by national and international events. The current education system is also distinctly more privatized, deregulated, and driven by free market principles than ever before.⁵¹ Yet, as these changes and others have taken place, the underlying conditions of racial inequality and segregation across schools that led to the *Brown* decision remain present across contemporary schools and classrooms. These conditions perpetuate educational disparities for students of color.

In a 2019 report by The Civil Rights Project that looked at the promise of the *Brown* decision 65 years later, researchers found that the intense levels of segregation that had decreased during the 1960s and 1970s were on the rise again.⁵² Furthermore, another strand of research has documented that even when school buildings are racially desegregated, Black and/or Latinx students often experience within school segregation – where they are more likely to be placed in

⁴⁸ Donato, R., Guzman, G., & Hanson, J. (2017). Francisco Maestas et al. v. George H. Shone et al.: Mexican American resistance to school segregation in the Hispano homeland, 1912–1914. *Journal of Latinos and Education*, 16 (1), 3-17.; Gomez, L.E. (2007). *Manifest destinies: The making of the Mexican American race*. New York, NY: New York University Press. Gonzalez

⁴⁹ Donato, R., Guzman, G., & Hanson, J. (2017). Francisco Maestas et al. v. George H. Shone et al.: Mexican American resistance to school segregation in the Hispano homeland, 1912–1914. *Journal of Latinos and Education*, 16 (1), 3-17.; Gomez, L.E. (2007). *Manifest destinies: The making of the Mexican American race*. New York, NY: New York University Press. Gonzalez

⁵⁰ Strum, P. (2010). *Mendez v. Westminster: school desegregation and Mexican-American rights*. Lawrence, Kan.: University Press of Kansas

⁵¹ Lubienski, C. (2001). Redefining "public" education: Charter schools, common schools, and the rhetoric of reform. *Teachers College Record*, 103(4), 634-666; Wells, A. S., Slayton, J., & Scott, J. (2002). Defining democracy in the neoliberal age: Charter school reform and educational consumption. *American Educational Research Journal*, 39(2), 337-361.

⁵² Frankenberg, E., Ee, J., Ayscue, J., & Orfield, G. (2019). *Harming Our Common Future: America's Segregated Schools 65 Years after Brown*. The UCLA Civil Rights Project.

lower academic tracks or lower-quality programs compared to their white peers.⁵³ This reality has stark implications for the academic outcomes of students of color because of the highly unequal schooling conditions and access to opportunities that accompany across or within school segregation.

The Neighborhood-School Relationship

It is important to understand the interplay between neighborhood segregation and school segregation as the backdrop for how segregation has been a historical driver of educational inequality for students of color in the United States. The relationship between neighborhoods and schools has long been cited by education researchers as both a symptom of racial division and a root cause of larger educational and racial inequality in the United States.

To be sure, neighborhood segregation has been a topic of study beyond just the education sector. Increasingly over the past few decades, researchers across sectors have documented how the “geography of opportunity” defined by racial and socioeconomic segregation in the United States creates disparate access to high-paying jobs, adequate health care services, transportation, well-resourced schools, and affordable housing.⁵⁴ The access to such opportunities is highly racialized. Across sectors, researchers find that Black and/or Latinx communities are more likely to be located in poorer neighborhoods that lack access to educational, economic, housing, and health care opportunities.⁵⁵

In the education sector, the relationship between neighborhoods and schools is by design and extends back to the planning of neighborhoods themselves pre-*Brown*. The “neighborhood unit” concept, where schools are placed at the spatial center of neighborhoods by using school enrollment as an indication of neighborhood boundaries, was popularized in the 1920s and influenced urban planning for much of the 20th century.⁵⁶ Charles Perry, the main advocate of this model during the 1920s, “understood schools not simply as public infrastructure for a residential area but as a social node in the making of community.”⁵⁷ After World War II, city developers further reinforced racial segregation under the concept of the neighborhood unit by

⁵³ Carter, P. (2013) (Im)permeable Boundaries: Why Integration into Affluent White-Majority Schools for Low-Income Minority Students Is Elusive. In *Children in Crisis: Ethnographic Studies in International Contexts*, Routledge.; Darling-Hammond, L. (2004). The color line in American education: Race, resources, and student achievement. *Du Bois Review: Social Science Research on Race*, 1(2), 213-246.; Irizarry, Y. (2021). On track or derailed? Race, advanced math, and the transition to high school. *Socius*, 7.; Oakes, J. (2005). *Keeping track: How schools structure inequality*. Yale University Press.

⁵⁴ Briggs, X. De S. (Ed.). (2005). *The geography of opportunity: Race and housing choice in metropolitan America*. Brookings Institution Press.

⁵⁵ Ibid.

⁵⁶ Erickson, A. T., & Highsmith, A. R. (2018). The neighborhood unit: Schools, segregation, and the shaping of the modern metropolitan landscape. *Teachers College Record*, 120(3), 1-36.

⁵⁷ Ibid.

working with school districts to construct new schools in predominately-white suburban neighborhoods.⁵⁸

The ideology of the “neighborhood unit” persists through today and is well understood by federal court judges, real estate professionals, and parents alike across city, suburban, and rural spaces. Post-*Brown*, this relationship between neighborhood and school segregation has been consistently cited in federal court rulings as support for legal responses to racial school segregation – albeit in disparate ways. For example, in the landmark 1971 *Swann v. Charlotte-Mecklenburg Board of Ed* school desegregation case, the Supreme Court ruled that the school district intentionally segregated Black and white students by drawing school attendance boundaries that overlapped segregated neighborhood boundaries.⁵⁹ Conversely, three years later in the 1974 *Milliken v. Bradley* desegregation case from Detroit, the Supreme Court ruled that suburban school districts were not constitutionally obligated to participate in metropolitan desegregation busing plans because racial and ethnic segregation across public schools in the United States is the result of neighborhood segregation, which is “typically beyond the control of school authorities.”⁶⁰ The Supreme Court remanded this case to the district courts, which later mandated desegregation plans within city borders.

As illustrated by those two cases, legal remedies to racial segregation post-*Brown* have historically treated school segregation and neighborhood segregation as a one-directional, causal relationship. However, education researchers treat this relationship as iterative and historically place-based. Put another way, neighborhood segregation drives school segregation in some contexts and school segregation drives neighborhood segregation in other contexts. In general, racial segregation across schools and school districts is greater than or comparable to segregation across neighborhoods when school districts are geographically smaller and more fragmented. Conversely, racial segregation across schools and districts tends to be less intense than segregation across neighborhoods when school district boundaries are geographically larger.⁶¹ Additionally, the relationship between school and neighborhood segregation varies by the region of the country and by which racially marginalized groups are present. For example, New York remains the most segregated for Black students while California remains the most segregated state for Latinx students.⁶² In short, context matters for how racial segregation and inequality manifest in local neighborhood schools. These patterns have held true from the latter half of the 20th century through today.

This reality of the neighborhood-school relationship coupled with the relatively local and

⁵⁸ Erickson, A. T. (2016). *Making the unequal metropolis*. University of Chicago Press.

⁵⁹ *Swann v. Charlotte-Mecklenburg Bd. of Educ.* :: 402 US 1 (1971)

⁶⁰ *Milliken v. Bradley* :: 418 US 717 (1974)

⁶¹ Ong, P.M. & Rickles, J. (2013). The Continued Nexus Between Schools and Residential Segregation. *Berkeley Journal of African-American Law and Policy*, 6(2), 1-17

⁶² Frankenberg, E., Ee, J., Ayscue, J., & Orfield, G. (2019). *Harming Our Common Future: America's Segregated Schools 65 Years after Brown*. The UCLA Civil Rights Project.

decentralized nature of education policy and practice that defines our education system post-*Brown* means that students' academic opportunities, like broader opportunities under the "geography of opportunity" framework, are largely dictated by their ZIP codes and result in disparate access to opportunities along racial lines. Their access to specific academic opportunities – such as access to smaller classrooms, experienced teachers, and advanced coursework – in turn shapes their academic outcomes. Despite increases in the share of students who attend schools of choice in the United States and efforts to expand choice policies under the guise of disrupting the narrative that "ZIP codes should not determine your destiny," a majority of students continue to attend their local neighborhood public schools.⁶³ Thus the relationship between neighborhoods and schools remains an ever important backdrop to any discussion of educational inequality.

Desegregation: The Progress and Pitfalls of Busing and Court-Ordered Plans

Shifting focus to school desegregation, the decade that followed the 1954 *Brown v Board of Education* ruling was relatively slow-moving with respect to moving racial desegregation efforts forward, with very few schools desegregating as a means of remedying the "unequal and separate" schooling Black children and other children of color were receiving. The school desegregation orders handed down by federal courts in the few years after *Brown* came after hard-fought battles in court and in protest. Proponents of desegregation were violently attacked, if not killed, in Southern states, and districts and municipalities enacted hundreds of laws to prevent racial mixing with Black students and communities. Similar efforts were launched in the West toward preventing mixing with Black communities, Asian communities, and/or Mexican American communities, though these instances are generally less well-documented than the events that took place across Southern states between 1955 and 1964. It was estimated that in 1960, six years after *Brown*, 94 percent of Black students still attended racially homogenous schools.⁶⁴

Not until The Civil Rights Act of 1964 and a series of federal court cases throughout the 1960s did the intended impact of *Brown* and desegregation efforts become more widespread across Southern states in particular. The legislative efforts of the 1960s were strategic and intentionally designed to speed up the lagging implementation of *Brown* as well as the similarly lagging implementation of parallel efforts in other sectors – such as the 1948 *Shelley v. Kraemer* ruling that barred the legal use of racially restrictive covenants in white

⁶³ Harris, E., & Fessenden, F. (2017, May). *The broken promises of choice in New York City schools*. The New York Times.; Mader, N., Hemphill, C., & Abbas, Q. (2018, May). *The paradox of choice: How school choice divides New York City elementary schools*. The Center for New York City Affairs.; Nathanson, L., Corcoran, S., & Baker-Smith, C. (2013, April). *High School Choice in New York City: A Report on the School Choices and Placements of Low-Achieving Students*. NYU Research Alliance for New York City Schools and The Institute for Education and Social Policy.; Ong, P.M. & Rickles, J. (2013). The Continued Nexus Between Schools and Residential Segregation. *Berkeley Journal of African-American Law and Policy*, 6(2), 1-17

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neighborhoods.⁶⁵ The Civil Rights Act of 1964 effectively prohibited racial discrimination in education and housing. It also plays an important role in education research, including a provision mandating that large school districts and a sample of smaller school districts report the racial composition of students and teachers within a school. That provided education researchers with data to understand the impact desegregation efforts had on the academic, economic, and social outcomes of Black students and other students of color.

The subsequent research tells us that desegregation orders in Southern states worked toward their intended goals in two respects through the 1980s. First, desegregation orders in the South moved the region from being the most segregated in the country in the 1960s to the least segregated region in the 1980s.⁶⁶ Second, giving Black students and other students of color access to well-resourced, once all-white schools did in fact have a positive impact on their long-term academic outcomes. With respect to the former, at the height of desegregation efforts, 40 percent of Black students in the South attended once all-white schools and less than 30 percent of Black students in the South attended racially homogenous schools.⁶⁷ Important context to this is that the mandates and busing efforts enforced during this period of desegregation were mostly effective at addressing segregation within school districts. That is to say, desegregation orders largely required busing across schools within a single school district as a means of desegregation. School districts in Southern states generally cover relatively large geographic areas and multiple neighborhoods.

The story is markedly different in Northern states. Even as the share of Black students attending once all-white schools increased in Southern states, the share of Black students attending predominantly white schools actually decreased across most major Northern cities. In New York, for example, the share of Black students in predominantly white schools dropped from 20 percent to 16 percent.⁶⁸ While we think of post-*Brown* desegregation efforts as national efforts in contemporary public and policy discourse, the reality is that the Northern states remained segregated and were essentially given a pass on court-ordered desegregation plans post-1970s. Between 1954 and 1973, a much smaller subset of Northern and Western school districts started desegregation efforts. The 1973 *Keyes v. School Dist. No. 1* ruling on Denver public schools, for example, afforded Latinx students in the Southwest a route to desegregation similar to the path for Black students in the South.⁶⁹ As in the South, these efforts were met by intense backlash from white communities. In the case of *Keyes* specifically, the ruling never received federal enforcement or oversight – the ripple effects of this are still evident today in Latinx student segregation trends. Racial segregation across schools was depicted as a “Southern problem” in

⁶⁵ *Shelley v. Kraemer* :: 334 US 1 (1948)

⁶⁶ Orfield, G. (2001). Schools more separate: Consequences of a decade of resegregation. The Civil Rights Project.; Orfield, G., Bachmeier, M. D., James, D. R., & Eitle, T. (1997). Deepening segregation in American public schools: A special report from the Harvard Project on School Desegregation. *Equity and Excellence in education*, 30(2), 5-24.

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⁶⁸ Hewers, J. (1971, Aug 31). Desegregation in the North. *New York Times*.

⁶⁹ *Keyes v. School Dist. No. 1* :: 413 US 189 (1973)

the national imagination, but it was not confined to the South by any means. So much so that the largest civil rights protest was a 1964 student boycott aimed at demanding the Department of Education desegregate schools and took place in New York City – the largest school district in the country.⁷⁰

During the middle of the 20th century, New York City's Black and Puerto Rican populations exploded. This was largely driven by the Great Migration of Black communities from Southern states to Northern states, and increased migration from Puerto Rico at the same time.⁷¹ Met with ⁷³racist and discriminatory housing practices, these migrants were segregated into what quickly became overcrowded ethnic enclaves. Instead of shifting school boundaries to make room for Black and/or Puerto Rican students in nearby all-white schools, the Department of Education implemented half-days for these students. When the Department of Education finally attempted busing instead, under the pressure of civil rights groups, the white backlash was swift and powerful. After over a decade of highly unequal and inadequate schooling, a coalition of Black and Puerto Rican students and activists called for a one-day boycott of schools. It was successful, with more than 460,000 students staying home from school – making the boycott nearly double the demonstration of the March on Washington.⁷² Yet, the New York City Department of Education, like many other districts across the North, never enacted a district-wide desegregation plan due to white resistance.

The relative inaction towards school desegregation across Northern and Western states was only further cemented by the 1974 *Miliken v Bradley* ruling. *Miliken's* ruling essentially recognized “de facto” segregation as a legally acceptable reason to dismantle inter-district desegregation efforts in the North. De facto segregation is defined as segregation that happens as a matter of circumstance instead of law – the latter is referenced as de jure segregation.⁷³ The backdrop to this is that, by the time the *Miliken* ruling came along, white flight to nearby suburbs had already taken place in major Northern cities, such as New York City.

Beginning in the 1950s, racist mortgage and lending practices led to highly racialized suburbanization trends where a majority of suburbs were predominantly white.⁷⁴ The *Miliken* ruling then prohibited interdistrict busing across suburban-city lines and had the effect of building a legislative wall around white suburbs – keeping them racially segregated from city

⁷⁰ Jones, F., & Shagaloff, J. (1964). NAACP on New York Situation. *Integrated Education*, 2(1), 33-36.; Taylor, C., & Galamison, M. A. (2001). *Knocking at our own door: Milton A. Galamison and the struggle to integrate New York City schools*. Lexington Books.

⁷¹ Wilkerson, I. (2010). *The Warmth of Other Suns*. Random House. Vélez, E. M. (2005). The Puerto Rican journey revisited: Politics and the study of Puerto Rican migration. *Centro Journal*, 17(2), 192-221.

⁷² Waxman, O. (2020 Sept). Nearly Half of New York City's Public-School Students Stayed Home to Protest Segregation in a 1964 Boycott. That Fight Is Still Unfinished. *Time Magazine*.

⁷³ *Milliken v. Bradley* :: 418 US 717 (1974)

⁷⁴ Brooks, R. R., & Rose, C. M. (2013). *Saving the neighborhood: Racially restrictive covenants, law, and social norms*. Harvard University Press.; Jackson, K. T. (1987). *Crabgrass frontier: The suburbanization of the United States*. Oxford University Press.; Nicolaidis, B., & Wiese, A. (2016). *The suburb reader*. Routledge; Omi, M., & Winant, H. (1994). *Racial formation in the United States* (2nd ed.). Routledge.

schools. This was the beginning of systematic government disinvestment that occurred throughout the remainder of the 20th century and shaped everything from dilapidated infrastructure to underfunded public schools for racially marginalized communities and students.

In places where court-ordered and voluntary desegregation plans held through the 1980s, decades of research have documented notable differences in academic outcomes for students of color who attended desegregated schools. In general, attending desegregated schools results in a host of positive academic, economic, and social outcomes for lower-income and students of color.⁷⁵ Most of the research that centers on desegregation between the 1960s and the 1990s is focused on Black students. A meta-analysis of 31 studies on school desegregation and academic achievement for Black students found that students who attend desegregated schools had about two months of academic gain.⁷⁶ Other large scale studies that compare the outcomes of Black students who attended desegregated versus segregated schools found that Black students who attended desegregated schools had higher academic achievement, attended more selective colleges, had higher income, were less likely to be incarcerated, and had better long-term health outcomes.⁷⁷ These effects were found to be especially strong among Black boys during the period of desegregation.⁷⁸ Socially, another strand of research found that students across racial groups who attended desegregated schools were more comfortable in racially diverse work settings, more likely to live in desegregated neighborhoods, and more likely to send their children to desegregated schools.⁷⁹ Importantly, these effects hold over generations, where students who attended desegregated schools during this time period pass their academic gains on to their children and their grandchildren.⁸⁰

However, more recent historical and qualitative research has also uncovered the costs of desegregation efforts for Black students and communities in public schools during this period of desegregation. There is growing contemporary consensus that, without explicit attention to how racism, power, and inequality manifest within desegregated schools, more harm may be done to Black students and other students of color thrust into predominantly white schools without other support. Historians have documented that prior to the desegregation era, Black educators in the North and South were teaching Black students how to be sociopolitically conscious and not

⁷⁵ Wells, A.S., Fox, L., & Cordova-Cobo, D. (2016). How racially diverse schools and classrooms can benefit all students. The Century Foundation.

⁷⁶ Wortman, P. M., & Bryant, F. B. (1985). School desegregation and black achievement: An integrative review. *Sociological Methods & Research*, 13(3), 289-324.

⁷⁷ Johnson, R. C. (2019). *Children of the dream: Why school integration works*. Basic Books.

⁷⁸ Chetty, R., Hedren, N., Jones, M. R., & Porter, S. R. (2018). Race and economic opportunity in the United States: An intergenerational perspective. National Bureau of Economic Research.

⁷⁹ Kurlaender, M. & Yun, J.T. (2001). Is diversity a compelling educational interest? Evidence from Louisville. In: Orfield G, editor. *Diversity challenged: Evidence on the impact of affirmative action*. Harvard Education Publishing Group.

⁸⁰ Johnson, R. C. (2019). *Children of the dream: Why school integration works*. Basic Books.

define themselves by the anti-Black rhetoric and inequitable conditions of segregation.⁸¹ In fact, much of the pedagogy these teachers enacted in their classrooms mirror some of what is discussed in later sections with respect to curriculum reform that has been shown to improve student outcomes in the contemporary era.

Once de jure school segregation was found unconstitutional in the *Brown* ruling and desegregation orders were issued, mass firings of Black educators took place across school districts.⁸² Nothing in the desegregation orders required school districts to keep Black educators employed. So, as schools were merged and closed, Black educators were the main ones fired. It is estimated that in the decade following *Brown*, more than 38,000 Black classroom teachers and administrators across 17 Southern states lost their jobs.⁸³ As is further discussed below, contemporary research notes a host of positive social, psychological, and academic outcomes when students share demographic backgrounds with their teachers.⁸⁴ However, the legacy of these post-*Brown* firings live on today and the teaching force has remained predominantly white even as student demographics have shifted in recent decades toward a public school population where white students are the numerical minority.

Over time, students of color have become increasingly “mis-matched” with their teachers even as funding has increased in recent years for the recruitment of Black, Latinx, and Asian teachers.⁸⁵ As much as students gained through access to well-resourced schools during the period of desegregation, researchers and communities alike continue to grapple with the aforementioned costs even as they push for integration in the current era of resegregation. This is not to say that we should abandon desegregation efforts, but to say that desegregating school buildings without attention to the racism embedded in our education system can lead to inequitable school experiences for students of color even as they have access to more well-resourced, racially diverse schools.

⁸¹ Givens, J. R. (2021). *Fugitive pedagogy: Carter G. Woodson and the art of Black teaching*. Harvard University Press.; Kridel, C. (2018). *Becoming an African American Progressive: Narratives of Black Progressive High Schools*. University of South Carolina.; Pearlstein, D. (2019). “Schooling the New Negro: Progressive Education, Black Modernity, and the Long Harlem Renaissance.” In Erickson, A. & Morrell, E. (Eds.) *Educating Harlem: A Century of Schooling and Resistance in a Black Community*. Columbia University Press.; Walker, V. S. (2018). *The Lost Education of Horace Tate: Uncovering the Hidden Heroes Who Fought for Justice in Schools*. The New Press.

⁸² Tillman, L. C. (2004). (Un)intended consequences? The impact of the *Brown v. Board of Education* decision on the employment status of Black educators. *Education and urban society*, 36(3), 280-303.

⁸³ Hudson, M. J., & Holmes, B. J. (1994). Missing teachers, impaired communities: The unanticipated consequences of *Brown v. Board of Education* on the African American teaching force at the pre-collegiate level. *Journal of Negro Education*, 63(3), 388-393.

⁸⁴ Dee, T. S. (2005). A teacher like me: Does race, ethnicity, or gender matter?. *American Economic Review*, 95(2), 158-165.; Egalite, A. J., & Kisida, B. (2018). The effects of teacher match on students’ academic perceptions and attitudes. *Educational Evaluation and Policy Analysis*, 40(1), 59-81.; Egalite, A. J., Kisida, B., & Winters, M. A. (2015). Representation in the classroom: The effect of own-race teachers on student achievement. *Economics of Education Review*, 45, 44-52.

⁸⁵ Ibid.

Resegregation: Reversing *Brown* in the South and Intrenching Segregation in the North

Despite the positive outcomes desegregation had for students of color, the 1990s saw the reversal of the progress toward racial equity made in the prior three decades through court-ordered desegregation plans. That started an era in which racial segregation trends have reversed since the height of desegregation in the 1970s and 80s.⁸⁶ As noted above, *Brown* was meant to address the legal racial segregation taking place across 17 states in the middle of the 20th century. In the 1990s, courts began systematically removing judicial oversight for desegregation plans in school districts across these states. Three rulings between 1991 and 1995 – *Board of Education v. Dowell*⁸⁷, *Freeman v. Pitts*⁸⁸, and *Missouri v. Jenkins*⁸⁹ – made it easier for school districts to free themselves of court oversight with respect to desegregation. In fact, by 2012, researchers found that almost half of the nearly 500 school districts under court-ordered desegregation plans were released from their judicial oversight.⁹⁰ At the same time, the Supreme Court has limited the use of race-based school assignment policies in the current era, making it difficult to pursue judicial remedies to racial segregation in schools.⁹¹ In the South in particular, school segregation was generally lower than neighborhood segregation until the 1990s. Once desegregation orders were lifted from the 1990s onward, school segregation increased relative to neighborhood segregation.⁹²

To be clear, Northern states largely entered the 1990s still racially and socioeconomically segregated. For example, Black student segregation persisted in New York City public schools even as neighborhood segregation declined for Black communities in the same time period.⁹³ So, even as the reversal of desegregation plans led to resegregation across the South, school segregation was only further entrenched within and across Northern and Western school districts.⁹⁴ The combination of these realities has led to staunch school segregation patterns along racial and ethnic lines through today. The UCLA Civil Rights Project, which has tracked school segregation trends over the past few decades, found that segregation for Black students has increased across the country from the high point of desegregation in the 1980s. This is true even as Black students make up an increasingly shrinking share of the public school student

⁸⁶ Frankenberg, E., Ee, J., Ayscue, J., & Orfield, G. (2019). *Harming Our Common Future: America's Segregated Schools 65 Years after Brown*. The UCLA Civil Rights Project.

⁸⁷ *Board of Ed. of Oklahoma City v. Dowell*, 498 U.S. 237 (1991)

⁸⁸ *Freeman v. Pitts*, 498 U.S. 1081 (1992)

⁸⁹ *Missouri v. Jenkins* :: 495 US 33 (1990)

⁹⁰ Reardon, S. F., Grewal, E. T., Kalogrides, D., & Greenberg, E. (2012). *Brown Fades: The End of Court-Ordered School Desegregation and the Resegregation of American Public Schools*. *Journal of Policy Analysis and Management*, 31(4), 876-904.

⁹¹ *Parents Involved in Community Schools v. Seattle School Dist. No. 1*, 551 U.S. 701 (2007)

⁹² Ong, P.M. & Rickles, J. (2013). *The Continued Nexus Between Schools and Residential Segregation*. *Berkeley Journal of African-American Law and Policy*, 6(2), 1-17

⁹³ Fessenden, F. (2012, May 11). *A portrait of segregation in New York City's schools*. *The New York Times*.

⁹⁴ Ong, P.M. & Rickles, J. (2013). *The Continued Nexus Between Schools and Residential Segregation*. *Berkeley Journal of African-American Law and Policy*, 6(2), 1-17

population in many contexts and are no longer concentrated only in city schools.⁹⁵

In fact, suburban schools have seen the sharpest decline in the share of white students in recent years due to increased suburbanization of Black and Latinx families.⁹⁶ The UCLA Civil Rights Project also found that Latinx students are the most segregated when compared to Black, Asian, or white students. Additionally, when Black students make up a smaller share of the student population, they are more likely to be in schools with predominantly Latinx student populations. As the share of Latinx students has grown in public schools from 5 percent in 1970 to 25 percent in 2018, Latinx segregation has intensified. Latinx students are also sometimes segregated based on language status. These trends hold true across contemporary city, suburban, and rural contexts.⁹⁷

In addition to racial segregation, Black and Latinx students in schools today are also more likely to be in high-poverty schools that are under-resourced.⁹⁸ Particularly noted in the research is that, in addition to having fewer material resources and opportunities, low-income Black and Latinx students are more likely to have less experienced teachers.⁹⁹ Schools that are predominantly students of color and high-poverty have twice as many teachers with less than one year of teaching experience and five times as many teachers who don't meet state certification requirements than low-poverty, predominantly white schools.¹⁰⁰ This is important because teacher quality increases with years of experience so students with less experienced teachers are likely to have poorer academic outcomes.¹⁰¹ As was true before *Brown*, segregated schools remain “separate and unequal” in our contemporary context.

In an effort to remedy these symptoms of segregation, school choice policies have become increasingly popular in public school districts since the late 1990s and grew from examples such as the intentionally desegregated magnet programs of the 1970s. Today, due to the limits on race-based school assignment policies, school choice policies do not include provisions for racial desegregation. Increasingly, however, schools are leaning on socioeconomic desegregation to

⁹⁵ Frankenberg, E., Ee, J., Ayscue, J., & Orfield, G. (2019). *Harming Our Common Future: America's Segregated Schools 65 Years after Brown*. The UCLA Civil Rights Project.

⁹⁶ Ibid.

⁹⁷ Ibid.

⁹⁸ Hussar, B., Zhang, J., Hein, S., Wang, K., Roberts, A., Cui, J., Smith, M., Bullock Mann, F., Barmer, A., and Dilig, R. (2020). *The Condition of Education 2020 (NCES 2020-144)*. U.S. Department of Education. Washington, DC: National Center for Education Statistics.

⁹⁹ Clotfelter, C., Ladd, H., & Vigdor, J. (2010). Teacher mobility, school segregation, and pay-based policies to level the playing field. *Education, Finance, and Policy*, 6(3), 399-438.; Darling-Hammond, L. & Post, L. (2000). Inequity in teaching and schooling: Supporting high-quality teaching and leadership in low-income schools. In R.D. Kahlenberg (Ed.), *A Nation at Risk: Preserving Public Education as an Engine for Social Mobility* (pp. 127–167). The Century Foundation Press.; Reardon, S. (2011). The widening academic achievement gap between the rich and the poor: New evidence and possible explanations. *Whither opportunity*: 91-116

¹⁰⁰ Government Accountability Office. (2016). “K-12 Education: Better Use of Information Could Help Agencies Identify Disparities and Address Racial Discrimination” (GAO Publication No. 16-345). U.S. Government Printing Office.; National Center for Education Statistics.

¹⁰¹ Ibid.

achieve the same ends.¹⁰² In most school districts, school choice policies include open student assignment policies that aim to give student school choices beyond their school attendance zone and/or charter schools. Both are framed as providing better educational opportunities for lower-income students of color in particular in the context of an underfunded education system. The former has been implemented in larger city school districts and across metropolitan areas.

The most well-documented case of a widespread school choice plan is in New York City public schools, where the high school choice system was put into place nearly two decades ago. The high school choice system, and subsequent middle school, elementary school, and preschool choice systems, are at the center of research efforts to understand whether choice policies actually alleviate racial and socioeconomic inequality and segregation. Research to date has largely concluded that it does not alleviate these conditions at any level of K-12 education.¹⁰³ A majority of elementary school students stay within their school districts or neighborhoods in New York City.¹⁰⁴ Two of the major obstacles for Latinx immigrants in the high school choice process are proximity and exposure. Immigrant parents still largely sent their children to schools in the neighborhood even if the school was not as highly regarded as a school further away.¹⁰⁵ Additionally, there is an over-concentration of “high needs” students in predominantly Black and Latinx high schools due to a lack of transparency, oversight, and controls for diversity or fairness in the high school choice process.¹⁰⁶

Another strand of research has further documented how anti-Blackness and racial bias shape the perceptions of schools as “good” or “bad” when parents are in the position to evaluate schools in the educational marketplace. Schools with predominantly Black and/or Latinx students are frequently labeled as “bad” schools while schools with predominantly white students are “good” schools, despite evidence that shows little or no difference in the quality of instruction or resources a school has to offer.¹⁰⁷

¹⁰² Potter, H., Quick, K., & Davies, E. (2016). *A New Wave of School Integration: Districts and Charters Pursuing Socioeconomic Diversity*. The Century Foundation.

¹⁰³ Corcoran, S. P., & Levin, H. M. (2011). School choice and competition in the New York City public schools. In J. O'Day, C. Bitter & L. M. Gomez (Eds.), *Education Reform in New York City: Ambitious Change in the Nation's Most Complex School System* (pp. 199-224). Boston, M.A.: Harvard Education Press.; Nathanson, L., Corcoran, S., & Baker-Smith, C. (2013, April). High school choice in New York City: A report on the school choices and placements of low-achieving students. The Research Alliance for New York City Schools & the Institute for Social and Education Policy; Public Policy Lab. (2013). *NYC High School Admissions: Understanding the School Choice Experience*. The Public Policy Lab.

¹⁰⁴ Mader, N., Hemphill, C., & Abbas, Q. (2018, May). *The paradox of choice: How school choice divides New York City elementary schools*. The Center for New York City Affairs.

¹⁰⁵ Sattin-Bajaj, C. (2016). *Unaccompanied Minors: Immigrant Youth, School Choice, and the Pursuit of Equity*. Harvard Education Press.

¹⁰⁶ Nathanson, L., Corcoran, S., & Baker-Smith, C. (2013, April). High school choice in New York City: A report on the school choices and placements of low-achieving students. The Research Alliance for New York City Schools & the Institute for Social and Education Policy

¹⁰⁷ Saporito, S. (1998). *The structural consequences of strategic social action: Increasing racial segregation and socioeconomic stratification through school choice* (Doctoral dissertation, Temple University); Wells, A. S., Ready, D., Fox, L., Warner, M., Roda, A., Spence, T., Williams, E., & Wright, A. (2014). *Divided we fall: The story of separate and unequal suburban schools 60 years*

Even when schools are desegregated at the building level under school choice systems, “second generation segregation” persists along racial, ethnic, and socioeconomic lines within schools through academic tracking and program assignment.¹⁰⁸ Within school segregation, like across school segregation, has severe implications for the academic outcomes of students of color even when they are considered “high-achieving.”¹⁰⁹ Research consistently shows that, even when Black and Latinx students have similar test scores and prior achievement as their white peers, they are more likely to be tracked into lower academic tracks and programs.¹¹⁰ There are long-term implications for students’ self-esteem, aspirations, and academic outcomes when such tracking occurs.¹¹¹ While the aforementioned research focuses heavily on lower-income Black and Latinx students, qualitative research on desegregated suburban schools that focuses on middle-class Black families also finds that Black students in these contexts have separate and unequal schooling experiences when compared to white students in the same school building.¹¹²

The implications of an unequal and separate schooling system – whether across school or within school segregation – continue to shape the day-to-day experiences and academic outcomes for students of color in schools almost 70 years after *Brown*. This reality is inextricably linked to the separate and unequal conditions that led to the *Brown* ruling in the first place.

Funding and Opportunity Gaps in Public Schools

after *Brown v. Board of Education*. The Center for Understanding Race and Education (CURE): Teachers College, Columbia University.

¹⁰⁸ Burris, C.C. and Welner, K.G. (2005). Closing the Achievement Gap by Detracking. *Phi Delta Kappan*, 86(8), 594-598.; Lucas, S. (1999). *Tracking Inequality: Stratification and Mobility in American High Schools*. Teachers College Press; Oakes, J. (1985). *Keeping Track: How Schools Structure Inequality*. Yale University Press.; Tyson, K. (2013). Tracking, Segregation and the Opportunity Gap: What We Know and Why it Matters. In Carter, P.L. and Welner, K. *Closing the Opportunity Gap: What America Must Do to Give Every Child an Even Chance*. Oxford University Press.; Wells, A.S. and Serna, I. (2006). Understanding Local Political Resistance to Detracking in Racially Mixed Schools. *Harvard Educational Review*, 66(1): 93-119.

¹⁰⁹ Ibid; Carter, P. (2013). Student and School Cultures and the Opportunity Gap: Paying Attention to Academic Engagement and Achievement. In Carter, P.L. and Welner, K. *Closing the Opportunity Gap: What America Must Do to Give Every Child an Even Chance*. Oxford University Press.; Darling-Hammond, L. (2004). The Color Line in American Education: Race, Resources, and Student Achievement. *Du Bois Review*, 1(2): 213-246.

¹¹⁰ Lucas, S. (1999). *Tracking Inequality: Stratification and Mobility in American High Schools*. Teachers College Press; Oakes, J. (1985). *Keeping Track: How Schools Structure Inequality*. Yale University Press; Tyson, K. (2011). *Integration Interrupted: Tracking, Black Students, and Acting White After Brown*. Oxford University Press.

¹¹¹ Darling-Hammond, L. (2004). The Color Line in American Education: Race, Resources, and Student Achievement. *Du Bois Review*, 1(2): 213-246.; Heubert, J.P. and Hauser, R. M. (1999). *High Stakes: Testing for Tracking, Promotion and Graduation*. A report of the National Research Council. National Academy Press. ; Oakes, J. (1990). *Multiplying Inequalities: The Effects of Race, Social Class, and Tracking on Opportunities to Learn Mathematics and Science*. RAND Corporation.; Tyson, K. (2011). *Integration Interrupted: Tracking, Black Students, and Acting White After Brown*. Oxford University Press.; Yonezawa, S.; Wells, A.S.; and Serna, I. (2002). Choosing Tracks: Freedom of Choice in Detracking Schools. *American Educational Research Journal*, 39(1): 37-67.

¹¹² Diamond, J. B., & Posey-Maddox, L. (2020). The changing terrain of the suburbs: Examining race, class, and place in suburban schools and communities. *Equity & Excellence in Education*, 53(1-2), 7-13.; Lewis, A. E., & Diamond, J. B. (2015). *Despite the best intentions: How racial inequality thrives in good schools*. Oxford University Press.; Lewis-McCoy, R. H. (2014). *Inequality in the promised land*. Stanford University Press.; Lewis-McCoy, R. L. H. (2018). Suburban Black lives matter. *Urban Education*, 53(2), 145-161.

The U.S. public school system is funded through a varied configuration of federal, state, and local allocations, with state and local governments constituting the majority (between 60-80 percent on average). State and local education budgets are, respectively, comprised of sales, income, and property taxes. Throughout the nation's history there have been only two groups of color for whom the federal government has constituted the majority of education funding: Native Americans and African Americans. Both were served by federal agencies formed in the mid and late 1800s. In 1842, after forcibly resettling Native American tribes east of the Mississippi, the U.S. established the Bureau of Indian Affairs to manage coordination of provisions to these tribes, including the provision of schooling on the newly formed reservations. Similarly, after the 1865 Emancipation Proclamation legally emancipated enslaved Black Americans, the U.S. established the Freedmen's Bureau, an agency purposed to aid the newly emancipated in the transition to self-sufficiency by providing rations of food, clothing, and monies, job assistance, and education for youth. The Bureau was short-lived and closed in 1872 as a result of white hostility and corruption by federal officials. After that, funding for segregated Black schools largely became the responsibility of states and local districts. During the Jim Crow era, in every region of the nation, states and local districts managed education budgets in racially unequal ways, namely by significantly limiting funding to schools for students of color and funneling the bulk of funding to all-white segregated schools. This limitation was furthered by the local funding structure; the levy of local property taxes to fund schooling has resulted in an unequal baseline of funding for schools. Simply, schools in low-income, working-class neighborhoods glean far less in property tax revenues than those in wealthier neighborhoods.

In 1965, to address this disparity and provide additional funding support to underserved schools, Congress passed the Elementary and Secondary Education Act (ESEA), the nation's foregrounding education reform. It provides funding for "Title I" schools – those with higher portions of low-income students – aimed at supporting educator professional development, school instructional materials (including textbooks and curriculum), establishing school libraries, parent engagement promotion, and support for education programs. Designers of the bill envisioned it would close the gap between the reading, writing, and mathematics levels of children in low-income urban or rural communities (overwhelmingly students of color) and their middle-class counterparts, who were overwhelmingly white. Additional amendments to ESEA related to other protected classes were adopted in subsequent years. For instance, an amendment adopted in 1969 added special allocations for schools serving children in public housing, with disabilities, and refugee children. Additionally, the 1972 amendment, common referred to as "Title IX" extended discrimination protections to include sex-based discrimination.

Importantly, while the federal government disbursed funding through states to be allocated directly to local schools and districts, local districts were required to match federal Title I funds. This further burdened schools in low-income neighborhoods as local funding allocations in these areas were insufficient to match the federal allocation. To address this financial burden, parents of schoolchildren in various states sued local officials on the grounds that the funding

structure violated 14th Amendment rights. For a program designed to equalize funding in high-needs underserved schools, the requisite that such schools would have to match dollars was a paradox. The law unduly burdened low-income communities and, as a result, became the subject of a lawsuit. In *Serrano v Priest* (cases established in the 1970s), a California parent sued the state treasurer. The California court ruled in favor of Serrano, leading California districts to remove the matching requirement and many other states to follow suit.

By the following decade, the 1980s, the nation's leaders became increasingly interested in the "space race" – advancing technology and science to enter space orbit – as a means of national security. That resulted in pressure to make school curriculum more rigorous in the aligned areas (i.e., math and science). During this period, states increasingly adopted learning standards to identify shared benchmarks for the knowledge and skills students would gain through their courses. To incentivize academic gains, new provisions were added to the receipt of federal funding: Schools would receive increased funding if they demonstrated that achieved standards contributed to academic improvement.

This incentivized funding model was the core approach of the 2001 federal education policy, "No Child Left Behind" (NCLB). Signed and championed by President George W. Bush, NCLB sought to close the then-dubbed "achievement gap" by requiring that states develop standardized tests in reading, math, and science. Schools would administer such tests to students annually, and schools with an average test score of "proficient" or above received bonus funding. Schools with average standardized test scores below proficient were penalized by decreased funding and a stringent accountability plan to demonstrate when the school would achieve proficiency. States that failed to achieve average test score proficiency in consecutive years would be eligible for state takeover, typically after four to five years. This meant that the state would assume control of the operations of a school or district.

Studies have shown that under-resourced Title I schools are more likely to be at risk of falling below proficiency. This is because the resource deficit in such schools (e.g., books, teachers, program funding, and more) limits the educational quality and student academic learning. This system is inherently unequal because it penalizes low-performing schools for their low performance rather than providing sufficient resources needed to improve students' academic performance. In 2015, ESSA was reauthorized by President Obama, though its restrictions were slightly relaxed. Overall, the high-stakes testing regime not only deepened funding and resource inequality in K-12 education but also shifted the curricular experience for students, especially in low-income neighborhoods.

Accountability and High-Stakes Testing

Throughout this report, we focus on a variety of academic outcomes as an indication of educational inequality, but high-stakes testing is often the main indicator of academic achievement that researchers and policymakers rely on in their reporting. To be clear, standardized testing is one form of assessment that teachers and school systems can employ in

the classroom. What makes these tests “high-stakes” is that, in the contemporary education system, they have been tied to student graduation rates, school funding, teacher evaluations, and a host of other outcomes. A single test score can have profound implications for the long-term trajectories of schools, teachers, and students. The high-stakes nature of these tests is also why the crisis of “the achievement gap” between white students and students of color is frequently cited as a sign that our public schools are failing students. This achievement gap, however, has been present since the inception of high-stakes testing and researchers are increasingly questioning whether we should be primarily focused on high-stakes testing outcomes as an indicator of racial equity in the education system.

This framing of the “achievement gap” places the onus on students to meet a predetermined level of proficiency as measured by a yearly test. However, researchers that examine the current achievement gap in the context of a long history of inequitable education policies and practices have argued that we should not focus our attention on an “achievement gap,” but rather an “opportunity gap.”¹¹³ Employing the lens of an opportunity gap allows us to shift our attention to how systemic inequities embedded within accountability systems and high-stakes testing shape the experiences of students of color in school. The overreliance on high-stakes testing as an indicator of school quality, teacher efficacy, and student intelligence has only further exacerbated racial inequality in schools post-*Brown*.

The Origins of Contemporary High-Stakes Testing

Education researchers typically place the origins of our current accountability system with the 2002 No Child Left Behind Act, but standardized testing became commonplace in the education system in the beginning of the 20th century and was arguably high-stakes even then. At the beginning of the 20th century, the “school efficiency” framework emerged as a way of applying the factory model of production growing at the time to the way students were trained in schools.¹¹⁴ Schools during this time period began to think about the inputs and outputs of the education system. Testing quickly became a means of measuring the outputs – mainly the knowledge students had. During this same time period, vocational tracking and ability grouping increased as well and tests became an efficient way of deciding which students would be placed where. These ways of measuring student knowledge for sorting and for measuring academic outputs became widespread largely because they were based on the assumption that these tests were providing objective and value-free measures of human intelligence.¹¹⁵

¹¹³ Carter, P. L., & Welner, K. G. (Eds.). (2013). *Closing the opportunity gap: What America must do to give every child an even chance*. Oxford University Press.

¹¹⁴ Leonardo, Z., & Grubb, W. N. (2018). *Education and racism: A primer on issues and dilemmas*. Routledge.

¹¹⁵ Au, W. (2010). *Unequal by design: High-stakes testing and the standardization of inequality*. Routledge.; Knoester, M., & Au, W. (2017). Standardized testing and school segregation: Like tinder for fire?. *Race Ethnicity and Education*, 20(1), 1-14.

This assumption has largely been proven false by researchers across disciplines.¹¹⁶ Instead, the origins of standardized education testing in the United States have been linked to eugenic assumptions about which groups of people are inherently more intelligent based on nationality and race.¹¹⁷ The first widely used standardized test in schools was the National Intelligence Test in 1919. By 1920, over 400,000 tests were sold across the country. This test was adopted from a series of exams created by Stanford professor Lewis Terman and others to test the intelligence of military recruits during World War I. The team that ran this testing, including Terman, concluded that European immigrants' intellectual capabilities could be judged by their country of origin, that darker-skinned Europeans were less intelligent, and that Black Americans were the least intelligent of all people. After the National Intelligence Test, Terman went on to co-develop the Stanford Achievement Test in 1922. Nearly 1.5 million copies of this test were sold and by 1932 the majority of cities were using such tests to track students within schools.¹¹⁸ As the research on "the achievement gap" has emphasized, white students continue to outperform students of color on high-stakes tests in K-12 schools.¹¹⁹ Similarly, higher-income students continue to outperform their lower-income peers.¹²⁰ However, in light of the racist and classist history of standardized testing, it is at least in part the case that standardized testing is functioning as designed.

In addition to shaping the sorting of K-12 students within schools, these racist ideologies also shaped the development of tests that determined access to higher education. Psychologist and known eugenicist Carl Brigham was part of the WWI team with Terman and later commissioned by the College Board to create the SAT in 1926.¹²¹ Brigham then went on to design the initial Advanced Placement (AP) tests, while advocating that tests were a means of showing the superiority of "the Nordic race group."¹²² Later on in his career, he changed course on some of his ideologies about intelligence and ethnic groups.¹²³ Both of these tests, however, are still in place today and function to sort students in the higher education sphere. Since then, the underlying racist assumptions that undergirded test development have persisted and there continue to be racialized achievement gaps on college entrance exams, which in turn create racial disparities related to who enrolls and completes college. Researchers argue that high-stakes tests continue to be harmful towards students of color and lower-income students in

¹¹⁶ Ibid.

¹¹⁷ Giordano, G. (2005). *How Testing Came to Dominate American Schools: The History of Educational Assessment*. Peter Lang.

¹¹⁸ Ibid.

¹¹⁹ Ladson-Billings, G. (2006). From the achievement gap to the education debt: Understanding achievement in US schools. *Educational researcher*, 35(7), 3-12; Noguera, P. A. (2008). Creating schools where race does not predict achievement: The role and significance of race in the racial achievement gap. *The Journal of Negro Education*, 90-103.; Paige, R., & Witty, E. (2010). *The black-white achievement gap*. Amacom.

¹²⁰ Reardon, S. F. (2013). The widening income achievement gap. *Educational leadership*, 70(8), 10-16.

¹²¹ Saretzky, G. D. (1982). Carl Campbell Brigham, the Native Intelligence Hypothesis, and the Scholastic Aptitude Test. Education Testing Service.

¹²² Brigham, C. (1923). *A Study of American Intelligence*. Princeton University Press.

¹²³ Saretzky, G. D. (1982). Carl Campbell Brigham, the Native Intelligence Hypothesis, and the Scholastic Aptitude Test. Education Testing Service.

the United States and it is imperative to develop alternate forms of assessment.¹²⁴ And, because high-stakes tests act as a gatekeeper, the long-term implications of testing for student outcomes are stark. In sum, how students score on these tests can determine the access and opportunities they have to higher level programs and elite universities. As lower-income Black and Latinx students fare worse on these exams, they also are less likely to have such access and opportunities.

The Policies that Created Our Contemporary High-Stakes Schooling Environment

Today's public school students take more standardized tests over the course of their K-12 schooling than students at any other time in the history of the U.S. education system.

This is especially true in large city school districts, where there are also more likely to be higher shares of students that are lower-income and/or racially marginalized. The average student in such a school takes about 112 mandatory standardized tests between pre-kindergarten and the end of 12th grade.¹²⁵ That is an average of about eight a year and is estimated to take up between 20 and 25 hours of instructional time every school year.¹²⁶ This does not account for the additional tests teachers create to align to their own curriculum at the classroom level. The series of policies that led us down this path can be traced back to the 1980s. Standardized tests were already widely used in schools before then, but during this time period panic on behalf of policymakers and other stakeholders led to the beginning of our current accountability system.

As discussed in the prior section, the share of K-12 public school funding that comes from the federal government fell by about 30 percent between 1980 and 1988. The 1981 Education Consolidation and Improvement Act, which was the reauthorization of the Elementary and Secondary Education Act, shifted the focus of federal funding for public schools. It broadly reduced funding while also shifting the impetus for federal funding to serving “low-achieving” students in poor schools instead of simply serving poor students. As a result, funding became associated with achievement for the first time in federal policy. Two years later, in 1983, the National Commission on Excellence in Education under the Reagan Administration released a report titled “A Nation at Risk.” That report's main argument centered on the need for a greater emphasis on academic excellence in the education system

¹²⁴ Au, W. (2010). *Unequal by design: High-stakes testing and the standardization of inequality*. Routledge.; Leonardo, Z., & Grubb, W. N. (2018). *Education and racism: A primer on issues and dilemmas*. Routledge.; Steele, C. M. (2011). *Whistling Vivaldi: How stereotypes affect us and what we can do*. WW Norton & Company.; Schneider, J. (2017). *Beyond test scores: A better way to measure school quality*. Harvard University Press.; Vilson, J. (2014). *This is not a test: A new narrative on race, class, and education*. Haymarket Books.

¹²⁵ Hart, R., Casserly, M., Uzzell, R., Palacios, M., Corcoran, A., & Spurgeon, L. (2015). *Student Testing in America's Great City Schools: An Inventory and Preliminary Analysis*. *Council of the Great City Schools*

¹²⁶ *Ibid.*

because the shortcomings of the system posed a danger to the future success and security of the country. The report, intentionally alarming, made education a central feature of politics in the United States and set the stage for a new era of accountability in education policy.¹²⁷

Between “A Nation at Risk” and the No Child Left Behind Act, other reauthorizations of ESEA further elaborated on the use of standardized tests to hold schools accountable. Each subsequent administration after Reagan had an education agenda related to academic achievement and linking standardized testing to federal funding. For example, the 1988 reauthorization under the Bush Administration required states to set academic achievement goals that students receiving federal support should attain and to identify schools where students were not reaching these targets. Then the 1994 Goals 2000: Educate America Act under the Clinton Administration established National Education Goals and the National Education Standards and Improvement Council (NESIC) to promote the development and use of high-quality national and state standards and assessments. Furthermore, to receive federal funding, states had to create a strategy for meeting the National Education Goals and include student assessments as part of that strategy.

What sets the 2002 No Child Left Behind Act (NCLB) apart is the extent to which punitive sanctions were placed on schools that did not meet their achievement goals. NCLB mandated that children in grades three through eight be tested every year using state tests. It also required schools to make adequate yearly progress towards 100 percent proficiency on state tests for all student groups or face escalating sanctions. After five years of inadequate progress, schools were required to reconstitute, meaning the same school would reopen as a public charter school, replace school staff considered responsible for lack of progress, or turn operation of the school over to the state or a private management company. Given the racist and classist origins of standardized testing, it is unsurprising that schools serving low-income students of color were more likely to be sanctioned and reconstituted under NCLB.¹²⁸ NCLB also required states to release school report cards – the beginning of a highly racialized school grading system that falsely equates school quality with high test scores. These school grades also work to further the resegregation trends described above because test scores weigh heavily into the calculation of what is defined as a “good” school or a “bad” school and schools that serve student populations that are predominantly lower-income, Black, and/or Latinx tend to have lower standardized test scores.¹²⁹

¹²⁷ Cross, C. T. (2004). *Political education: National policy comes of age*. Teachers College Press.

¹²⁸ Owens, A., & Sunderman, G. L. (2006). School accountability under NCLB: Aid or obstacle for measuring racial equity?. The Civil Rights Project.

¹²⁹ Saporito, S. (1998). *The structural consequences of strategic social action: Increasing racial segregation and socioeconomic stratification through school choice* (Doctoral dissertation, Temple University).; Wells, A. S., Ready, D., Fox, L., Warner, M., Roda, A., Spence, T., Williams, E., & Wright, A. (2014). *Divided we fall: The story of separate and unequal suburban schools 60 years after Brown v. Board of Education*. The Center for Understanding Race and Education (CURE): Teachers College, Columbia University.

At the time, however, the critiques of NCLB that are common in education research today were less prominent. Even the National Association for the Advancement of Colored People (NAACP) supported the passage of NCLB because it believed the law would hold schools and districts accountable for undeserving Black students and other students of color.¹³⁰ However, after a few years of shuttered schools with little movement toward closing the achievement gap, several civil rights organizations have come out against NCLB, noting the “unintended harms” high-stakes testing has on students of color and low-income students.

The next major shift in the accountability system was under the Obama administration. Until then, the penalties for not meeting accountability goals were concentrated at the school level. As part of the 2009 American Reinvestment and Recovery Act, the Obama administration introduced a competitive grant program for states called Race to the Top. Race to the Top was basically a state competition for a portion of the \$4 billion allocated for financial incentives if states completed the following actions: 1. Adopt standards and assessments that prepare students to succeed and compete in the global economy; 2. Build data systems that measure student growth and success and inform instructional improvement; 3. Recruit, train, and retain effective teachers and principals; and 4. Further school reform efforts that turn around failing schools. Whether intended or not, Race to the Top had the practical effect of putting more pressure on states to evaluate both schools *and* teachers based on high-stakes test outcomes. Teacher evaluations were also cemented in the policy landscape as part of the 2015 reauthorization of ESEA.

The consequences of creating a learning environment where teachers are evaluated based on the standardized test results of their students are severe. Students report higher anxiety related to test prep in schools and lower confidence in their academic ability than in past years.¹³¹ Teachers also report feelings that their students have lost “their love of learning” as they are pressured to “teach to the test” and lose instructional time for more hands-on activities.¹³² Black and Latinx students are more likely than their white peers to be in schools that narrow curriculum to teach

¹³⁰ Loveless, T. (2007). The peculiar politics of no child left behind. *Standards-based reform and the poverty gap: Lessons for No Child Left Behind*, 253-285.

¹³¹ Abeles, V. (2015). Beyond measure: Rescuing an overscheduled, overtested, underestimated generation. Simon & Schuster; Dutro, E., & Selland, M. (2012). “I like to read, but I know I'm not good at it”: Children's perspectives on high-stakes testing in a high-poverty school. *Curriculum Inquiry*, 42(3), 340- 367.; Heiser, P., Simidian, G., Albert, D., Garruto, J., Catucci, D., Faustino, P., ... Caci, K. (2015). Anxious for success: High anxiety in New York's schools. New York State School Boards Association.; Segool, N.K., Carlson, J. S., Goforth, A. N., von der Embse, N. and Barterian, J. A. (2013). Heightened test anxiety among young children: Elementary school students' anxious responses to high-stakes testing. *Psychology in the Schools*, 50(5), 489-499.; von der Embse, N., & Witmer, S. (2014). High-Stakes Accountability: Student Anxiety and Large-Scale Testing. *School Psychology Quarterly*, 133

¹³² Barksdale-Ladd, M. A., & Thomas, K. F. (2000). What's at stake in high-stakes testing. Teachers and parents speak out. *Journal of Teacher Education*, 51(5), 384-397.; Jerald, C. D. (2006). The hidden costs of curriculum narrowing. The Center for Comprehensive School Reform and Improvement.; Pedulla, J. J., Abrams, L. M., Madaus, G. F., Russell, M. K., Ramos, M. A., & Miao, J. (2003). Perceived effects of state-mandated testing programs on teaching and learning: Findings from a national survey of teachers.

to the test and are more likely to be in schools with higher frequencies of standardized tests.¹³³ Furthermore, teachers are essentially incentivized to seek out positions in schools where students are already “high-achieving,” usually schools that are well-resourced and predominantly white. Teachers are disincentivized from working in schools where students are underperforming, more likely to be schools with higher shares of lower-income students and students of color. This contributed to the clustering of less experienced teachers in lower-income Black and Latinx schools, where arguably more experienced teachers are needed. In sum, the accountability policies that shaped our contemporary context have a profound effect on the day-to-day experiences of educators and students in the classroom – and have broad implications for students of color.

Curriculum, School Culture, and Instruction

Equally important to the operations and practices of school are the educators, staff, and administrators who design, manage, and enact these teaching and learning structures. The *Brown v. Board* decision shifted both *where* students of color would learn but, in many cases, also *from whom* they would learn. This is starkly demonstrated through the case of Black education. In the 17 states with segregated schooling for Black students, 35 to 50 percent of the teaching force was Black.¹³⁴ As a result of *Brown*, many school districts in the South closed Black segregated schools and fired all personnel.¹³⁵ This unintended consequence of *Brown* had grave repercussions on the economic status of many black families, as teaching was one of the few esteemed and higher earning career pathways for Black professionals. It also contributed to a sharp decline in the racial diversity of the teaching force that has never since been recovered. As of 2019, approximately 7 percent of public school teachers and 11 percent of public school principals are Black.

It also resulted in the loss of a positive learning environment for many Black students. In pre-*Brown* segregated schools, many African American teachers engaged in a pedagogy that prioritized culturally relevant learning, care for the whole child, and skill-building strategies for each student’s academic success.¹³⁶ These are the elements of great teaching regardless of

¹³³ Au, W. (2007). “High-Stakes Testing and Curricular Control: A Qualitative Metasynthesis.” *Educational Researcher* 36 (5): 258–267.; Au, W. (2009). *Unequal by Design: High-Stakes Testing and the Standardization of Inequality*. Routledge; Nichols, Sharon C., and David Berliner. 2007. *Collateral Damage: How High-Stakes Testing Corrupts America’s Schools*. Harvard Education Press.; Renter, D. S., C. Scott, N. Kober, N. Chudowsky, S. Joftus, and D. Zabala, D. 2006. *From the Capital to the Classroom: Year 4 of the No Child Left Behind Act*. Center on Education Policy.

¹³⁴ Fenwick, L.T. (2022) *Jim Crow’s Pink Slip: Public Policy and the Near Decimation of Black Educational Leadership After Brown*. Cambridge: Harvard Education Press.; Walker, V. S. (2018). *The lost education of Horace Tate: Uncovering the hidden heroes who fought for justice in schools*. New York : The New Press.

¹³⁵ Fenwick, L.T. (2022) *Jim Crow’s Pink Slip: Public Policy and the Near Decimation of Black Educational Leadership After Brown*. Cambridge: Harvard Education Press.; Walker, V. S. (2018). *The lost education of Horace Tate: Uncovering the hidden heroes who fought for justice in schools*. New York : The New Press.

¹³⁶ Ladson-Billings, G. (1994). *The dreamkeepers. Successful teachers of African American students*. San Francisco: Jossey-Bass.

race/ethnicity.¹³⁷ This learning environment that fueled positive academic outcomes for Black students was upended and replaced with one that stifled academic success when many Black teachers were fired in the wake of *Brown*. While research on the pedagogy of other teachers of color pre-*Brown* is limited, it is believed that segregated learning environments led by community teachers of the same racial background as their students likely enacted a similar pedagogy.

As students of color began attending previously all-white schools, many experienced a more oppressive classroom learning environment than ever before. White teachers often held racist beliefs about students of color that shaped their teaching of and engagement with those students. For instance, narratives about the intellectual inferiority of people of color have contributed to disproportionate assignment of such students to remedial classes. Further, stereotypes of male students of color as aggressive, especially Black males, have contributed to significantly harsher discipline measures than those administered to their white peers.

In addition to the racially biased schooling practices, the content taught in desegregated schools furthered the marginalization of students of color. As mentioned in the earlier section, K-12 curriculum is embedded with a Eurocentric bias that situates whites as heroic figures and all other races are inferior, unintelligent beings who are dependent on whites for direction and uplift. These racist mischaracterizations of people of color that have framed the teaching of U.S history and other subjects shape negative self-concept of students of color. That seriously limits their self-efficacy and academic identity development – all of which play a key role in academic performance.

Advocacy to reform the Eurocentricity of schools has existed since the public school system was formed. The establishment of Negro History Week in the early 1900s to promote the study of Black history and perspective in schools is a key example of this. Similarly, Native American-controlled tribal schools, which centered culturally relevant pedagogy and sustaining Native American traditions, fostered positive academic outcomes for Native students by celebrating their cultural identity. The ethnic studies movement of the 1960s advanced the inclusion of curriculum on the histories of African Americans, Asian Americans, Latinx Americans, and Native Americans in higher education and numerous K-12 schools and districts.

By the 1980s, 35 states adopted some form of multicultural education reform – ranging from teacher certification requirements to model curriculum in various ethnic studies courses, for example, African American studies in New York or Indigenous studies in Alaska. However, by the 1990s, funding for these programs were removed or they were never enforced due to increasing pressure on schools to rigorously focus on academic standards for “core” courses. This educational context – an absence of culturally relevant learning and a hyperfocus on teaching to standardized tests – persists in contemporary K-12 education. This has contributed to

¹³⁷ Ladson-Billings, G. (1995). But that’s just good teaching! The case for culturally relevant pedagogy. *Theory Into Practice*, 34(3), 159-165.; Ladson-Billings, G., & Henry, A. (1991). Blurring the borders: Voices of African American liberatory pedagogy in the United States and Canada. *Journal of Education*, 172(2), 72-78

the disengagement of students of color from schools, a key symptom of “pushout factors.”¹³⁸ These factors include a range of exclusionary academic, operational, and cultural school practices that contribute to students of color dropping out, including Eurocentric curricula and punitive discipline practices.¹³⁹

Addressing pushout

Addressing pushout requires first understanding its manifestations in students and the intersecting factors that shape it. Students who are disengaged in school tend to have lower academic performance and more behavioral issues in school (e.g., isolated or depressed, talkative, aggressive). Student disengagement may be further compounded by external factors in their community and family life, including homelessness, hunger, racial profiling, severe trauma, and engagement with the criminal justice system. In the post-NCLB era, schools adopted zero tolerance measures – mandates of severe, punitive consequences for any behavioral infraction – as a means of curbing student misbehavior. This includes extended detention sentences, lengthy out-of-school suspension, and expulsion.

While these discipline measures were intended to mitigate school dropout, they ironically advanced it. Punitive discipline measures have been disproportionately administered to Black and Latinx young men and women, furthering these students' lack of belonging and feelings of otherness and devaluation in schools. Further, because zero tolerance policies often involve school police rather than counselors, they have increased engagement with the criminal justice system for youth of color, especially Black and Latinx. This advances the school-to-prison pipeline – or what sociologist of race and education Carla Shedd has referred to as the “carceral continuum” in education.

Varied reforms have had significant success in mitigating pushout. They include curricular changes (e.g. ensuring curriculum reflects students' varied identities and experiences), teacher and administrator professional development, and discipline policy reforms. The full integration of culturally relevant curricula has been heralded as a successful curricular approach. Culturally relevant and sustaining approaches disrupt the Eurocentric bias of K-12 education by acknowledging and actively centering the identities and knowledge of students in the teaching and learning process. The aligned pedagogy requires teachers to address their own biases and to be empathetic and caring to all students. As such, culturally relevant pedagogy can extend beyond the classroom to shape all school practices, policies, and spaces of formal and informal learning. This marker of good education – the acknowledgement and inclusion of the histories, cultural ways of being, and agency of all students – have long been the focus of political attacks. As of February 2022, at least 36 states had introduced

¹³⁸ Ogbu, J. U. (1995). Cultural Problems in Minority Education: Their Interpretations and Consequences—Part One: Theoretical Background. *The Urban Review* 27.3, 189-205; Tatum, B. D. (1997). *Why are all the Black kids sitting together in the cafeteria? and other conversations about race*. BasicBooks.; Valenzuela, A. (1999). *Subtractive schooling: U.S.-Mexican youth and the politics of caring*. Albany: State University of New York Press

¹³⁹ Carter, Prudence (2005). *Keepin' It Real: School Success Beyond Black and White. Transgressing Boundaries: Studies in Black Politics and Black Communities*. Oxford University Press.

legislation to restrict teaching of race and racism in K-12 classrooms,¹⁴⁰ labeling this as indoctrination of critical race theory, an academic framework that examines systemic racism in society and the law. These efforts significantly further the marginalization and pushout of students of color.

To mitigate pushout, discipline policy reform along with increasing equity-centered professional development for teachers and administrators are jointly recommended. While reforming discipline policies can lessen the accepted disciplinary measures within a school, professional development that guides educators to address their biases and foster equity within schools can lessen the disproportional disciplining of Black and Latinx students. Discipline reforms may include a rollback of zero tolerance policies, prohibiting suspending students in K-3rd grade, and limiting the allotted days of out-of-school suspension to 20 days. Holistic conflict resolution resources and tools can further address the root causes of students' behavior issues. A key example is restorative justice practices – in which the path to resolving a conflict between students is identified and implemented by students themselves with a focus on restorative solutions. Increased support for students' mental health can also help them self-regulate and process thoughts and emotions in a healthy and productive manner. Benefits of these approaches have been so clear that, in 2021, a bill to advance such supports (the Counseling Not Criminalization Act) was introduced in Congress.¹⁴¹

Conclusion

Through this overview of the research on education policies and practices in the United States post-*Brown*, we have attempted to begin to illustrate how the permanence of racism shows up¹⁴³ in our contemporary education system through policies that shape the educational experiences and outcomes of students of color. This report is by no means a comprehensive recounting of all of the complexities of the education system that result in today's stark racial inequalities among students. Instead, it is an entry point into illustrating how the contemporary issues in our public education system have a long and sordid history in the United States. In 1900, sociologist W.E.B. Du Bois, proclaimed that “the problem of the twentieth century is the problem of the color line.” He went on to describe the color line as “the question of how far differences of race . . . will hereafter be made the basis of denying to over half the world the right of sharing to their utmost ability the opportunities and privileges of modern civilization.”¹⁴² The color line continues to shape the access and opportunities students of color have in our education system in multiple ways more than 120 years after Du Bois made this proclamation.

¹⁴⁰ Stout, C. & Wilburn, T. (2022, Feb 1). CRT Map: Efforts to restrict teaching racism and bias have multiplied across the U.S. Chalkbeat. <https://www.chalkbeat.org/22525983/map-critical-race-theory-legislation-teaching-racism>

¹⁴¹ Counseling Not Criminalization Act promoted “informed, evidence-based supports, including by replacing cops with counselors, social workers, and mental health practitioners.”

¹⁴² Du Bois, W.E.B. (1900). To the Nations of Our World.

Even as the era of desegregation between 1954 and 1990 saw improved academic, social, and economic outcomes for students of color, there was also a notable cost to these efforts with the loss of Black educators and schools that heralded many of the pedagogical strategies associated with positive outcomes for students of color today. The ripple effects continue to be felt in the shortage of teachers of color today and the implications of this racial mismatch between teachers and students for students of color's academic outcomes. Additionally, legislation in the 1990s that removed desegregation orders and the parallel web of policies related to funding and accountability perpetuated unequal and separate schooling for students of color. As a result, lower-income students of color continue to be more segregated today than they were in the decades post-*Brown*, with Black and Latinx students experiencing the most concerning trends to this end.

Students of color continue to have vastly different classroom experiences than their white peers across curriculum, instruction, and discipline, to name a few. These disparate experiences manifest in ongoing racial disparities across a host of educational outcomes for students. In sum, the schooling of students of color was, by design, separate and unequal from the inception of the education system in the United States. Subsequent waves of policy reforms in funding, accountability, and curriculum starting in the second half of the 20th century have largely served to perpetuate and exacerbate racial inequalities.

There are, and have always been, however, efforts aimed at alleviating and disrupting racism and racial disparities within the education system. In addition to the contemporary efforts highlighted in the curriculum section related to ethnic studies and culturally sustaining education, students, parents, educators, and other stakeholders continue to push for more racially and socially just education policies. These pushes have resulted in efforts such as the Massachusetts Consortium for Innovative Education Assessment (MCIEA) and New York Performance Standards Consortium, which aim to push back on the widespread use of high-stakes testing and the limitations the current era of accountability reforms places on curriculum and school culture. The New York Performance Standards Consortium includes 38 schools across New York state that follow a student-centered, culturally relevant framework for teaching and assessing students. Both groups regularly put out reports on their work and are focused on shifting state approaches to student assessment. Other work includes efforts at implementing restorative justice practices in schools to address the disproportionate impact of punitive discipline policies on Black students in particular and efforts to fund pipeline programs to increase the number of teachers of color in classrooms across the country. Following two years of constant reminders of racial injustice inside and outside of the education system during the COVID-19 pandemic, there has also been a growing call for anti-racist approaches to schooling that follow in the tradition of movements of racially-just pedagogy and curriculum from previous decades.

The research in this report also underscores that an approach aimed at addressing racial inequality within the education system must be multi-faceted and cross-sectoral. Racism is deeply embedded across all areas of the education system and piecemeal efforts to address only one piece of the system will result in limited progress for students of color and low-income students. Similarly, as exemplified by the connection between neighborhood segregation and school segregation, students' academic trajectories are shaped by the social context they inhabit every day outside of school. Put another way, students are not blank slates when they enter the classroom. Students may come into a classroom with the weight of housing instability, food insecurity, and inadequate health care, among other challenges, on their shoulders. Students' lives are not discrete and therefore our efforts to address racial inequality should not treat educational inequality as discrete from other sectors such as public health, criminal justice, and housing.

Following in Du Bois' tradition, the UC-Berkeley's Haas Institute on Othering and Belonging proclaimed that "the problem of the twenty-first century is the problem of othering," which it defines as a "a set of dynamics, processes, and structures that engender marginality and persistent inequality across any of the full range of human differences based on group identities."¹⁴³ The Institute posits that the solution to othering is creating structures that foster inclusion and belonging.

Indeed, any efforts to shed light on or alleviate marginality and persistent inequality along racial lines in the United States education system needs to do so with the aim of creating an inclusive society where students, families, and communities of color feel a sense of belonging inside and outside of the classroom.

¹⁴³ powell, j. a., & Menendian, S. (2016). The problem of othering: Towards inclusiveness and belonging. *Othering & Belonging*, 1(1), 14-40.