Latinx and the Future of Schooling
by Rachel F. Moran, UCLA School of Law

Panel on “From Brown to Now: Legal Responses to Resegregation of Schools” at the ABA Meeting in San Francisco, CA, August 11, 2019
Public School Segregation and Busing Are Back in the News
The Latinx Population and the Transformation of America’s Demographic Profile

- In recent years, the Latinx population has been a key driver of demographic growth and it has transformed the nation’s racial and ethnic make-up.

  - The Latinx population has transformed the demography of the United States.
    - Current percentage: 17%
  - The Latinx population will continue to diversify the nation in unprecedented ways.
    - Percentage in 2060: 31%
White alone: 78 (2012) 69 (2060)
AIAN alone: 1.2 (2012) 1.5 (2060)
Asian alone: 5.1 (2012) 8.2 (2060)
NHPI alone: 0.2 (2012) 0.3 (2060)
Two or More Races: 2.4 (2012) 6.4 (2060)
Non-Hispanic: 63 (2012) 43 (2060)
Hispanic (of any race): 17 (2012) 31 (2060)
The Impact of the Latinx Population on America’s Schools

- This population growth in turn has had implications for America’s elementary and secondary schools.

- The Latinx population is a relatively youthful population, so the shifts in the composition of the student body have been larger than in the overall population.

- The growing Latinx population also has fueled the resegregation of America’s schools.
The Demographics of Public-School Enrollment

  - There has been substantial growth in the Latinx public-school population both nationally and regionally.
    - **National:** The Latinx school population grew from 20.4% to **26.3%** between 2006 and 2016.
    - **Regional:** The Latinx school population also grew in every region of the country so that by 2016, the percentages ranged from **11-13%** in the Midwest and the upper South to **21-28%** in the Northeast and South to **42%** in the West.
    - **Comparative Size:** Latinx students outnumbered Asian American students by a wide margin in every region, outnumbered Black students in all but the upper South and the Midwest (with the latter at about parity), and outnumbered White students in the West.
Patterns of Segregation in Public-School Enrollments

- A higher percentage of Latinx students (41.6%) attended intensely segregated schools than was true for Black students (40%).

- Levels of segregation throughout the nation increased for both Latinx and Black students.

- The levels of segregation for Latinx were greatest in the West where their numbers are largest. (By contrast, the Northeast was the most segregated region for Black students.)

- Among the states, California had the highest levels of segregated schooling for Latinx students, while New York had the highest level for Black students.
The evidence on educational achievement for Latinx students is mixed:

- Achievement scores for Latinx students have been rising but a substantial achievement gap persists.
- According to a 2017 National Center for Education Statistics (NCES) study, White and Asian-American students continue to outperform Black and Latinx students in both reading and mathematics.

- High school graduation rates have improved but a gap in completion rates persists.
- According to the 2017 NCES report, 88% of Latinx students finished high school in 2015 compared to 97% of Asian-American students, 95% of White students, and 92% of Black students.
College Enrollment and Completion for Latinx Students

- College enrollment rates have grown significantly but a gap in enrollment rates persists.

- According to data from the PEW Research Center, 35% of Latinx students aged 18 to 24 are now enrolled in college compared to 33% of Black students, 42% of White students, and 64% of Asian-American students.

- The gap in college completion is even bigger.

- Among Latinx aged 25-29, 15% have completed college compared to 22% of Blacks, 41% of Whites, and 63% of Asian Americans.
Addressing the Achievement Gap in America’s Segregated Public Schools

- The civil rights toolkit for challenging public school segregation is not the same as it was in the years following Brown v. Board of Education (1954).
  - End of court-ordered busing decrees (unitariness findings)
  - Resegregation of school districts
  - Rejection of voluntary busing plans in which race is a factor in student assignments (Parents Involved in Community Schools v. Seattle School District (2007))
Alternative Tools for Addressing Segregation and the Achievement Gap in America’s Public Schools

- Integration-based solutions: Socioeconomic integration, poor children and a return to Berkeley Unified School District

- Comprehensive school reform-based solutions: Universal pre-K and full-service schools like the Elizabeth Learning Center in Cudahy, California

- Funding and accountability-based solutions: California’s Local Control and Accountability Plan (2013)
Charter Schools and Private Schools in the Wake of Brown v. Board of Education

Preston Green
Professor of Educational Leadership and Law
University of Connecticut
Questions Addressed

• Question #1: How Has the Emergence of New Players in the Public Education Space Framed the Legal Issues?
• Question #2: How Have Private Schools and Charter Schools Contributed to Educational Segregation?
• Question #3: How Can Practitioners Access and Engage with Social Science?
Question #1: How Has the Emergence of New Players in the Public Education Space Framed the Legal Issues?
Charter Schools: Are They Public or Private?

- Charter Between Operator and Authorizer
- Publicly Funded
- Autonomy from Many Rules and Regulations
- Review Every 3-5 Years
- Revocation If School Fails to Meet Charter Requirements
- 7,000 Charter Schools
- 44 States and DC
- 3 Million Students
- 6% of “Public-school” Enrollment
# New Players in Public Educational System

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<thead>
<tr>
<th>Traditional Public Schools</th>
<th>Charter Schools</th>
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<tr>
<td>• School Districts</td>
<td>• Charter School Boards</td>
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<td>• Educational Management Organizations</td>
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EMOs and Charter School Boards Are Trying to Have It Both Ways

<table>
<thead>
<tr>
<th>Public</th>
<th>Private</th>
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<tbody>
<tr>
<td>• Funding</td>
<td>• Student Rights</td>
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<td></td>
<td>• Teacher Rights</td>
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Scott B. v. Bd. of Trustees of Orange High Sch. of Arts, 158 Cal.Rptr.3d 173 (Cal.App. 4 Dist. 2013)

• Holding: Charter Schools Do Not Have to Provide Due Process in Student Dismissals

• Reasons
  • Charter Schools Are Exempted from Discipline Rules
  • Dismissals from Charter Schools (“Schools of Choice”) Not as Harmful as Expulsions from Traditional Public Schools

• Implication: By enrolling in charter schools, students of color may be signing away their constitutional rights.

• Legal solution: Statutes should clearly state that charter school students have the same rights as public school students.
Question #2: How Have Private Schools and Charter Schools Contributed to Educational Segregation?
Private Schools (2015-16)

- Enrollment was 9 percent and accounted for 28 percent of US schools.
- One in eight white students attend private schools.
- Attendance rates for nonwhites: 5.6 percent of blacks, 3.8 percent of Hispanics, and 11.3 percent of Asians.
- Black and Latino students experience significantly less segregation in private schools.
- White student enrollment may increase because of changing public-school demographics and untargeted subsidies.

## Percent of Students Attending Charter Schools with 90-100% Non-White Population (2015-16)

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<tr>
<th>Race</th>
<th>Charter School</th>
<th>Public School</th>
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<tbody>
<tr>
<td>Black</td>
<td>69</td>
<td>38</td>
</tr>
<tr>
<td>Latinx</td>
<td>56</td>
<td>41</td>
</tr>
<tr>
<td>White</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>Native</td>
<td>29</td>
<td>25</td>
</tr>
<tr>
<td>Asian</td>
<td>25</td>
<td>19</td>
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Heilig, J., Brewer, T., & Williams, Y. Choice without inclusion?: Comparing the intensity of racial segregation in charter schools and public schools at the local, state, and national levels. *Education Sciences, 9*, 205-21 (2019).
Steps to Encourage Diversity in Charter Schools

• Enrollment preferences for diversity (e.g. economic status).
• Encourage charters to reflect diverse communities.
• Encourage charter schools to be located in racially and socio-economically diverse areas.
• Require charter schools to set enrollment targets.

Question #3: How Can Practitioners Access and Engage with Social Science?
Resources

• Reporters
  • Matthew Barnum (*Chalkbeat*)
  • Rachel Cohen (*The Intercept*)

• Academics
  • Bruce Baker (Rutgers)
  • Kevin Welner (Colorado & National Education Policy Center)
  • Erica Frankenberg (Penn State)
  • Gary Orfiled (UCLA)