

Documentation for “*Brown fades*” Data on Desegregation Order Status

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Date: March 2012

Data File Name: district court order data oct2011

Data Description: Information on U.S. school districts under court ordered desegregation plans

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Funding: Construction of this data set was funded by the Institute of Education Sciences, grant R305A070377

Suggested Citation: Publications and reports using these data should cite it appropriately. The citation should include reference to the following article, which describes the construction of the data in detail:

Reardon, S.F., Grewal, E., Kalogrides, D., & Greenberg, E. (Forthcoming). *Brown Fades: The end of court ordered school desegregation and the resegregation of American public schools.* *Journal of Policy Analysis and Management.*

The data can be downloaded at <http://cepa.stanford.edu/content/brown-fades-end-court-ordered-school-desegregation-and-resegregation-american-public-schools>.

Summary: These data catalogue all medium to large-sized school districts ever under a court ordered desegregation plan. They include districts’ dismissal status and, if released, the year of dismissal. Information on date of release was last updated in August 2010. We did not make full attempts to gather data on small districts (fewer than 2000 students), districts that desegregated voluntarily, and districts required to desegregate by the Department of Health, Education, and Welfare (HEW). Users may want to consider eliminating such districts from their analysis.

Data Collection Details: The data were compiled from a variety of sources. First, we began with a dataset compiled by Logan and Oakley (Logan & Oakley, 2004) (hereafter the LO dataset), which was provided to us by John Logan. The LO dataset contains information on the case name, state, National Center for Education Statistics (NCES) district identification number, year of the initial case, current status of the plan, and dismissal date when available for 1094 districts. Logan and Oakley created the dataset by compiling information from case dockets and bibliographies for desegregation court orders from the Department of Justice, NAACP Legal

Defense and Educational Fund, and the U.S. Department of Education, as well as a set of published sources (see also Logan, Oakley, & Stowell, 2008). They then checked each case against legal databases, including Westlaw. The total case inventory includes 358 court cases, which resulted in desegregation plans involving 850 school districts as defendants, plus 207 HEW actions involving 207 school districts since 1978.

The LO dataset often does not include information on whether and when a district was released from court oversight, except in a few cases. In order to determine this, we examined a number of other sources, including other lists of districts under or released from desegregation order (including Clotfelter, et al., 2006; Coffee & Frankenburg, 2009; Florida State Advisory Committee to the U.S. Commission on Civil Rights, 2007; Georgia Advisory Committee to the U.S. Commission on Civil Rights, 2007; Lutz, 2005; Ma, 2003; Tennessee Advisory Committee to the U.S. Commission on Civil Rights, 2008; U.S. Commission on Civil Rights, 2007, as well as several lists provided to us by the US Department of Justice). In addition, we conducted online searches for information on districts under court order, using Google (www.google.com) and LexisNexis (www.lexisnexis.com). When clear and definitive evidence of district status or timing of release was found in an online newspaper article or court document, we used that information for the timing of release. If no such evidence was found through online searches (as was often the case), we called a district's administrative office. We first asked for the superintendent and asked whether the district was still under a court order for desegregation. If the answer was no, then we asked when the district had been released from court order and declared unitary. If the superintendent was not available or did not know the status of the district, then we contacted the legal office or attorney affiliated with the district. When superintendants and other district officials were unable to provide us with information on the timing of dismissal we contacted federal district courts.

In our search for information on the current status and timing of release of desegregation orders, we found that some districts listed in the LO dataset had not, in fact, ever been under order; we also found a small number of districts that had been under order but that were not included in the LO dataset. In cases where our information conflicted with that in the LO dataset or where two or more sources disagreed about the status or timing of a district's court order, a second research assistant contacted the district for clarification and conducted additional online searches. In most cases we were able to resolve these discrepancies through such additional investigation. In a small number of cases (7 of the 483 districts under order in 1990), we either could not find information on the status of a district's court order, or could not reconcile conflicting sources of information.

Our data collection efforts were focused on districts that enroll at least 2,000 students. Districts smaller than this typically have only 1 or 2 schools serving students in a given grade, which means that between-school segregation is either impossible (if there is a single school per grade) or relatively insignificant. In addition, we did not collect data on districts that were required to desegregate by the Department of Health, Education, and Welfare (HEW) as a condition of receiving federal funds and districts engaged in a voluntary desegregation plan independent of the courts.

List of Variables:

variable name	variable label
leaid	NCES District ID
distname	District Name
county	county name
cfips	County 5-Digit FIPS Code
state	State Abbreviation
fips	FIPS State Code
region	Census Region
south	Southern District (Census Definition)
status	Dismissed status
yrdis	Year Released From Court Order
ffall	First Fall Not Subject to Court Order
hew_case	Cases for district are all HEW
consent_decree	Under consent decree
ncases	Number of cases in the district
charter	Charter School District
tot90	District Total Enrollment in 1990 (or closest year available)
blk90	District Black Enrollment in 1990 (or closest year available)
pblk90	Proportion Black Students in District in 1990 (or closest year available)
inpaper1	Included in analysis for Brown Fades Paper (For Analysis Using First Fall)
inpaper2	Included in analysis for Brown Fades Paper (For Analysis Using Dismissal Year)

Description of Variables:

leaid

Source: Common Core of Data

Description: Unique district identifier used by the National Center for Education Statistics

distname

Source: Independent research; Logan Oakley Database

Description: Name of district subject to court ordered desegregation plan. See the description above for more details on how the list of districts was constructed.

county

Source: Common Core of Data

Description: Name of county in which the district is located

cfips

Source: Common Core of Data

Description: 5-digit county FIPS code for county in which the district is located

state

Source: Common Core of Data

Description: Name of state in which the district is located

fips

Source: Common Core of Data

Description: FIPS state code for state in which the district is located

region

Source: Common Core of Data

Description: Region in which the district is located; based on Census regions

Variable Coding:

- 1 South
- 2 Northeast
- 3 Midwest
- 4 West

south

Source: Common Core of Data

Description: District is located in the southern region; based on Census regions

status

Source: Independent research; Logan Oakley database

Description: Indicates whether the district has been released from their court order. We were unable to find the dismissal status for 83 districts we identified as being under a court order. There are also some districts in the data that we have determined through our own research that were never under court order, despite being listed as so in the Logan Oakley database. The variable also distinguishes between dismissed districts for which we were able to locate a dismissal date and dismissed districts for which we were unable to do so.

Variable Coding:

- 0 Don't have status
- 1 Dismissed, have date
- 2 Dismissed, no date
- 3 Not dismissed
- 4 Never under order

yrdis

Source: Independent research

Description: The calendar year of the district's release from court order, if applicable. This is the year that the court decision was made that led to the dismissal.

ffall

Source: Independent research

Description: The first fall of the school year in which the district was no longer subject to the court order. Note that in some cases we were able to determine the year in which a district was dismissed (based on the year of the court decision) but were unable to determine the first school year to which the dismissal applied. These districts will have non-missing values for the *yrdis* variable and missing values for the *ffall* variable.

new_case

Source: Logan and Oakley database

Description: Districts required to desegregate by the Department of Health, Education, and Welfare (HEW). We did not make full attempts to gather information about districts required to desegregate by the HEW. Therefore, information on release status and year of dismissal is incomplete for districts under order by HEW.

consent_decree

Source: Independent research

Description: Whether the district was subject to a consent decree—an agreement between districts and the court that resulted from the threat of court order and that required court approval.

ncases

Source: Independent research

Description: Number of court cases in the district

charter

Source: Common Core of Data

Description: charter school district

tot90

Source: Common Core of Data

Description: Total district enrollment in 1990. If enrollment data for a district was missing from the Common Core of Data in 1990 (or if the district did not participate in the CCD in 1990), we use enrollment data from the closest available year.

blk90

Source: Common Core of Data

Description: Total black enrollment in 1990. If racial/ethnic enrollment data for a district was missing from the Common Core of Data in 1990 (or if the district did not participate in the CCD in 1990), we use racial/ethnic enrollment data from the closest available year.

pblk90

Source: Common Core of Data

Description: Proportion of black students in the district in 1990. This variable is derived by dividing the black enrollment in 1990 by the total enrollment in 1990.

inpaper1

Source: Derived

Description: Flags districts that were included in the Reardon et al. (forthcoming) paper. These districts are included in analyses that rely on the first fall in which the district was no longer subject to the court order. This sample of districts differs slightly from the districts defined by *inpaper2* since there are 13 districts for which we know the year of dismissal but not the first fall.

inpaper2

Source: Derived

Description: Flags districts that were included in the Reardon et al. (forthcoming) paper. These districts are included in analyses that rely on the year that the court order was dismissed. This sample of districts differs slightly from the districts defined by *inpaper1* since there are 13 districts for which we know the year of dismissal but not the first fall.

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