

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

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Data File Name: “district court order data feb2021.dta”

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

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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, Sean F., Elena Grewal, Demetra Kalogrides and Erica Greenberg. (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.

The data can be downloaded at <http://cepa.stanford.edu/publications/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. The original release of these data was in March 2012 where information on date of release was last updated in August 2010. The current version of the data was last updated in Fall 2020. 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 superintendents 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.

2020 Update

We released an updated version of these data in winter 2021 based on new research we did in Fall 2020 combined with prior work done by journalists at Pro Publica in 2014.

The first step in updating the Brown Fades data set was to incorporate research done by Pro Publica reporters in 2014 (Larson, Hannah-Jones and Tigas 2014). They started with the data file we created as part of the Brown Fades project and updated the status of districts' orders through 2014. We used their data in addition to some research done by Jeremy Fiel (2019) from the University of Arizona who looked into some discrepancies between the two data sources and attempted to resolve them.

The Pro Publica researchers collected information on the year that districts were released from orders but their data do not indicate the first fall of the school year in which the order would have no longer applied. Therefore, for districts that were released from their court orders between 2008 and 2014 (when the Pro Publica research concluded) we also did additional research to see if we could determine the first fall that the order no longer applied. We looked for the date of the court decisions and if a school year would have already started at the time the court decision was made, we assigned the first fall as the year after dismissal. As an example, we found that Chicago Public Schools was released from their court order in 2009, with a court decision coming on 9/24/2009. Since the 2009-2010 school year would have already started by this date, we assigned the first fall as 2010 even though the dismissal year was 2009. In cases where we could not find an exact date of a court decision the first fall field is left as missing.

After combining the original Brown Fades data with the Pro Publica data and making the edits described above, we next made a list of all districts that remained under order as of the 2014 data collection. Research assistants then did online research into each of these districts to see if they could find information on the status of districts' court orders. In cases where they could not find online evidence that a district remained or was released from their order, they tried emailing and calling districts to speak with superintendents. Finally, when neither of these methods yielded results, they looked for districts in recent data released by the Century Foundation (Potter and Burris 2020). The Century Foundation put together a complete list of districts with some sort of integration policy in place. If a district was included in these data, it was marked as still being under a court order in our data. We were able to find information for all districts that remained under order as of 2014 using one of these methods.

References

Chicago Court Decision: <https://www.clearinghouse.net/chDocs/public/SD-IL-0004-0001.pdf>

Fiel, Jeremy E. and Yongjun Zhang. 2019. "With All Deliberate Speed: The Reversal of Court-Ordered School Desegregation, 1970-2013." *American Journal of Sociology*. 124(6): 1685-1719.

Potter, Halley and Michelle Burris. December 2020. "Here is What School Integration in America Looks Like Today." <https://tcf.org/content/report/school-integration-america-looks-like-today/?agreed=1>

Larson, Jeff, Nikole Hannah-Jones and Mike Tigas. May 2014. "School Segregation After Brown" Pro Publica <https://projects.propublica.org/segregation-now/>

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 (original used in Brown Fades paper)
yrdis	Year Released From Court Order (original used in Brown Fades paper)
ffall	First Fall Not Subject to Court Order (original used in Brown Fades paper)
status_2020	Dismissed status (updated through 2020)
yrdis_2020	Year Released From Court Order (updated through 2020)
ffall_2020	First Fall Not Subject to Court Order (updated through 2020)
status_2014	Dismissed status (updated through 2014)
yrdis_2014	Year Released From Court Order (updated through 2014)
ffall_2014	First Fall Not Subject to Court Order (updated through 2014)
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/status 2020/status 2014

Source: Independent research; Logan Oakley database; Pro Publica database; Century Foundation 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:

- 1 Missing status
- 2 Never under order
- 3 Not dismissed
- 4 Dismissed – year of dismissal known, first fall known
- 5 Dismissed – year of dismissal known, first fall unknown
- 6 Dismissed – year of dismissal unknown, first fall unknown
- 7 Dismissed – before 1990, date uncertain
- 8 Dismissed – after 1990, before 2000, date uncertain
- 9 Dismissed – after 2000, date uncertain

yrdis/yrdis 2020/yrdis 2014

Source: Independent research; Pro Publica database

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/ffall 2020

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.

hew 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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