
Desegregation of Public School Districts in Florida:

**18 Public School Districts Have Unitary Status
16 Districts Remain Under Court Jurisdiction**

This is the work of the Florida State Advisory Committee to the United States Commission on Civil Rights. The views expressed in this report and the findings and recommendations contained herein are those of a majority of the members of the State Advisory Committee and do not necessarily represent the views of the Commission, its individual members, or the policies of the United States Government.

Letter of Transmittal

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U.S. Commission on Civil Rights

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The Florida Advisory Committee submits this report, *Desegregation of Public School Districts in Florida: 18 Public School Districts Have Unitary Status, 16 Remain Under Court Jurisdiction*, as part of its responsibility to study pressing civil rights issues in the State and report on its findings to the Commission and the public. The Florida Advisory Committee is independent, bipartisan, and diverse with respect to political philosophy and this report was unanimously adopted by all members of the Committee.

In 2005, the Commissioners unanimously adopted a project to study school desegregation in support of a pending FY2007 nationwide Commission project on the subject. This study is intended to provide both the Commission and the public with an accurate reporting of the school desegregation status of school districts in Florida ever subject to judicial intervention and those public school districts in the State that have obtained “Unitary Status” from the Court. To that purpose, we report that of the 67 public school districts in Florida, almost half, 34, have been subject to litigation in the courts with respect to school desegregation. Eighteen (18) of those districts have received a declaration of “Unitary Status” from the courts and have been released from further

jurisdiction. Sixteen (16) school districts remain subject to court supervision, and of those only four indicate that they intend to pursue “Unitary Status.”

As part of this study, we include a second part that contains an analysis on the impact of “Unitary Status” with respect to school integration. In recent years there has been speculation by some that the U.S. Supreme Court decision in *Dowell* and *Freeman* in the early 1990s have allowed formerly segregated school districts to more easily obtain “Unitary Status” and without judicial constraint and independent from oversight these districts are reverting to *de facto* segregated school systems. To the Committee, the suggestion held the possibility of some relevance since in Florida 10 of the 18 school districts with “Unitary Status” received their declaration after 1990.

To examine these assertions we statistically analyzed the integration patterns among the three different groups of schools, those with unitary status, those still subject to court jurisdiction, and those never engaged in litigation. We did this as a static analysis for the 2003-04 school year. Though we did find that a superficial examination of the data shows school districts with “Unitary Status” display a greater degree of racial separation than other school districts, that finding in itself is too simplistic. School districts with “Unitary Status” were also found to have much larger enrollments and much higher percentages of minority students, and when these facts were taken into account we found no substantial differences among the three groups of districts regarding patterns of integration.

We endorse and support school integration as a desirable social goal. The pursuit of any and all efforts to improve equity in educational opportunity should be pursued, including school desegregation. Still, given that the era of *de jure* segregation has ended, that “Unitary Status” appears to be neutral in its effect on school integration patterns, and that only a minority of school districts still under Court Order in the State intend to pursue “Unitary Status,” perhaps it is time to evaluate other approaches to school integration with the understanding that a one-size fits all approach rarely fits, especially in such a complex culture and on a complex issue.

Respectfully,

Dr. Elena M. Flom, *chair*

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All 13 members of the Florida State Advisory Committee voted, and all 13 members approved the report. It is a unanimous reporting by the Florida State Advisory Committee, all members participating

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Background

In 1896 the U.S. Supreme Court in *Plessy v. Ferguson* (163 U.S. 537) established the principle of “separate but equal” and in so doing legalized racial segregation in all aspects of public life, including public schools. In *Plessy*, the Supreme Court ruled that separate facilities did not inherently violate the Equal Protection Clause of the Fourteenth Amendment to the Constitution. School districts throughout the entire State of Florida, as well as in other parts of the country, used the *Plessy* ruling to maintain legally racially segregated school systems.

On May 17, 1954, the U.S. Supreme Court in *Brown v. Board of Education*¹ overturned the *Plessy* decision, and with it a 60-year legacy of racial segregation in the Nation’s schools. Chief Justice Earl Warren read the unanimous decision of the Court:

We come then to the question presented: Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other "tangible" factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does..². We conclude that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated for whom the actions have been brought are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment.³

The unanimous *Brown* decision in 1954, however, did not specify how or how quickly desegregation was to be achieved in the thousands of segregated school systems. The following year the case was reargued on the question of relief. The NAACP urged desegregation to proceed immediately, or at least within firm deadlines. The states claimed both were impracticable. On May 31, 1955, almost exactly one year after the first decision, the Court issued an opinion, commonly referred to as *Brown II*.⁴ In that opinion, the Court embraced a view close to that of the states with segregated schools, and essentially returned the problem back to the lower courts for appropriate

¹ *Brown v. Board of Education*, 347 U.S. 483 (1954).

² *Brown*, 347 U.S. at 493.

³ *Brown*, 347 U.S. 495.

⁴ *Brown v. Board of Education (II)*, 349 U.S. 294 (1955).

desegregation relief, with the provision that such efforts should proceed with “all deliberate speed.”⁵ By 1964, a decade after the first *Brown* decision, less than two percent of formerly segregated school districts had experienced any desegregation.⁶

U.S. Supreme Court Establishes Concept of Unitary Status

In 1969 *Green* Decision

Over the course of the next several decades, the Federal government, parents, the NAACP, and other parties would take proactive legal efforts to ensure compliance with the *Brown* decision by local school districts. In the face of such litigation, a common method initially adopted by many formerly segregated school districts to comply with the *Brown* decision were “freedom of choice” plans. In 1968, however, the U.S. Supreme Court in its *Green v. New Kent County School Board of New Kent County* decision⁷ ruled that such attendance plans were ineffective for producing integration in the schools and mandated that federal courts, in assessing whether a school district has eliminated the vestiges of *de jure* segregation, must to the extent practicable look at not only student assignments, but to every facet of school operations.

*Although the general experience under “freedom of choice” to date has been such as to indicate its ineffectiveness as a toll of desegregation, there may well be instance in which it can serve as an effective device. Where it offers a real promise of aiding a desegregation program to effectuate conversion of a state-imposed dual system to a unitary, nonracial system there might be no objection to allowing such a device to prove itself in operation. On the other hand, if there are reasonably available other ways, such for illustration as zoning, promising speedier and more effective conversion to a unitary, nonracial school system, “freedom of choice” must be held unacceptable.*⁸

⁵ *Brown*, 349 U.S. at 301.

⁶ See Hutchinson, Dennis J., “Brown v. Board of Education,” in the *Oxford Companion to the Supreme Court of the United States*: (Kermit L. Hall ed., Oxford University Press 1992)

⁷ 391 U.S. 430 (1968).

⁸ *Ibid.*, at 440.

These factors have come to be commonly referred to as the *Green* factors, and include: (1) student assignment, (2) faculty assignment, (3) staff assignment, (4) transportation, (5) extracurricular activities, and (6) facilities. In addition, in the *Green* decision the Supreme Court for the first time set out the term “unitary status, a term courts use to describe a school system that has made the transition from a segregated or “racially dual” system to a desegregated or “unitary” system. Under the *Green* decision, for any school district involved in school desegregation litigation to receive a declaration of “unitary status” from the courts, the school district was required to present to the court persuasive evidence that all vestiges of segregation for each Green factor had been eliminated and were unlikely to be resurrected.

Moreover, the process developed by the courts to determine “unitary status” and thereby release districts from their desegregation orders allows for districts to remain under court supervision indefinitely. Prior to the *Green* decision, formerly segregated school districts were simply required to develop an acceptable desegregation plan. Once the plan was accepted by the courts, the court removed the case from its active docket and stopped monitoring the district unless an outside party brought a matter to the attention of the court. Consequently, a school district could remain under court supervision years and decades after it had begun operating a unitary school system.⁹

In the early 1990s the U.S. Supreme Court re-visited the general standards for “unitary status” in two cases, *Board of Education of Oklahoma City Public Schools v. Dowell*¹⁰ and *Freeman v. Pitts*.¹¹ In *Dowell*, the Court re-affirmed its support for its 1968 *Green* decision, but clarified its standard in that ruling by declaring that unitary status is appropriate after the school district has demonstrated that it has complied with the desegregation order of the court for a reasonable period of time and demonstrated its good faith commitment to the Constitutional rights that predicated the initial judicial intervention.¹²

⁹ Monika Moore, “Unclear Standards Create an Unclear Future: Developing a Better Definition of Unitary Status,” *The Yale Law Journal*, New Haven, CT, November 2002.

¹⁰ 498 U.S. 237 (1991).

¹¹ 503 U.S. 467 (1992).

¹² *Dowell*, 498 U.S. at 250.

It should be noted that despite the fact that at the time of the *Brown* decision all school districts in the State were segregated, about one-half of the school districts in Florida have not come under the jurisdiction of the federal courts. The Office for Civil Rights (OCR), U.S. Department of Education, is responsible for ensuring that school districts receiving federal assistance are in compliance with Title VI of the Civil Rights Act of 1964.¹³ With respect to segregated school districts that were not engaged in litigation, the manner in which OCR exercised its responsibility was through the use of 441(b) desegregation plans. In these compliance agreements, local school districts filed assurances with the Department of Education that the district was in full compliance with non-discrimination regulations and committed to an action plan to achieve and maintain desegregation status. Regional Offices of the OCR are responsible for monitoring formerly segregated school districts in their regions and ensuring district compliance with Civil Rights Act of 1964 and applicable decisions of the federal courts.

Table 1: Significant U.S. Supreme Court Decisions Regarding School Desegregation

<p>1896 <i>Plessy v. Ferguson</i>, 163 U.S. 537 The U.S. Supreme Court establishes the doctrine of “separate but equal” and upholds the Constitutional validity of segregation laws, including the segregation of public schools.</p> <p>1954 <i>Brown v. Board of Education</i>, 347 U.S. 483 The U.S. Supreme Court overturns the “separate but equal” <i>Plessy</i> decision and rules that racial segregation in public schools violates the equal protection clause of the Fourteenth Amendment.</p> <p>1955 <i>Brown v. Board of Education (II)</i>, 349 U.S. 294 U.S. Supreme Court hears arguments from school districts in segregated states about the implementation of school desegregation plans and orders desegregation to proceed with all deliberate speed.</p>

¹³ Pub.L.No. 88-352, 78 Stat. 241 (codified as amended in scattered section of 41 U.S.C.).

1958

Cooper v. Aaron, 358 U.S. 1

The U.S. Supreme Court enforces the *Brown* decision, and mandates Arkansas Governor Orval Faubus to desegregate Little Rock's Central High School.

1968

Green v. County School Board of New Kent County, (VA), 391 U.S. 430

The U.S. Supreme Court holds that "freedom of choice" plans do not effectively promote school integration and establishes the principle of "unitary status," *i.e.* a school that has eliminated all vestiges of segregation as measured by the *Green* factors: student assignment, teacher assignment, staff assignment, facilities, extracurricular activities, and transportation systems.

1971

Swann v. Charlotte-Mecklenberg Board of Education, 402 U.S. 1

The U.S. Supreme Court upholds the busing of black and white students to achieve racial balance in a formerly segregated school districts.

1973

School District No. 1, Denver, Colorado v. Keyes, 413 U.S. 921

The U.S. Supreme Court applies the *Brown* desegregation mandate to school systems beyond formerly segregated school districts to Northern and Western school districts with *de facto* segregation.

1974

Milliken v. Bradley, 418 U.S. 717

The U.S. Supreme Court holds that federal courts cannot impose an inter-district desegregation remedy on a city and the surrounding suburbs in order to integrate city schools without proof that school district boundaries were drawn to foster segregation.

1991

Board of Education of Oklahoma City Public Schools v. Dowell, 498 U.S. 237

The U.S. Supreme Court holds that federal courts must continue to consider the *Green* factors, however a declaration of unitary status is appropriate after the school district has demonstrated that it has complied with the desegregation order of the court for a reasonable period of time and demonstrated its good faith commitment to the Constitutional rights that were the predicate for the initial judicial intervention.

1995

Missouri v. Jenkins, 515 U.S. 70

The U.S. Supreme Court rules that federal courts may not devise an indirect inter-district desegregation remedy that the courts cannot accomplish directly under *Milliken*. It concludes that some academic disparities between the races are beyond the authority of federal courts to address.

Source: Florida Advisory Committee from published decisions.

34 of Florida's 67 Public School Districts Have Been Involved in Litigation over School Desegregation

Though there may be as many as 400 school districts still under federal court jurisdiction,¹⁴ no definitive source of information exists on the exact number and status of school districts nationwide still under Federal court jurisdiction with respect to school desegregation. There are 67 public school districts in Florida, each being a county-wide system. At the time of the *Brown* decision every school district in the State operated a racially segregated school system. Thirty-four (34) school districts have been sued in federal court to eliminate racial segregation, the other 33 districts have not been involved in school desegregation litigation and most of these school districts have voluntary compliance agreements (441-b) with the U.S. Department of Education.

To ascertain the desegregation status of public school districts in Florida, a variety of sources were consulted and compared. This included legal research of segregation cases involving Florida school districts; an examination of records from the Office for Civil Rights, U.S. Department of Education and the Civil Rights Division, U.S. Department of Justice; and information in the public domain such as The Civil Rights Project (Harvard University), The American Communities Project (Brown University), and the Legal Defense Fund of the NAACP. Finally, there were confirmation and consultation discussions with the affected school districts. For those districts still under court jurisdiction, school officials were requested to provide an official statement regarding the district's intent with respect to obtaining a declaration of unitary status from the courts.

As of 2006, the courts have declared that 18 of these 34 school districts in the State to have achieved "unitary status" with respect to school desegregation. Table 1 lists the school districts in Florida and the status of each district with respect to its desegregation status. We further report, that of the 16 school districts still under Court Order, only four are actively pursuing "unitary status" from the courts.

¹⁴ Monika L. Moore, "Unclear Standards Create an Unclear: Developing a Better Definition of Unitary Status," 112 Yale L. J. 311 (November 2002).

Table 2: The Desegregation Status of Florida Public School Districts

	School District	Status
1	Alachua	US
2	Baker	CO
3	Bay	CO
4	Bradford	CO*
5	Brevard	US
6	Broward	US
7	Calhoun	N-L
8	Charlotte	N-L
9	Citrus	N-L
10	Clay	N-L
11	Collier	N-L
12	Columbia	US
13	Desoto	N-L
14	Dixie	N-L
15	Duval	US
16	Escambia	US
17	Flagler	CO*
18	Franklin	N-L
19	Gadsen	US
20	Gilchrist	N-L
21	Glades	N-L
22	Gulf	CO
23	Hamilton	N-L
24	Hardee	N-L
25	Hendry	CO
26	Hernando	N-L
27	Highlands	N-L
28	Hillsborough	US
29	Holmes	N-L
30	Indian River	CO
31	Jackson	CO
32	Jefferson	CO
33	Lafayette	CO
34	Lake	N-L
35	Lee	US
36	Leon	US
37	Levy	N-L
38	Liberty	N-L
39	Madison	N-L
40	Manatee	CO

41	Marion	CO*
42	Martin	N-L
43	Miami-Dade	US
44	Monroe	N-L
45	Nassua	N-L
46	Okaloosa	N-L
47	Okeechobee	N-L
48	Orange	CO*
49	Osceola	N-L
50	Palm Beach	US
51	Pasco	CO
52	Pinellas	US
53	Polk	US
54	Putnam	N-L
55	St. Johns	CO
56	St. Lucie	US
57	Santa Rosa	N-L
58	Sarasota	US
59	Seminole	US
60	Sumter	N-L
61	Suwanee	N-L
62	Taylor	N-L
63	Union	N-L
64	Volusia	US
65	Wakulla	CO
66	Walton	N-L
67	Washington	N-L

Status Notes:

- CO Under Court Jurisdiction
- US Unitary Status
- N-L Non Litigant-never subject to court jurisdiction

* Indicates school district is pursuing unitary status.

Source: Florida Advisory Committee

Generally, school districts with “unitary status” are the larger school districts in the State with higher enrollments than school districts still under Court Order or school districts never a party to school desegregation litigation. Six of the 18 districts have over 100,000 students and the median enrollment among these schools districts is 64,000 students. Similarly, these school districts also tend to have larger percentages of minority students. At 10 of the 18 “unitary” districts, minorities comprise over 40 percent of total enrollment with the median percentage of minority students for these districts 41 percent.

Table 3: Median Enrollment and Percent Minority Students for School Districts with Unitary Status, under Court Order, and Non-Litigant Districts

	Median Enrollment	Median Minority Percentage
Unitary Status Districts	64,000	41.5
Court Order Districts	8,107	24.3
Non-Litigant Districts	6,511	21.5

Source: Florida Advisory Committee.

School districts still under Court Order and those school districts that were never litigated with respect to desegregation generally have much lower total enrollments and lower percentages of minority students. Nine of the 16 School districts still under Court Order have total enrollments less than 10,000 and the median percentage of minority students in the 16 districts is about 24 percent. Similarly at the 33 school districts never under a Court Order, 20 of the 33 school districts have an enrollment less than 10,000 students and no district has more than 50,000 students. The percentage of minority students at the 33 districts ranges from 6 percent to 60 percent, with a median of 21.5 percent.¹⁵

¹⁵ Source, Common Core of Data, 2003-04 school year.

Eighteen Florida School Districts Have Unitary Status

There are 67 county-wide school districts in Florida, and of these 34 have been subject to litigation with respect to school segregation. Eighteen of these 34 districts have obtained a declaration of “unitary status” from the federal district court, and released from court jurisdiction. For the most part, “unitary status” has been granted to school districts only in recent years. Ten of the 18 school districts in Florida with a declaration of “unitary status” received it after the Supreme Court’s 1991 *Dowell* decision. Table 3 lists the 18 Florida school districts with “unitary status” and the year of that declaration.

In this section, separately for each of the 18 school districts with “unitary status,” the following information is presented: (1) the initiating school desegregation case, (2) the year of the initiating case, (3) the year of “unitary status,” and where appropriate (4) related litigation activity. Recent racial and ethnic composition of the district is also presented.

Table 4: Florida School Districts with Unitary Status

	<u>District</u>	<u>Year of Initiating Case</u>	<u>Year of Unitary Status</u>
1.	Alachua	1964	1971
2.	Brevard	1966	1978
3.	Broward	1970	1996
4.	Columbia	1970	1987
5.	Duval	1960	2001
6.	Escambia	1960	2004
7.	Gadsden	1970	1986
8.	Hillsborough	1958	2001
9.	Lee	1964	1999
10.	Leon	1962	1974
11.	Miami-Dade	1956	2001
12.	Palm Beach	1956	1979
13.	Pinellas	1964	2000
14.	Polk	1963	2000
15.	St. Lucie	1970	1997
16.	Sarasota	1963	1970
17.	Seminole	1970	2006
18.	Volusia	1960	1970

Source: Florida Advisory Committee.

Alachua County School District

Alachua County is located in the central part of the State. The largest city in the district is Gainesville. There are 66 schools in the district. The district is mixed racially and has a total enrollment of nearly 30,000 students. Whites are the largest racial group comprising 53 percent of total enrollment, while African Americans are about 38 percent. The original suit was brought against the school district in 1964 by a parent seeking an integrated school for his daughter. The district obtained “unitary status” from the courts seven years later in 1971.

Initiating Case Name: Wright v. Board of Public Instruction of Alachua County

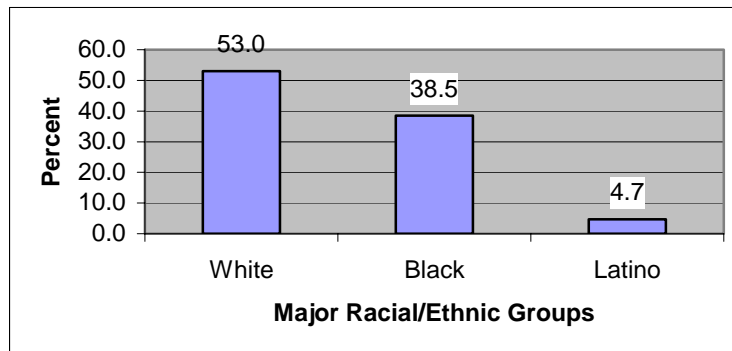
Year of Initiating Case: 1964

Issue: School Desegregation

Current Status: Unitary Status

Year of Final Decision: 1971

Figure 1: Racial and Ethnic Characteristics of Students in Alachua County School District for 2003-04 School Year



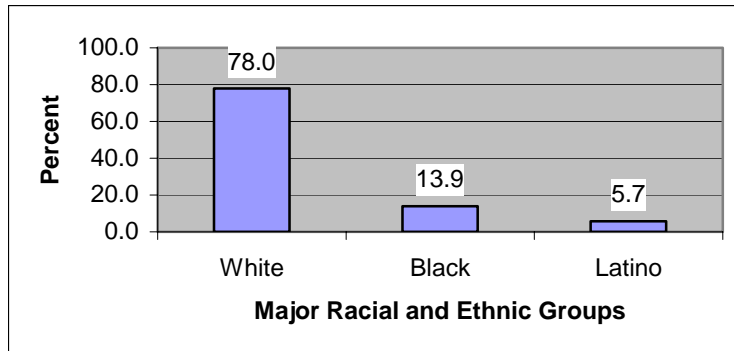
Source: Florida Advisory Committee from Common Core of Data SY04.

Brevard County School District

Brevard County is located in central eastern Florida, and the largest city in the district is Palm Bay. There are 108 schools in the district, and the district is mixed racially with a total enrollment of about 73, 000. Whites are the largest racial group and comprise nearly 80 percent of the student body. African Americans (14 percent) and Latinos (6 percent) comprise most of the remainder of total enrollment. The initial suit was brought against the district by private parties in 1966, and the school district obtained “unitary status” from the courts twelve years later in 1978.

Initiating Case Name: Weaver v. Board of Education of Brevard County
Year of Initiating Case: 1966
Issue: School Desegregation
Current Status: Unitary Status
Year of Final Decision: 1978

Figure 2 : Racial and Ethnic Characteristics of Students in Brevard County School District for 2003-04 School Year



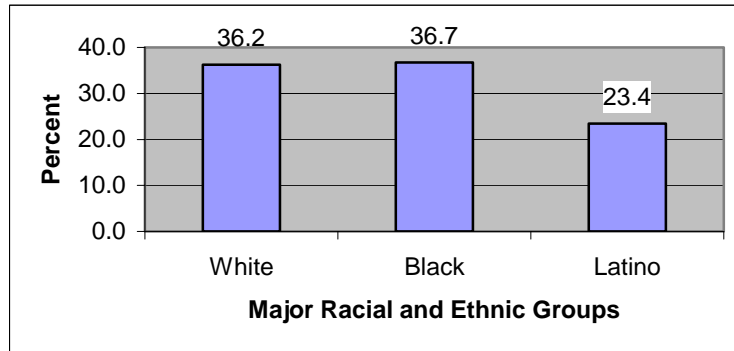
Source: Florida Advisory Committee from Common Core of Data SY04.

Broward County School District

Broward County is located in southeast Florida along the Atlantic Ocean. The largest city in the district is Fort Lauderdale, and there are 264 schools in the district. The district is mixed racially and has a total enrollment of approximately 272,000. The district is fairly evenly divided racially and ethnically. Both African-Americans and whites are about 36 percent of total enrollment, while Latinos are 24 percent. The district obtained “unitary status” from the courts in 1996 after a line of desegregation cases dating back to 1970 following allegations that the school system was operating an intentionally racially segregated school system.

Initiating Case Name: Allen v. Board of Public Instruction of Broward County
Year of Initiating Case: 1970
Issue: School Desegregation
Current Status: Unitary Status
Year of Final Decision: 1996
Litigation Related Activity: 432 F.2d 362 (5th Cir. 1970) cert. denied, 402 U.S. 952 (1970)

Figure 3: Racial and Ethnic Characteristics of Students in Broward County School District for 2003-04 School Year



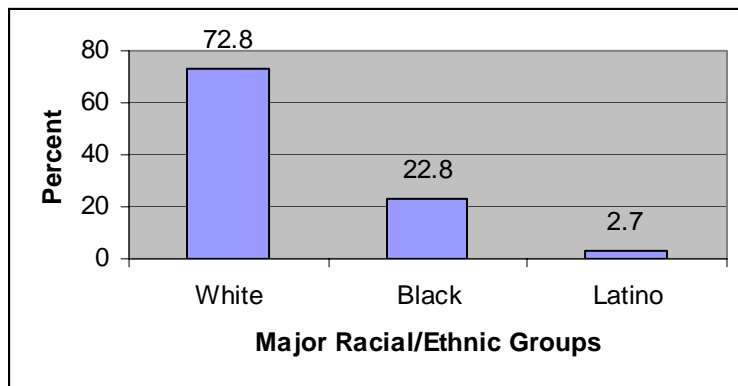
Source: Florida Advisory Committee from Common Core of Data SY04.

Columbia County School District

Columbia County is located in the northernmost part of the State, about 60 miles inland from Jacksonville. There are about 65,000 residents in the county, 80 percent of whom are white. The Columbia County School District operates 15 schools, with an enrollment of nearly 10,000 students. Similar to county demographics, about three-fourths of the student body in the district is white, and about one-fourth is African American. The initial suit against the district was filed by a private party in 1970, and it was later joined by the Department of Justice. In 1978, the Court Order against the district was dismissed.

Initiating Case Name: Zinnerman and U.S. v. Columbia County Board of Pub. Instr.
Year of Initiating Case: 1970
Issue: School Desegregation
Current Status: Unitary Status
Year of Final Decision: 1978

Figure 4: Racial and Ethnic Characteristics of Students in Columbia County School District for 2003-04 School Year



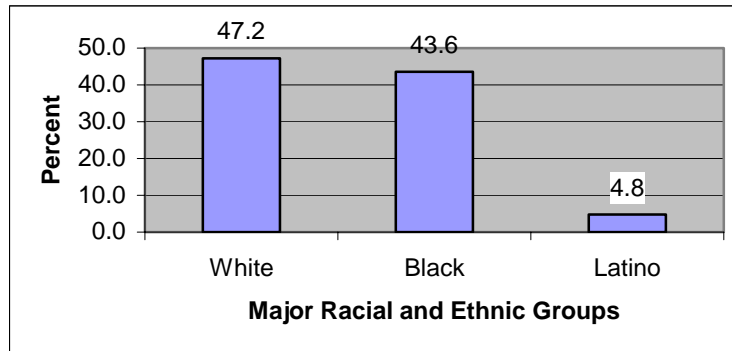
Source: Florida Advisory Committee from Common Core of Data SY04.

Duval County School District

Duval County is located along the Atlantic Ocean in northeast Florida and encompasses the city of Jacksonville. There are 179 schools in the district, and the district has a total enrollment of approximately 129,000. Whites are the largest racial group, but at 46 percent are not a majority. African Americans are 44 percent of the total enrollment and Latinos are approximately 5 percent. The initial suit against the district was filed by the Jacksonville Branch of the NAACP in 1960, and 41 years later in 2001 upon the fifth appeal of a district court decision “unitary status” was affirmed by the courts.

Initiating Case Name: Braxton v. Board of Public Instruction Of Duval County
Year of Initiating Case: 1960
Issue: School Desegregation
Current Status: Unitary Status
Year of Final Decision: 2001
Litigation Related Activity: 326 F.2d 616 (5th Cir. 1964) cert. denied, 377 U.S. 924 (1964).

Figure 5: Racial and Ethnic Characteristics of Students in Duval County School District for 2003-04 School Year



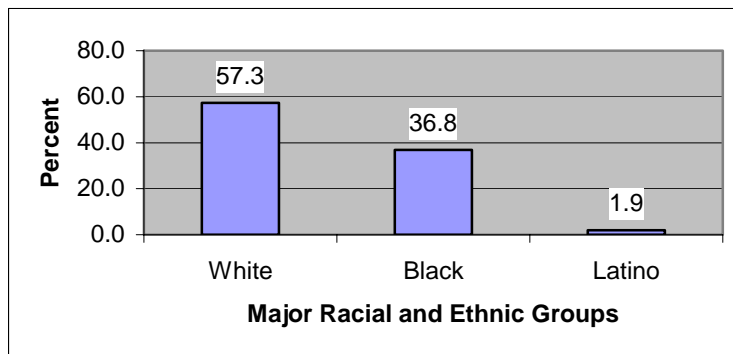
Source: Florida Advisory Committee from Common Core of Data SY04.

Escambia County School District

Escambia County School District is located in the far western part of the “Panhandle” part of northwest Florida. The largest city in the district is Pensacola, and there are 74 schools in the district. The district has a total enrollment of approximately 44,000 and is mixed racially. Whites are the majority racial group (58 percent), and African Americans comprise approximately 37 percent of total enrollment. In 1960, plaintiff parents filed a complaint alleging that the Escambia County public school system was operated on a racially segregated basis. The district obtained “unitary status” from the courts in 2004, after the expiration of a 1999 settlement order that negotiated the terms of the settlement.

Initiating Case Name: Augustus v. School Board of Escambia
Year of Initiating Case: 1960
Issue: School Desegregation
Current Status: Unitary Status
Year of Final Decision: 2004 (expiration of settlement order)
Litigation Related Activity: 299 F.Supp. 1069 (N.D. Fla. 1969)

Figure 6: Racial and Ethnic Characteristics of Students in Escambia County School District for 2003-04 School Year



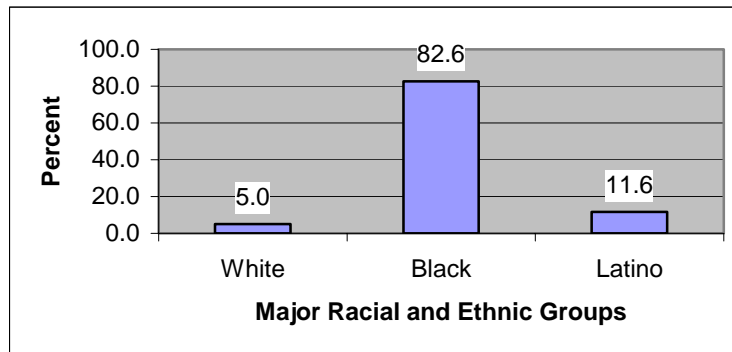
Source: Florida Advisory Committee from Common Core of Data SY04.

Gadsden County School District

Gadsden County is located in the Panhandle area of northwest Florida, northwest of Tallahassee and adjacent to the Georgia border. The district is one of the smallest in the State, with a total enrollment of less than 7000 students. African Americans are the majority of students, comprising more than four-fifths of the student body. In 1970, the U.S. Department of Justice initiated legal action against the district after receiving a written complaint that “Negro” children attending the public schools in the Gadsden County School District were being denied their Constitutional rights. On April 1, 1983, a court order declared that the school district had achieved and maintained “unitary status” and ordered the case dismissed effective three years from the date of the order.

Initiating Case Name: U.S. v. Gadsden County
Year of Initiating Case: 1970
Issue: School Desegregation
Current Status: Unitary Status
Year of Final Decision 1986 (expiration of settlement order)

Figure 7: Racial and Ethnic Characteristics of Students in Gadsden County School District for 2003-04 School Year



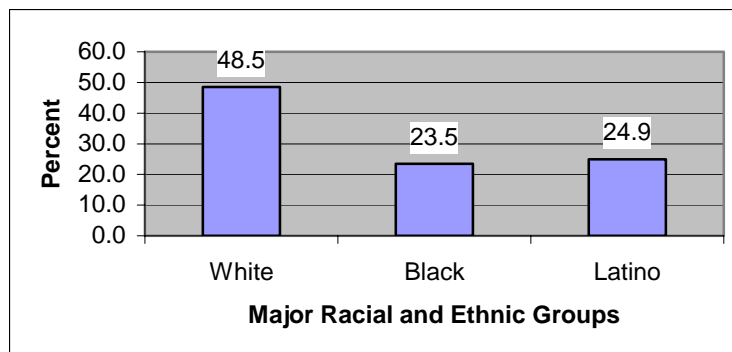
Source: Florida Advisory Committee from Common Core of Data SY04.

Hillsborough County School District

Hillsborough County is located along the Gulf Coast in west central Florida, and included the City of Tampa. It is one of the largest districts in the State with 237 schools and a total enrollment of approximately 182,000. Whites are the largest racial group and comprise about half of total enrollment (49 percent), while African Americans and Latinos each comprise about one-fourth of the district's total enrollment. In 1958, appellees filed a class-action lawsuit on behalf of all "minor Negro children" in the district. The Honorable Thurgood Marshall, prior to his appointment to the Supreme Court, served as one of the attorneys for the appellees. In 2001, the Court of Appeals for the Eleventh Circuit declared the Hillsborough County School System to have obtained "unitary status."

Initiating Case Name: Mannings v. Board of Pub. Inst. of Hillsborough County
Year of Initiating Case: 1958
Issue: School Desegregation
Current Status: Unitary Status
Year of Final Decision: 2001
Litigation Related Activity: 277 F.2d 370 (5th Cir. 1960); 427 F.2d 874 (5th Cir. 1970); 244 F.3d 927 (5th Cir. 2001) cert. denied, 524 U.S. 824 (2001)

Figure 8: Racial and Ethnic Characteristics of Students in Hillsborough County School District for 2003-04 School Year



Source: Florida Advisory Committee from Common Core of Data SY04.

Lee County School District

Lee County is located along the Gulf of Mexico in southwestern Florida and includes the city of Fort Meyers. The district is one of the larger districts in the State with 83 schools and an enrollment of approximately 66,000 students. Whites are the largest racial group, almost two-thirds of total enrollment. Latinos are the second largest racial/ethnic group (21 percent), and African Americans are 15 percent of total enrollment. In 1964 the NAACP, on behalf of African American students in the district, filed a complaint in federal court alleging that the Lee County public school system operated on a racially segregated basis. In 1999, the U.S. District Court, Middle District, approved a settlement agreement and declared the district to have “unitary status.”

Initiating Case Name: Blalock v. Board of Public Instruction of Lee County

Year of Initiating Case: 1964

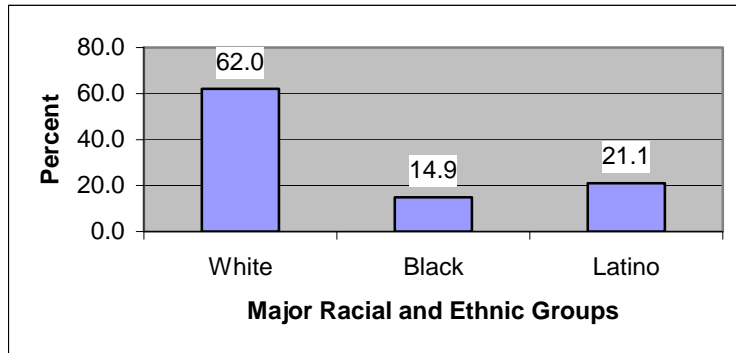
Issue: School Desegregation

Current Status: Unitary Status

Final Decision: Dismissed pursuant to settlement at each party’s request

Year of Final Decision: 1999

Figure 9: Racial and Ethnic Characteristics of Students in Lee County School District for 2003-04 School Year



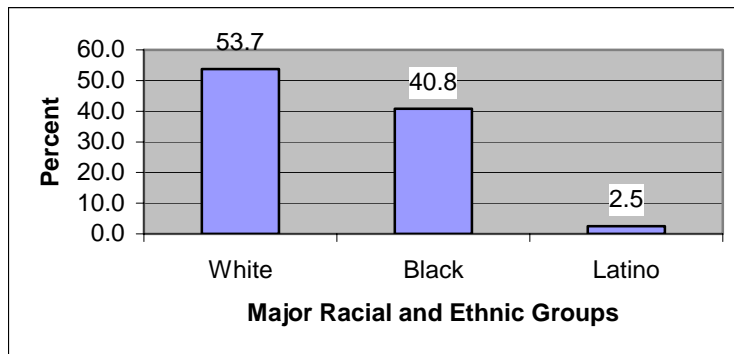
Source: Florida Advisory Committee from Common Core of Data SY04.

Leon County School District

Leon County is located in the Panhandle area of Florida and is home to the State’s capitol, Tallahassee. The district is not a large district in the State, having a total enrollment of about 32,000 and operating 24 regular elementary schools and 12 regular middle and high schools. Whites are the largest racial group and the majority, comprising 54 percent of total enrollment. African Americans are 41 percent of total enrollment and Latinos make-up less than 5 percent. The original complaint was filed in 1962 and was actively litigated through the next eight years when in 1970 the District Court implemented a desegregation plan for the public schools. Following review by the Fifth Circuit Court of Appeals, the district was declared to have “unitary status” in 1974.

Initiating Case Name: Steele et al v. Board of Public Instruction of Leon County
Year of Initiating Case: 1962
Issue: School Desegregation
Current Status: Unitary Status
Year of Final Decision: 1974
Litigation Related Activity: 448 F.2d 767 (5th Cir. 1971)

Figure 10: Racial and Ethnic Characteristics of Students in Leon County School District for 2003-04 School Year



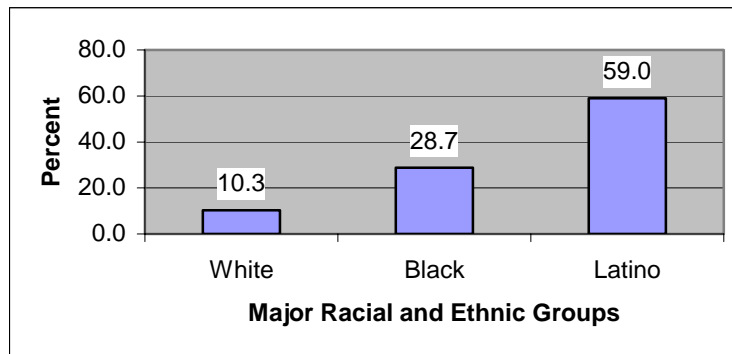
Source: Florida Advisory Committee from Common Core of Data SY04.

Miami-Dade County School District

Miami-Dade County Public Schools is located in southeast Florida and it encompasses 35 local municipalities and other unincorporated areas. It is the largest school district in the State, with a total enrollment of 369,578 students (2003-04). In 2001-02, the total student enrollment was 374,725, white non-Hispanic (10.6%), Black Non-Hispanic (30.1%), Hispanic (57.2%), and Other (2.1%). It remains the only district in the State that is majority Hispanic, 60 percent (2005-06). Litigation seeking the desegregation of the Miami-Dade County Public Schools was first filed in 1956. In 1960 the District Court of the Southern District of Florida entered an order that provided for implementation of a freedom of choice plan.¹⁶ In 2001, 45 years later, the District Court issued an order that the school district is unitary, and relinquished its supervision over the school district effective June 30, 2002.

Initiating Case Name: Gibson v. Dade County School Board
Year of Initiating Case: 1956
Issue: School Desegregation
Current Status: Unitary Status
Year of Final Decision: 2001
Litigation Related Activity: 434 F.2d 1151 (5th Cir. 1970)

Figure 11: Racial and Ethnic Characteristics of Students in Miami-Dade County School District for 2003-04 School Year



Source: Florida Advisory Committee from Common Core of Data SY04.

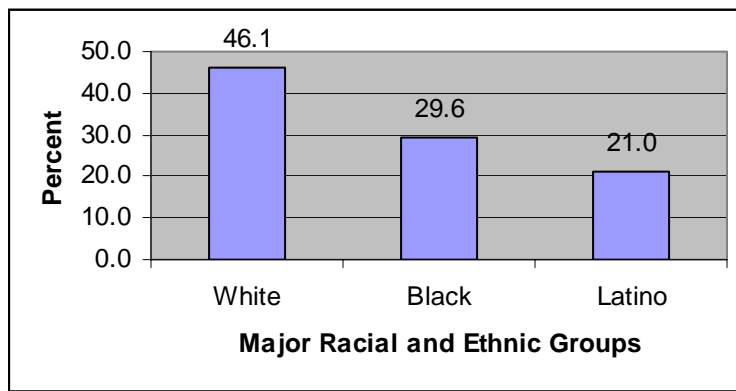
¹⁶ A comment from the Miami-Dade County School District concerning litigation of the district with respect to school desegregation is in the appendix.

Palm Beach County School District

Palm Beach County is located in southeast Florida, along the Atlantic Coast and just north of Miami. The district has a total enrollment of nearly 170,000 students and operates 213 schools. Whites are the largest racial group, about 46 percent of total enrollment, while African Americans (29 percent) and Latinos (21 percent) comprise most of the remaining student al enrollment. Court jurisdiction commenced in 1956 when the school district was sued because it maintained a separate and segregated school system in Palm Beach County, and in May 1962 the Court entered an Order granting relief and retaining jurisdiction of the cause. In 1979, the District Court issued orders dismissing the suit and relinquishing jurisdiction.

Initiating Case Name: Holland v. Board of Public Instruction of Palm Beach County
Year of Initiating Case: 1956
Issue: School Desegregation
Current Status: Unitary Status
Year of Final Decision: 1979
Litigation Related Activity: 258 F.2d 730 (5th Cir. 1958); 465 F.2d 370 (5th Cir. 1972)

Figure 12: Racial and Ethnic Characteristics of Students in Palm Beach County School District for 2003-04 School Year



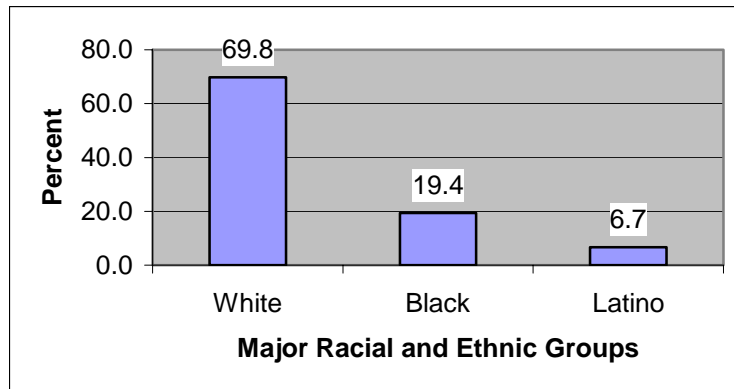
Source: Florida Advisory Committee from Common Core of Data SY04.

Pinellas County School District

Pinellas County is located along the Gulf Coast of west central Florida. The largest city in the County is St. Petersburg. The school district has a total enrollment of approximately 114,000, and whites are the dominant racial/ethnic group comprising 70 percent of district enrollment. African Americans are about 20 percent of total enrollment, while Latinos are 7 percent. Court jurisdiction began in 1965, and continued its jurisdiction over the school district particularly with respect to attendance zones. In 2000, the District Court issued a final order withdrawing Federal supervision and granting “unitary status” to the Pinellas School District.

Initiating Case Name: Bradley v. Pinellas County School Board
Year of Initiating Case: 1964
Issue: School Desegregation
Current Status: Unitary Status
Year of Final Decision: 2000
Litigation Related Activity: 431 F.2d 1377 (5th Cir. 1970) cert. denied, 402 U.S. 943 (1971).

Figure 13: Racial and Ethnic Characteristics of Students in Pinellas County School District for 2003-04 School Year



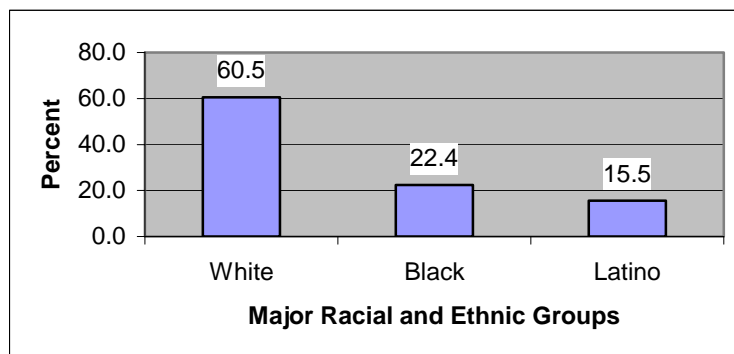
Source: Florida Advisory Committee from Common Core of Data SY04.

Polk County School District

Polk County is located in the Central Florida and encompasses the cities of Lakeland and Winter Haven. There are 143 schools in the district and nearly 85,000 students. Whites are the majority of students, 61 percent, while African Americans comprise 22 percent and Latinos 16 percent. Suit was originally filed in 1963 by Althea Mills, a resident of Winter Haven to enjoin the school district from continuing to “operate a compulsory biracial school system in Polk County.” She and other families were represented by the NAACP Legal Defense Fund and in 1966 the United States moved to intervene as a plaintiff. In 2000, the District Court approved a final settlement agreement and granted the school district “unitary status.”

Initiating Case Name: U.S. and Mills v. School Board of Polk County
Year of Initiating Case: 1963
Issue: School Desegregation
Current Status: Unitary Status
Year of Final Decision: 2000
Litigation Related Activity: 575 F.2d 1146 (5th Cir. 1978)

Figure 14: Racial and Ethnic Characteristics of Students in Polk County School District for 2003-04 School Year



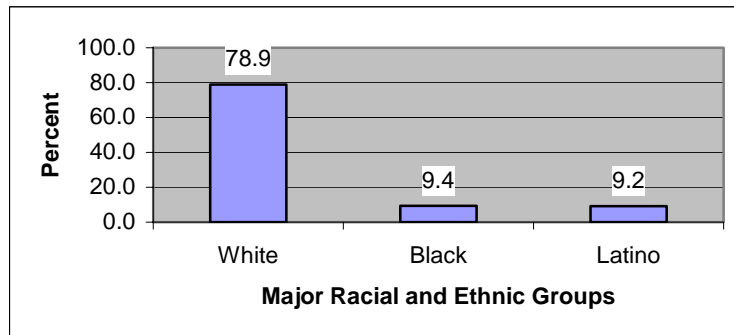
Source: Florida Advisory Committee from Common Core of Data SY04.

Sarasota County School District

Sarasota County is situated along the Gulf Coast, and Sarasota is the largest city in the county. The district operates 49 schools and enrolls approximately 40,000 students. Whites are the dominant racial group, comprising almost 80 percent of total enrollment. Plaintiffs brought a class action on behalf of “Negro” children seeking desegregation of an allegedly compulsory bi-racial school system. The school district admitted there had formerly been a policy of racial segregation, but was moving to a fully integrated system. In 1971, the District Court for the Middle District of Florida issued an order that the “Defendant Board has met its constitutional duty to disestablish its former dual school system in a prompt, honorable and responsible fashion that might well serve as a model for other boards to comply with federal court mandates.”

Initiating Case Name: Mays v. Sarasota County Board of Public Instruction
Year of Initiating Case: 1963
Issue: School Desegregation
Current Status: Unitary Status
Year of Final Decision: 1971
Litigation Related Activity: 428 F.2d 809 (5th Cir. 1970)

Figure 15 : Racial and Ethnic Characteristics of Students in Sarasota County School District for 2003-04 School Year



Source: Florida Advisory Committee from Common Core of Data SY04.

Seminole County School District

Seminole County is a large inland county located in Central Florida, with an estimated population of nearly 400,000 residents. Whites comprise 80 percent of the county population, and 70 percent of total enrollment in the county school district; Latinos are the second largest racial/ethnic group, being 15 percent of school enrollment. Seminole County was engaged in the same legal action taken by the Department of Justice against Pasco County and other counties to desegregate schools in 1970. The District was under five separate consent decrees and actively worked to comply and resolve all issues and finally obtained “unitary status” in 2006.¹⁷

Initiating Case Name: U.S. v Baker County, Bradford County, Flagler County, Pasco County, St. Johns County, and Seminole County

Year of Initiating Case: 1970

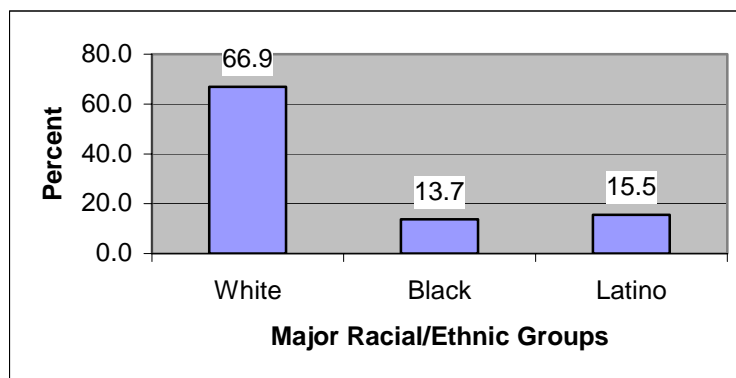
Issue: School Desegregation

Current Status: Unitary Status

Year of Final Decision: 2006

Litigation Related Activity: U.S. v. Seminole County, 553 F.2d 992 (5th Cir. 1977)

Figure 16: Racial and Ethnic Characteristics in Seminole County School District for 2003-04 School Year



Source: Florida Advisory Committee from Common Core of Data SY04.

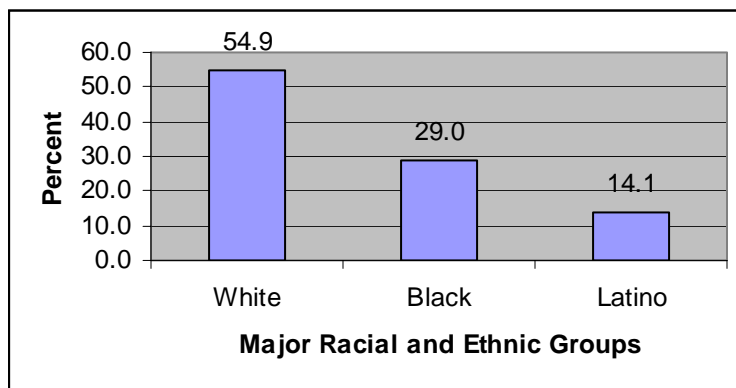
¹⁷ Telephone conversation, Anna-Marie Cote, Coordinator for Public Instruction, Seminole County Public Schools, with Peter Minarik, Regional Director, Southern Regional Office, U.S. Commission on Civil Rights, Oct. 27, 2005, Southern Regional Office files.

St. Lucie County School District

St. Lucie is located in central east Florida, the largest city in the district being Port St. Lucie. The district has 43 schools and a total enrollment of approximately 33,000. Whites are the majority racial group, comprising 55 percent of total enrollment. African Americans are 29 percent of total enrollment and Latinos 14 percent. In 1970 the District Court of the Southern District of Florida found the Board of Education for St. Lucie County was operating a dual, segregated school system, and the district was ordered to adopt a plan to end the dual school system. In 1996 the school district petitioned the court to declare it unitary and to relinquish the continuing jurisdiction the Court had exercised the previous 27 years. In 1997, after a public fairness hearing, the District Court granted the school district's motion for "unitary status."

Initiating Case Name:	United States v. Board of Public Instruction of St. Lucie County
Year of Initiating Case:	1970
Issue:	School Desegregation
Current Status:	Unitary Status
Year of Final Decision	1997
Litigation Related Activity:	977 F.Supp. 1202 (S.D. Fla 1997)

Figure 17: Racial and Ethnic Characteristics of Students in St. Lucie County School District for 2003-04 School Year



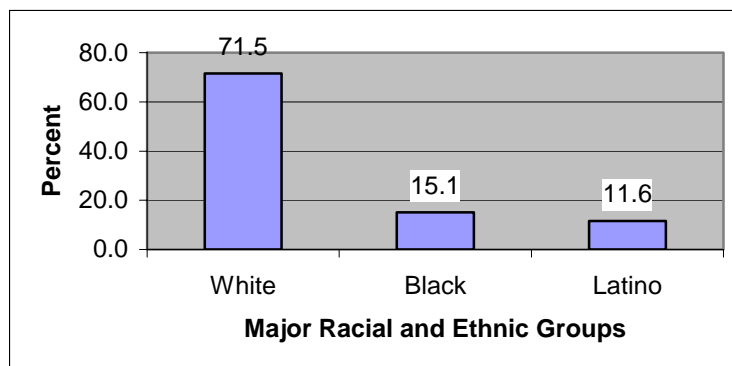
Source: Florida Advisory Committee from Common Core of Data.

Volusia County School District

Volusia County is located in the central-eastern part of Florida, and the largest city in the County is Deltona. There are 87 schools in the district that serve almost 65,000 students. Whites comprise a majority of the student body, 71 percent, while African Americans and Latinos are between 10 and 15 percent of total enrollment respectively. School desegregation litigation began on June 3, 1960, and in 1969 the District Court for the Middle District of Florida held that the school district's desegregation plan would achieve a unitary school system in Volusia County. In 1970 the Federal Court of Appeals determined that the Volusia County School District was a unitary school system, and since that date the district has operated without being required to participate in any type of monitoring process.

Initiating Case Name: Tillman v. Board of Public Instruction of Volusia County
Year of Initiating Case: 1960
Issue: School Desegregation
Current Status: Unitary Status
Year of Final Decision: 1970
Litigation Related Activity: 430 F.2d 309 (5th Cir. 1970)

Figure 18 : Racial and Ethnic Characteristics of Students in Volusia County School District for 2003-04 School Year



Source: Florida Advisory Committee from Common Core of Data SY04.

Sixteen Florida School Districts Remain Under Court Jurisdiction

Of the 34 school districts in Florida ever subject to litigation with respect to school segregation, 16 school districts remain under court jurisdiction. The plaintiff for 14 of these 16 remaining school desegregation cases is the Department of Justice. Of the 16 school districts, only four (4), Bradford, Flagler, Marion, and Orange indicated to the Florida Advisory Committee that they are actively seeking “unitary status.” In a fifth district, Jefferson County Schools, the Department of Justice is reviewing the case file in anticipation of petitioning the court for a dismissal of the Court Order.

In six other school desegregation cases involving the school districts: Gulf, Hendry, Jackson, Lafayette, Pasco, and Wakulla, the Court has found the district unitary and entered a permanent injunction which includes general prohibitions against discrimination in various areas of school operation. The cases have been placed on the inactive docket of the Court subject to being reactivated upon proper application by any party, or on the Court’s motion. The U.S. Department of Justice is the plaintiff in these cases and still considers them open, so though these districts have been declared ‘unitary’ by the Courts, for purposes of this report the Florida Advisory Committee considers these school districts to still be without a formal declaration of “unitary status” and still under a Court Order.¹⁸

In the legal sense, a permanent injunction is a Court Order commanding or preventing an action after a final hearing on the merits, and despite its name does not necessarily last forever. In a general sense, every order of a court which commands or forbids is an injunction; but in its accepted legal sense, an injunction is a judicial process or mandate operating under established principles of equity, and a party is refrained from doing a particular thing. An injunction has also been defined as a writ framed according to the circumstances of the case, commanding an act which the court regards as essential to justice, or restraining an act which it esteems contrary to equity and good conscience.¹⁹

¹⁸ U.S. Department of Justice, Civil Rights Division, Education Section, Open Cases (by DJ Number, District), April 2005, Southern Regional Office, U.S. Commission on Civil Rights files.

¹⁹ Bryan A. Garner, ed., *Black’s Law Dictionary*, seventh ed., (St. Paul, MN 1999), p. 788.

In this section, separately for each of the 16 school districts under a Court Order, the following information is presented: (1) the initiating school desegregation case, (2) the year of the initiating case, (3) the disposition of the school district with respect to seeking unitary status, and where appropriate (4) related litigation activity. Recent racial and ethnic composition of the district is also presented.

Table 5: Florida School Districts Under Court Jurisdiction

	<u>District</u>	<u>Year of Initiating Case</u>
1.	Baker	1970
2.	Bay	1966
3.	Bradford*	1970
4.	Flagler*	1970
5.	Gulf **	1970
6.	Hendry**	1970
7.	Indian River	1965
8.	Jackson**	1970
9.	Jefferson**	1970
10.	Lafayette**	1970
11.	Manatee	1965
12.	Marion*	1978
13.	Orange*	1970
14.	Pasco**	1970
15.	St. Johns	1970
16.	Wakulla**	1970

Notes:

* Indicates district is actively pursuing “unitary status.”

** Indicates that the Court has found the district unitary and entered a permanent injunction, but the case remains open and Department of Justice is monitoring compliance.

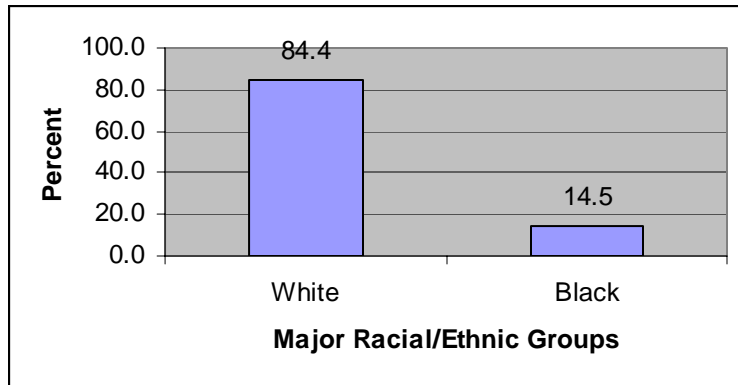
Source: Florida Advisory Committee.

Baker County School District

Baker County is an inland county in the northern part of Florida east of the City of Jacksonville. The district is primarily a rural district and total enrollment is less than 5,000 students and there are only seven schools. Action to desegregate the schools was brought against the district by the Department of Justice in 1970, and Baker County entered into a Consent Decree and Order later that same year. Under that Consent Decree the district implemented a nondiscrimination plan for students, faculty, transportation, and school construction, and the Order was modified by a Petition in 1971. According to district officials, “(The) schools are integrated and have policies which govern equal rights for all employees and students” and the “district has no record of having ever applied for Unitary Status.”²⁰

Initiating Case Name: U.S. v Baker County, Bradford County, Flagler County, Pasco County, St. Johns County, and Seminole County
Year of Initiating Case: 1970
Issue: School Desegregation
Current Status: Under Court Order
Litigation Related Activity: DJ 169-17M-29 (M.D. Fla. 1990)

Figure 19: Racial and Ethnic Characteristics in Baker County School District for 2003-04 School Year



Source: Florida Advisory Committee from Common Core of Data SY04.

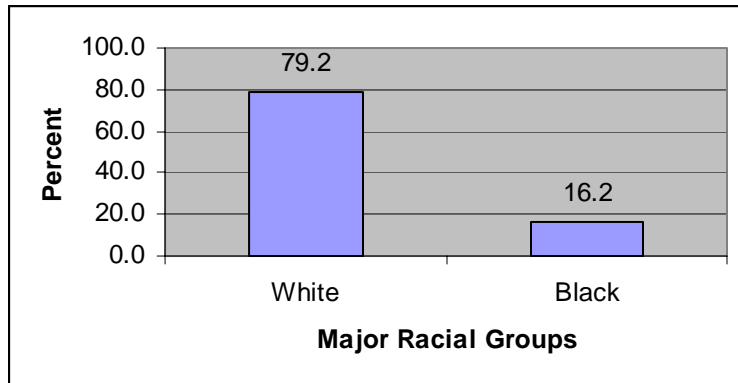
²⁰ Letter from Glenn McKendree, Associate Superintendent, Baker County Public Schools, to Peter Minarik, Regional Director, Southern Regional Office, U.S. Commission on Civil Rights, Oct. 13, 2005, Southern Regional Office files.

Bay County School District

Bay County is located along the Gulf of Mexico in the Panhandle of Florida. There are 44 schools in the school district with a total enrollment of about 26,000 students. Whites, at about 80 percent of total enrollment, are the largest racial group and the rest of the student body is predominantly African American. Court action with respect to school desegregation was first brought against the district in 1966 by private parties and was joined by the Department of Justice. In 1970 the Northern District Court approved a Consent Decree and Order that implemented a nondiscrimination plan for the district. The Justice Department is monitoring the district's compliance with the Court Order, and district officials did not comment on the district's intent with respect to unitary status.

Initiating Case Name: Youngblood v. Board of Pub. Inst. of Bay County
Year of Initiating Case: 1966
Issue: School Desegregation
Current Status: Under Court Order
Litigation Related Activity: 430 F.2d 625 (5th Cir. 1970) cert. denied, 402 U.S. 943 (1971); 448 F.2d 770 (5th Cir. 1971); 958 F.2d. 1082 (11th Cir. 1992)

Figure 20: Racial and Ethnic Characteristics in Bay County School District for 2003-04 School Year



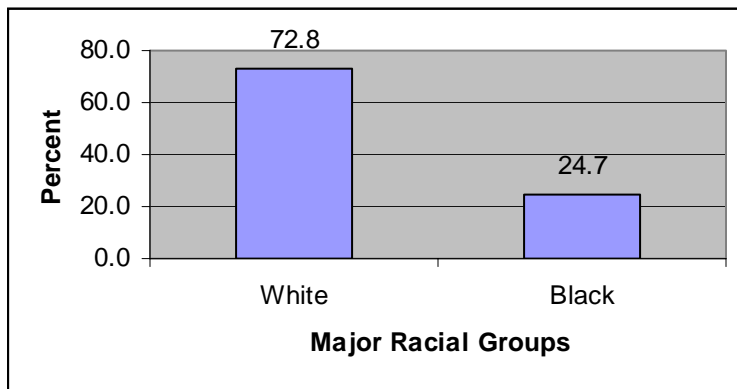
Source: Florida Advisory Committee from Common Core of Data SY04.

Bradford County School District

Bradford County is located in the northern part of the State, south of the City of Gainesville. It is a small school district with just 12 schools and an enrollment of less than 4,000 students, most of whom are white. The Bradford County School District was joined with Baker County and four other county school districts in a desegregation action by the Department of Justice in 1970, and has been subject to court jurisdiction since that time. Presently, the school “district is working toward unitary status” and the case file is being reviewed for compliance by the Department of Justice with the expectation that a petition for unitary status will be granted by the courts.²¹

Initiating Case Name: U.S. v Baker County, Bradford County, Flagler County, Pasco County, St. Johns County, and Seminole County
Year of Initiating Case: 1970
Issue: School Desegregation
Current Status: Under Court Order
Litigation Related Activity: DJ 169-17M-25 (M.D. Fla.)

Figure 21: Racial and Ethnic Characteristics in Bradford County School District for 2003-04 School Year



Source: Florida Advisory Committee from Common Core of Data SY04.

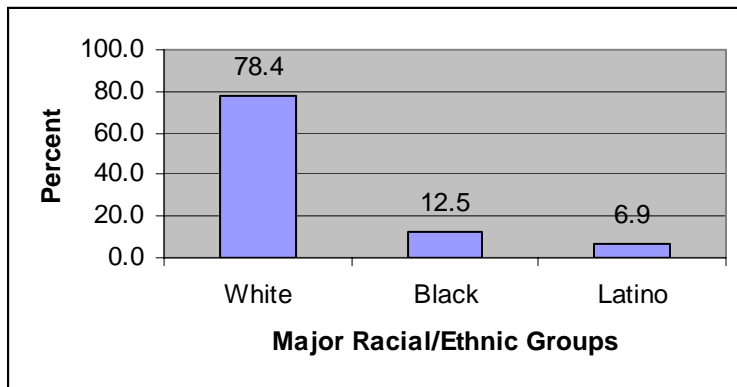
²¹ Letter from Phyllis M. Rosier, Bradford County School Board Attorney, to Peter Minarik, Ph.D., Regional Director, Southern Regional Office, U.S. Commission on Civil Rights, July 28, 2005, Southern Regional Office files.

Flagler County School District

Flagler County is located along the Atlantic Coast about 50 miles south of Jacksonville. It is a small district with only 8 schools and less than 9,000 students. About 80 percent of the student enrollment is white, and the other 20 percent has substantial representation of both African Americans and Latinos. School desegregation litigation was initiated in 1970 by the Department of Justice, when the Flagler County School District was joined with Baker County and four other county school districts in a desegregation action by the Department. The Flagler School District remains under court jurisdiction. However, according to district officials “the district is working on compiling information in preparation...to start making the necessary steps to move towards unitary status.”²²

Initiating Case Name: U.S. v Baker County, Bradford County, Flagler County, Pasco County, St. Johns County, and Seminole County
Year of Initiating Case: 1970
Issue: School Desegregation
Current Status: Under Court Order
Litigation Related Activity: DJ 169-17M-25 (M.D. Fla.)

Figure 22: Racial and Ethnic Characteristics in Flagler County School District for 2003-04 School Year



Source: Florida Advisory Committee from Common Core of Data SY04.

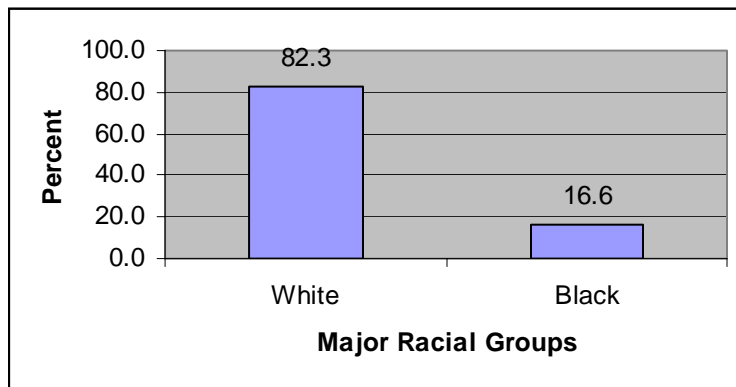
²² Letter from Jay W. Livingston, Flagler County School Board Attorney, to Peter Minarik, Regional Director, Southern Regional Office, U.S. Commission on Civil Rights, Oct. 14, 2005, Southern Regional Office files.

Gulf County School District

Gulf County lies along the Gulf Coast in the Panhandle of the State midway between Tallahassee and Pensacola. There are only eight schools in the district, and total enrollment is about 2,000 students of whom about 80 percent are white. The Department of Justice initiated school desegregation litigation jointly against Gulf County and six other districts in 1970, and later that year a Court ordered plan to desegregate the Gulf County schools was approved. The district was declared ‘unitary’ in 1976 the case was closed, but jurisdiction was retained and the Department of Justice continues to monitor the district’s compliance with the Court Order. District officials maintain that the district “has successfully eliminated the vestiges of de jure segregation in all facets of school operation (and) if necessary would petition for a judicial determination of unitary status.”²³

Initiating Case Name: U.S. v Gadsden County, Gulf County, Jackson County, Jefferson County, Lafayette County, and Wakulla County
Year of Initiating Case: 1970
Issue: School Desegregation
Current Status: Under Court Order
Litigation Related Activity: DJ 169-17-14 (N.D. Fla.)

Figure 23: Racial and Ethnic Characteristics in Gulf County School District for 2003-04 School Year



Source: Florida Advisory Committee from Common Core of Data SY04.

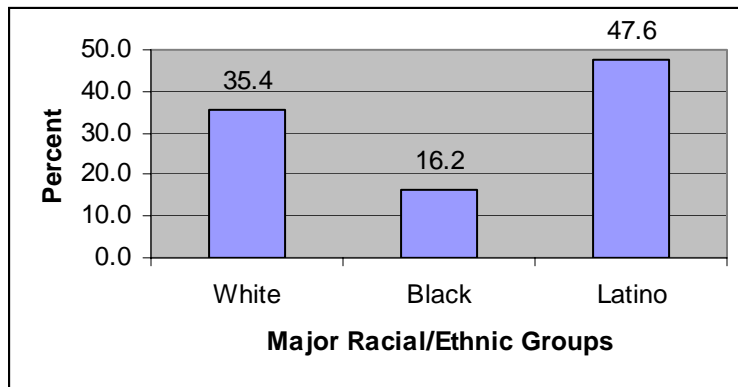
²³ Letter from Tim Wilder, Superintendent, Gulf County Schools, to Peter Minarik, Regional Director, Southern Regional Office, U.S. Commission on Civil Rights, Nov. 1, 2005, Southern Regional Office files.

Hendry County School District

Hendry County is a landlocked county located in central south Florida, midway between Naples and Fort Lauderdale. It has changed dramatically in terms of its demographics since 1970 when it operated a dual school system. Though it remains a small school system with less than 8,000 students, today Latinos are the largest racial/ethnic group and comprise almost half of the student enrollment, many the children of migrant farmworkers. The district was sued by the Department of Justice in 1970, and a series of Court Orders ensued: two in 1971, two in 1972, one in 1973, and was declared ‘unitary’ in 1976 and placed under a final Order that is still in effect. Justice continues to monitor the compliance of the district with the Court Orders, and district officials did not comment on the district’s intent with respect to unitary status.

Initiating Case Name: U.S. v. Hendry County et al
Year of Initiating Case: 1970
Issue: School Desegregation
Current Status: Under Court Order
Litigation Related Activity: DJ 169-18-6 (S.D. Fla.)

Figure 24: Racial and Ethnic Characteristics in Hendry County School District for 2003-04 School Year



Source: Florida Advisory Committee from Common Core of Data SY04.

Indian River County School District

Indian River County is in central Florida along the Atlantic seaboard. Whites are about 70 percent of the district's 17,000 student enrollment with African Americans and Latinos comprising about 15 percent respectively. The school district was one of the first districts in the State to be sued over school segregation, a suit brought against the district by private parties in 1965. Four years later, in 1969, a desegregation plan was approved by the Court and the district has remained under court jurisdiction ever since.

Representatives of the school district acknowledge the "School District of Indian River...is still under court order regarding desegregation," but did not indicate any intent to pursue unitary status.²⁴

Initiating Case Name: Sharpton v. Board of Pub. Inst. Of Indian River County

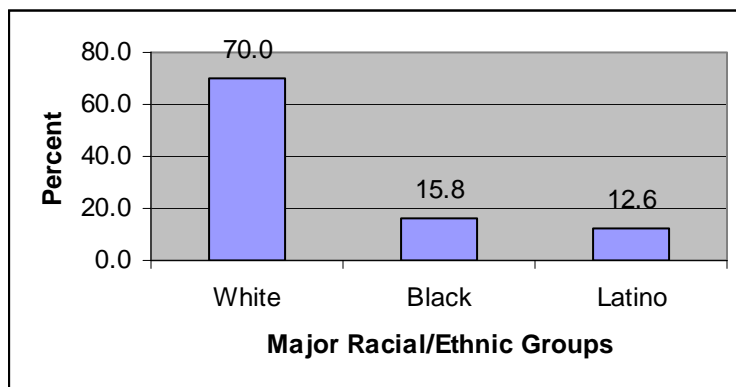
Year of Initiating Case: 1965

Issue: School Desegregation

Current Status: Under Court Order

Litigation Related Activity: DJ 169-17-5 (N.D. Fla.); 419 F.2d 1211 (5th Cir. 1969) cert. denied, 396 U.S. 1031 (1970); 426 F.2d 1364, 430 F.2d 368 and 432 F.2d 927 (5th Cir. 1970), cert. denied 402 U.S. 944 (1971)

Figure 25: Racial and Ethnic Characteristics in Indian River County School District for 2003-04 School Year



Source: Florida Advisory Committee from Common Core of Data SY04.

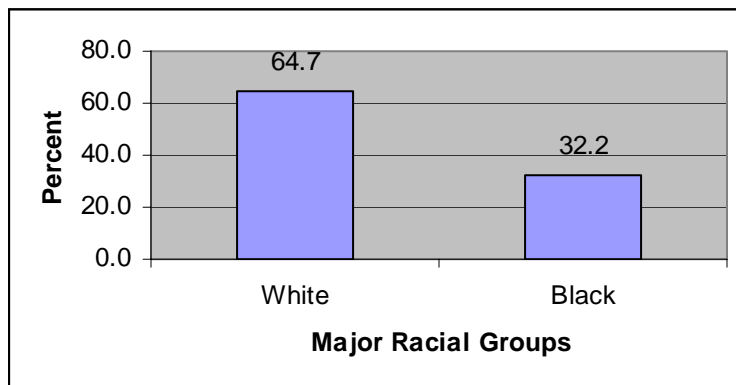
²⁴ Letter from G. Russell Peterson, Attorney representing School District of Indian River, Florida, to Peter Minarik, Regional Director, Southern Regional Office, U.S. Commission on Civil Rights, Oct. 17, 2005, Southern Regional Office files.

Jackson County School District

Jackson County is a landlocked county in the northern part of the State's Panhandle region. The school district is a moderately small district, operating just 21 schools and serving a student enrollment of about 7,000. Two-thirds of the students are white, and almost all other students are African American. Jackson County Schools was first brought under court jurisdiction with respect to school desegregation in 1970, when the U.S. Department of Justice sued Gadsden County and joined the county districts of Gulf, Jackson, Jefferson, Lafayette, and Wakulla as co-defendants. Co-defendant Gadsden County Schools was awarded unitary status in 1980 in large measure because a majority of its public schools became minority-isolated schools following 'white flight' to local area private schools in Jackson, Liberty, and Leon counties.²⁵ The district was declared 'unitary' in 1976 but remains under Court Order, and Justice continues to monitor compliance with the Court Order.

Initiating Case Name: U.S. v Gadsden County, Gulf County, Jackson County, Jefferson County, Lafayette County, and Wakulla County
Year of Initiating Case: 1970
Issue: School Desegregation
Current Status: Under Court Order

Figure 26: Racial and Ethnic Characteristics in Jackson County School District for 2003-04 School Year



Source: Florida Advisory Committee from Common Core of Data SY04.

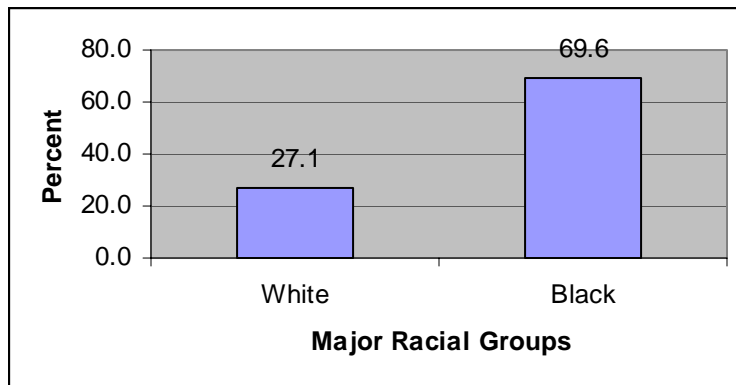
²⁵ "Minority Isolation Reduction Plan for the Gadsden County Public School District," Gadsden County Schools, 1985, Southern Regional Office, U.S. Commission on Civil Rights files.

Jefferson County School District

Jefferson County is located in the Panhandle section of Florida, stretching from the Georgia border to the Gulf of Mexico. Though whites are the largest racial group in the county, African Americans are the largest racial group in the schools. African Americans are almost 70 percent of total enrollment, while whites are about 30 percent. The district operates only six schools, and total enrollment is less than 1,500. Similar to its neighboring county, Jackson, Jefferson County Schools was first brought under court jurisdiction with respect to school desegregation in 1970 when the Department of Justice sued Gadsden County and joined the county districts of Gulf, Jackson, Jefferson, Lafayette, and Wakulla as co-defendants in the action. The district was declared ‘unitary’ in 1976, and the case remains open and Department of Justice is reviewing case files in anticipation of requesting a dismissal of the action.

Initiating Case Name: U.S. v Gadsden County, Gulf County, Jackson County, Jefferson County, Lafayette County, and Wakulla County
Year of Initiating Case: 1970
Issue: School Desegregation
Current Status: Under Court Order
Litigation Related Activity: DJ 169-17-3 (N.D. Fla.)

Figure 27: Racial and Ethnic Characteristics in Jefferson County School District for 2003-04 School Year



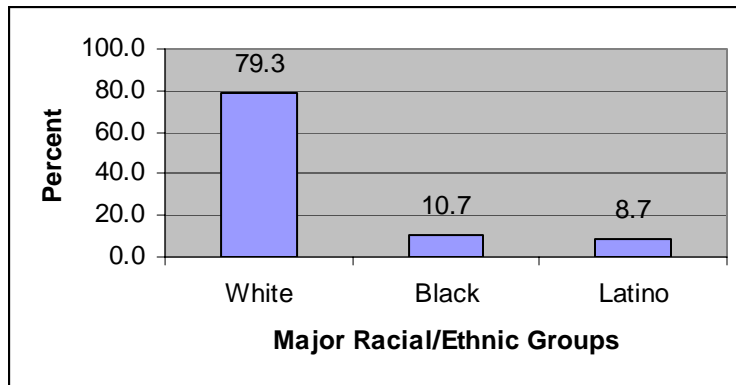
Source: Florida Advisory Committee from Common Core of Data SY04.

Lafayette County School District

Lafayette County is a sparsely populated, landlocked county in northern Florida with less than 8,000 residents. There are only two schools in the district, one serving the elementary grades and one high school. Total enrollment is about 1,000 students, and whites are about 80 percent of the student body. African Americans and Latinos are each about 10 percent of district enrollment. Lafayette County Schools first came under court jurisdiction as part of the Department of Justice action against Gadsden County in 1970. The district was declared unitary in 1970, but remains under court order. District officials acknowledge that the Lafayette District remains under a court order with respect to school desegregation, but “given the present two-building status of the school district ... does not foresee the district actively pursuing unitary status from the courts.”²⁶

Initiating Case Name: U.S. v Gadsden County, Gulf County, Jackson County, Jefferson County, Lafayette County, and Wakulla County
Year of Initiating Case: 1970
Issue: School Desegregation
Current Status: Under Court Order
Litigation Related Activity: DJ 169-17-12 (N.D. Fla.)

Figure 28: Racial and Ethnic Characteristics in Lafayette County School District for 2003-04 School Year



Source: Florida Advisory Committee from Common Core of Data SY04.

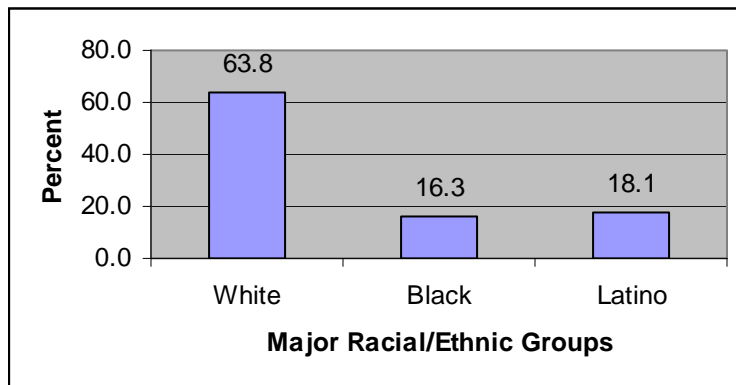
²⁶ Telephone conversation, Frederic Ward, Superintendent, Lafayette County Schools, with Peter Minarik, Regional Director, Southern Regional Office, U.S. Commission on Civil Rights, Oct. 21, 2005, Southern Regional Office files.

Manatee County School District

Manatee County lies along the Gulf Coast in the western part of the State. The Manatee County School District operates 54 schools, of which seven are charter schools. Total enrollment is about 40,000 students, and about two-thirds of the student body is white. Manatee County Schools came under court jurisdiction in 1965, when the district was sued by private parties to desegregate the schools. In 1969, the District Court found the board's submitted plan to be inadequate and demanded that an amended plan be submitted. After cross appeals the Court of Appeals held that the District Court would approve any ensuing desegregation plan and determine when the district had achieved unitary status. District officials acknowledge that Manatee District Schools remain under a Court Order with respect to school desegregation, and that "actions by the school district to obtain unitary status from the courts have been dormant for several decades."²⁷

Initiating Case Name: Harvest v. Board of Pub. Instruction of Manatee County, FL
Year of Initiating Case: 1965
Issue: School Desegregation
Current Status: Under Court Order
Litigation Related Activity: 421 F.2d 136 (5th Cir. 1969)

Figure 29: Racial and Ethnic Characteristics in Manatee County School District for 2003-04 School Year



Source: Florida Advisory Committee from Common Core of Data SY04.

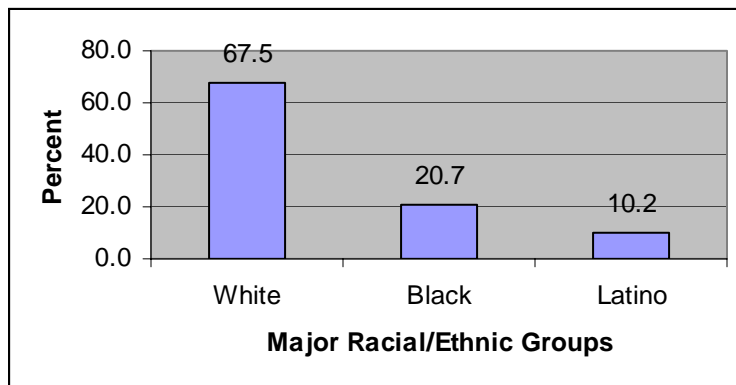
²⁷ Telephone conversation, John Bowen, Attorney, representing Manatee County Schools, with Peter Minarik, Regional Director, Southern Regional Office, U.S. Commission on Civil Rights, Oct. 21, 2005, Southern Regional Office files.

Marion County School District

Marion County is a populous landlocked county of about 250,000 located in north-central Florida. The district operates 65 schools and has an enrollment of about 40,000 students. About two-thirds of the student body are White, African Americans are about 20 percent, and Latinos are about 10 percent. The Department of Justice brought suit against Marion County Schools over school segregation in 1978, resulting from a request from the U.S. Department of Education which had rejected as inadequate a series of desegregation plans. In 1983 the Marion District agreed to abide by a Federal desegregation order, but the case was reopened in 1993 when the Justice Department cited the district for “its continuing failure” to keep schools racially balanced. According to district officials, “The district applied for unitary status in 2004, but it was not granted by the courts. (However), the Court Order was modified and the district is currently operating under that modified Court Order.”²⁸

Initiating Case Name: U.S. v. Marion County School District
Year of Initiating Case: 1978
Issue: School Desegregation
Current Status: Under Court Order
Litigation Related Activity: DJ 169-17M-41 (M.D. Fla.)

Figure 30: Racial and Ethnic Characteristics in Marion County School District for 2003-04 School Year



Source: Florida Advisory Committee from Common Core of Data SY04.

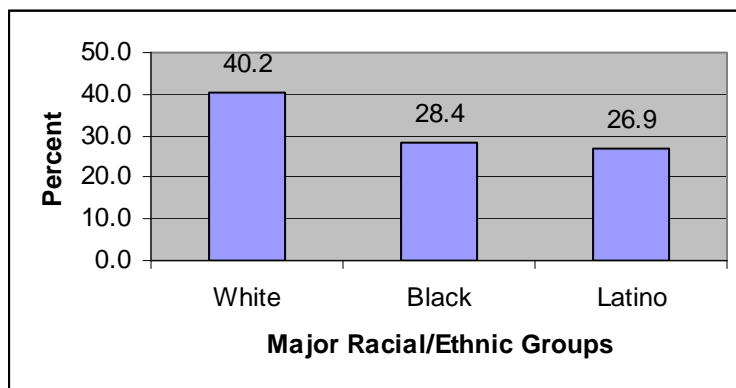
²⁸ Letter from, Diana Green, Deputy Superintendent, Marion County Public Schools, to Peter Minarik, Regional Director, Southern Regional Office, U.S. Commission on Civil Rights, Oct. 14, 2005, Southern Regional Office files.

Orange County School District

Orange County is in central Florida, inland from the Atlantic Ocean. It is a populous county including the city of Orlando. The school district operates 190 schools and has almost 170,000 students. Though the county is 70 percent White, less than half of the total student enrollment, about 40 percent, is White. African Americans are about one-third of all students, and about one-fourth are Latino. The initiating action against the district was a private action in 1970. The District Court entered an order granting the district unitary status, but plaintiffs appealed and the Court of Appeals vacated the “unitary” order and remanded the case to the district for compliance with recent Supreme Court decisions. The Orange County School District remains under Court Order, and according to district officials “The district is in the process, as it has been for many years, of collecting, analyzing, and presenting information to the Court both in compliance with court directives and to ultimately obtain unitary status from the courts.”²⁹

Initiating Case Name: Ellis v. The Board of Public Instruction of Orange County
Year of Initiating Case: 1978
Issue: School Desegregation
Current Status: Under Court Order
Litigation Related Activity: 423 F.2d 203 (5th Cir. 1970); 465 F.2d 878 (5th Cir. 1972), cert. denied 410 U.S. 966 (1973)

Figure 31: Racial and Ethnic Characteristics in Orange County School District for 2003-04 School Year



Source: Florida Advisory Committee from Common Core of Data SY04.

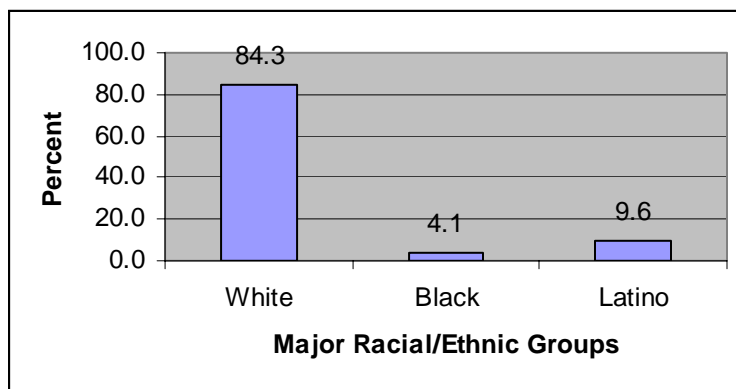
²⁹ Telephone conversation, Maree Sneed, Attorney for Orange County Public Schools, with Peter Minarik, Regional Director, Southern Regional Office, U.S. Commission on Civil Rights, Oct. 25, 2005, Southern Regional Office files.

Pasco County School District

Pasco County is located along the Gulf Coast in central Florida north of the Tampa-St. Petersburg area. The school district operates 73 schools, and whites are the majority racial group comprising approximately 85 percent of the student enrollment. Latinos are the second largest racial/ethnic group and are about 10 percent of district enrollment. African Americans are only about 5 percent of district enrollment. Action to desegregate the schools was brought against the district by the Department of Justice in 1970, when it jointly sued Pasco County and five other county school districts. The school district and Justice entered into a consent decree, which was accepted by the courts in 1973. The district was declared ‘unitary’ in 1973, and Justice continues to monitor compliance. District officials hold that the 1973 declaration of ‘unitary’ is sufficient and there is no necessity given that declaration to pursue “unitary status.”³⁰

Initiating Case Name: U.S. v Baker County, Bradford County, Flagler County, Pasco County, St. Johns County, and Seminole County
Year of Initiating Case: 1970
Issue: School Desegregation
Current Status: Under Court Order
Litigation Related Activity: DJ 169-17M-11 (M.D. Fla.)

Figure 32: Racial and Ethnic Characteristics in Pasco County School District for 2003-04 School Year



Source: Florida Advisory Committee from Common Core of Data SY04.

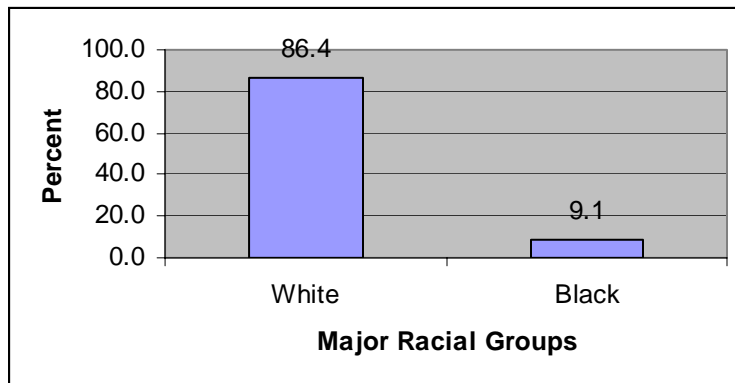
³⁰ Letter from, Kevin Shibley, Supervisor of Employee Relations, Pasco County Public Schools, to Peter Minarik, Regional Director, Southern Regional Office, U.S. Commission on Civil Rights, July 31, 2006, Southern Regional Office files.

St. Johns County School District

St. Johns County lies along the Atlantic Ocean in the northern part of the State south of Jacksonville. The school district operates 36 schools and has an enrollment of about 25,000 students. Whites are almost 90 percent of the school district's enrollment, and African Americans comprise most of the remaining students. In 1970 St. Johns County was joined with Seminole County and four other county school districts in an action by the Department of Justice to desegregate the schools. According to district officials, the District is still under a desegregation order and has never sought unitary status. "To seek unitary status would require tremendous time and effort of the part of staff and expense on the part of the District in the form of legal and consulting fees ... (and) frankly, our time, effort, and the public's money is better spent on educating the students in our District than in concluding this court proceeding."³¹

Initiating Case Name:	U.S. v Baker County, Bradford County, Flagler County, Pasco County, St. Johns County, and Seminole County
Year of Initiating Case:	1970
Issue:	School Desegregation
Current Status:	Under Court Order
Litigation Related Activity:	U.S. v. St. Johns County School Dist., 453 F.2d 871 (5 th Cir. 1971)

Figure 33: Racial and Ethnic Characteristics in St. Johns County School District for 2003-04 School Year



Source: Florida Advisory Committee from Common Core of Data SY04.

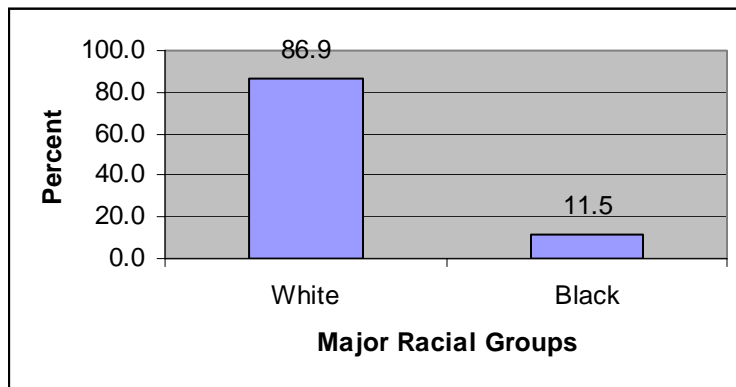
³¹ Letter, Joseph G. Joyner, Superintendent, St. Johns Public Schools, to Peter Minarik, Regional Director, Southern Regional Office, U.S. Commission on Civil Rights, Oct. 10, 2005, Southern Regional Office files.

Wakulla County School District

Wakulla lies along the Gulf Coast in the Panhandle part of Florida. The school district is relatively small, operating only 8 schools with a total enrollment of less than 5,000 students. Nearly 90 percent of the total enrollment in the district is white. The Department of Justice initiated school desegregation litigation jointly against Wakulla County and five other districts in 1970, and later that year the District Court approved a plan to desegregate the county schools. In 1976 the case was closed and the district declared ‘unitary’ but jurisdiction retained, and Justice continues to monitor the district’s compliance with the Court Order. Regarding the district’s intent with respect to unitary status, the district superintendent states that “the only reason (the Wakulla) District has not been granted unitary status is that (it) has not requested it ... and thus far has seen no pressing need to spend the time and money necessary to seek and obtain that status.”³²

Initiating Case Name: U.S. v Gadsden County, Gulf County, Jackson County, Jefferson County, Lafayette County, and Wakulla County
Year of Initiating Case: 1970
Issue: School Desegregation
Current Status: Under Court Order
Litigation Related Activity: DJ 169-17-15 (N.D. Fla.); 572 F. 2d 1049 (5th Cir. 1978)

Figure 34: Racial and Ethnic Characteristics in Wakulla County School District for 2003-04 School Year



Source: Florida Advisory Committee from Common Core of Data SY04.

³² Letter from David Miller, Superintendent, Wakulla County Schools, to Peter Minarik, Regional Director, Southern Regional Office, U.S. Commission on Civil Rights, Oct. 3, 2005, Southern Regional Office files.

School Integration Patterns Are Similar For School Districts With Unitary Status and Other School Districts

Some research asserts that formerly segregated school districts no longer subject to court jurisdiction, i.e., districts with “unitary status,” may be reverting to *de facto* segregated school systems because of lack of oversight. Though some of that research includes data analyses in support of that position, much of that work is likely conjecture because the desegregation status of the various school districts were not definitively considered as an integral part of the analysis. In large part that is because—previous to the release of this study—no authoritative accounting of the desegregation status of all 67 school districts in Florida was available. With this study, the Commission has established the desegregation status of each of the State’s 67 school districts.

Our analysis on the impact of “unitary status” is conducted from that basis, and is offered as a corollary to our reporting on the desegregation status of the public school districts in the State of Florida. In particular, in recent years several scholars have stated that as a result of the Supreme Court’s 1991 *Dowell* decision, districts can more easily obtain unitary status and without the constraint of court jurisdiction these school districts are lapsing into *de facto* segregated school districts.³³ In *Dowell*, the Court explained that unitary status is achieved if the school “board had complied in good faith with the desegregation decree since it was entered” and the “vestiges of past discrimination have been eliminated to the extent practicable.”³⁴

This analysis attempts to determine whether differences with respect to patterns of integration within a school district are related to the desegregation status of the school district, i.e., unitary, court jurisdiction, or non-litigant. We specifically examine whether public school districts in Florida with unitary status and no longer subject to direct supervision by either the courts or the Department of Education tend to be different in terms of racial integration than the other categories of school districts, i.e., districts still subject to court jurisdiction and districts still monitored by Education.

³³ See for example, Gary Orfield, “Federal Oversight, Local Control, and the Specter of Resegregation in Southern Schools,” www.pubpol.duke.edu, September 2004.

³⁴ *Dowell*, 498 U.S. at 315, referencing *Green*, 391 U.S. at 438.

Index of Dissimilarity Measures Racial Integration

In this part, we examine the impact of “unitary status.” That is we test whether there is a difference in school-level racial integration between school districts with unitary status and other school districts.³⁵ We use the Index of Dissimilarity as our basic unit of measure for integration. An Index of Dissimilarity (Index) measures whether one particular racial/ethnic group is distributed across schools in an area in the same way as another group, i.e., the segregation of one group from another. The Index can range in value from 0 to 100 so that it attempts to measure whether the pattern of the proportion of African American children at each of the schools in a school district tends toward the same proportion of African Americans in the entire district. A value of 60 is considered very high and means that 60 percent of the group would need to switch schools in order for the two groups to be equally distributed. The computation of the Index of Dissimilarity is:³⁶

$(\frac{1}{2}) \text{ sum } [(b_i / B_i) - (w_i / W_i)]$, where

b_i is the number of African American children at the particular school,

B_i is the total number of African American children among the included particular schools from the school district,

w_i is the number of white children at a the particular school, and

W_i is the total number of white children among the included particular schools from the school district,

Our general methodology was to compute an Index of Dissimilarity for each school district. Our computation of a district’s Index of Dissimilarity was limited to regular elementary schools. Middle schools and high schools are not included in the analysis since middle and high schools are often “feeder” schools from several elementary schools and their inclusion would tend to dilute the true Index of the district,

³⁵ We initially intended to also test whether integration trends over time differed among the types of school districts. However, the wide range in time periods over which school districts in the State achieved “Unitary Status” precluded a straightforward analysis.

³⁶ Racial Residential Segregation Measurement Project, Population Studies Center, University of Michigan, *Calculation Formula for Segregation Measures, The Index of Dissimilarity*, <http://enceladus.isr.umich.edu/race/calculate.html>.

particularly in smaller districts. We also eliminated charter schools, special schools, vocational schools, and Pre-Kindergarten-Kindergarten schools from the computation of school district Indexes as their inclusion would likely unduly weight the estimates and bias the parameters. School districts with less than three regular elementary schools were also eliminated, as districts with one or two elementary schools would likely generate Indexes that would upwardly bias the mean Index of the group. Finally, for consistency across the State, our computation of an Index of Dissimilarity for any particular district and our analysis was limited to white students and African American students; though there are districts, such as Miami-Dade, where there are high percentages of Hispanic students, to be consistent across the State we focus on school integration in this analysis in terms of a black-white issue.

Our methodology resulted in 56 of the state's 67 school districts being included in the study. Included are all 18 school districts in Florida with unitary status, 13 of the 16 school districts still under Court Order, and 25 of 33 districts that were never engaged in litigation over school desegregation. For each included school district, we computed an Index of Dissimilarity for the 2003-04 school year of the regular elementary schools in the district. Table 6 lists the 18 Florida school districts with unitary status and their computed Index for Dissimilarity; Table 7 lists the 13 Florida school districts still subject to a Court Order included in the study with their computed Index for Dissimilarity; Table 8 lists the 25 Florida non-litigant school districts and their computed Index for Dissimilarity.

Table 6: Index of Dissimilarity for Florida School Districts with Unitary Status

District	SY04 Index
Alachua	43.6
Brevard	41.2
Broward	62.5
Columbia	42.9
Duval	48.2
Escambia	50.9
Gadsden	44.7
Hillsborough	50.2
Lee	44.1
Leon	57.1
Miami-Dade	76.9
Palm Beach	63.8
Pinellas	43.3
Polk	20.1
Saint Lucie	19.4
Sarasota	55.9
Seminole	39.2
Volusia	45.8

Source: Florida Advisory Committee.

Table 7: Index of Dissimilarity for Selected Florida School Districts Still Subject to Court Jurisdiction

District Name	SY04 Index
Bay	44.0
Bradford	21.8
Flagler	8.7
Hendry	35.9
Indian River	20.8
Jackson	20.4
Manatee	51.4
Marion	38.2
Orange	57.2
Pasco	46.8
St. Johns	51.2
Wakulla	8.8

Note: Gulf, Jefferson, and Lafayette are the three school districts still under Court Order not included in the analysis.

Source: Florida Advisory Committee.

Table 8: Index of Dissimilarity for Selected Florida School Districts Not Litigated for School Desegregation

District Name	SY04 Index
Charlotte	26.5
Citrus	27.3
Clay	40.2
Collier	60.0
Desoto	15.9
Franklin	67.7
Hamilton	19.0
Hardee	19.0
Hernando	22.8
Highlands	18.7
Lake	40.7
Levy	22.6
Madison	28.6
Martin	58.6
Monroe	44.2
Nassau	25.9
Okaloosa	31.4
Okeechobee	10.7
Osceola	50.7
Putnam	43.6
Santa Rosa	45.2
Sumter	52.2
Suwanee	20.1
Taylor	11.0
Walton	47.2

Source: Florida Advisory Committee.

Integration Patterns Similar Among School Districts When District Size and And Racial Composition of District Considered

Overall, school districts with “unitary status” have higher Indexes of Dissimilarity. School districts under court jurisdiction and schools districts never involved in desegregation litigation have lower Indexes of Dissimilarity, and their Indexes are similar.

On average, the Index of Dissimilarity for the 18 school districts with “unitary status” is 47 and the median Index is 47. The range is from 19.4 in the St. Lucie County School District to 76.9 in the Miami-Dade School District. As previously stated, an Index over 60 is considered very high, and only three school districts with “Unitary Status,” Broward, Miami-Dade, and Palm Beach, have an Index over 60.

In contrast, the average Indexes of Dissimilarity for both school districts under court jurisdiction and those never involved in school desegregation litigation are much lower, 31 and 34 respectively. The median Index for school districts under Court Order is 35.9 and for non-litigant districts it is 28.6. No school district under a Court Order has an Index over 60, but among non-litigant school districts, two districts, Collier and Franklin, have Indexes over 60.

Analysis of variance (ANOVA) was employed to formally test whether these differences were significant among the three groups of school districts. In general the purpose of ANOVA procedures is to test for significant differences between means when there are more than two groups being compared. If there are only two groups being compared, ANOVA will give results that are the same as the t-test or results similar to other related tests of the differences between the means of two groups. The 2003-04 school year is the most recent year data is available from the Common Core of Data, and our hypothesis asserted no difference in integration patterns among the three groups of school districts.³⁷

³⁷ Formally, $H_0: \Delta I_{US} = \Delta I_{CJ} = \Delta I_{NL}$
 $H_A: \Delta I_{US} \neq \Delta I_{CJ} \neq \Delta I_{NL}$

where, (i) ΔI denotes the group mean Index of Dissimilarity, and (ii) the subscript “US” denotes the group of school districts with unitary status, the subscript “CJ” denotes the group of school districts still subject to court jurisdiction, and the subscript “NL” denotes the group of school districts never subject to litigation.

For the 2003-04 school year, the group of school districts with “Unitary Status” was found to have a significantly higher Index of Dissimilarity than the other two groups of school districts ($p = 0.012$). That is, there is a significantly lower level of racial integration between whites and blacks at elementary schools in school districts released from court jurisdiction than school districts still subject to a Court Order and school districts never litigated to desegregate. The results of the ANOVA are in Table 9.

Table 9: ANOVA Results for Differences in Indexes for 2003-04 School Year and Differences in Integration Trends

	<u>MS</u> <u>Effect</u>	<u>df</u> <u>Error</u>	<u>MS</u> <u>Error</u>	<u>p-level</u>
SY04	1222.54	53	254.56	0.012*

* Indicates significance at the 0.05 level.

Source: Florida Advisory Committee.

Because there are differences among the selected school districts with respect to enrollment, number of schools, and the percentage of total enrollment that is minority, regression analysis was employed to provide a more complete model to examine differences in integration patterns among the three groups of school districts. The general purpose of multiple regression is to analyze the relationship between several independent or predictor variables and a dependent variable. The major conceptual limitation of all regression techniques is that one can only ascertain relationships, but never be sure about underlying causal mechanisms.

Districts with “Unitary Status” tend to have, on average, larger enrollments, operate more schools, and have higher percentages of minority students, and when these factors are considered in an analysis it may be that districts with “Unitary Status” are not different from other districts with respect to integration patterns. For example, districts with unitary status operate, on average, nearly 70 regular elementary schools and one-third of these districts are majority-minority—that is African American students are the majority of total student enrollment in the district. In contrast, on average, districts under

Court Order and non-litigant school districts operate about 14 regular elementary schools and total enrollment is about 70 percent white.

Our model analyzed the relationship of the Index of Dissimilarity on three predictor variables: (1) number of elementary schools,³⁸ (2) percentage of white students, and (3) district desegregation status. The regression model is:

$$[\tilde{Y}_{I04j}] = \alpha_j + \beta_{1j}X_{1j} + \beta_{2j}X_{2j} + \beta_{3j}D_{3j} + \beta_{4j}D_{4j} + \epsilon_j$$

where,

\tilde{Y}_{I04j} is the Index of Dissimilarity for selected schools in the “j” district for the 2003-04 school year;

X_{1j} is total elementary schools in school district “j”;

X_{2j} is the percentage of white students in school district “j”;

D_{3j} is a dummy variable to control for district “j” being under Court Order; and

D_{4j} is a dummy variable to control for district “j” having “unitary status”;

Our analysis of the Index of Dissimilarity for the 2003-04 school year finds that the type of school district, i.e., “Unitary Status,” under court jurisdiction, or non-litigant, is not related to a school district’s pattern of racial integration as measured by the Index of Dissimilarity, controlling for total district enrollment and the percentage of a school district that is white.³⁹ That is, the higher Index of Dissimilarity found at school districts with “Unitary Status” is not the result of the district being removed from court jurisdiction (p-level = 0.772).

The total number of schools in the district, however, was found to be significantly related to a higher Index (p-level = 0.001).⁴⁰ The percentage of a district that is white was not found to be related to the size of the Index (p-level = 0.947). The regression results are set out in Table 10.

³⁸ Total enrollment in a district was not considered in the analysis as it was found to be highly correlated with total enrollment. Substituting schools for total enrollment in the analysis yielded similar results.

³⁹ Significance level is 0.05.

⁴⁰ To adjust for non-linearity, a transformation of the equation to employ a log value for schools yields similar results (p-level = 0.0017).

Table 10: Regression Results for Analysis of School Year 2003-04 Index of Dissimilarity With Number of Schools, Percent White, and District Desegregation Status

Dep. Variable: 2003-04 Index of Dissimilarity					
N=56	R ² = 0.323	adj. R ² = 0.270			
F (4,51)	p < .0001				
	<u>Beta</u>	<u>Std.Err</u>	<u>B</u>	<u>t(51)</u>	<u>p-level</u>
Intercept			32.546	3.756	0.001
Total Schools	.507	0.152	0.196	3.319	0.001*
Pct White	-0.008	0.133	-0.007	-.066	0.947
Court Jur.	-0.120	0.126	-4.795	-.951	0.345
Unitary Status	0.044	0.153	1.616	0.290	0.772
Note: Non-litigant School Districts are the basis.					
* Indicates significance at $\alpha = 0.05$ level.					

Source: Florida Advisory Committee.

There are limitations to the analysis in several other respects. First and most importantly the reader is reminded that regression analysis reflects statistical relationships, and relationship does not indicate causation. The existence of a relationship between two variables is a necessary condition for causation, but not a sufficient condition. An observed and asserted relationship between an explanatory variable (in our study: district size, percentage white, and desegregation status) and the dependent variable (in our study the Index of Dissimilarity) could be relationship that is spurious and non-causal. Further, there is the possibility that two variables could be coincidentally and causally moved by a distinct and unaccounted underlying third variable. For example, a higher percent of whites in a district might be observed to be related to higher integration patterns, but a third and unaccounted factor could be the true causal agent for the observed increases in the two variables and the two variables themselves are not causally related.

Second, there are technical limitations to relying on regression analysis for exactitude in social science research. Regression analysis only provides valid results to the extent a model is correctly specified. That is, for complete validity with regression analysis each and every contributing variable must be included and all extraneous

variables omitted for a regression to be correctly specified. For example, if a contributing predictor variable is omitted from the model, regression analysis will yield estimates that are to some degree biased from the true estimate. Since other factors may play a role in the integration pattern of a school district and these are not deliberately constructed into the model, the regression results reported above likely have some degree of internal misspecification. Also, if there is any correlation between any of the predictor variables, an extremely likely occurrence and one that holds for this regression analysis, there will be some bias with the resulting estimates.

Another technical problem with regression lies in understanding that the results in regression analysis are based upon both the reported values of predictor and dependent variables. To the extent there are errors in these data, i.e., the values of the particular variables vary from their true values in the real world, the results from the regression become less reliable. In our study we relied upon data reported in the Common Core of Data for our estimates of school and district student demographic information. It is generally accepted that the Common Core of Data has errors. Moreover, that data is collected at one point in time during the school year and the collection of similar data at another point of time in the same school year would likely yield different data.

Findings and Recommendation

Finding. In 1968, some 14 years after the Brown decision, the U.S. Supreme Court ruled in its *Green v. New Kent County School Board* decision that federal courts, in assessing whether a school district has eliminated the vestiges of *de jure* segregation, must to the extent practicable look at not only student assignments, but to every facet of school operations.

Of the 67 public school districts in Florida, almost half, 34, have been subject to litigation in the courts with respect to school desegregation. Eighteen (18) of those districts have received a final declaration of “Unitary Status” from the Court and have been released from further jurisdiction. Sixteen (16) school districts remain subject to court supervision, though six of those have been declared by the Court to be operating a ‘unitary’ system. Of the 16 districts still under a Court Order, only five indicated to the Advisory Committee that they intend to pursue “Unitary Status.”

Finding 2. Though we find that school districts with “Unitary Status” display a greater degree of racial separation than those districts still under a Court Order as well as those districts never subject to litigation, we also find that school districts that have obtained a declaration of “Unitary Status” from the federal courts also have in general much larger enrollments and much higher percentages of minority students. When these factors are considered, we find no substantial difference among the three groups of districts regarding either their current pattern of integration.

Recommendation. We endorse and support school integration as a desirable social goal. The pursuit of any and all efforts to improve equity in educational opportunity should be pursued, including school desegregation. Still, given that the era of *de jure* segregation has ended, that “unitary status” appears to be neutral in its effect on school integration patterns, and that only a minority of school districts still under Court Order in the state intend to pursue “unitary status,” perhaps it is finally time to evaluate other approaches to school integration with the understanding that a one-size fits all approach rarely fits, especially in such a complex culture and on a complex issue.

Appendix – Agency Comments

The Florida Advisory Committee provided a draft of this report for review and comment to the 34 four public school districts mentioned as part of this report. Two districts responded. The Seminole County School District reported that the district recently received a declaration of “unitary status” from the Court in March 2006; the Miami-Dade, Manatee, and Wakulla County School Districts made corrections to the data reported about their districts and their corrections are reflected in the report.

Comment from Miami Dade County Public Schools

Miami-Dade County Public Schools

Superintendent of Schools

Rudolph F. Crew, Ed.D.

September 6, 2006

Peter Minarik, Ph.D., Regional Director
Southern Regional Office
United States Commission on Civil Rights
Atlanta Federal Center, Suite 18T40
61 Forsyth Street SW
Atlanta, GA 30303

Dear Dr. Minarik:

Thank you for affording us the opportunity to review and comment on the draft report, *Desegregation of Public Schools in Florida (Report)*. We support and commend the United States Commission on Civil Rights on its efforts to develop a definitive and comprehensive source of information regarding the status of public school desegregation in Florida.

The Report provides a very helpful chronology of significant U.S. Supreme Court decisions regarding school desegregation and an informative listing of counties in Florida who are under court jurisdiction, unitary status, and of those who were never subject to court jurisdiction...

District Overview

The student enrollment of Miami-Dade County Public Schools (M-DCPS) is quite diverse and we as a school system recognize and embrace this diversity. In terms of race/ethnicity, students classify themselves as Black, Hispanic, White, Asian, American Indian, Multi-Racial, or Other. M-DCPS has grown over the years from a Black/Non-Black dichotomy to a Multi-Categorical. For race/ethnicity, the break down for students fall into five groups: Black (29% in 2001 and 27% in 2005), Hispanic (59% in 2001 and 61% in 2005), White (10% in 2001 and 9% in 2005), Asian (1%), and Other (1%). As you can see from the above percentages, the racial/ethnic breakdown of our District has changed over the last 5 years.

Furthermore, roughly two-thirds of our students speak a language other than English at home and we have approximately 300 birth countries represented among our students. For instance, of students who took the FCAT in 2005, over 19,000 were born in Cuba, approximately 6,000 were born in Colombia, and over 4,000 were born in each Haiti and Venezuela. In addition, large percentages of our U.S. born students are children of immigrants.

In the analysis and qualitative discussion of the desegregation of public schools, prudence demands that attention be given to the historical context and national demographics at the time of the 1954 Supreme Court Decision in *Brown v. Education* and to the evolution of the changing demographic landscape of both Florida and the nation. The Court's decision overturned the "separate but equal doctrine" that was applied to the education of Blacks and Whites. Subsequently, we have embraced a population of students who were not the

intended beneficiaries of this ruling, but who are certainly entitled to a quality-based educational experience.

To provide an objective and useful depiction of our current state regarding the status of public school desegregation, it is imperative that: 1) the terms minority and majority be defined to reflect the demographic realities of school districts such as the M-DCPS; 2) the impact of a growing “minority” population as it relates to racial/ethnic isolation be addressed; and 3) an objective look be given to the growing potential to recreate dual systems of education based on socioeconomics, linguistic isolation, and public school choice.

In 2005-06 the student enrollment in M-DCPS was White Non-Hispanic 34,759 (9.6%), Black Non-Hispanic 99,715 (27.6%), Hispanic 218,265 (60.4%), and Other 8,723 (2.4%). Currently, when considering the application of the court order to maintain unitary status, *Brown v. Board of Education* to eliminate dual systems of education, and *Board of Education of Oklahoma City Public Schools v. Dowell*, without clarity and standardization of the demographic variables that are used to affirm desegregation of schools, determining if school districts are desegregated or unitary becomes an extremely difficult task.

Substantive Suggestions

Given the reality of our District and our vision of diversity, we offer the following suggestions. First, the conceptual framework should be updated to recognize a multi-racial population. This recognition is important because it is consistent with current educational thought and policy but more importantly, because it mirrors reality. As noted in the discussion section of the report, poorly specified regression models lead to biased estimates. Thus, we suggest that the analysis design take into account the reality that many school districts have multiple racial/ethnic groups by conducting multiple comparisons or by using a formula for multiple groups.

Of particular concern is the fact that M-DCPS has one of the largest enrollments in the State of Florida. Regression analyses that do not take our reality into account may bias resulting estimates. Equations that use only percent white fail to account for 62% of our students (Hispanic, Asian, and Other). We would consider this as a likely omitted predictor variable (mentioned in the report) and suggest replacing percent white in the regression equations with percent Non-Black or with White and Other.

Because of issues of heterogeneity, the design should also disaggregate outcomes by school choices. We cannot speak for other counties, but in the year of analyses, roughly 90% of the students in M-DCPS attended assigned schools. Assigned schools are those that draw their enrollments from specific geographical boundaries. This means that those schools do not change much with respect to enrollment percentages unless the neighborhoods from which they draw their students change in composition. To look at enrollment trends, analyses should also take into account charter and magnet schools. These are the schools that have particularly fluid enrollments. Our analyses indicate that with respect to race/ethnicity, charter schools reflect the enrollment composition of their nearest public non-charter school. Also, our analyses indicate that magnet schools have become considerably more segregated with respect to race than they were prior to unitary status. Thus, if the purpose of analyses is to describe change, then a look at the schools that have the most possibility of changing their composition is merited...

Editorial Suggestions

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Litigation seeking the desegregation of the Miami-Dade County Public Schools was filed in 1956. In 1960, the District Court of the Southern District of Florida entered an order that provided for implementation of a freedom of choice plan. In 1970, the final judgment approving the desegregation plan for Dade County Public Schools was issued by Judge Clyde Atkins, United States District Judge Southern District of Florida. This plan provided standards for the hiring of faculty, the pairing, grouping, and rezoning of

schools, and the appointment of the Bi-Racial Committee to serve as advisor to the Court. In 2001, the District Court issued an order that the school District is unitary, gave responsibility for appointing community members to the Bi-Racial Committee to The School Board of Miami-Dade County, Florida, and relinquished its supervision over the school District effective June 30, 2002.

Voluntarily, M-DCPS made a commitment to the Court to maintain equity and diversity and developed a Post Unitary Status Plan of Action to monitor itself. The Office of Diversity Compliance was established to monitor the implementation of those commitments and to provide annual reports to the School Board through the Superintendent of Schools...

Sincerely,

[signed]

Rudolph F. Crew, Ed.D.

Superintendent of Schools