

Still Separate and Unequal: Demographics and School Finance in Tennessee a Half Century after *Brown*

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Introduction

Fifty five years ago this week, a unanimous Supreme Court concluded that, “in the field of public education, the doctrine of “separate but equal” has no place. Separate educational facilities are inherently unequal.” The decision in *Brown v. Board of Education* recognized that, in the words of Chief Justice Warren, “it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.”

Rather than ending the question, however, *Brown* has led to decades of litigation to ensure its enforcement. Yet, five and a half decades after *Brown*, its full promise remains unfulfilled. A 2005 study found that, nationally, two-thirds of African American students were in schools with a majority of minority students and more than one-third of African American students were in schools where more than ninety percent of students were racial or ethnic minorities.¹

Continued de facto segregation in the nation’s public schools raises a related question under *Brown* – if students of different races remain separate, do states at least provide equal facilities and equal resources?

Since the early 1970s, state aid to education has been the subject of ongoing litigation as well. These cases have often focused on issues related to the adequacy or equity of State education funding under state constitutions.

As we mark the anniversary of *Brown*, this report attempts to answer the questions of whether Tennessee’s schools remain separate and whether even where students are separate, funding from the State remains equal.

¹ Gary Orfield and Chungmei Lee, *New Faces, Old Patterns? Segregation in the Multiracial South* (Harvard Civil Rights Project, September 2005).

Key Findings

Tennessee's public schools remain largely segregated by race and ethnic origin.

- ∞ Out of the 285,955 African American and Latino public school students in Tennessee in 2006-7, 64.8% attended schools where a majority of students were African American or Latino. Overall, 29.2% of public school students in Tennessee were African American or Latino.²
- ∞ More than one-third of African American and Latino students (35.9%) attended schools where 90% or more of all students were African American or Latino. In 2006-7, 22,786 African American and Latino students were in schools where 100% of all students were African American or Latino.

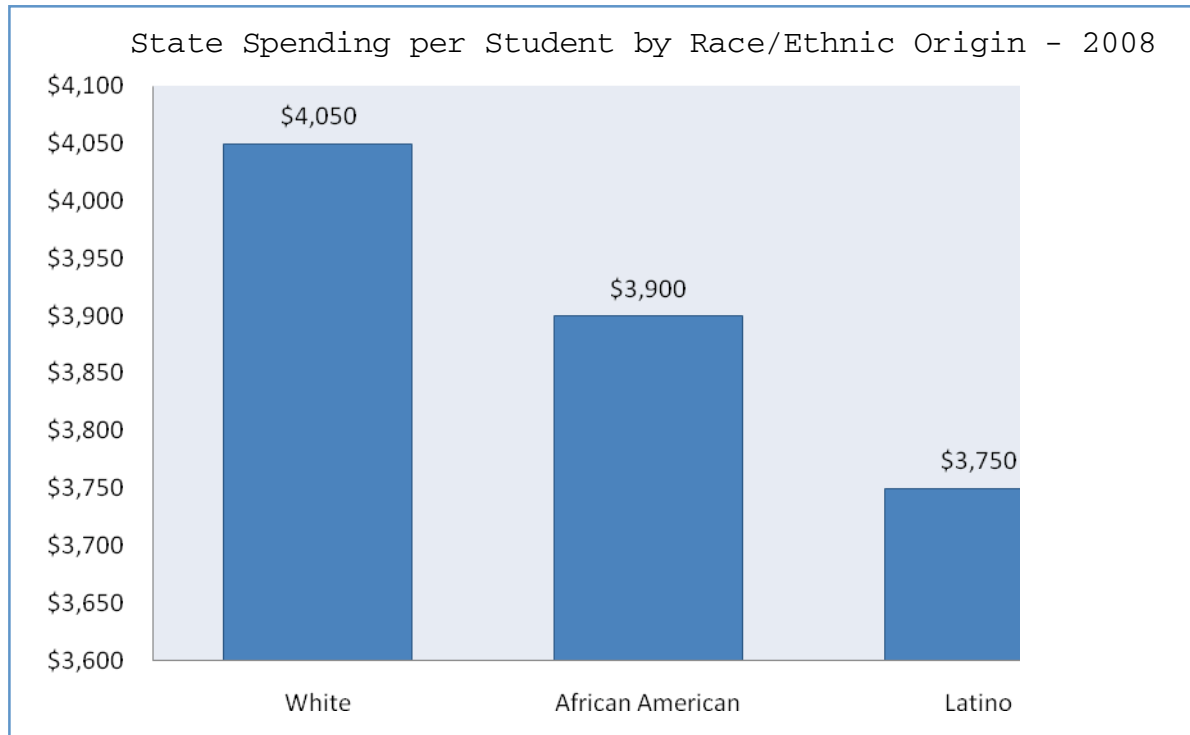
Tennessee's current formula for providing State aid to public schools has the effect of discriminating against African American and Latino students.³

- ∞ In 1993, the Tennessee Supreme Court found that the State's method of providing funding to public schools was unconstitutional because it denied equal educational opportunities to all students.
- ∞ In a series of decisions, the Court found that the failure to account for differences in local revenue capacity and differences in cost led to unequal educational opportunities for students in smaller, less wealthy school districts.
- ∞ Over a fifteen year period, litigation and changes in State law led to the adoption of BEP 2.0 in 2007. The 2007-8 school year was the first in which the new BEP formula was phased in. State funding is directed to school districts, rather than to individual schools or students.
- ∞ In the 2007-2008 school year, State aid for African American students was \$148.84 less per student than for white students and State aid for Latino students was \$299.78 less than for white students.⁴

² Data for concentrations of minority students by school is from the National Center for Education Statistics Common Core Data set for 2006-7, the most recent year available.

³ This analysis does not take into account local funding for public schools under the state finance formula. While State funding is provided at the district level, local funding can – and frequently is – directed to individual schools within a district. Based on 2004 data reported to the federal Department of Education, when local revenue is considered, state and local spending was higher in high minority districts than in low minority districts. See, Education Trust, *Funding Gaps 2006*, 2006.

⁴ Data on State spending was derived from data on net enrollment and school finance provided on a district by district basis by the Tennessee Department of Education. For every school district, the amount of State spending per student was multiplied by the number of African American, Latino and white students in the district. Student level spending was then aggregated to a statewide level by race and ethnic origin and divided by the number of African American, Latino and white students statewide to arrive at State spending levels per student.



The disparity in funding is largely the result of the concentration of African American and Latino students in metropolitan or urban school districts that receive disproportionately less in State funding on a per pupil basis.

In 2007-8, five metro and urban school districts accounted for 68.2% of all Latino and African American students in the State. On average, these districts receive \$3,332.15 per student in State aid. By comparison, the five districts with the fewest minority students receive \$5,777.72 per student in State aid.

School District	Number of Minority Students	State Per Pupil Spending
Five Districts with Most African American and Latino Students		
Memphis	102,031	\$4,254.39
Nashville-Davidson	45,543	\$2,884.18
Shelby	19,116	\$3,778.28
Hamilton	15,583	\$3,095.14
Knox	9,760	\$2,648.74
Five Districts with Fewest African American and Latino Students		
Hancock	10	\$6,454.45
Oneida City	8	\$5,232.14
Grundy	7	\$5,903.95
Pickett	5	\$5,827.75
Van Buren	3	\$5,470.33

The differences in State funding per student by race and ethnic origin have changed over time and appear to be narrowing as a result of BEP 2.0.

Under BEP 2.0, the gap between per student State aid for African American and Latino students and white students has narrowed. As recently as 2006, the State was providing more than \$300 more per white student than for African American students: that gap has been cut in half. While the gap has narrowed for Latino students as well, it is nearly double the gap between white students and African American students.

	State	Gap	% of Per Student Spending for Whites
African American Students			
2008	\$ 3,899.93	\$ 148.84	96.3
2007	\$ 3,398.46	\$ 279.79	92.4
2006	\$ 3,151.02	\$ 308.19	91.1
2005	\$ 3,001.65	\$ 280.22	91.5
2004	\$ 3,017.51	\$ 196.02	93.9
2003	\$ 2,931.92	\$ 189.24	93.9
2002	\$ 2,739.89	\$ 248.24	91.7
Latino Students			
2008	\$ 3,748.99	\$ 299.78	92.6
2007	\$ 3,341.11	\$ 337.14	90.8
2006	\$ 3,134.21	\$ 325.00	90.6
2005	\$ 3,014.97	\$ 266.90	91.9
2004	\$ 2,990.65	\$ 222.88	93.1
2003	\$ 2,939.13	\$ 182.03	94.2
2002	\$ 2,759.97	\$ 228.16	92.4