

Testimony to the House Committee on Education and the Workforce Subcommittee on Early Childhood, Elementary, and Secondary Education

Dear Chair and Members of the Committee,

Thank you for the opportunity to testify about charter schools. My name is Genevieve Siegel-Hawley and I am a professor in the School of Education at Virginia Commonwealth University. I will be testifying in my personal capacity today about charter school segregation, its negative impacts on both charter and traditional public school students, and how stronger federal civil rights oversight could help.

I have spent the past decade and a half studying the scope and dynamics of school segregation, examining how and why school segregation occurs and what kinds of schools and which children are impacted. I also research policy options for addressing school segregation. Because charter schools grew rapidly during this period, as well as interest in the broader idea of school choice, both have been an important focus of my work.

Research, my own included, has found that with careful attention to civil rights guardrails, protections and oversight, school choice policy can ameliorate segregation between and within schools.¹ The reverse is also true. Lacking civil rights guardrails, protections and oversight, school choice will exacerbate segregation.²

Why school segregation matters

Research across multiple disciplines helps us understand how segregated schools harm all children and our broader society, beginning with the social science statement submitted for the landmark *Brown v. Board of Education* decision.

Brown was the first U.S. Supreme Court ruling to explicitly rely on social science evidence. The ruling itself focused on what social science at the time said about fundamental harms to Black students—“To separate them from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone”—though it omitted broader impacts from the statement submitted by researchers. White children favored under a regime of segregation, the statement indicated, would “learn the prejudices of our society” and “often develop patterns of guilt feelings, rationalizations and other mechanisms which they must use in an attempt to protect themselves from recognizing the essential injustice of their unrealistic fears and hatreds of minority groups.”³ Over the long haul, social scientists worried that “confusion, conflict,

¹ Siegel-Hawley, G. (2016). *When the fences come down: Twenty-first-century lessons from metropolitan school desegregation*. The University of North Carolina Press. Orfield, G. & Frankenberg, E. (2013). *Educational delusions: Why choice can deepen inequality and how to make schools fair*. UC Press.

² Frankenberg, E., Siegel-Hawley, G., Wang, J. (2011) “Choice without equity: Charter school segregation.” *Educational Policy Analysis Archives*, 19 (1). Available at: <http://epaa.asu.edu/ojs/article/view/779>; Scott, J. & Wells, A.S. (2013). A More Perfect Union: Reconciling school choice policy with equality of opportunity goals in closing opportunity gaps. In Carter, P. & Welner, K, Eds. *Closing the Opportunity Gap*. Oxford University Press.

³ *Brown v. Board: A social science statement*. Available at: <https://www.naacpldf.org/wp-content/uploads/Brown-v.-Board-A-Social-Science-Statement-1.pdf>

moral cynicism and disrespect for authority” would emerge in all children struggling to reconcile classroom lessons about justice and democracy with the stark realities of a segregated society.⁴

In schools and districts that did not desegregate after *Brown*, or that have since been resegregated, decades of social science shows that segregated schools are linked to unequal funding, fewer qualified teachers, less challenging and engaging curriculum and high teacher, leadership and student turnover, among other harms.⁵ These unequal inputs too often translate into unequal learning opportunities and outcomes, including lower educational achievement and attainment.⁶ Conversely, econometric research tracking the long-term outcomes of Black and Mexican-American students who experienced early waves of school desegregation finds increased educational and occupational attainment, as well as adult earnings.⁷

Social science research also shows how racially and economically diverse schools benefit all of us.⁸ Integrated schools and classrooms can promote stronger and deeper learning that better prepares students for joining a diverse workforce, as well as living and participating in increasingly diverse communities. Integrated schools also can reduce prejudice and open up access to social networks that contain important postsecondary and job opportunities. Together, less prejudice and more open exchange of information about college and employment opportunities can reduce racial and economic inequality that weakens our society.⁹

Over time, in line with the research evidence, public opinion on the importance of diverse schools has become increasingly positive. By 2007, nearly all Americans believed Black and White students should attend the same schools.¹⁰ Last year, on the 70th anniversary of *Brown v. Board of Education*, a national poll found that 2 in 3 U.S. adults believe more should be done to racially integrate schools throughout the nation. More than 80% of Black Americans believed the

⁴ Id.

⁵ See, e.g., Linn, R. & Welner, K. (2008). Race-Conscious Policies for Assigning Students to Schools: Social Science Research and the Supreme Court Cases. National Academy of Education.

⁶ Ibid.

⁷ Johnson, R. C. (2019). *Children of the dream: Why school integration works*. Basic Books.; Antman, F. & Cortes, K. (2022). The long-run impacts of Mexican-American school desegregation. Brookings.

⁸ NAACP Legal Defense Fund. (2022). *Historic number of corporations file amicus briefs in U.S. Supreme Court in support of college admissions policies that foster diversity*, <https://www.naacpldf.org/press-release/historic-number-of-corporations-file-amicus-briefs-in-u-s-supreme-court-in-support-of-college-admissions-policies-that-foster-diversity/>; National Women’s Law Center & 37 Additional Organizations. (2022). *Brief of amici curiae National Women’s Law Center and 37 additional organizations committed to race and gender equality in support of respondents*. Supreme Court of the United States, https://www.supremecourt.gov/DocketPDF/21/21-707/232423/20220801150558710_20-1199%20and%2021-707_BRIEF%20OF%20AMICI%20CURIAE%20NATIONAL%20WOMENS%20LAW%20CENTER%20AND%2037%20ADDITIONAL%20ORGANIZATIONS%20COMMITTED%20TO%20RACE%20AND%20GENDER%20EQUALITY.pdf Former U.S. Secretaries of Education & Secretaries of Health, Education, and Welfare. (2006). *Brief of former United States Secretaries of Education and Secretaries of Health, Education, and Welfare who served five former presidents as amici curiae in support of respondents*. Supreme Court of the United States.

⁹ For a summary, see chapter 1 in Siegel-Hawley, G. (2020). *A single garment: Creating intentionally diverse schools that benefit all children*. Harvard Education Press.

¹⁰ Frankenberg, E. & Jacobsen, R. (2011). Trends in School Integration Polls, *Public Opinion Quarterly* 75(4), 788-811.

same. The same poll found that, among U.S. adults overall, support for more integrated schools is at its highest level in three decades.¹¹

My own experiences as a student in the Richmond Public Schools during the 1980s, at the tail end of a court-ordered desegregation plan limited to the city, informed my interest in understanding how school choice, including charters, developed.

Market-based school choice in the form of vouchers emerged in the immediate aftermath of the *Brown* ruling, laid out by Milton Friedman in 1955. As Massive Resistance grew in the South, some states and localities considered closing down public schools and offering private school tuition vouchers for white families. Because private schools were not enjoined in the *Brown* decision, this tactic publicly subsidized white families seeking to avoid school desegregation.¹² When the Supreme Court ruled against the segregationist voucher scheme in a Virginia school district in 1964,¹³ many southern localities turned to so-called “freedom of choice” plans. Freedom-of-choice ostensibly allowed families the freedom to choose desegregated schools. But in a climate of racial resistance and hostility, the plans did almost nothing to dismantle systems of segregation. In 1968, the Supreme Court weighed in again¹⁴ to overturn freedom-of-choice in New Kent County, just down the road from Richmond.

Seven years before I was born, in 1973, the Supreme Court let stand a Fourth Circuit appellate decision overturning a city-suburban desegregation remedy for Richmond and its two surrounding counties. The failure to bring together the metropolitan area around school desegregation then continues to influence the contours of school and housing segregation, in Richmond and beyond.¹⁵ Residential segregation in our cities and suburbs remains high and school segregation is even higher without intentional policy to disrupt the relationship.¹⁶ The 1973 ruling in *Bradley v. School Board of Richmond*¹⁷ also meant that the city’s desegregation plan was crafted in the context of white and middle-class exit to neighboring suburban districts

¹¹ Washington Post & Ipsos. (2024, May 3). *April 9–16, 2024, Washington Post/Ipsos poll on Black Americans*. Retrieved from Washington Post.

¹² Siegel-Hawley, G., Taylor-Beierl, A., Frankenberg, E., Hewko, A., & Castro, A. (2024). *When public meets private: Private school enrollment and segregation in Virginia*. *Washington and Lee Journal of Civil Rights and Social Justice*, 30(2). <https://scholarlycommons.law.wlu.edu/crsj/vol30/iss2/5>

¹³ *Griffin v. School Board of Prince Edward County*, 377 U.S. 218 (1964).

¹⁴ *Green v. County School Board of New Kent County*, 391 U.S. 430 (1968). NAACP attorneys argued that the freedom of choice plan unlawfully placed the burden of desegregation on Black families and students. The Supreme Court agreed, ruling “the burden is on a school board to provide a plan that promises realistically to work now...the New Kent ‘freedom-of-choice’ plan is not acceptable; it has not dismantled the dual system, but it has operated simply to burden students and their parents with a responsibility which *Brown II* placed squarely on the school board.”

¹⁵ Siegel-Hawley, G. (2016). *When the fences come down: Twenty-first-century lessons from metropolitan school desegregation*. The University of North Carolina Press. See also Holme, J.J. & Finnegan, K. (2018). *Striving in common: A regional equity framework for urban schools*. Harvard Education Press.

¹⁶ Siegel-Hawley, G., Kozol, B., Moeser, J., Holden, T., & Shields, T. J. (2017). *Confronting school and housing segregation in the Richmond region: Can we learn and live together?* University of Richmond, Virginia Commonwealth University, Housing Opportunities Made Equal. <https://scholarship.richmond.edu/cgi/viewcontent.cgi?article=1074&context=spcs-faculty-publications>

¹⁷ *Bradley v. School Bd. of Richmond* | 416 U.S. 696 (1974)

not subject to the same kind of remedial action. In an effort to retain those white and middle-class families, the city eventually settled on a desegregation plan, in place when I started elementary school, that allowed for considerable choice.

So it was that I became part of a group of white kids loading up in a carpool and driving past the closest public school to one considerably further away. In the Richmond context, as desegregation oversight faded, school choice began to stratify. Civil rights guardrails like district-provided transportation and diversity goals ended, leaving few families able to take advantage of an open enrollment policy that relies on a limited supply of available seats at highly sought-after schools.¹⁸

I am the oldest of three girls. My middle sister was part of the same carpool and bought the house we grew up in from our parents. When it came time for her to send her kids to school a few years back, she fell back on something not unlike what we had experienced, bypassing the same nearby public school for a school across the river. It also happened to be Richmond's first charter school, approved by the school board in May of 2008, and "founded as part of the revitalization of [a southside] neighborhood."¹⁹ That charter has historically served a higher share of white students than the district as a whole. It also serves a much higher share of white students than both the traditional public school to which my nieces were assigned *and* the traditional public school just next to the charter school.²⁰

Beyond this small set of schools, research evidence shows that similar trends play out in different ways across the country.

Charter schools are more segregated than traditional public schools

Multiple analyses show that charter schools are more segregated, on average, than already segregated traditional public schools. This segregation does not simply reflect families' preferences. As we will see in the following section, segregation is also a result of the selection processes of the charter schools themselves.

Some key statistics to illustrate the scope of charter school segregation:

- Students are much more likely to attend a racially concentrated Black and Hispanic (where 90-100% of students were Black or Hispanic) charter school than a racially concentrated traditional public school. Between 2002 and 2021, roughly 30% of charter school students consistently attended racially concentrated Black and Hispanic schools, compared to about 12% of traditional public school students.²¹

¹⁸ See Equity in Enrollment report:

[https://go.boarddocs.com/vsba/richmond/Board.nsf/files/C7TKFR51B093/\\$file/Equity%20In%20Enrollment%20Report.pdf](https://go.boarddocs.com/vsba/richmond/Board.nsf/files/C7TKFR51B093/$file/Equity%20In%20Enrollment%20Report.pdf)

¹⁹ See: <https://patrickhenrycharter.org/our-history/>

²⁰ Siegel-Hawley, G. (2014). Race, Choice and Richmond Public Schools: New Possibilities and Ongoing Challenges for Diversity in Urban Districts. *The Urban Review*, 46(4), 507–534.

²¹ Frankenberg, E., Farrington, C., DeBray, E. H., Siegel-Hawley, G., Leibovitz, T., McCollum, S., Scott, J., & McDermott, K. A. (2025). Eroding Integration: 21st Century Segregation Trends in U.S. Public and Charter Schools and Implications for the Enduring Promise of Brown. *Urban Education*, <https://doi.org/10.1177/00420859251329310>

- In the suburbs of the largest U.S. metropolitan areas, where a substantial and diversifying share of U.S. students are educated, charter school segregation is getting worse. Roughly 27% of suburban charters in 2019 were 90-100% Black and Latinx; nearly two in three of these segregated charter schools had newly opened since 2010.²² That so many were newly opened highlights regular (missed) opportunities for better planning and oversight.
- Black and Hispanic students were disproportionately impacted by the closure of suburban and urban charter schools in the largest U.S. metropolitan areas, creating instability in their school lives.
 - On average, Black and Hispanic students accounted for 58% of the enrollment at suburban charter schools that closed after 2010 and 47% of the enrollment at suburban charter schools that remained open between 2010 and 2019.²³
 - On average, Black and Hispanic students accounted for 82% of enrollment at urban charter schools that closed after 2010 and 77% of the enrollment at urban charter schools that remained open between 2010 and 2019.²⁴
- Racial and economic segregation intersect in charter schools. A report from the Government Accountability Office found a steady growth in the share of students attending high poverty Black and Hispanic charter schools (75-100% student poverty and 75-100% Black and Hispanic), rising from 1 percent to 9 percent of the charter students between 2000 and 2014.²⁵
- Charter school segregation by race and class matters for charter school students in much the same way it matters for traditional public school students. Black and Hispanic students are more likely to attend segregated charter schools with high attrition rates, draconian discipline,²⁶ fewer challenging or college preparatory courses,²⁷ higher likelihood of closure, higher teacher turnover, and less experienced teachers.²⁸
- While the charter school sector disproportionately serves students of color, charter schools can also act as havens for “white flight,” especially in school districts where

²² Frankenberg, E. & Siegel-Hawley, G. (2024). Understanding suburban school segregation: Towards a civil rights agenda. UCLA Civil Rights Project. <https://civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/understanding-suburban-school-segregation-toward-a-renewed-civil-rights-agenda>.

²³ Ibid.

²⁴ Ibid.

²⁵ Government Accountability Office. (2016 May). K-12 Education: Better Use of Information Could Help Agencies Identify Disparities and Address Racial Discrimination. GAO-16-345, <https://www.gao.gov/products/gao-16-345>. The same report found that high poverty Black and Hispanic schools offered fewer challenging math and science courses, fewer college preparatory courses and higher rates of school discipline. Other research examining student test scores across the country found that racial disparities in exposure to concentrated school poverty was a central explanation for the racial achievement gap. Reardon, S. F. (2016). *School segregation and racial academic achievement gaps*. *RSF: The Russell Sage Foundation Journal of the Social Sciences*, 2(5), 34–57. <https://doi.org/10.7758/RSF.2016.2.5.03>

²⁶ Mommadi, W., & Welner, K. G. (2021). *School's choice: How charter schools control access and shape enrollment*. Teachers College Press.

²⁷ Government Accountability Office. (2016 May). K-12 Education: Better Use of Information Could Help Agencies Identify Disparities and Address Racial Discrimination. GAO-16-345, <https://www.gao.gov/products/gao-16-345>.

²⁸ Bruhn, J., Imberman, S., & Winters, M. (2022). Regulatory arbitrage in teacher hiring and retention: Evidence from Massachusetts charter schools. *Journal of Public Economics*, 215. 104750. <https://doi.org/10.1016/j.jpubeco.2022.104750>

white students would be more likely to attend a neighborhood public school with Black children. This is true in numerous contexts and across time.²⁹ Other studies have shown that charter schools serve as havens for middle class flight, in part by creating identities that appeal to race- and class-specific parenting styles.³⁰

- While some charter advocates, at least initially, touted charter schools' ability to break the link between school and residential segregation, recent research has uncovered a more nuanced relationship. When charters sever the relationship between school and residence, neighborhood segregation tends to lessen while school segregation intensifies. Said differently: charter schools and other forms of market-based choice accelerate gentrification while maintaining school segregation.³¹ This calls to mind the neighborhood revitalization framing offered by the founders of my nieces' Richmond charter school, which did not consider downstream impacts on residents who would be priced out as the neighborhood gentrified or on students attending the existing, intensely segregated public schools near the new charter.

How charter schools choose students and shape enrollment and segregation

To enroll her children in the Richmond charter school, my little sister had to sign an agreement committing to a set number of "family involvement" hours each year. This assumes family capacity to give significant time to the school. It is but one method charter schools use to select and shape their enrollment in ways that often do not reflect proximate schools and districts.

Other common practices that influence whether families are able to choose charter schools include targeted rather than universal outreach to families, niche themes or programming, requiring families to provide their own or use public transit, limited services for students qualifying for free and reduced priced lunch, students with special needs or multilingual students, and arduous or criteria-based application processes.³²

These practices segment and exclude students across the charter and traditional public sectors. They do so because it is difficult, if not impossible, to choose a charter school if you 1) do not

²⁹ Denice, P.A. (2022). Spatial Mismatch and the Share of Black, Hispanic, and White Students Enrolled in Charter Schools. *Sociology of Education*, 95, 276 - 301; Renzulli, L. A., & Evans, L. (2005). School choice, charter schools, and white flight. *Social Problems*, 52(3), 398–418; Frankenberg, E., Kotok, S., Schafft, K., Mann, B., & Fuller, E. J. (2017). *School choice, racial segregation, and poverty concentration: Evidence from Pennsylvania charter school transfers*. *Educational Policy*, 31(4), 415–447. <https://doi.org/10.1177/0895904815604112>; Wilson, E. K. (2019). *The new white flight*. *Duke Journal of Constitutional Law & Public Policy*, 14(1), 233–284. <https://scholarship.law.duke.edu/djclpp/vol14/iss1/5>.

³⁰ Haber, J. (2021). Sorting schools: A computational analysis of charter school identities and stratification. *Sociology of Education* 94(1), 43-64.

³¹ Rich, P., Candipan, J., & Owens, A. (2021). Segregated neighborhoods, segregated schools: Do charters break a stubborn link? *Demography*, 58(2), 471–498. <https://doi.org/10.1215/00703370-9000820>; Pearman, F. A., & Swain, W. A. (2017). School choice, gentrification, and the variable significance of racial stratification in urban neighborhoods. *Sociology of Education*, 90(3), 213–235. <https://doi.org/10.1177/0038040717710494>

³² Mommandi, W., & Welner, K. G. (2021). *School's choice: How charter schools control access and shape enrollment*. Teachers College Press.; Frankenberg, E., Siegel-Hawley, G., Wang, J. (2011) "Choice without equity: Charter school segregation." *Educational Policy Analysis Archives*, 19 (1). Available at: <http://epaa.asu.edu/ojs/article/view/779>.

know about it, 2) are not interested in the theme, 3) cannot physically get to it every day, 4) need services not provided by the school, 5) struggle to navigate the application process and/or 6) do not meet minimum academic or behavioral criteria. Students excluded from the charter school choice process by one or more of these barriers must be educated by traditional public schools unable to establish the same selection criteria. Further, charter schools are less likely to educate students with special needs. When they do, charters tend to educate students with less severe disabilities³³ concentrating needs in traditional public schools.

Whether and how charter schools *retain* admitted students is also a serious civil rights concern. Research has documented draconian discipline practices in some charter school networks that push out students³⁴ or exclude them through suspension. Academic or attendance requirements, along with efforts to counsel out difficult-to-serve students, also influence charter school enrollments in ways that do not apply to traditional public schools.³⁵ Again, traditional public schools must serve all assigned students, regardless of needs, behavior, academic performance or attendance levels.³⁶ As students become stratified along these dimensions across sectors, dual systems of schooling arise.

Competition for students within and across sectors is part of the market-based rationale for charter schools. Competing for students, the theory goes, will force schools to improve.³⁷ But research across cities with significant charter school sectors indicates that charter school leaders spent significant time and resources *marketing* to families, particularly more advantaged families, at the expense of improving instruction or school culture.³⁸

Perhaps relatedly, even with the various ways in which charter schools can shape enrollment to their advantage, charter school student achievement is a mixed bag.³⁹ A recent meta-analysis of charter school effects on student achievement found generally positive math outcomes for charter k-8 students but not for charter high school students. In reading, charter middle school students

³³ Lacireno-Paquet, N., Holyoke, T. T., Moser, M., & Henig, J. R. (2002). Creaming Versus Cropping: Charter School Enrollment Practices in Response to Market Incentives. *Educational Evaluation and Policy Analysis*, 24(2), 145-158; Mickelson, R.A., Bottia, M., Southworth, S. (2008). School Choice and Segregation by Race, Class, and Achievement. Boulder, CO: National Education Policy Center; and Miron, G., Urschel, J. L., & Saxton, N. (2011). *What makes KIPP work? A study of student characteristics, attrition, and school finance*. National Center for the Study of Privatization in Education; Welner, K. G., & Howe, K. R. (2005). Steering towards separation: The policy and legal implications of “counseling” special education students away from charter schools. In J. Scott (Ed.), *School choice and diversity: What the evidence says* (pp. 93–111). Teachers College Press. U.S. Government Accountability Office. (2023). *K-12 education: New charter schools receiving grants to open grew faster than peers* (GAO-23-106268)

³⁴ Mommandi & Welner, 2021.

³⁵ Gulosino, C. & D'Entremont, C. (2011). Circles of influence: An analysis of charter school location and racial patterns at varying geographic scales. *education policy analysis archives*. Jabbar, H. (2015). “Every kid is money:” Market-like competition and school leader strategies in New Orleans. *Educational Evaluation and Policy Analysis* 37(4), 638-659.

³⁶ Ibid.

³⁷ Chubb, J. E., & Moe, T. M. (1991). *Politics, markets, and America's schools*. Brookings Institution Press.

³⁸ Jabbar, H. (2016). Selling schools: Marketing and recruitment strategies in New Orleans. *Peabody Journal of Education*, 91(1), 4–23; Jabbar, H. (2016). Creed, B., Jabbar, H., & Scott, M. (2021). Understanding Charter School Leaders’ Perceptions of Competition in Arizona. *Educational Administration Quarterly*, 57(5), 815-858. <https://doi.org/10.1177/0013161X211037337>.

³⁹ The charter sector is itself a mixed bag, comprised of many different actors, organizations and policy contexts.

scored better than traditional public school students, but not charter elementary or high school students.⁴⁰ Studies of longer-term charter student outcomes like high school and college graduation and earnings also yield variable results.⁴¹ So while charter schools choose the students they serve with strategies unavailable to traditional public schools, they inconsistently deliver on charter educational outcomes. And the prevalence of charter schools has a small but negative impact on math and English achievement in traditional public schools, further undercutting the theory of competition and improvement.⁴²

Charter schools influence school segregation in traditional public schools

Like the Richmond example I have offered indicates, the charter sector influences school segregation in different ways—for the children who attend charter schools, of course, but also for the children and educators who stay in traditional public schools and systems. That influence extends to the racial makeup of the charter and traditional public schools and to the resources available to support students.

A few more statistics to illustrate:

- In large school districts where the charter sector expanded the fastest during the 2000s and 2010s, school segregation increased the most.⁴³
- In many urban school districts, the rapid expansion of charter schools has been connected to closures of traditional public schools, creating churn and disruption.⁴⁴ Black students are disproportionately impacted by closure even after controlling for declining enrollment, poverty rates and achievement differences.⁴⁵

⁴⁰ Betts, J., & Tang, Y. (2019). *School choice at the crossroads: Research perspectives*. Routledge. <http://dx.doi.org/10.4324/9781351213318-5>

⁴¹ Angrist, J., Cohodes, S., Dynarski, S., Pathak, P., & Walters, C. (2016). *Stand and deliver: Effects of Boston's charter high schools on college preparation, entry, and choice*. *Journal of Labor Economics*, 34(2), 275–318. <https://doi.org/10.1086/683665>; Dobbie, W., & Fryer, R. (2019). *Charter schools and labor market outcomes*. *Journal of Labor Economics* <https://doi.org/10.1086/706534>. For a broad overview of the literature on charter school outcomes, see: Dallavis, J. W., & Berends, M. (2023). Charter schools after three decades: Reviewing the research on school organizational and instructional conditions. *Education Policy Analysis Archives*, 31, Article 7634. <https://doi.org/10.14507/epaa.31.7634>

⁴² Han, E. S., & Keefe, J. (2020). The Impact of Charter School Competition on Student Achievement of Traditional Public Schools after 25 Years: Evidence from National District-level Panel Data. *Journal of School Choice*, 14(3), 429–467. <https://doi.org/10.1080/15582159.2020.1746621>.

⁴³ Owens, A., and Reardon, R. (2024). “The state of segregation: 70 years after Brown,” 2024 presentation at Stanford University. <https://edopportunity.org/segregation/conference/>. See also, <https://edworkingpapers.com/ai20-308>

⁴⁴ Green T. L., Sánchez J. D., Castro A. J. (2019). Closed schools, open markets: A hot spot spatial analysis of school closures and charter openings in Detroit. *AERA Open*, 5(2). <https://doi-org.proxy.library.vcu.edu/10.1177/233285841985009>. See also: Ewing, E. L., & Green, T. L. (2021). Beyond the Headlines: Trends and Future Directions in the School Closure Literature. *Educational Researcher*, 51(1), 58-65. <https://doi-org.proxy.library.vcu.edu/10.3102/0013189X211050944>

⁴⁵ Pearman, F. A., II, Luong, C., & Greene, M. D. (September, 2023). Examining racial (In)Equity in school-closure patterns in California [Working paper]. Policy Analysis for California Education. <https://edpolicyinca.org/publications/examining-racial-inequity-school-closure-patterns-california>

- Traditional public schools in rural districts are also negatively impacted. In Pennsylvania, for instance, as cyber charter school enrollments grew, rural districts lost significant financial resources to the underperforming cyber charter sector.⁴⁶
- Charter schools accounted for more than half of the increase in overall segregation during the 2000s.⁴⁷

Interestingly, in places that manage charter school growth through enrollment caps, geographic enrollment preferences encompassing multiple school zones,⁴⁸ one study found that new charter schools did not negatively contribute to school segregation between 2000 and 2017.⁴⁹ The policy context may at least partly explain why these findings differ from other studies on charter schools and segregation. And on a related note, in the national study of school segregation finding that charter schools explained the bulk of the increase in school segregation from the 2000s to the present, the remainder of the increase was due to school districts' release from court-ordered desegregation.⁵⁰

How choice is designed matters for segregation and desegregation

That last point is relevant for better understanding the link between charter schools and overall school segregation because it pushes us to think more carefully about the design of school choice under court-ordered desegregation. As court-ordered school desegregation evolved, some school districts transitioned toward plans that incorporated strategies like transfers, magnet schools or managed choice. These choice strategies featured desegregation as a central goal, created civil rights guardrails to facilitate it and maintained strong oversight to ensure it was working.⁵¹

Civil rights guardrails for school choice writ large can explicitly counter some of the ways charters shape enrollment and segregation. They include comprehensive outreach so that all families know and understand their choices, guaranteed, free transportation, diversity goals, programming designed to appeal to racially diverse families, interest-based admissions, unified, easy-to-navigate application and enrollment systems, and attention to student retention and belonging.⁵² In the case of charter schools, guardrails should also include requirements to provide all student services, enrollment caps to slow growth linked to school segregation, and careful geographic preferences and site selection to ensure a variety of families can easily access, not just where land and facilities are readily available.

⁴⁶ For a summary of the Pennsylvania research, see Baker, D. & Mann, B. (2019). Do cyber charter schools harm public education for the most disadvantaged? Brookings. <https://www.brookings.edu/articles/do-cyber-charter-schools-harm-public-education-for-the-most-disadvantaged/>

⁴⁷ Ibid.

⁴⁸ A New York City policy, for instance, requires charter schools to give enrollment priority to students residing in a broader Community School District (CSD).

⁴⁹ Cordes, S.A. & Laurito, A. (2023). The effects of charter schools on neighborhood and school segregation: Evidence from New York City. *Journal of Urban Affairs*, 1-20.

⁵⁰ Owens, A. and Reardon, S. "The state of segregation: 70 years after Brown," 2024 presentation at Stanford University. <https://edopportunity.org/segregation/conference/>.

⁵¹ Scott, J. & Wells, A.S. (2013). A More Perfect Union: Reconciling school choice policy with equality of opportunity goals in closing opportunity gaps. In Carter, P. & Welner, K, Eds. *Closing the Opportunity Gap*. Oxford University Press.

⁵² UCLA Civil Rights Project (2017). Choices worth making <https://files.eric.ed.gov/fulltext/ED586367.pdf>

The Magnet Schools Assistance Program (MSAP) is the longest-running federally supported school choice program, with reducing racial isolation central to its mission. Though MSAP priorities have fluctuated,⁵³ the program offers a concrete example of how choice can be designed to further desegregation. MSAP has also received far less funding from Congress over the years, relative to the Charter Schools Program.⁵⁴

Indeed, the federal government has a crucial role to play here: state and local attention to civil rights guardrails could and should be incentivized through legislation, funding and oversight.

Diverse-by-design charter schools

Though a small group relative to the fast-growing charter school universe, diverse-by-design charters offer some practical examples of how civil rights guardrails can be implemented. As a whole, they tend to emphasize:

- funding sustainability to prevent abrupt closure,
- intentional diversity through the framing of the school mission and the design of both broad and targeted family outreach and recruitment (e.g., diverse feeder school and Head Start visits),
- lottery-based admissions,
- regular data collection disaggregated by student subgroups to assess progress toward goals,
- communities of practice to share ideas,⁵⁵ and
- A handful serve students from multiple districts (permitted in many state charter laws), facilitating movement across district boundaries that separate students.

Research on these schools suggests they are on fragile footing, working to maintain a commitment to diversity amid broader pressures like gentrification.⁵⁶ Again, federal leadership encouraging policies to support diverse-by-design charters could assist.

Conclusion

One last illustrative example from Richmond showcasing the implementation of a handful of civil rights guardrails for charters. Facilitated by the fact that the Richmond school board authorizes charter schools in the district, my nieces' charter became part of the larger open enrollment system in the city. As such, it is one of the options families learn about and select among a unified set of traditional public and charter schools. Charter seats for this school have traditionally been available on a lottery basis and remain so. Hub-based transportation to the

⁵³ Frankenberg, E. & Le, C. (2009). The post-Seattle/Louisville challenge: Extra-legal obstacles to integration. *Ohio State Law Journal*.

⁵⁴ The Charter Schools Program received \$440 million in FY 2022, compared to roughly \$100 million for MSAP. See, Pfleger, R. & Orfield, G. (2024 April). Segregated Choices: Magnet and Charter Schools. UCLA Civil Rights Project. See also: Frankenberg, E., & Siegel-Hawley, G. (2011). Choosing diversity: School choice and racial integration in the age of Obama. *Stanford Journal on Civil Rights and Civil Liberties* 6 (2), 219-252.

⁵⁵ See: <https://diversecharters.org/what-we-do/>

⁵⁶ Jabbar, H., & Wilson, T. S. (2018). What is diverse enough? How “intentionally diverse” charter schools recruit and retain students. *Education Policy Analysis Archives*, 26(165).<http://dx.doi.org/10.14507/epaa.26.3883>

charter school is supported by district buses. Though these processes do not address the full range of civil rights issues raised by charter schools, they do offer access to streamlined information and enrollment, as well as some guaranteed transportation.

Indeed, many of the civil rights concerns highlighted in this testimony speak to the fragmentation of the modern-day education landscape. Families often confront myriad options with limited time, information and resources. Civil rights oversight and enforcement is a crucial part of the federal role in education. As such, stronger federal incentives to design diverse charter schools and more federal oversight of student civil rights in charter schools are needed. This, combined with careful cross-sector collaboration on dimensions like enrollment and transportation that matter for segregation, can help move the needle.