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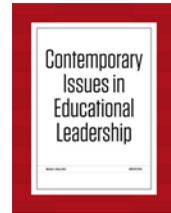
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Segregation Academies Then and School Choice Configurations Today in Deep South States

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On May 17, 1954, the Supreme Court ruled in *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954) that state-imposed racial segregation in public schools was unconstitutional. They further stated, "... separate educational facilities are inherently unequal" (p. 4). At the time of the *Brown* decision, approximately 60% of public school children attended integrated schools nationally (Ravitch, 1983).

Years after the *Brown* decision, resistance to school integration persisted, particularly in Alabama, Georgia, Louisiana, Mississippi, and South Carolina, commonly referred to as the Deep South or Cotton States. Various southern states attempted to impose their sovereign rights over what they perceived as the Supreme Court's erroneous interpretation of the Constitution (*Yale Law Journal*, 1973). In 1954, unlike the national

average of 60% of public school students attending integrated schools, in the Deep South no black students attended integrated school and by 1960, one black student attended. By 1966, twelve years after the *Brown* decision, only approximately 5% of the total black student population in Deep South states attended integrated schools, and only 119 out of 635 (30%) of the school districts within these five states were in compliance with the Civil Rights Act of 1964 (Southern Education, 1967).

The Deep South states deliberately circumvented *Brown* by eliminating funding for integrated schools; impeding the National Association for the Advancement of Colored People's (NAACP) legal activities; allowing state actions to nullify federal authority within their borders; enforcing unreasonable pupil assignment laws; and providing financial aid to private segregated schools (Ravitch, 1983; *Yale Law Journal*, 1973). Simply stated, Deep South states attempted to perpetuate dual school systems. In response to these circumventing strategies by local school boards and state governments, the Supreme Court in *Green v. New Kent County School Board*, 391 U.S. 430 (1968) required immediate implementation of unitary school systems. One year later, the *Alexander v. Holmes County Board of Education* (1969), which also addressed the too slow implementation of desegregation in the South, followed with the Court's ordering school districts to desegregate at once.

These two Supreme Court rulings, along with *Swann v. Charlotte-Mecklenburg Board of Education* in 1971 that affirmed busing to ensure integration, blocked the Deep South's final litigation efforts to mitigate public school integration. As a result, massive white student withdrawal from public schools and an increased sense of urgency in organizing and expanding segregated private schools emerged (*Yale Law Journal*, 1973). Segregation academies materialized as the Deep South's attempt to perpetuate dual school systems during what is considered the post-*Green* era.

In the following article, we present a brief historical review of segregation academies and their impact on students and public schools. Based on the review, we provide a portrait of the vestiges of segregation academies that appear to be currently re-emerging in different educational configurations throughout the U.S. and particularly in Deep South states.

Purpose

The purpose of a historical study is to provide a descriptive overview of specific social problems confined within a predetermined timeframe (Danto, 2008). This historical review's purpose was to address the following inquiry: What were the characteristics of Deep South segregation academies designed to circumvent *Brown v. Board of Education of Topeka*? In what ways are these characteristics manifested in 2015 school choice configurations in the Deep South states, specifically Alabama, Georgia, Louisiana, Mississippi, and South Carolina? To what extent, if any, did these manifested characteristics affect 2015 public school funding in Deep South states?

Historical Framework/Methodology

History helps us search for the usable past to assist us in making sense of our world today. Historians develop a hypothesis, or historical argument, to explain the meaning of an event based on the weight of available evidence (Galvano, Arndt, & Hyser, 2013). The way the evidence is considered allows for a wide array of interpretations of the past.

All methodological approaches to interpreting history attempt to evaluate new and old evidence within a contemporary objective, that is, to shed light on the lives of ordinary people (Danto, 2008). Historiographic methodology was used in this review because a historical explanation, or this alternative line of reasoning, has not been previously explored in the literature as it relates to segregation academies in the past and contemporary school choice configurations. As Danto (2008) contended, "...asking historical questions that critically examine past assumptions and expectations does have indispensable analytical value today." (p. 34).

Comparative analysis of Deep South segregation academies from the past and contemporary school choice configurations guided the review. The principles of content analysis were the over-arching structure in the review's design. A quantitative detailed, structured analysis of communicated messages was content analysis' original emphasis; however, Osgood (1959) proposed a broader view of content analysis "...as a procedure whereby one makes *inferences* about sources and receivers from

evidence in the messages they exchange...” [italics added] (p. 36). More recently, Krippendorf (2013) posited that content analysis permits researchers to analyze a relatively unstructured set of data or unobserved phenomenon through the medium of data connected to the phenomenon. For the purpose of this review, content analysis, as defined by Patton (2002), is “...any qualitative data reduction and sense-making effort that takes a volume of qualitative material and attempts to identify core consistencies and meaning” (p. 453).

Data Collection

Relevance sampling was used for the study. Krippendorf (2004) defined relevance or purposeful sampling as “...all textual units that contribute to answering given research questions (p. 119).” Erlandson, Harris, Skipper, and Allen (1993) identified four sources of evidence for naturalistic research: interviews, observations, artifacts, and documents. “Data obtained from documents can be used in the same manner as those derived from interviews or observations” (Erlandson, Harris, Skipper, & Allen, 1993, p. 99). The review’s emergent design directed the search and selection of documents, one of the four sources of evidence types. A flexible yet systematic approach to the search and selection of documents allowed the researchers to act on hunches and tentative hypotheses as guides in accidental discovery of valuable evidence (Merriman, 1988).

Following are the historical and contemporary documents retrieved and analyzed for the review: congressional records, state databases, national and state legislative documents, U.S. Department of Education databases, Supreme Court rulings, popular magazines such as *Time* and *Newsweek*, scholarly journals, scholarly books, newspaper archives, and states’ department of education databases. For analysis of contemporary school choice options, data also were retrieved from federal, state, and organizational websites reporting student demographics and enrollments in online education, homeschooling, and charter schools, along with voucher and scholarship distributions in the five states analyzed.

Segregation Academies

Segregation academies began to appear in the Deep South following the *Brown* decision in 1954. After the Civil Rights Act of 1964, their numbers increased. For example, Alabama established Moon Academy, a segregated private school, in 1964 as a response to desegregation. Within one year, five additional academies were established in Alabama. Hancock County in Georgia opened a private school in 1966 with 203 students, more than half of the white students in that county at the time. Louisiana's Plaquemines Parish established five private schools in 1966. By 1967, Mississippi had chartered 61 private schools, and South Carolina had 28 new private schools with approximately 4,500 enrolled students (Southern Education, 1967). During the post-*Green* period beginning in 1969, academy numbers mushroomed even further throughout the Deep South (Walden & Cleveland, 1971).

Types of Segregation Academies

Three forms of private segregation academies were established in the Deep South, two prior to the *Green* decision and the third as a result of *Green*. Older established nonsectarian private schools with no enrolled black students were widespread throughout the Deep South historically. Segregated parochial and other faith-based schools had also been well established before *Green* and *Brown*. As a result of *Green*, however, segregation academies became private schools with a different purpose. They were deliberately established to evade mandatory school integration and came into existence as the Deep South's response to federally ordered desegregation (Tergen, 1972).

Rebel Yell academies (*Yale Law Journal*, 1973) primarily consisted of poor white families with mothers or others, who lacked educational training, teaching small groups of children. School was typically conducted in homes, churches, or abandoned buildings. Upper-class day schools, held in urban centers, offered complete academic programs taught by certified teachers. These schools had open enrollment; however, no minority students or low-income whites ever enrolled. Middle-class white community schools had academic admissions standards,

yet no white student was refused on academic grounds. These schools claimed nondiscriminatory admissions policies, but no minority students were admitted. They charged tuition and, at the same time, waived those charges for poor white families who would be forced to attend desegregated public schools (*Yale Law Journal*, 1973).

These alternative school configurations had an impact on Deep South public school enrollments. For example, the Southern Regional Council estimated as many as 500,000 students attended segregated private schools in the Deep South by 1971 (*U.S. News and World Report*, 1971). A low estimated combined enrollment in organized or expanded private schools in Alabama, Georgia, Louisiana, Mississippi, and South Carolina, along with North Carolina, Tennessee, and Virginia, increased roughly 2000 percent, from 25,000 in 1966 to approximately 535,000 by 1972 (*Yale Law Journal*, 1972) in response to desegregation.

Facilities

The quality of academy facilities ran the gamut between old and new, large and small, suitable and unsuitable. Some academies resided in new school structures; others in abandoned buildings. For example, in 1971 one small Southern community built a new academy at the cost of \$60,000 on several donated acres of valuable property. Most of this cost was deferred through donated and discounted materials for the building of the facility (Champagne, 1973). In 2015 dollars, the building costs exceeded \$353,000.

More often than not, however, academies throughout the Deep South first held classes in minimal to inadequate facilities. An abandoned bowling alley, an old general store, and an ancient farm house were examples of Alabama academy school locations. Several academies purchased or leased abandoned public school properties from local school boards at a nominal price (Walden & Cleveland, 1971; *Yale Law Journal*, 1973). Supplies and furniture from forced closed public school buildings were “donated” to academies by local school boards (Champagne, 1973).

School Structures, Quality, and Support

Segregation academies typically served K-8th grade students; a few K-12 academies were established. School enrollment ranged from 19 students to more than 500 students. One Alabama K-12 school had only 23 pupils (Walden & Cleveland, 1971). Many academies did not meet state compulsory attendance laws. As a result, one state, Mississippi, rescinded its attendance law in the mid '50s to accommodate those academies not in compliance with attendance statutes (*Yale Law Journal*, 1973).

The quality of academic excellence in most segregation academies was less than the white public segregated schools before desegregation that the white parents fled (*Yale Law Journal*, 1973). Educational excellence did not appear to be the driving force for the exodus, but racial separation did. Most academies did not offer counseling services to students. In some academies, instructional materials were grossly inadequate.

As in many small towns across the country, athletic sporting events were the center of community activities. The academies' sporting events drew similar communities together through their interscholastic athletic competition. They hosted academy conferences and did not compete against desegregated public schools (*Yale Law Journal*, 1973).

Teachers

Employment, salaries, and benefits for teachers in the Deep South differed based on color. Mississippi and Louisiana retained complete segregation of teachers. The closing of black public schools due to lack of funding resulted in dismissal and/or demotion of black teachers in several Deep South states (Southern Education, 1967).

White certified teachers followed students to the academies without loss of comparable pay. Before 1971, some states paid the salaries of white teachers who transferred to the academies. Mississippi school districts, with the state attorney general's approval, paid the salaries of white teachers who transferred; however, this norm was enjoined in 1971. Other states, such as Georgia and Louisiana, allowed private school teachers to continue to participate in their state retirement system (*Yale Law Journal*, 1973). Despite the movement of qualified public

school teachers to the academy teachers were typically under-qualified, with inappropriate or no. Most academy administrators had no formal preparation.

Academies' Funding and Support

Two outcomes as a consequence of integrating Deep South public schools were white flight and a decrease in financial support for public schools. Historically, where the private segregated school movement was strong in the Deep South states, financial school funding lagged behind the rest of the states even prior to the establishment of the academies. The initiation of segregation academies created a further divide in support. School districts could not support dual school systems – white and “private” and black and public (Walden & Cleveland, 1971; *Yale Law Journal*, 1973). The correlation of minority student access and white student exodus to segregated academies and their impact on public school funding is irrefutable.

Local Funding

As in most states, local funding depended upon enrollment. The minimal local financial support for public schools in the Deep South left when the white students did. Community public and private monies followed students to the segregation academies directly and indirectly. In some southern counties, tax mill levies decreased significantly to accommodate student attendance at academies (Walden & Cleveland, 1971). Because of these types of tax reductions, some school districts ran out of funding because of their reduced enrollments due to white flight and, consequently, were forced to close public schools, reducing the opportunities for black students to attend integrated schools.

Assistance from public officials and support from businesses for segregation academies was the norm in most Deep South communities. It was characteristic to offer white high school football players scholarships, privately funded, to attend the academies and draw them from public schools. One small town newspaper ran a front-page photo of a

community member who donated \$25,000 (\$153,000 in 2015 dollars) to their local academy. In another town, a small group of business leaders and community members raised \$43,000 (\$254,000 in 2015 dollars) in one week to support their academy (Walden & Cleveland, 1971). In some communities, businesses were threatened with boycotts if they did not pay “assessments” for financial support of local academies. Union members demanded and procured bonuses to pay for private school tuition for their children (*Yale Law Journal*, 1973).

State Funding

Just like local funding, state aid for Deep South public schools was also dependent on enrollment. When public school enrollment decreased, so did state funding. In some states, taxpayers received state tax refunds because of the enrollment reduction. South Carolina even refunded previously collected taxes for public school support (Walden & Cleveland, 1971) after the opening of segregated schools within their communities.

Decreased state aid for public schools led to a decline in school improvement for students served in those public schools. Consequently, inequality in educational opportunities increased at the state level. Alabama and Mississippi provided \$185 per year (\$1,300 in 2015 dollars) for state tuition grants to attend segregation academies. More than 2,000 students in Mississippi utilized this grant option by 1967. Louisiana’s Financial Assistance Commission authorized grants to attend alternative schools not to exceed \$360 (\$2,550 in 2015 dollars) (Southern Education, 1967). In addition, states offered these academies free transportation, use of state-owned textbooks, and use of public facilities. Academies were exempt from state income taxes, property taxes, and sales taxes (*Yale Law Journal*, 1973).

Initial Findings

For the purpose of the second part of this review, data consisting of enrollment trends, student demographics, and funding allocations

pertaining to online education, homeschooling, and charter schools, along with voucher and scholarship distributions, in the five Deep South states were analyzed.

Traces of characteristics of segregation academies in the contemporary school choice movement emerged in the initial findings. For example, use of state funding to support alternative educational opportunities of school choice, while diminishing funds for public school systems in distress, is evident. Extraordinary funding formulas to support home schooling, charter schools, vouchers, and virtual schools are growing. In some cases, the type of school choice offered and funded has created a re-segregation within the Deep South. Student demographics within some of these alternative configurations support this supposition.

School Choice

As a milestone for school choice, 2011 was designated the Year of School Choice. State legislatures across the country embraced educational options for families as demonstrated by the 145 pieces of legislation, including companion bills, introduced that year alone (American Federation, 2011). Of the 50 states in 2011, 46 already had policies that allowed public-school choice (Burke & Sheffield, 2011). An estimated more than 200,000 children benefited from voucher, tax credit programs, and education saving accounts (Open Enrollment, 2011), and those estimations were prior to the 2011 legislative acts. At the same time of this historical political move toward school choice in 2011, budget cuts for K-12 public education were unprecedented. In 2010, K-12 budgets were cut approximately \$1.8 billion nationwide. For the 2011 school year, an estimated \$2.5 billion cut was implemented in K-12 systems (Caesar & Watanabe, 2011).

School choice options are increasing exponentially throughout the United States. What follows are brief descriptions of those options leading the way in alternative school configurations in the United States, and particularity in Deep South states.

Virtual Schools and Online Learning

Virtual schools are one of the fastest growing alternative K-12 educational choices emerging in the United States. William Moloney, a past Colorado education commissioner, commented in a 2005 *New York Times* interview, “Cyber schools are the 800-pound gorilla of the choice movement” (as cited in Dillion, 2005). Virtual schooling increased more than 50% since that interview, and more than a million students had engaged in some type of virtual schooling by 2007 (Glass & Welner, 2011). By 2011, it was estimated that more than 1.5 million students had participated in some type of online learning (Burke & Sheffield, 2011).

In 2013, approximately 38 states provided directly or through outsourcing part or full-time virtual learning to students. State virtual schools operated in 26 states, serving more than 740,000 course enrollments. By 2013, Georgia had three virtual charter schools, serving 25% of the state’s charter school student population (National Alliance, 2014). Overall, the state enrolled 25,900 students in state schools with funding allotted to online learning as student choice. South Carolina had 16,900 students enrolled in online learning, in which six fully funded charter virtual schools were included (National Alliance, 2014), along with private and homeschooled students. Louisiana experienced a 28% growth in online student enrollment that also included two fully online charter schools (National Alliance, 2014, Watson, Murin, Vashaw, Gemin, & Rapp, 2014).

Initially, distance education was seen as a venue to provide expanded learning opportunities to rural, isolated students with limited access to curricula options (Bates, 1995). It provided access to enhance education equity. Since then, online education has become the front runner of school choice and with state funding to fuel its growth. In this context, place matters. According to Galster and Killen’s geography of opportunity construct (1995), location influences individual opportunities and, in some cases, even more so than social or economic conditions. Place affects self-efficacy and a sense of control over life experiences. Rural students, particularly those who live in isolated communities with limited access to virtual schools, are not afforded the same options of school choice as others. They do not reside in those privileged places of choice.

Further exasperating the technology access issues is rural poverty. Even if some rural students have broadband and personal computer access, affordable access connections becomes an even greater barrier. When states like Louisiana refuse an \$80 million federal grant designed to increase broadband Internet access to its rural communities (Millhollon, 2011), the great divide gets even deeper between the haves and have nots, at the expense to students, especially black students.

Homeschooling

As another school choice option, homeschooling is proliferating throughout the United States. It is legal in every state, with each state having its own set of guidelines and statutes that oversee homeschooling protocol and funding for support. Estimates of homeschooled student numbers increased from 1.1 million in 2003 (Princiotta, Bielick, & Chapman, 2004) to 1.5 million in 2007 (NCES, 2008) to 2 million in 2010 (Ray, 2011). An estimated 2.2 million students, roughly 3% of the total U.S. student population, were home-educated full time in 2014, growing at an assessed 2% to 8% growth per year during the last few years (Ray, 2014). Between 1999 and 2007, full-time homeschooling saw a 74% relative rate increase (NCES, 2008). Tracking data on homeschooled students, however, is an elusive charge since there are no state or federal requirements and structures in place to do so.

Homeschooling's legal origin was established with the Supreme Court's decision *Wisconsin v. Yoder*, 406 U.S. 205 (1972), whereby homeschooling was deemed valid under certain circumstances. In this 1972 case, religious reasons were the catalyst and still seem to be today. Thirty-six percent of parents cited the desire to provide religious and moral training at home as the number one reason for homeschooling their children. Parents also cited concern about the school environment and dissatisfaction with the academic instruction in other schools as most important contributing factors (NCES, 2008).

The majority of homeschooled students share common characteristics and socio-economic backgrounds, according to the National Center for Education Statistics (2008). White students comprise 77% of all homeschooled students, and they are more homeschooled than any other race

or ethnicity. The preponderance of homeschooled students, 84 %, live in two-parent households. One parent works outside the home in at least 54 % of those two-parent households. Homeschooled households in 2007 earned, on average, more money than non-homeschooled households. Parents who earned between \$25,001 and \$75,000 per year had higher rates of homeschooled children than parents earning \$25,000 or less a year. In summary, homeschooled students are predominantly white and the majority live in two-parent households with higher incomes than their non-homeschooled peers do.

Charter Schools

Charter schools are a publicly funded alternative approach to schooling. They receive public funding but operate independently of the established public school system they are located in. Some charter schools are not held to the same local and state standards and regulations of their peers in public education, but in most states they are required to demonstrate growth in student learning. They are usually given the flexibility to pursue innovative curriculum and pedagogy initiatives to increase student learning, just as their early predecessors did in exploring new approaches to learning.

In 2014, 6,440 American schools were chartered, 6% of all public schools in the United States. Their average number of years in operation was 9 years (National Alliance, 2014). Charter schools are currently in 40 states. The number of students served has increased significantly during the last several years, with an estimated student enrollment of 1.54 million in 2009 (Grady, Bielick, & Aud, 2010), 2.3 million in 2013, and 2.57 million in 2014 (National Alliance, 2014; Ziebarth & Palmer, 2014). Approximately 5% of the total U. S. student population is enrolled in public charter schools (National Alliance, 2014).

All charter schools do not look the same, have the same focus, or are present in every state. Some schools have rigorous admissions policies; some do not have proportionate minority representation of students compared to the communities in which they reside (Grady, Bielick, & Aud, 2010, National Alliance, 2014, Ziebarth & Palmer, 2014). In other charter schools, the student population is over-representative of minorities.

External agencies such as Charter Management Organizations (CMOs) and Education Management Organizations (EMOs) manage most charter schools. However, there is no wide consensus regarding a definition for CMOs and EMOs because their differences have become less definitive, particularly in terms of non-profit and for-profit status. CMOs are non-profit entities that manage two or more charter schools with centralized management teams. Widely recognized CMOs include KIPP Foundation, Uncommon Schools, and Achievement First.

Education Management Organizations (EMOs), begun in the early 1990s (Stitzlein, 2013), are for-profit private entities that manage charter schools and perform similar functions as CMOs. K12 Inc. Imagine Schools and National Heritage Academies are leading national EMO examples. They are corporations that manage all facets of a school and generally charge a management fee for their services. Since they are investor-owned, they are not only accountable for student learning, but they also must produce a profit. Profit is their priority in order to function and exist.

Of the five Deep South states, Georgia, Louisiana, and South Carolina provide comprehensive access to this form of alternative education. Mississippi has only one charter school and Alabama has none, although the Alabama legislature in 2015 initiated charter school legislation (National Alliance for Public Charter Schools). In 2013, Georgia had 110 charter schools (5% of all public schools) serving 70,718 students, which is 4% of the state's public school students. Seventy-two percent of Georgia charter schools were start-ups and 28% were conversions (turnaround of low performing traditional schools). Of Georgia's charter schools, 51% of the students qualified for free/reduced lunch compared to 60% in traditional schools. Both charter and traditional school students were 44% white. EMOs, for-profit administration systems, managed 11% of these schools. (Ziebarth & Palmer, 2014).

Louisiana had 117 charter schools (8% of the total number of schools) serving 59,000 students, also 8% of the state's public school students in 2013. Of those schools, 42% (38) were managed by CMOs (nonprofit administration systems) and 6% (5) were managed by EMOs; of these schools 70% were start-ups; and 30% were conversions. Their student population consisted of 12% white students compared to 51 % in

traditional schools. Eighty-one percent of the charter student population qualified for free/reduced lunches while only 49% of the traditional school student population did.

During that same year, South Carolina served 23,302 students, 3% of the state's public school students, in 59 charter schools, 5% of the state's public schools. Of those charter schools, 96% were start-ups and 4% were conversions. EMOs managed only three of these schools. Of the charter school student population, 64% were white and 44% qualified for free/reduced lunches compared to 53% and 57% respectively in traditional schools (Ziebarth & Palmer, 2014).

Some researchers suggested that charter schools appeared to be only slightly more segregated than traditional public schools nationally (Rapp & Eckes, 2007), while others concluded that charter schools demonstrated high levels of segregation (Frankenberg & Lee, 2003; Frankenberg, Siegel-Hawley, & Wang, 2011). Frankenberg and Lee (2003) contended that black students were enrolled in charter schools at a rate nearly twice their share of the public school population. They surmised that black students in charter schools experienced high levels of racial isolation and were exposed to very low percentages of white students. Powers (2008) also surmised that charter schools were not diminishing segregation in public school and may be intensifying segregation patterns in schools. These conclusions seem to hold true, but in more disparate terms, in the Deep South states where charter schools are prevalent.

Of the five Deep South states, Louisiana and Georgia enroll a disproportionate number of minorities, particularly black students, in charter schools; however, South Carolina charter school enrollment is white majority. Based on the 2010-2011 school year (National Alliance, 2014), 82% of all Louisiana charter school students were black and only 12% were white. In Georgia, 45% of charter students were black and 38% white, with a 62% total minority population. South Carolina's racial makeup of charter schools was the opposite; the majority of charter students were white (66%), while black students comprised 27% of the charter population with 34% minority population. Racial isolation appears to be one consequence of charter schools in three of the Deep South states that embrace this alternative.

Vouchers and Tax Credits

If 2011 was considered the Year of School Choice, then school vouchers and voucher-esque legislation greatly contributed to this designation during that year. Unlike the past with voter and legislative resistance to augmenting private school attendance with public funding, state legislatures across the country passed a monumental number of vouchers and tax exemptions for alternative school options to students and parents. At least six states passed voucher or tax credit legislation in 2011; six states reformed and expanded current voucher and tax exemption legislation (Turner, 2011; Burke & Sheffield, 2011), not to mention the legislation previously passed. Some of these legislative programs were based on income; some were based on need; and others simply were made available.

School choice funding options incorporate a variety of different tactics. *Vouchers* allow state education dollars to follow children to their schools of choice, and parents are eligible to receive state-funded scholarships to pay tuition. *Scholarship tax credits* provide incentives as individual and corporation tax credits for donating to nonprofit organizations that, in turn, provide scholarships for designated children to attend private schools. Weiner (2008) referred to this as *neovouchers*. For *educational savings accounts*, parents may receive a percentage of the per-pupil funding for expenses such as tuition, tutoring, online schooling, and textbooks. *Parental tuition tax credits* provide parents tax refunds for private school tuition costs. A sampling of passed voucher and tax credit legislation examples in the Deep South follow.

In 2011, a variety of scholarship tax credit initiatives were passed. Florida extended its scholarship program for disabled students to include all children with 504 plans (American Federation, 2011). Georgia expanded its scholarship tax credit program by increasing its tax credit cap based on the increase of the Consumer Price Index (American Federation, 2011). Louisiana provided a \$5,000 tax deduction per child for private school tuition; gave parents of homeschooled children a \$5,000 maximum deduction for supplies and curricula per student; and revised a tax break for parents of public school children by increasing allowable

deductions for supplies and uniforms with a cap of \$5,000 per child. In the 2013 legislation acts, Louisiana increased scholarship tax credits from 90% to 100% for contributing individuals and organizations (neovouchers). It also passed legislation that included charter school teachers into the state retirement system. In 2014, South Carolina granted local and state tax exemptions for sales tax, earnings, and property tax to charter schools (National Conference of State Legislatures, 2014).

In 2008, the Louisiana Legislature passed a tuition deduction that allowed taxpayers to deduct 50% of any educational expenses paid for the homeschooling of their dependent children, up to \$5,000 per child or the total taxable income of the individual, whichever is less. Educational expenses were defined to include amounts expended for the purchase of textbooks and curricula necessary for the home-schooling of each child, according to Louisiana Revised Statutes § 47:297.11. A similar provision applied to educational expenses incurred in connection with sending a child to public or private school.

Summary

Since 2000, student enrollment in public schools has decreased, while enrollment in alternative school choices have steadily increased, even taking into account student population decreases nationwide (National Center for Education Statistics, 2008). Private school students are more likely to be white; are less likely to be poor; and more likely to come from two-parent families. Charter school students represent almost 6% of all students in chosen public schools. Of all school-aged students, 3% are homeschooled and a majority of them is from two-parent families.

Extraordinary funding formulas to support homeschooling, charter schools, and virtual schools are growing, and a variety of voucher-like systems are prevalent not only in the Deep South but nationally. Parallel characteristics of segregation academies as they relate to funding are present in Deep South states.

Conclusions/Implications

This historical review's purpose was to address the following inquiry: what were the characteristics of Deep South segregation academies designed to circumvent *Brown v. Board of Education of Topeka*? In what ways are these characteristics manifested in 2015 school choice configurations in the Deep South states? To what extent, if any, did these manifested characteristics affect 2015 public school funding in Deep South states?

Strong traces of a more subtle form of segregation academies in modern alternative school configurations exist as it relates to financial support. More importantly, legislatures, communities, and taxpayers are not only supporting this return to the past, perhaps unwittingly, but also demanding it, as free market enterprise is applied as an overarching framework to the phenomenon. A newer subtle form of inequity, with southern echoes of the past, appears to be forming in some parts of America's school system, particularly in Deep South states.

An argument can be made that Deep South school systems are evolving into a similar, if not parallel, structure in most cases with some segregation academies' characteristics, and, as a result, federal and state funding is following this shift (See Table 1). Segregation today as a result of some school choice outcomes, is not about race only, as in the past; it is also about class, access, and equity. It is about the haves and have nots – those who have actual choices and those who do not.

The notion of a free market in an educational context, in which the best will rise to the top by consumer selection and proliferate in our American system, leads as the impetus for alternative school configurations such as homeschooling, a range of voucher legislations, virtual schools, some charter school models, and inventive tax exemptions. Just as segregation academies in the Deep South had a debilitating effect on its public schools, so too today the separation of funding and focus on alternative educational systems is draining its current public schools of needed financial support. This, in turn, diminishes the educational experiences of those students left behind, with a newer and more subtly disparaging form of segregation academies resurfacing.

Why does it matter that some students, especially black students today as in the past, are restricted overtly or covertly in school choice,

Table 1. Comparison of Segregation Academies Then to School Choice Initiatives Now

Segregation Academies’ Characteristics	School Choice Initiatives
<i>Academy Types</i>	
<ul style="list-style-type: none"> • “Rebel Yell” • Upper Class Day Schools • Middle Class White Community Schools 	<ul style="list-style-type: none"> • Homeschooling • Virtual Education (outsourced/state) • Private schools • Faith-based schools • Some charter schools
<i>Facilities</i>	
<ul style="list-style-type: none"> • New buildings • Abandoned public schools • Use of public school facilities 	<ul style="list-style-type: none"> • Public school buildings turnover to charter schools
<i>Teachers</i>	
<ul style="list-style-type: none"> • Transfers to private academies • Untrained teachers • State paid salaries • State retirement system membership retained 	<ul style="list-style-type: none"> • Teach for America • Uncertified and under-certified teachers • Alternative certification • Charter teachers in state retirement system (Louisiana)
<i>Funding</i>	
<ul style="list-style-type: none"> • Closed public schools • Reduced/eliminated public school funding • Funding followed students directly and indirectly • Tax exemptions • Free transportation • None or minimal state, property, or income tax funding • Community support through donations and scholarships 	<ul style="list-style-type: none"> • Vouchers • Neo-vouchers • Tax incentives • Tax credits • Tax exemptions • Tuition tax credits • Educational savings credits for homeschooling • State scholarships • Donated scholarships • Free busing for parochial students (Louisiana) • State educational budget cuts • State and local tax exemptions • Public school funding diminished at local and parish/county levels • Rejection of school tax referendums

particularly in the Deep South states? Why does it matter that these students have limited access to online learning or homeschooling options and are typically re-segregated in most Deep South charter schools? Why does it matter that those public schools in which they remain lack the necessary funding to meet their academic needs because of the fiscal shuffling that occurs within state and local agencies? It matters because these students are deprived of choice when formalized structures exclude or limit their educational options. Tilly (1998) described this phenomena of inequality as opportunity hoarding.

“When members of a categorically bounded network acquire access to a resource that is valuable, renewable, subject to monopoly, supportive of network activities, and enhanced by the network’s modus operandi, network members regularly hoard their access to the resource, creating beliefs and practices that sustain their control” (Tilly, 1998, p. 91)

According to Tilly, opportunity hoarding occurs when the control of resources allows certain groups to exclude others from access to resources or benefits. It establishes a form of social control and manipulation and creates a division between the haves and have nots. Simply put, diminishing access of black students to choice perpetuates the vestiges of segregation academies.

Recommendations

Based on the brief historical review of segregation and its impact on students and public schools and the presentation of the vestiges of segregation re-emerging in different educational configurations in the U.S., specifically in Deep South states, we offer the following recommendations.

- Individuals who are preparing for roles as educators and/or school administrators should be knowledgeable about past segregation of schools in the U.S. and its re-emergence in different educational configurations in the U.S. to ensure equitable learning opportunities for all students.

- The public and taxpayers should be informed of the impact of the vestiges of segregation on those students left behind when families leave the public schools and enroll their children in alternative educational settings.
- Policy makers and legislators should be briefed on the history of segregation in the schools and the dangers of re-segregation to students, public schools, and the U.S. economy so they incorporate equitable policies in their decision making.
- Journalists who specialize in education and policy topics should be briefed on the history of segregation in the schools and vestiges of segregation of schools that appear to be re-emerging.
- Those who are responsible for the academic preparation and training of educators and school administrators should be knowledgeable about the segregation of schools, the alternative school settings that are emerging, and the impact of these educational configurations on the public education system and the re-emergence of segregation of schools.

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