

## In Indiana, school choice means segregation

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### ***Indiana's voucher program has created a new generation of segregation academies.***

The 1954 *Brown v. Board of Education* ruling established the principle that racially segregated public schools were inherently unequal, and in 1955 *Brown II* mandated that states carry out desegregation “with all deliberate speed.” Yet by 1964, 99% of Black students in the South still attended all-Black schools (Reardon et al., 2012). Why is this? Because *Brown II* left desegregation in the hands of the states and did not require immediate action, states and localities found numerous ways to resist the *Brown* mandate, with some public school districts going so far as closing their doors and offering vouchers for White students to attend private “segregation academies” that did not allow Black students (Equal Justice Initiative, 2018; Underwood, 2019). By 1975, approximately 750,000 students attended segregation academies (Nevin & Bills, 1976). As this phenomenon took hold:

Entire student bodies moved from formerly all-white public schools to new private schools. They took along the trappings of the old school, its colors, its teams, mascots, symbols, its student newspapers, leaving behind the shell of the building. (Nevin & Bills, 1976, p. 14)

Although these developments may seem like relics from bygone days, segregation academies continued well into the 21st century; as late as 2012, more than 35 segregation academies, with student bodies comprising no more than 2% Black students, still existed (Carr, 2012). But the practice of creating separate and unequal schools has taken on a new face in the form of charter schools. In

North Carolina, for example, charter schools played a role in the 25% increase in racial and ethnic segregation in the state from 1998 to 2016 (Clotfelter et al., 2018). Similarly, our research found that segregation academies are alive and well in Indiana, in the form of private schools that participate in the Indiana Choice Scholarship Program.

For the purposes of our analysis, we chose to use William Glenn's (2012) definition of segregated schools as those "with student populations consisting of 80% or more of the relevant group" (p. 287). Focusing on schools participating in the Indiana Choice Scholarship Program, we reviewed the percentages of students of each racial and ethnic grouping recognized by the Indiana Department of Education and how those percentages changed over time, and we found that, by the 2017-18 school year, 46% of the 318 voucher schools were 80% or more White.

The Indiana program began with much legislative acclaim in the 2011-12 school year with the expressed purpose of giving families, especially those with lower incomes, a choice in where their children attended school by providing them with a "voucher" that would be approximately the same value as the tuition charged by the private school. This amount varied according to the cost of the private school, with the Indiana Department of Education setting a maximum amount based on the family income and the cost of the private school (Brown & McLaren, 2016; Shaffer, Ellis, & Swensson, 2018). According to the Indiana Department of Education (2016, 2019), the state has spent more than \$846 million on the voucher program from 2011 to 2019. However, this spending has gone into a program that has become less diverse and more affluent over time (Colombo, 2017). As enrollment numbers have grown, the percentage of Black students participating in the program has decreased, making the voucher schools less and less diverse.

### **Enrollment statistics tell the story**

Table 1 shows the ethnic breakdown of students enrolled in Indiana Choice Scholarship Program participating schools from the 2011-12 school year through the 2018-19 school year. In 2011, Black students made up 24.1% and White students made up 46.4% of the choice school population. By 2018, Black student enrollments had dropped to 12%, while the White student population had increased to 58% (after reaching a high of 61% in 2014-15 school year). While these percentages certainly tell the story, it is also important to note that enrollment in 2011 was a total of 3,911 students, and enrollment in 2019 is 36,290 students. This means that many more students are affected by the reduced diversity of the voucher schools than they were when the program began.

The data also indicate that while the White and Asian student populations have increased, the Latinx population has remained virtually unchanged. All other demographic groups have decreased in population, though none as severely as the Black student population. Obviously, while data cannot indicate motivation or causality, they can raise questions.

Kevin Welner and Preston Green (2018) have argued that vouchers have become a free market alternative that is pitched by advocates as "a way to rescue poor students and students of color from failing, urban public schools" (p. 2). Yet, regardless of these intentions, Black families are less likely than all other groups to use vouchers or keep their children in voucher schools (Gooden, Jabbar, & Torres, 2016).

If nothing else is made clear by the percentages of students who have made use of the Indiana Choice Scholarship program, the data clearly contradict the false assumption that students of color frequently select education alternatives and remain in such programs over time. Although it can be difficult to determine precisely what leads parents to forgo school choice programs (Gooden, Jabbar, & Torres, 2016), there are reasonable grounds for speculation. For some families, the lack of participation may come down to two important fiscal factors (Swensson, Ellis, & Shaffer, 2019): First, most private voucher schools do not provide transportation for students, and if they do, it is provided at additional cost. Second, most voucher programs, whether in Indiana or elsewhere, do not provide sufficient funds to cover the entire cost of the tuition and other fees. It's also important to note that the private schools that participate in these programs operate with very few regulations from state or federal sources, meaning that civil rights protections simply do not exist to the same degree that they do in public schools (Welner & Green, 2018).

**TABLE 1.**  
**Percent enrollment by ethnicity in Indiana Choice Scholarship Schools**

Year	American Indian/Alaskan Native	Black	Asian	Latinx	White	Multiracial	Native Hawaiian or Other Pacific Islander	Total
2011-12	-	24.11	1.46	20.30	46.38	7.34	-	100
2012-13	0.28	20.30	1.62	19.00	51.47	7.18	0.15	100
2013-14	0.24	17.03	1.39	18.42	56.40	6.45	0.07	100
2014-15	0.19	14.35	1.47	16.68	61.05	6.17	0.09	100
2015-16	0.13	13.21	1.46	18.22	60.85	6.06	0.07	100
2016-17	0.16	12.40	1.65	19.37	60.28	6.07	0.08	100
2017-18	0.16	12.17	1.90	20.38	59.28	6.05	0.07	100
2018-19	0.15	12.01	2.38	21.29	58.06	6.05	0.06	100

**Source:** Data come from the Indiana Department of Education's *Choice Scholarship Program annual report: Participation and payment data for 2016 and 2019*.

### The peril of resegregation

Some might wonder why the resegregation of schools matters when it is not brought about on purpose or by law. We believe that segregation matters because of its negative effects on children and communities. Further, once segregation exists, it tends to persist unless states and districts make concerted efforts to undo it. Studies indicate that when parents seek data on schools their students might attend, their racial composition is a dominant factor (Whitehurst, 2017). Salvatore Saporito (2003) found that “only white families avoid schools with non-white children. Non-whites neither avoid non-white schools nor seek schools with other non-white children” (p. 198).

This brings us to what Jeff Swensson calls “entrepreneurial segregation” (personal communication, March 14, 2019), in which segregation becomes a means to make money. In brief, entrepreneurial segregation comprises four elements:

1. Stakeholders promote school choice, which enables players in the private school market to make a profit.
2. Organizations that profit from managing schools of choice receive payments from either the state or federal government — payments that would normally go to traditional public schools. These payments come through tax credits, scholarship-granting organizations, vouchers, or per-pupil payments.
3. Because the free market allows for restrictions on enrollment, segregation quickly develops as families choose schools with their preferred racial makeup.
4. All systems of school choice allow for restrictions in enrollment, and schools in the free market are less likely to enroll students with special needs, limited English proficiency, LGBTQ+ status, and students from particular racial backgrounds (especially Black students).

Swensson explained that this system “is nothing less than entrepreneurial segregation because enrollment restrictions and enrollment of relatively wealthy and mostly White students appear to go hand in hand.” Players in this market make a profit by restricting access based on race, ethnicity, and other factors. Because schools with largely White student bodies are more appealing to tuition-paying parents, those schools are motivated to restrict access.

### An essential conversation

Discussions of this nature are rarely comfortable and are often avoided if at all possible. But we believe it is imperative for a state like Indiana — where a large investment has been made in various forms of school choice — to admit that offering schools of choice has not helped to get poor, urban kids out of failing schools.

In the eight years of the existence of the Choice Scholarship Program, the legislature has gone from promising constituents that the voucher program would save the state money to actually expending more than \$846 million on vouchers, all while enacting deep cuts on traditional public school districts. The schools that have received this nearly billion-dollar expenditure do not produce better

results (Barnum, 2017; Colombo, 2017); fail to protect the rights of special education and LGBTQ+ students (Blad, 2017; Goldstein, 2017), and serve smaller percentages of Black students with each passing year.

The legislature of Indiana can call the program a choice scholarship and maintain that this and other programs exist to allow parents to be the deciding factor in their children's education. But the plain truth behind the mask is this: The State of Indiana has actively engaged in a process that has effectively re-created the segregation academies that littered much of the southern United States in response to the 1954 *Brown v. Board of Education* decision. Legislators have engaged in the process of entrepreneurial segregation and excluded the very students that they initially purported to serve.

Some argue that private schools are and should be subject to a different set of laws than traditional public schools. But, as Welner and Green (2018) point out, all schools that accept any form of federal funding are subject to compliance with Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, or national origin. Many private schools accept federal funding for the school breakfast and lunch programs and for special education students and therefore should comply with Title VI.

While private, voucher-receiving schools may protest that there is no intent to exclude any element of the population, the facts simply do not support this protestation. As Jerry Rosiek (2019) [explains](#), “The fact that we are sending our children to racially resegregating schools means that anti-racist policy and practice must become mainstream. Anything less constitutes a failure to face the persistent reality of racism in our schools” (p. 13). Regardless of what the intent of lawmakers may be, the effects of their actions are what matter, and these effects show that Choice Scholarship Schools in Indiana and the legislature of the State of Indiana are complicit in reverting to the painful history of the 1950s, '60s, and '70s in which private schools, including private religious schools, were an instrument designed to offer White students an opportunity to attend school without Black children.

Saporito (2009) said it well: “Race, or factors strongly correlated with race, continues to have a significant influence on the choice of school by White parents” (p. 189). George Santayana was right in 1905 when he said that those who cannot remember the past are condemned to repeat it. It is only by seeing how trends from the past echo into the present that we have any hope of interrupting that pattern and setting a new course.

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