Desegregation of Public School Districts in South Carolina:

19 Public School Districts Have Unitary Status
15 Districts Remain Under Court Order

South Carolina Advisory Committee to the United States Commission on Civil Rights

December 2008

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Letter of Transmittal

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The South Carolina Advisory Committee submits this report, *Desegregation of Public School Districts in South Carolina: 19 School Districts Have Unitary Status, 15 Districts Remain Under Court Order*, as part of its responsibility to study and report on civil rights issues in South Carolina. This report by the South Carolina Advisory Committee was undertaken in support of a nationwide study by the U.S. Commission on the subject of school desegregation, and the South Carolina Advisory Committee unanimously approved this report by a vote of 13 yes and 0 no with no abstentions.

At the time of the *Brown versus Board of Education of Topeka* decision by the U.S. Supreme Court in 1954, all public school districts in the State of South Carolina were segregated on the basis of race. Subsequent to the *Brown* decision, 34 of the 85 present school districts were subjected to court jurisdiction with respect to desegregation. In the intervening years, 19 of those districts have formally been released from court jurisdiction, i.e., granted "unitary status" by the courts, while the 15 other districts continue to remain under court jurisdiction. The other 51 public school districts in the state entered into compliance agreements with the U.S. Department of Education to end racial segregation.

In recent years there has been some contention about the impact of Supreme Court decisions in the early 1990s on school integration. Some researchers argue that the Court's decisions, particularly in *Dowell* and *Freeman*, have allowed school districts to more easily obtain "unitary status." An expressed concern is that without some form of judicial constraint and independent from oversight, these formally segregated school districts that had to be sued to integrate the schools are reverting back into *de facto* segregated school systems. Of note, of the 19 school districts in the state with unitary status, 16 were granted unitary status after the *Dowell* and *Freeman* decisions.

Respectfully,
Mignon Clyburn, *chair*
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Background

"Unitary Status" is a term courts use to describe a school system that has made the transition from a segregated or "racially dual" system to a desegregated or "unitary" system. School systems in the South and in other parts of the country were *de jure* segregated until 1954. On May 17, 1954, Chief Justice Earl Warren read the decision of the unanimous Supreme Court in *Brown versus Board of Education* ending legal discrimination in the Nation's schools.

> *We come then to the question presented: Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other "tangible" factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does... We conclude that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated for whom the actions have been brought are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment.*[1]

The unanimous *Brown* decision in 1954, however, did not specify how or how quickly desegregation was to be achieved in the thousands of segregated school systems. The following year the case was reargued on the question of relief. The NAACP urged desegregation to proceed immediately or at least within firm deadlines. The states claimed both were impracticable. On May 31, 1955, almost exactly one year after the first decision, the Court issued an opinion, commonly referred to as *Brown II*.[2] In that opinion, the Court essentially returned the problem back to the lower courts for appropriate desegregation relief, with the provision that such efforts should proceed with "all deliberate speed." By 1964, a decade after the first *Brown* decision, less than two percent of formerly segregated school districts had experienced any desegregation.[3]

Over the course of the next two decades, parents, the Legal Defense Fund of the NAACP, the Department of Justice, and other parties would take sporadic legal efforts to force compliance by segregated school districts with the *Brown* decision. In addition to legal actions against segregated school districts, the Office for Civil Rights (OCR), U.S. Department of Education, also entered into the school desegregation through the use of 441(b) desegregation plans. OCR is responsible for ensuring that school districts receiving federal assistance are in compliance with Title VI of the Civil Rights Act of 1964, and one way in which OCR accomplished this was to obtain compliance agreements from local school districts with assurances that the districts were in full compliance with all non-discrimination laws and regulations and committed to an action plan to achieve and maintain desegregation status.

The Supreme Court, in its 1968 decision in *Green v. New Kent County School Board*,[4] stated that a court assessing whether a school district has eliminated the vestiges of *de jure* segregation must to the extent practicable look at not only student assignments, but to every facet of school operations. These factors, commonly referred to as the Green factors, are: (1) student assignment, (2) faculty assignment, (3) staff assignment, (4) transportation services, (5) extracurricular activities, and (6) facilities. As of 2001, some 50 years after the Brown decision, there still are approximately 400 public school districts in the United States still under federal

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[1] *Brown v. Board of Education*, 347 U.S. 483 (1954).
[2] *Brown v. Board of Education (II)*, 349 U.S. 294 (1955)
[3] *See* Hutchinson, Dennis J., "Brown v. Board of Education," in the *Oxford Companion to the Supreme Court of the United States.*
[4] 391 U.S. 430 (1968).

court supervision.[5] However, no definitive source of information exists on the exact number of school still subject to court jurisdiction and the specific identification of those districts.

The purpose of this report by the South Carolina Advisory Committee is to provide to the public a definitive and accurate listing of those school districts in South Carolina still subject to court supervision with respect to desegregation and those previously segregated school districts that have been granted unitary status by the courts. The scope of this project is limited to those school districts in the State of South Carolina ever subject to court jurisdiction with respect to school desegregation. Those school districts with voluntary plans, i.e., 441 (b) plans, with the U.S. Department of Education are not part of this report.

To ascertain the desegregation status of public school districts in South Carolina, a variety of sources were consulted and compared. First, legal research of segregation cases involving South Carolina school districts was conducted at the National Archives in Jonesboro, Georgia. This effort was augmented by an examination of records from: (1) the General Counsel, South Carolina Department of Education, (2) the U.S. Department of Justice, (3) the U.S. Department of Education, and (4) information in the public domain such as The Civil Rights Project at Harvard University and The American Communities Project at Brown University.

After confirming court jurisdiction over a school district, each relevant school district was contacted to confirm its desegregation status. Several of these districts provided the Commission evidence of unitary status, though all the above sources had indicated the district was under court jurisdiction. For those districts under court jurisdiction, school officials were requested to provide an explanation as to the reason(s) the district had not been granted or sought unitary status.

To provide specific background information on each school district in the study, racial and ethnic demographic information was collected. This data was obtained from the Common Core of Data, U.S. Department of Education, for the school years 1992-93 and 2003-04. In addition to presenting actual enrollment numbers, the Commission used the Common Core of Data to compute presented minority percentages.

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

19 School Districts in South Carolina Have Been Released from School Desegregation Court Orders

Following the 1954 *Brown* decision, 34 of the 85 local school districts in South Carolina were subject to judicial intervention to desegregate. The other 51 school districts have voluntary compliance agreements with the Department of Education. Of the 34 school districts subject to court jurisdiction, as of 2007 the courts have declared 19 of these 34 school districts to have achieved unitary status with respect to school desegregation and dismissed the court order.

For the most part, unitary status has been granted to school districts in South Carolina only in recent years. Sixteen (16) of the 19 school districts with a declaration of unitary status from the courts received it after the Supreme Court's 1991 *Dowell* decision. (See Table 1.) Following the Supreme Court's 1968 *Green* decision, the Court ruled again on the issue of school segregation in *Board of Education of Oklahoma City* v. *Dowell*. In *Dowell*, the Court made it easier for school districts to be declared "unitary," or released from desegregation orders, by ruling that a school district may be freed from court supervision once it eliminates the vestiges of desegregation "to the extent practicable."[6]

In this section, separately for each of the 19 school districts granted unitary status by the courts, the following are set out: (1) the initiating case, (2) year of initiating case, (3) final decision granting unitary status, and (4) the year of unitary status. Also set out in this part for each district are school district demographics. A table is included for each school district with district-wide enrollment and minority student population for the school years 1992-93, the first full school year following the *Dowell* decision, and 2003-04, the most recent year available from the Department of Education. Beneath each table, a figure is provided showing the current racial and ethnic percentages in the district.

Table 1: School Districts in South Carolina Released from Court Orders

	School District Name	Number of Schools	Total Enrollment	Percent White	Year of Unitary Status
1	Abbeville	9	3,775	57.4	1984
2	Anderson 03	4	2,742	86.0	2005
3	Bamberg 02	3	1,032	1.3	2004
4	Barnwell 45	4	2,768	54.0	2002
5	Berkeley	35	28,300	57.5	2004
6	Charleston	80	44,109	40.5	1994
7	Chester	11	6,110	48.1	1970
8	Clarendon 02	6	3,431	30.2	2004
9	Colleton	11	6,568	39.5	2004
10	Darlington	22	11,817	40.1	2000
11	Fairfield	8	3774	13.5	2007
12	Florence 04	3	1,116	11.9	2005
13	Greenville	86	64,989	63.1	1985
14	Hampton 01	7	2,877	43.4	2004
15	Hampton 02	3	1,424	2.5	2005
16	Lee	6	2,719	4.3	2001
17	Lexington 01	19	19,415	86.7	2005
18	Orangeburg 03	6	3567	9.7	2007
19	Saluda	5	2,149	49.7	2002

Source: Southern Regional Office, U.S. Commission on Civil Rights, from Common Core of Data, U.S. Department of Education, 2004-05 school year.

[6] *Board of Education of Oklahoma City* v. *Dowell*, 498 U.S. 237 (1991).

1. Abbeville County School District

Abbeville County is located in the northwestern part of the State. The county comprises one school district, and there are 9 schools in the district. The district is mixed racially, and has a total enrollment of 3,775 students. Whites are the largest racial group comprising 57.4 percent of total enrollment, while African Americans are 41.1 percent. (See Table 2.) The district obtained unitary status from the courts in 1984, the case being dismissed at the request of the U.S. Department of Justice.

Initiating Case Name:	U.S. v. Abbeville County School District No. 60
Year of Initiating Case:	1969
Issue:	School Desegregation
Current Status:	Unitary Status
Year of Final Decision:	1984

Table 2: Abbeville County School District Demographics–SY93 and SY05

	Enrollment	White Non-Hisp	Black Non-Hisp	Latino	Asian & Am. Ind
SY93	3,805	2,094	1,707	0	4
SY05	3,775	2,166	1,552	46	11

Source: Common Core of Data, U.S. Department of Education.

2. Anderson County School District 03

Anderson County is located in the northwestern part of the State. There are five school districts in Anderson County, and Anderson 03 is the smallest of the county's five school districts. The district has a total enrollment of less than 3,000 students and there are only four schools in the district. The district is predominantly white, who are 86 percent of total enrollment. (See Table 3.) The district obtained unitary status from the courts in 2005.

Initiating Case Name:	U.S. v. Anderson County Sch. Dist. No. 3, et al.
Year of Initiating Case:	1969
Issue:	School Desegregation
Current Status:	Unitary Status
Year of Final Decision:	2005

Table 3: Anderson County School District 03 Demographics–SY93 and SY05

	Enrollment	White Non-Hisp	Black Non-Hisp	Latino	Asian & Am. Ind
SY93	2,325	1,917	407	1	0
SY05	2,742	2,358	345	20	19

Source: Common Core of Data, U.S. Department of Education

3. Bamberg County School District 02

Bamberg County is located in the south central portion of the State. There are two school districts in Bamberg County, and Bamberg 02 is the smaller and has only three schools in the district. Bamberg 02 has a total enrollment of slightly more than 1,000 students and is predominantly African American, 97 percent of total enrollment. (See Table 4.) The district obtained unitary status from the courts in 2004.

Initiating Case Name:	Rodney Albert v. Bamberg County Sch. Dist. No. 2
Year of Initiating Case:	1969
Issue:	School Desegregation
Current Status:	Unitary Status
Year of Final Decision:	2004

Table 4: Bamberg County School District 02 Demographics–SY93 and SY05

	Enrollment	White Non-Hisp	Black Non-Hisp	Latino	Asian & Am. Ind
SY93	1,321	37	1,284	0	0
SY05	1,032	13	1,005	13	1

Source: Common Core of Data, U.S. Department of Education.

4. Barnwell County School District 45

Barnwell County is located in the southern portion of the State near the Georgia border. There are three school districts in Barnwell County, and Barnwell 45 is the largest with an enrollment of almost 3,000 students. Barnwell 45 is a racially mixed school district, about 54 percent of the student body is white and 44 percent African American. (See Table 5.) The district obtained unitary status from the courts in 2002.

Initiating Case Name:	U.S. v. Barnwell Sch. Dist No. 45 et al.
Year of Initiating Case:	1969
Issue:	School Desegregation
Current Status:	Unitary Status
Year of Final Decision:	2002

Table 5: Barnwell County School District 45 Demographics–SY93 and SY05

	Enrollment	White Non-Hisp	Black Non-Hisp	Latino	Asian & Am. Ind
SY93	2,671	1,512	1,138	13	8
SY05	2,768	1,494	1,214	30	30

Source: Common Core of Data, U.S. Department of Education.

5. Berkeley County School District

Berkeley County is located in the southern portion of the State along the coast of the Atlantic Ocean. The entire county is one school district. There are 35 schools in the district, with a total enrollment of almost 30,000 students. Berkeley County is a mixed school district, with whites the largest racial group at about 58 percent of the student body. (See Table 6.) In 2004, at the request by the Department of Justice, the case was dismissed and the district granted unitary status.

Initiating Case Name:	U.S. v. Barnwell County No. 19 et al.
Year of Initiating Case:	1970
Issue:	School Desegregation
Current Status:	Unitary Status
Year of Final Decision:	2004

Table 6: Berkeley County School District Demographics–SY93 and SY05

	Enrollment	White Non-Hisp	Black Non-Hisp	Latino	Asian & Am. Ind
SY93	26,273	17,369	8,488	256	610
SY05	28,300	16,285	10,208	1143	664

Source: Common Core of Data, U.S. Department of Education.

6. Charleston County School District

Charleston County is located in the southern portion of the State along the Atlantic Ocean, and includes the City of Charleston. At the time of the 1954 Brown decision there were eight independent school districts in the county, each operating a dual school system. The eight school districts merged into a county-wide system in 1967. The total enrollment is about 44,000 students. African Americans are the largest racial group comprising about 55 percent of the student body. (See Table 7.) The district obtained unitary status from the courts in 1994.

Initiating Case Name:	Brown v. School District No. 20, Charleston County
Year of Initiating Case:	1963
Issue:	School Desegregation
Current Status:	Unitary Status
Year of Final Decision:	1994

Table 7: Charleston County School District Demographics–SY93 and SY05

	Enrollment	White Non-Hisp	Black Non-Hisp	Latino	Asian & Am. Ind
SY93	44,838	18,836	25,216	321	465
SY05	43,661	17,696	23,824	1,421	720

Source: Common Core of Data, U.S. Department of Education.

7. Chester County School District

Chester County is located in the north central part of the State. The entire county is one school district. There are 10 schools in the district, with a total enrollment of about 6,000 students. Chester County School District is divided evenly along racial lines, with African Americans comprising 50 percent and whites comprising about 48 percent of total enrollment. (See Table 8.) The district obtained unitary status from the courts in 1970.

Initiating Case Name:	U.S. v. Barnwell County No. 19 et al.
Year of Initiating Case:	1970
Issue:	School Desegregation
Current Status:	Unitary Status
Year of Final Decision:	1970

Table 8: Chester County School District Demographics–SY93 and SY05

	Enrollment	White Non-Hisp	Black Non-Hisp	Latino	Asian & Am. Ind
SY93	6,582	3,197	3,373	8	4
SY05	6,110	2,937	3,091	51	31

Source: Common Core of Data, U.S. Department of Education.

8. Clarendon County School District 02

Clarendon County is located in the central part of the State. There are three school districts in the county, and Clarendon 02 is the largest. The district has a total enrollment of about 3,500 students and there are six schools in the district. African Americans are about two-thirds of total enrollment, while whites are about one-third of total enrollment. (See Table 9.) The district was one of the last school districts to obtain desegregation status by the courts, being declared unitary in 2004.

Initiating Case Name:	Miller v. School District No. 2
Year of Initiating Case:	1966
Issue:	School Desegregation
Current Status:	Unitary Status
Year of Final Decision:	2004

Table 9: Clarendon County School District 02 Demographics–SY93 and SY05

	Enrollment	White Non-Hisp	Black Non-Hisp	Latino	Asian & Am. Ind
SY93	3,600	1,241	2,332	18	9
SY05	3,431	1,037	2,299	84	11

Source: Common Core of Data, U.S. Department of Education.

9. Colleton County School District

Colleton County is located in the far southern portion of the State. The entire county comprises a single school district. There are 11 schools in the district, and a total enrollment of about 6,600 students. The district is mostly African American, who are 58 percent of total enrollment, while whites are 40 percent of total enrollment. (See Table 10.) The district obtained unitary status from the courts in 2004.

Initiating Case Name:	U.S. v. Colleton County School District
Year of Initiating Case:	1970
Issue:	School Desegregation
Current Status:	Unitary Status
Year of Final Decision:	2004

Table 10: Colleton County School District Demographics–SY93 and SY05

	Enrollment	White Non-Hisp	Black Non-Hisp	Latino	Asian & Am. Ind
SY93	7,081	3,015	4,004	14	48
SY05	6,568	2,596	3,788	97	87

Source: Common Core of Data, U.S. Department of Education.

10. Darlington County School District

Darlington County is located in the far northern part of the State. The entire county comprises a single school district. There are 22 schools in the district, and a total enrollment of about 12,000 students. Similar to Colleton County, the district is somewhat evenly divided racially with African Americans making up about 59 percent of total enrollment and whites about 40 percent. (See Table 11.) The district obtained unitary status from the courts in 2000.

Initiating Case Name:	Stanley v. Darlington County School District et al.
Year of Initiating Case:	1966
Issue:	School Desegregation
Current Status:	Unitary Status
Year of Final Decision:	2000

Table 11: Darlington County School District Demographics–SY93 and SY05

	Enrollment	White Non-Hisp	Black Non-Hisp	Latino	Asian & Am. Ind
SY93	11,923	5,440	6,437	24	22
SY05	11,817	4,735	6,915	118	49

Source: Common Core of Data, U.S. Department of Education.

11. Fairfield County School District

Fairfield is located in the middle part of the State and the entire county is one school district. There are eight schools in the district with a total student enrollment of about 3,700 students. The district is largely African American, who are 85 percent of total enrollment. (See Table 12.) The district had been under court jurisdiction since 1970, but was recently granted unitary status.

Initiating Case Name:	U.S. v. Fairfield County School District
Year of Initiating Case:	1970
Issue:	School Desegregation
Current Status:	Under Court Order
Year of Final Decision:	2006

Table 12: Fairfield County School District Demographics–SY93 and SY05

	Enrollment	White Non-Hisp	Black Non-Hisp	Latino	Asian & Am. Ind
SY93	3,930	863	3,062	4	1
SY05	3,774	509	3,198	60	7

Source: Common Core of Data, U.S. Department of Education.

12. Florence County School District 04

Florence County is located in the northern part of the State. There are five school districts in the county, and Florence 04 is the smallest. There are 3 schools in the district, and a total enrollment of about 1,100 students. The district is predominantly African American, who are 87 percent of total enrollment. (See Table 13.) The district obtained unitary status from the courts in 2005.

Initiating Case Name:	U.S. v. Florence County School District No. 4
Year of Initiating Case:	1970
Issue:	School Desegregation
Current Status:	Unitary Status
Year of Final Decision:	2005

Table 13: Florence County School District 04 Demographics–SY93 and SY05

	Enrollment	White Non-Hisp	Black Non-Hisp	Latino	Asian & Am. Ind
SY93	1,364	275	1,086	0	3
SY05	1,116	133	974	6	3

Source: Common Core of Data, U.S. Department of Education.

13. Greenville County School District

Greenville County is located in the far western part of the State, and includes the City of Greenville. The entire county is one school district and is the largest school district in the State. There are 86 schools in the county, and a total enrollment of over 64,000. The district is predominantly white (63 percent); African Americans comprise less than 30 percent of total enrollment. (See Table 14.) The district obtained unitary status from the courts in 1985.

Initiating Case Name:	Whittenberg v. Greenville SC School District
Year of Initiating Case:	1969
Issue:	School Desegregation
Current Status:	Unitary Status
Year of Final Decision:	1985

Table 14: Greenville County School District Demographics–SY93 and SY05

	Enrollment	White Non-Hisp	Black Non-Hisp	Latino	Asian & Am. Ind
SY93	52,665	38,217	13,672	318	458
SY05	64,989	41,023	18,202	4,452	1,312

Source: Common Core of Data, U.S. Department of Education.

14. Hampton County School District 01

Hampton County is located in the far southern portion of the State and is adjacent to the State of Georgia. There are two school districts in the county, and Hampton 01 is the larger. There are seven schools in the Hampton 01 district, with a total enrollment of almost 2,900. The district is mixed racially, with African Americans the largest racial group at about 55 percent of total enrollment, and white enrollment is about 43 percent. (See Table 15.) The district obtained unitary status from the courts in 2004.

Initiating Case Name:	U.S. v. Hampton County School District No. 1
Year of Initiating Case:	1969
Issue:	School Desegregation
Current Status:	Unitary Status
Year of Final Decision:	2004

Table 15: Hampton County School District 01 Demographics–SY93 and SY05

	Enrollment	White Non-Hisp	Black Non-Hisp	Latino	Asian & Am. Ind
SY93	2,807	1,183	1,622	1	1
SY05	2,877	1,248	1,594	24	11

Source: Common Core of Data, U.S. Department of Education.

15. Hampton County School District 02

As stated above, Hampton County is located in the far southern portion of the State and sits along the Georgia border. There are two school districts in the county, and Hampton 02 is the smaller. There are three schools in the Hampton 02 district, with a total enrollment of about 1,500. In contrast to Hampton 01, Hampton 02 is almost entirely African American; African Americans are 95 percent of the district's total enrollment. (See Table 16.) The district obtained unitary status from the courts in 2005, one year after Hampton 01.

Initiating Case Name: U.S. v. Hampton County School District No. 2
Year of Initiating Case: 1970
Issue: School Desegregation
Current Status: Unitary Status
Year of Final Decision: 2005

Table 16: Hampton County School District 02 Demographics–SY93 and SY05

	Enrollment	White Non-Hisp	Black Non-Hisp	Latino	Asian & Am. Ind
SY93	1,533	86	1,447	0	0
SY05	1,424	35	1,349	40	0

Source: Common Core of Data, U.S. Department of Education.

16. Lee County School District

Lee County is located in the northern part of the State and the entire county is one school district. There are six schools in the district, with a total enrollment of about 2,700 students. The student population in the district is almost entirely African American, who comprise 94 percent of total enrollment while whites are 4 percent of total enrollment. (See Table 17.) The district is one of the 16 districts in the state to obtained unitary status after the *Dowell* decision.

Initiating Case Name: Scott v. Lee County School District No. 1
Year of Initiating Case: 1969
Issue: School Desegregation
Current Status: Unitary Status
Year of Final Decision: 2001

Table 17: Lee County School District Demographics–SY93 and SY05

	Enrollment	White Non-Hisp	Black Non-Hisp	Latino	Asian & Am. Ind
SY93	3,534	418	3,109	7	0
SY05	2,719	116	2,556	39	8

Source: Common Core of Data, U.S. Department of Education.

17. Lexington County School District 01

Lexington County is located in the central part of the State. There are five school districts in the county, and Lexington 01 is the largest. There are 19 schools in the Lexington 01 school district, with a total enrollment of more than 19,000. The district is predominantly white, comprising nearly 87 percent of total enrollment, while African Americans are less than 10 percent of total enrollment. (See Table 18.) The district obtained unitary status from the courts in 2005.

Initiating Case Name: U.S. v. School District No. 1, Lexington County
Year of Initiating Case: 1966
Issue: School Desegregation
Current Status: Unitary Status
Year of Final Decision: 2005

Table 18: Lexington County School District 01 Demographics–SY93 and SY05

	Enrollment	White Non-Hisp	Black Non-Hisp	Latino	Asian & Am. Ind
SY93	10,351	9,636	640	43	32
SY05	19,415	16,824	1,633	545	413

Source: Common Core of Data, U.S. Department of Education.

18. Orangeburg County School District 03

Orangeburg County is located in the south central part of the State and has three school districts, two of which, Orangeburg 03 and 05, are subject to court jurisdiction. Orangeburg 03 is the smallest of the three school districts, with 6 schools and an enrollment of 3,600. It is a consolidated district, having consolidated with the Orangeburg 07 school district. The district is predominantly African American, with 89 percent. (See Table 19.)

Initiating Case Name: U.S. v. Orangeburg Co. Consol. Sch. Dist. No. 3
Year of Initiating Case: 1970
Issue: School Desegregation
Current Status: Unitary Status
Year of Final Decision: 2006

Table 19: Orangeburg County School District 03 Demographics–SY93 and SY05

	Enrollment	White Non-Hisp	Black Non-Hisp	Latino	Asian & Am. Ind
SY93	2,887	456	2,426	3	2
SY05	3,567	345	3,171	43	8

Source: Common Core of Data, U.S. Department of Education.

19. Saluda County School District

Saluda County is located in the west central part of the State. The entire county is one school district. There are 5 schools in the district, with a total enrollment of slightly more than 2,000 students. The district is majority white. Whites are about 50 percent of total enrollment, while African Americans are about 37 percent of total enrollment. (See Table 20.) The district was declared unitary by the courts in 2002.

Initiating Case Name:	U.S. v. Saluda County School District No. 1
Year of Initiating Case:	1969
Issue:	School Desegregation
Current Status:	Unitary Status
Year of Final Decision:	2002

Table 20: Saluda County School District Demographics–SY93 and SY05

	Enrollment	White Non-Hisp	Black NonHisp	Latino	Asian & Am. Ind
SY93	2,282	1,213	1,054	15	0
SY05	2,149	1,068	786	294	1

Source: Common Core of Data, U.S. Department of Education

15 School Districts in South Carolina Remain Under a Court Order for School Desegregation

Fifteen of the 34 school districts in South Carolina subject to initial judicial intervention with respect to school desegregation have yet to be released from their court orders to desegregate the schools. Of these 15 school districts, only six school districts indicated to the Committee that the district was actively pursuing a release from the court order. (Table 21 lists the 15 school districts in South Carolina still under a court order.)

In this section, for each of the 15 school districts still under a school desegregation court order, information is presented regarding: (1) the initiating school desegregation case, (2) the intent of the school district regarding pursuing unitary status, and (3) student demographics.

The 15 school districts still under court jurisdiction with respect to desegregation, as a group, generally have higher percentages of minority students. Among these 15 districts, minorities on average are 67 percent of total enrollment, in contrast to an average minority enrollment of 57.5 percent among the 19 districts with unitary status. But these differences are not substantially different between the two groups. In addition, in 7 of the 15 school districts still under court jurisdiction the minority percent of total enrollment is higher than 70 percent, while this is true for only four of the districts with unitary status. Overall district enrollment is similar between the two groups of districts. The average enrollment for districts under a court order is about 5,700 students, while the average enrollment for the 17 districts with unitary status is 5,400.

Table 21: School Districts in South Carolina under a School Desegregation Court Order

	School District	Number of Schools	Total Enrollment	Percent White	Initial Court Action
1	Allendale	4	1,746	3.2	1968
2	Barnwell 19	3	966	22.4	1970
3	Calhoun	4	1,854	20.0	1966
4	Chesterfield	16	8,061	55.7	1969
5	Clarendon 01	3	1,164	30.2	1962
6	Clarendon 03	2	1,289	62.3	1969
7	Dorchester 02	17	18,785	65.8	1968
8	Dorchester 04	4	2,449	27.5	1969
10	Florence 01	19	15,024	45.1	1970
11	Georgetown	17	10,475	45.2	1969
12	Lexington 04	6	3,671	75.8	1969
13	McCormick	5	1,000	14.6	1970
14	Newberry	13	5,947	46.7	1969
16	Orangeburg 05	13	7,368	8.2	1964
17	Sumter 02	15	9,370	38.0	1956

Source: Southern Regional Office, U.S. Commission on Civil Rights; school demographic data from Common Core of Data, U.S. Department of Education, 2003-04 school year.

1. Allendale County School District

Allendale County is located in the far southern portion of the State and sits along the Georgia border. The county comprises one school district, and there are 4 schools in the district. The total enrollment is about 1,700 and almost entirely African American. African Americans are the largest racial group comprising 95 percent of total enrollment, while Whites are 3 percent. (See Table 22.) The district has been under court jurisdiction since 1968, and according to the superintendent the school district is not pursuing unitary status because of its virtually all minority enrollment.[7]

Initiating Case Name: U.S. v. Allendale County School District
Year of Initiating Case: 1968
Current Status: Under Court Order
Intention of District: Not Pursuing Release of Court Order

Table 22: Allendale County School District Demographics–SY93 and SY05

	Enrollment	White Non-Hisp	Black Non-Hisp	Latino	Asian & Am. Ind
SY93	2,390	354	2,020	14	2
SY05	1,746	55	1,659	29	3

Source: Common Core of Data, U.S. Department of Education.

2. Barnwell County School District 19

Barnwell County is located in the far southwestern portion of the State and is adjacent to the Georgia border. The county has three school districts, and Barnwell 19 is the smallest. Total enrollment is less than 1,000 students and largely African American. African Americans are almost three-fourths of all students, and whites one-fourth. (See Table 23.) The district has been under court jurisdiction since 1970, and district officials did not respond to a request from the Commission as to an explanation of the district's status with respect to desegregation.

Initiating Case Name: U.S. v. Barnwell County No. 19
Year of Initiating Case: 1970
Current Status: Under Court Order
Intention of District: No position offered by district officials

Table 23: Barnwell County School District 19 Demographics–SY93 and SY05

	Enrollment	White Non-Hisp	Black Non-Hisp	Latino	Asian & Am. Ind
SY93	1,258	458	799	0	1
SY05	966	216	743	5	2

Source: Common Core of Data, U.S. Department of Education.

[7] Paula L. Harris, superintendent, Allendale County Schools, letter to Peter Minarik, June 13, 2005, Southern Regional Office, USCCR, files.

3. Calhoun County School District

Calhoun County is located in the central part of the State. The county has one school district. There are four schools in the district with a total enrollment of approximately 2,000 students. African Americans comprise 77 percent of all students, and whites 20 percent. (See Table 24.) At the time of judicial intervention, there were two school districts, Calhoun 01 and Calhoun 02. The unified district has been under court jurisdiction since 1966, when the Department of Justice filed suit against Calhoun 02. Calhoun 01 was sued in 1970. District officials did not respond to a request from the Commission as to an explanation of the district's status with respect to desegregation.

Initiating Case Name: U.S. v. Calhoun County School District
Year of Initiating Case: 1966
Current Status: Under Court Order
Intention of District: No position offered by district officials

Table 24: Calhoun County School District Demographics–SY93 and SY05

	Enrollment	White Non-Hisp	Black Non-Hisp	Latino	Asian & Am. Ind
SY93	2,079	408	1,665	6	0
SY05	1,854	370	1,432	51	1

Source: Common Core of Data, U.S. Department of Education.

4. Chesterfield County School District

Chesterfield County is located in the north east part of the State and is adjacent to North Carolina. The county has one school district and 16 schools. There is an enrollment of about 8,100 which is divided relatively equally between the races. Whites are the largest racial group at 56 percent, and African Americans are 42 percent of the student population. (See Table 25.) The district has been under court jurisdiction since 1969, and according to a representative for the district, the district "has answered all inquiries (requested by the Department of Justice) and no major change has been suggested."[8]

Initiating Case Name: U.S. v. Chesterfield County School District
Year of Initiating Case: 1969
Current Status: Under Court Order
Intention of District: Not Pursuing Release of Court Order

Table 25: Chesterfield County School District Demographics–SY93 and SY05

	Enrollment	White Non-Hisp	Black Non-Hisp	Latino	Asian & Am. Ind
SY93	7,792	4,428	3,333	5	26
SY05	8,061	4,488	3,346	177	50

Source: Common Core of Data, U.S. Department of Education.

[8] H. Simmons Tate, Jr., attorney for Chesterfield County Schools, letter to Peter Minarik, June 17, 2005, Southern Regional Office, USCCR, files.

5. Clarendon County School District 01

Clarendon County is located in the central part of the State, and Lake Marion forms its southern border. The county has three school districts, and this district has three schools, with an enrollment of about 1,200 students. The district is the smallest in the county and is almost entirely African American, who comprise 95 percent of the district's student population. (See Table 26.) The district has been under court jurisdiction since 1962, and at the time of the initiating case the district was almost exclusively white. According to the superintendent, "today the district is 99 percent African American and is obviously not segregated and so the district does not see the point of petitioning the courts (for unitary status)."[9]

Initiating Case Name: Brunson v. Sch. Dist. 1 of Clarendon County
Year of Initiating Case: 1962
Current Status: Under Court Order
Intention of District: Not Pursuing Release of Court Order

Table 26: Clarendon County School District 01 Demographics–SY93 and SY05

	Enrollment	White Non-Hisp	Black Non-Hisp	Latino	Asian & Am. Ind
SY93	1,260	31	1,229	0	0
SY05	1,164	38	1,110	14	2

Source: Common Core of Data, U.S. Department of Education.

6. Clarendon County School District 03

Clarendon 03 is similar in size to Clarendon 01, with an enrollment of about 1,300 students. The district is majority white, and they are 62 percent of total enrollment while African Americans are 34 percent. (See Table 27.) The district has been under court jurisdiction since 1969. The superintendent is new to the district in school year 2004-05, and told the Commission that she was unaware of any court jurisdiction over the district with respect to desegregation.[10]

Initiating Case Name: Wheeler v. School District No. 3 Clarendon County
Year of Initiating Case: 1969
Current Status: Under Court Order
Intention of District: No position offered by district officials

Table 27: Clarendon County School District 03 Demographics–SY93 and SY05

	Enrollment	White Non-Hisp	Black Non-Hisp	Latino	Asian & Am. Ind
SY93	1,209	682	512	9	6
SY05	1,289	803	436	49	1

Source: Common Core of Data, U.S. Department of Education.

[9] Rose H. Wilder, superintendent, Clarendon School District 01, telephone interview with Peter Minarik, June 24, 2005, Southern Regional Office, USCCR, files.
[10] Mary Rice-Crenshaw, superintendent, Clarendon School District 03, telephone interview with Peter Minarik, Aug. 19, 2005, Southern Regional Office, USCCR, files.

7. Dorchester School District 02

Dorchester County is located in the southern portion of the State and has two school districts, though originally it had four. Dorchester 02 is the larger school district, and is a consolidated district of the districts: Dorchester 01, Dorchester 02, and Dorchester 03. The district has 17 schools and an enrollment of more than 18,000. Whites are about two-thirds of the student population, and African Americans are less than 30 percent of total enrollment. (See Table 28.) The district has been under court jurisdiction since 1968. The superintendent attested that the school district is no longer a dual school system and that "the district plans to follow through on obtaining a declaration (of unitary status) in the near future."[11]

Initiating Case Name: U.S. v. Dorchester County School District No. 1
Year of Initiating Case: 1968
Current Status: Under Court Order
Intention of District: Seeking Release from Court Order

Table 28: Dorchester County School District 02 Demographics–SY93 and SY05

	Enrollment	White Non-Hisp	Black Non-Hisp	Latino	Asian & Am. Ind
SY93	13,240	10,220	2,776	83	161
SY05	18,785	12,358	5,443	487	497

Source: Common Core of Data, U.S. Department of Education.

8. Dorchester County School District 04

Dorchester 04 is the smallest of the school districts. The district has only four schools and an enrollment of only 2,500 compared to 18,000 in Dorchester 02. African Americans are the predominant racial group, accounting for almost 70 percent of the student population. (See Table 29.) The district has been under court jurisdiction since 1969, and according to a representative for the district the school district "has been in the process (of) preparing a petition to the Court for a Declaration of Unitary Status."[12]

Initiating Case Name: U.S. v. Dorchester County School District No. 4
Year of Initiating Case: 1969
Current Status: Under Court Order
Intention of District: Seeking Release from Court Order

Table 29: Dorchester County School District 04 Demographics–SY93 and SY05

	Enrollment	White Non-Hisp	Black Non-Hisp	Latino	Asian & Am. Ind
SY93	2,607	756	1,774	0	77
SY05	2,449	673	1,679	39	58

Source: Common Core of Data, U.S. Department of Education.

[11] Joseph R. Pye, superintendent, Dorchester School District 02, letter to Peter Minarik, June 13, 2005, Southern Regional Office, USCCR, files.
[12] Charles J. Boykin, attorney for Dorchester County School District 04, letter to Peter Minarik, June 16, 2005, Southern Regional Office, USCCR, files.

9. Florence County School District 01

There are five school districts in Florence County, two of Districts 01 and 04, have been under a desegregation court order. Florence 04 has been granted unitary status, but Florence 01 has not. The district is about half African American and half white. (See Table 30.) The district has been under court jurisdiction since 1970, and according to a representative for the district, "The case remains open but has been dormant for the last several years, (and) the district is entitled to have this matter ended with a determination that the district has achieved unitary status."[13]

Initiating Case Name:	U.S. v. Florence County School District No. 1
Year of Initiating Case:	1970
Current Status:	Under Court Order
Intention of District:	Not Pursuing Release of Court Order

Table 30: Florence County School District 01 Demographics–SY93 and SY05

	Enrollment	White Non-Hisp	Black Non-Hisp	Latino	Asian & Am. Ind
SY93	15,010	7,829	7,073	32	76
SY05	15,024	6,774	7,846	176	228

Source: Common Core of Data, U.S. Department of Education.

10. Georgetown County School District

Georgetown County is located in the northeast part of the State along the coast. The County is one school district, and there are 17 schools in the district with an enrollment slightly more than 10,000. The district is split racially, African Americans are 52 percent and whites are 45 percent of total enrollment. (See Table 31.) The district has been under court jurisdiction since 1969, and according to a representative for the district, "The Georgetown County School District is currently seeking a declaration of unitary status which would end the existing Desegregation Order."[14]

Initiating Case Name:	U.S. v. Georgetown County School District
Year of Initiating Case:	1969
Current Status:	Under Court Order
Intention of District:	Seeking Dismissal from Court Order

Table 31: Georgetown County School District Demographics–SY93 and SY05

	Enrollment	White Non-Hisp	Black Non-Hisp	Latino	Asian & Am. Ind
SY93	10,784	4,542	6,204	25	13
SY05	10,475	4,733	5,480	200	62

Source: Common Core of Data, U.S. Department of Education

[13] D. Laurence McIntosh, attorney for Florence County School District 01, letter to Peter Minarik, June 17, 2005, Southern Regional Office, USCCR, files.

[14] Charles J. Boykin, attorney for Georgetown County School District, letter to Peter Minarik, June 10, 2005, Southern Regional Office, USCCR, files.

11. Lexington County School District 04

Lexington County is located in the central part of the State. There are five school districts in Lexington County, two of which, Lexington 01 and 04, have been under court jurisdiction. Lexington 01 has been granted unitary status, while Lexington 04 has not. The district is majority white, with African Americans about one-fifth of total enrollment. (See Table 32.) According to the district superintendent, "The Lexington School District attendance zones provide for desegregation of the students. Being declared as having 'unitary status' by the court has not been pursued by the school district or members of the community."[15]

Initiating Case Name: McDaniel v. Lexington School District 04
Year of Initiating Case: 1969
Current Status: Under Court Order
Intention of District: Not Pursuing Release of Court Order

Table 32: Lexington County School District 04 Demographics–SY93 and SY05

	Enrollment	White Non-Hisp	Black Non-Hisp	Latino	Asian & Am. Ind
SY93	2,209	1,759	446	3	1
SY05	3,671	2,781	767	104	19

Source: Common Core of Data, U.S. Department of Education.

12. McCormick County School District

McCormick County School district has an enrollment of about 1,000 students. The district has been under court jurisdiction since 1970. The superintendent said that she was relatively new to the district and lacked knowledge about the history of school desegregation in the district and was not aware of any action by the district to obtain unitary status. However, she committed to examining the matter and reporting back to the Commission as to the district's intent to pursue unitary status.[16]

Initiating Case Name: U.S. v. McCormick County School District
Year of Initiating Case: 1970
Current Status: Under Court Order
Intention of District: No position offered by district officials

Table 33: McCormick County School District Demographics–SY93 and SY05

	Enrollment	White Non-Hisp	Black Non-Hisp	Latino	Asian & Am. Ind
SY93	1,379	234	1,144	1	0
SY05	1,000	146	845	3	6

Source: Common Core of Data, U.S. Department of Education.

[15] J. Franklin Vail, superintendent, Lexington County School District 04, letter to Peter Minarik, June 28, 2005, Southern Regional Office, USCCR, files.
[16] Sandra Callahan, superintendent, McCormick County School District 04, telephone interview with Peter Minarik, Aug. 22, 2005, Southern Regional Office, USCCR, files.

13. Newberry County School District

Newberry County is one school district, with 13 schools and an enrollment of about 5,900. African Americans comprise about half the student population. (See Table 34.) According to a representative for the school district, "Pursuant to the desegregation order applicable to Newberry County School District, statistics and figures as to projected racial composition for faculty and students were submitted to the Clerk of the U.S. District Court. (Following) that submission the district was informed that it would no longer be necessary to submit that information, and there has been none submitted since May 27, 1998."[17]

Initiating Case Name: Carter v. Newberry School District
Year of Initiating Case: 1969
Current Status: Under Court Order
Intention of District: Not Pursuing Release of Court Order

Table 34: Newberry County School District Demographics–SY93 and SY05

	Enrollment	White Non-Hisp	Black Non-Hisp	Latino	Asian & Am. Ind
SY93	5,950	3,167	2,763	3	17
SY05	5,947	2,778	2,688	458	23

Source: Common Core of Data, U.S. Department of Education.

14. Orangeburg County School District 05

Orangeburg County School District 05 is the largest of the three school districts in the county, and is the consolidated district of Orangeburg 02, 05, and 06. The district has 13 schools and an enrollment of over 7,000. Similar to Orangeburg 03, the district is 90 percent African American. (See Table 35.) The district has been subject to court jurisdiction since 1964, the second longest in the State. According to the superintendent, "the district is still under court order with respect to desegregation, (and) there have been no changes to this since the order was established."[18]

Initiating Case Name: Adams v. School Dist. No. 5, Orangeburg County
Year of Initiating Case: 1964
Current Status: Under Court Order
Intention of District: Not Pursuing Release of Court Order

Table 35: Orangeburg County School District 05 Demographics–SY93 and SY05

	Enrollment	White Non-Hisp	Black Non-Hisp	Latino	Asian & Am. Ind
SY93	6,594	1,315	5,216	10	53
SY05	7,368	607	6,642	55	64

Source: Common Core of Data, U.S. Department of Education.

[17] Joseph W. Hudgens, attorney for the Newberry County School District, letter to Peter Minarik, June 21, 2005, Southern Regional Office, USCCR, files.
[18] Melvin Smoak, superintendent, Orangeburg Consolidated County School District 05, letter to Peter Minarik, June 6, 2005, Southern Regional Office, USCCR, files.

15. Sumter County School District 02

Sumter County is the central portion of the State, and includes the city of Sumter. There are two school districts in the County, and Sumter 02 is the larger. The other district has a voluntary plan to desegregate with Education. There are 15 schools in Sumter 02, and an enrollment of just over 9,000. Nearly 60 percent of all students are African American, and around 40 percent are white. (See Table 36.) The district has been subject to court jurisdiction since 1956, the longest in the State and filed just two years after the *Brown* decision. District officials did not respond to a request from the Commission as to an explanation of the district's status with respect to desegregation.

Initiating Case Name:	Hood v. Bd. of Trustees of Sumter County School District No. 2
Year of Initiating Case:	1956
Current Status:	Under Court Order
Intention of District:	No position offered by district officials

Table 36: Sumter County School District 02 Demographics–SY93 and SY05

	Enrollment	White Non-Hisp	Black Non-Hisp	Latino	Asian & Am. Ind
SY93	9,723	4,057	5,474	56	136
SY05	9,370	3,562	5,529	174	105

Source: Common Core of Data, U.S. Department of Education.

Appendix 1–Desegregation Status of South Carolina School Districts

SCHOOL DISTRICT	STATUS
Abbeville	US-1984
Aiken	VP
Allendale	CO
Anderson 01	VP
Anderson 02	VP
Anderson 03	US-2005
Anderson 04	VP
Anderson 05	VP
Bamberg 01	VP
Bamberg 02	US-2004
Barnwell 19	CO
Barnwell 29	VP
Barnwell 45	US-2002
Beaufort	VP
Berkeley	US-2004
Calhoun	CO
Charleston	US-1994
Cherokee	VP
Chester	US-1970
Chesterfield	CO
Clarendon 01	CO
Clarendon 02	US-2004
Clarendon 03	CO
Colleton	US-2004
Darlington	US-2000
Dillon 01	VP
Dillon 02	VP
Dillon 03	VP
Dorchester 02	CO
Dorchester 04	CO
Edgefield	VP
Fairfield	US-2007
Florence 01	CO
Florence 02	VP
Florence 03	VP
Florence 04	US-2005
Florence 05	VP
Georgetown	CO
Greenville	US-1985
Greenwood 50	VP
Greenwood 51	VP
Greenwood 52	VP
Hampton 01	US-2004
Hampton 02	US-2005
Horry	VP
Jasper	VP
Kershaw	VP
Lancaster	VP
Laurens 55	VP
Laurens 56	VP
Lee	US-2001
Lexington 01	US-2005
Lexington 02	VP
Lexington 03	VP

Lexington 04	CO
Lexington 05	VP
Marion 01	VP
Marion 02	VP
Marion 07	VP
Marlboro	VP
McCormick	CO
Newberry	CO
Oconee	VP
Orangeburg 03	US-2007
Orangeburg 04	VP
Orangeburg 05	CO
Pickens	VP
Richland 01	VP
Richland 02	VP
Saluda	US-2002
Spartanburg 01	VP
Spartanburg 02	VP
Spartanburg 03	VP
Spartanburg 04	VP
Spartanburg 05	VP
Spartanburg 06	VP
Spartanburg 07	VP
Sumter 02	CO
Sumter 17	VP
Union	VP
Williamsburg	VP
York 01	VP
York 02	VP
York 03	VP
York 04	VP

Appendix 2–School Desegregation and Charter Schools

Charter schools are public schools and subject to State Board of Education regulation. In South Carolina, prospective charter schools must apply for certification to the State Board of Education. All charter school applications are reviewed by the Charter School Advisory Committee to determine if the applicant charter school complies with all established standards for public schools.[19]

Part of the application deals with ensuring charter schools are non-discriminatory. The charter school application must describe how the charter school intends to ensure that the enrollment of the school is similar to the racial composition of the school district and must also comply with any school district desegregation plan or order in effect. Part (l) of South Carolina Regulation No.: R 43-601, State Board Regulation, Procedures and Standards for Review of Charter School Applications, reads:

> "The application must describe how the charter school intends to ensure that the enrollment of the school is similar to the racial composition of the school district or to the targeted student population the charter school proposes to serve and must also provide assurance that the school complies with any school district desegregation plan or order in effect:
>
> The application must demonstrate timely, fair, and realistic policies and procedures for recruiting, registering, and admitting students that reflect the racial composition of the school district or the targeted school population. The proposed procedures and policies must reflect an understanding of the racial composition of the district and the targeted student population.
>
> To ensure compliance with a desegregation plan or order, the charter school applicant should take the following steps and provide documentation that these steps were taken in the application: request and receive a letter from the district indicating whether the school will be subject to any desegregation plan or order; secure a copy of the desegregation plan or order if the school is subject to such; determine and demonstrate that the charter school's policies and procedures are in compliance with the desegregation plan or order; request and receive a letter from the district that indicates whether the charter school's proposed policies and procedures are in compliance with any desegregation plan or order in effect in the district or whether clarification must be received from the Office for Civil Rights.[20]

[19] South Carolina Regulation No.: R 43-601, State Board Regulation, Procedures and Standards for Review of Charter School Applications, Part I.
[20] Ibid., Part (l).