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Race, Place, and Citizenship: The Influence of Segregation on Latino Educational Attainment

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Introduction

As the population of the United States has diversified over the last fifty years, the nation's key sectors of housing, education, and labor have absorbed this diversity with varying degrees of receptivity. In 2019, Latinos continued their status as the nation's largest minority group, comprising nearly twenty percent of the population (18.5%), outnumbering the African American/Black population by more than five percentage points (13.4%) as well as the Asian population by more than twelve percentage points (5.9%).¹ Latino-origin individuals are now part of the nation's local schools, markets, and neighborhoods, yet, despite the growing presence of the Latino population, these institutions remain remarkably segregated, at least by race and income.² Segregation results in differential exposure to neighborhood conditions that

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1. Cliff Despres, *U.S. Latinos Reach Record-High of 18.5% of Nation's Population*, SALUD AMERICA (July 14, 2020), <https://salud-america.org/u-s-latinos-reach-record-high-18-5-of-nations-population/> [<https://perma.cc/2M4U-RC49>].

2. Jorge De la Roca, Ingrid Gould Ellen & Justin Steil, *Does Segregation Matter for Latinos?*, 40 J. HOUS. ECON. 129, 129 (2018).

could lead to increased opportunity for educational attainment and increased wages, among other social and health factors. The negative outcomes associated with this lack of exposure have been recognized for Black Americans and are now increasingly present for Latinos.³ These measures are particularly relevant by metropolitan area.⁴

During the demographic transformation in recent decades, a number of metropolitan areas, such as Los Angeles, New York, Miami, and Houston, continued to serve as key gateway entry points for Latino immigrants and their families.⁵ New migration patterns have developed in other areas, however, such as those in southeastern states (Georgia, North Carolina, Tennessee).⁶ These states have become new destinations for Latinos entering the U.S. for the first time or migrating from traditional U.S. gateway cities primarily due to more job opportunities.⁷ As scholars attempt to estimate the settlement, segregation, and integration patterns of Latinos and their families, the reality is that the U.S. is in the midst of a double diaspora for Latino families—one in traditional gateway cities and one in new, primarily southern destinations.⁸ This double diaspora complicates efforts of integration as different states and localities have their own laws regarding zoning for housing, schooling, and labor rules. U.S. cities have had a long history of either adjusting, restricting, or negotiating access to non-White populations, managing both formal and informal methods of segregation—the systemic separation of individuals by race, income, and other socially identifying factors in daily life. However, integration of Latino groups has been complex due to varied characteristics beyond race, including isolation and separation due to language, national origin, and citizenship.

While much of the scholarship on the effects of segregation on housing, education, and wages has focused primarily on the relationship between White and Black populations, researchers have begun to investigate segregation outcomes for Latinos as

3. *Id.*

4. *Id.*

5. Jorge Durand, Douglas S. Massey & Chiara Capoferro, *Chapter 1: The New Geography of Mexican Immigration*, in *NEW DESTINATIONS: MEXICAN IMMIGRATION IN THE UNITED STATES* 1, 14–15 (Victor Zúñiga & Rubén Hernández-León eds., 2005); see Douglas S. Massey, Jacob S. Rugh & Karen A. Pren, *The Geography of Undocumented Mexican Migration*, in *26 MEXICAN STUDIES/ESTUDIOS MEXICANOS* 129, 138 (2010).

6. Durand et al., *supra* note 5, at 12–18.

7. *Id.* at 11–13.

8. *Id.* at 12–15.

compared to Whites and, in some cases, Black populations. Overall, the verdict on segregation outcomes for Black and Latino populations is clear from a research perspective: as a force, racial segregation leads to lower exposure of Black and Latino populations to human, social, and health capital in neighborhoods, reduced high school graduation and college completion outcomes, reduced wages, and, in many cases, increased exposure to criminal activity.⁹ As cities continue to transform into knowledge-based economies, the role of access to education, specifically a college degree, becomes especially critical. From the metropolitan area perspective, the number of college degrees in a geographic location has important impacts on an individual's and a community's overall economic attainment.¹⁰ Moretti, for example, finds that an increase in the supply of college graduates in a city raises the wages of both high school dropouts and college graduates.¹¹ That is, a college degree provides not only individual private returns but also social returns for the average resident in a city.¹² Thus, increasing the opportunity to attend and graduate from college is a win for an entire community, not just the individual. If some populations—because of their race, ethnicity, or citizenship status—have less access to schools, quality educators, and jobs to pay for postsecondary education, their chances to attend and complete college are greatly diminished, as are the economic prospects for their area.

While the negative outcomes of racial segregation have become astonishingly clear, the mechanisms to desegregate or “disperse,” as some scholars note, are less clear and there is much less agreement on how to employ any of these mechanisms.¹³ In fact, in many cases there is a debate regarding the benefits of integration altogether.¹⁴ In places where mechanisms have been attempted, these mechanisms have ranged from court ordered school busing, alternative admissions rules, optional standardized testing, advancements in recruiting and hiring practices, and other

9. De La Roca et al., *supra* note 2, at 135.

10. See Enrico Moretti, *Estimating the Social Return to Higher Education: Evidence from Longitudinal and Repeated Cross-Sectional Data*, 121 J. ECONOMETRICS 175 (2004) (exploring the hypothesis that a larger college educated population affects wages for the local community's workforce in a positive way).

11. *Id.* at 208–09.

12. *Id.*

13. See ANTHONY P. CARNEVALE & JEFF STROHL, SEPARATE & UNEQUAL: HOW HIGHER EDUCATION REINFORCES THE INTERGENERATIONAL REPRODUCTION OF WHITE RACIAL PRIVILEGE 37–40 (Geo. U. Pub. Pol'y Inst. Ctr. on Educ. and the Workforce ed., 2013).

14. See De la Roca et al., *supra* note 2, at 129.

options.¹⁵ The issue is that education and employment are highly stratified and deeply interdependent, and a proposal in one area may not work if solutions in other areas are not also operating in a coordinated manner that accounts for historical and current stratification.¹⁶ School quality is associated with where a student lives, which in turn shapes the educational resources (including teachers) that are available.¹⁷ Employment and wages are tied to the level of educational attainment received, and housing security is dependent on economic security, which is influenced by educational attainment.¹⁸ Thus, schools are the vehicles most likely to provide the credentials needed for economic security, yet they are also the ultimate microcosm of the level of segregation in a neighborhood.

Purpose

This paper examines the status of Latino-White segregation as it pertains to key characteristics related to integration into the United States—by race, language, and citizenship—via housing and education. We argue that the status of Latino educational achievement and success is connected to the level of segregation interwoven across these key sectors on these key forms of identity associated with Latinos. A legal review of how segregation affects Latinos in education is particularly connected to issues of language, while housing cases focus more prominently on the role of citizenship, in addition to race and ethnicity. Citizenship is also present in education cases, especially as it pertains to the rights afforded to undocumented students at the K-12 and postsecondary level. This finding is critical because Latinos who are naturalized citizens are more likely to earn a college degree than noncitizen Latinos.¹⁹ With state “Dream Acts” opening up opportunities for a growing number of individuals who are undocumented to obtain a college degree, communities likely to have undocumented residents

15. See CARNEVALE & STROHL, *supra* note 13, at 38–40 (discussing different approaches colleges can take to include more Black and Latinx students).

16. DOUGLAS MASSEY, CATEGORICALLY UNEQUAL: THE AMERICAN STRATIFICATION SYSTEM 53 (Russell Sage Found. ed., 2007).

17. See CARNEVALE & STROHL, *supra* note 13, at 23–27 (explaining the findings of studies which show that lower resources result in lower opportunities in education for Black and Latino students, leading to substantial racial polarization in postsecondary education).

18. See Moretti, *supra* note 10, at 208–09 (finding positive social returns, specifically on wages, for communities with increased education levels).

19. Stella M. Flores, Tim Carroll & Suzanne M. Lyons, *Beyond the Tipping Point: Searching for a New Vision for Latino College Success in the U.S.*, 696 ANNALS OF AM. ACAD. POL. & SOC. SCI. 128, 150 (2021).

may also begin to experience higher levels of human capital.²⁰ Ultimately, we argue that understanding both the legal context that frames how the housing and education sectors operate, as well as insights from educational research about what influences Latino educational success, can provide a solid foundation from which to create more integrative activities aimed to reduce the barriers produced by racial segregation.

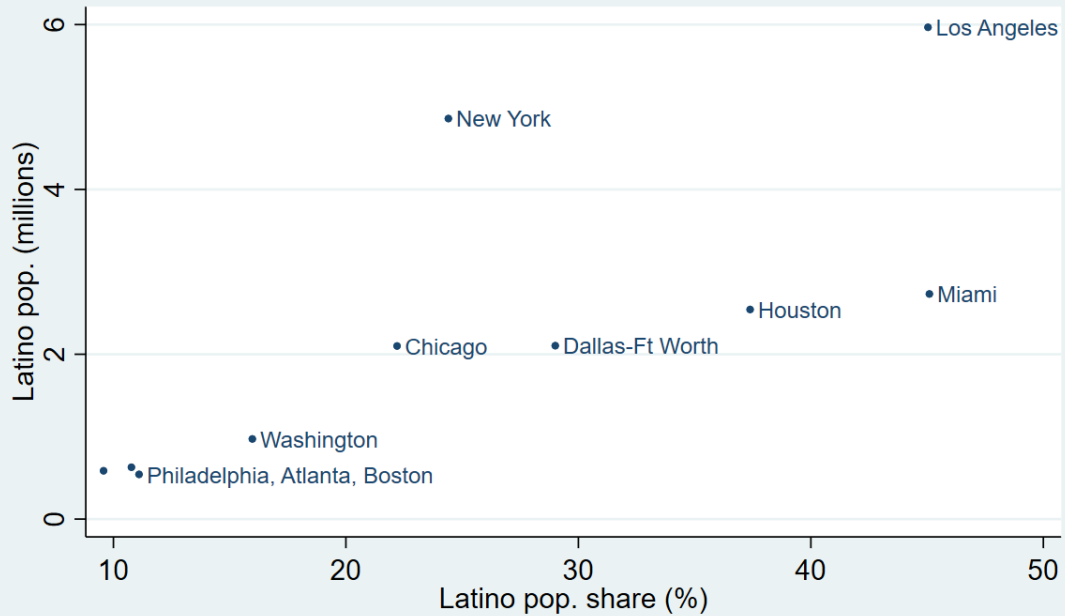
We continue this analysis with demographic portraits of key gateway cities where Latinos live in the U.S., a review of legal and research outcomes related to housing and education, and a final evaluation of the level of segregation and its influence on educational outcomes, particularly college degree attainment, of Latino populations in our key gateway cities. Our metropolitan areas of interest for this analysis include Chicago, Houston, Los Angeles, Miami, and New York. As Figure 1 shows, in addition to being among the largest metro areas in the United States, all of these metropolitan areas have a Latino population of at least two million (Y axis) constituting at least 20% of the metro population (X axis).²¹ Unless noted otherwise, the data source for all tables is the 2015–2019 American Community Survey five-year sample released in harmonized form by IPUMS USA.²²

20. See Stella M. Flores, *State Dream Acts: The Effect of In-State Resident Tuition Policies and Undocumented Latino Students*, 33 REV. HIGHER EDUC. 239, 239–40, 247 (2010).

21. Two other metropolitan areas, Texas' Dallas-Fort Worth and California's Inland Empire, have Latino populations of at least two million—we omit these from our list of focal cities to avoid duplicating state contexts.

22. Author's analysis of 2021 American Community Survey data from Steven Ruggles et al., IPUMS USA: Version 11.0 [dataset] (2021), <https://doi.org/10.18128/D010.V11.0> [<https://perma.cc/GT68-AVU3>].

Fig. 1: Latino population of 10 largest US metro areas



Source: IPUMS USA American Community Survey 2015-2019 5-year sample
Survey weights applied

Within each focal metro area, we provide a portrait of the racial/ethnic composition including diversity within the Latino population (Table 1); average key demographic and economic characteristics including income and homeownership, citizenship status, and language isolation, overall and for Latinos (Table 2); and a breakdown of educational attainment, overall and for Latinos (Table 3). The paper culminates with a mapping of postsecondary opportunity onto residential segregation, comparing the bachelor's degree, or BA, attainment rate for neighborhoods with disproportionately high concentrations of Latino residents (i.e., Latino enclaves, defined in detail below) to the BA rate for Latino residents of other neighborhoods less marked by the forces of residential segregation (Table 4).

Metro area	Latino origin							Race (non-Latino)			
	All Latinos	Mexican	Puerto Rican	Dominican	Cuban	Central American	South American	White	Black	Asian	American Indian
Chicago	22.2	17.5	2.2	0.1	0.3	0.9	0.8	52.7	16.3	6.6	0.1
Houston	37.4	27.8	0.7	0.1	0.6	5.4	1.6	36.0	16.9	7.8	0.2
Los Angeles	45.0	35.0	0.4	0.1	0.4	6.6	1.2	29.6	6.4	16.0	0.2
Miami	45.1	2.5	3.9	2.0	18.9	6.3	10.1	30.5	20.1	2.5	0.1
New York	24.4	3.0	6.2	5.5	0.7	3.0	4.7	46.5	15.6	10.9	0.1

Included in calculations but omitted from table: Other/unspecified Latino origin, other/unspecified race, multiracial non-Latinos

Table 1 shows the diversity of our focal metros. Latinos represent just under half of the population for Miami and Los Angeles, just over a third for Houston, and just under a quarter for New York and Chicago. Latinos (of all races) outnumber any single non-Latino racial group in Houston, Los Angeles, and Miami.²³ However, the demographics of the Latino population in these cities varies considerably. Mexican-origin Latinos represent over a third of the total metro population and nearly four-fifths of the Latino population in Los Angeles and constitute a similar share of the Latino population in Chicago and Houston. In contrast, the Mexican-origin population represents a minor portion of the Latino communities of Miami and New York. Nearly a fifth of Miami residents (and over forty percent of Miami Latinos) are of Cuban origin. Miami is also home to a substantial South American population (predominantly of Colombian and Venezuelan origins). New York's Latino population is especially diverse, with Puerto Rican, Dominican, South American, Mexican, and Central American communities each representing between three and six percent of the total metro population (with each group representing over ten percent of New York Latinos).

The segregation/integration history of each gateway is shaped by differing migration histories and citizenship rights of prominent Latino-origin groups. Latino communities may share some cultural and linguistic connections, as well as a community history tied to migration, but may differ substantially by citizenship and specific migration pathways (e.g., the asylum system, the prominence of undocumented and mixed-status families). For instance, the barriers associated with lack of citizenship are less salient for

23. Throughout the paper, our quantitative analysis is of the full metro area, not the core city, following the Office of Management and Budget's delineation of Metropolitan Statistical Areas.

Puerto Rican communities. Communities also differ by racial identity, skin color, and exposure to racial animosity.²⁴ For example, according to the same American Community Survey data used to produce the tables in this paper, approximately thirteen percent of Dominican-origin Latinos identify as Black, as do seven percent of Puerto Rican-origin Latinos residing in the mainland U.S.²⁵ This tells us that historic and contemporary anti-Black racism and anti-Black segregation are another layer in the varied experiences and opportunities of Latinos in the U.S., particularly in areas such as New York with large Dominican and/or Puerto Rican communities.²⁶ Finally, proximity to the border has affected both the history of Mexican migration and the exposure to the immigration enforcement apparatus for the predominantly Mexican-origin Latino border state populations, including our focal cities Los Angeles and Houston. These differences shape both everyday life and integration priorities of Latino communities across the country, including in our focal metros.

We now turn to the sector of housing—a root of segregation for many Latino communities.

I. The Role of Housing on Human and Social Capital Attainment

“Housing markets distribute not just houses, but also education, wealth, health, security, insurance, and social connections.”²⁷ At the heart of many educational challenges is the very structure which creates disparities in the American education system in the first place: residential segregation coupled with a public school funding model anchored in property taxes, which ultimately separates wealthy K-12 districts from impoverished ones.

The role of housing markets in educational and economic attainment is important from both a theoretical and a practical perspective. From a theoretical perspective, Massey echoes Bourdieu’s classic assertion that an individual’s habitus, inclusive of their family and educational systems, serve to reproduce social

24. See Ruggles, *supra* note 22.

25. *Id.*

26. See *id.* (displaying the data for race and ethnic self-identification of the Latino community in New York and other major cities. From this data, we can deduce there is a likelihood that Latinos who identify also as Black face an additional component of anti-Black racism and other systemic barriers experienced by Black Americans).

27. MASSEY, *supra* note 16, at 110.

and cultural capital—relationships and cultural codes tied to human capital and ideally social mobility.²⁸ Unfortunately, as Massey notes, this transmission of capital in the United States takes place within the context of hyper-segregation, thereby perpetuating disparities.²⁹ Though some have argued that ethnic enclaves may provide certain protective factors and social capital, others suggest enclaves typically reflect less access to fewer public resources and human capital.³⁰ From a practical standpoint, the National Academies note that “[n]eighborhood economic context has powerful, long-term effects on educational achievement and attainment,” and persistent socioeconomic segregation impacts “the quality of the education, support services, and enrichment opportunities that are available.”³¹ Subsequently, the National Academies advocates extending traditional measures of educational equity, such as gaps in test scores and curricular access, to include measures such as segregation and access to non-academic supports.³²

The cumulative effects of housing segregation and educational inequities do not just end when a student graduates from high school. Racial inequities continue to play out at the college level in relation to the types of institutions college freshmen attend.³³ Between 1995 and 2009, 68% of new Black freshmen and 72% of new Latino freshmen enrolled at open-access institutions, while 82% of new White freshmen enrolled at the most selective four-year colleges.³⁴ This information on enrollment for different racial demographics is important not only because of the continued educational segregation, but also because graduation rates differ dramatically between institution types, with graduation rates at open-access schools hovering around 49% compared to 82% graduation rates at the most selective institutions.³⁵ Furthermore, the relationship between college graduation and economic

28. Pierre Bourdieu, *Cultural Reproduction and Social Reproduction*, in 71 KNOWLEDGE, EDUCATION AND CULTURAL CHANGE 84–92 (Richard Brown ed., 1973).

29. DOUGLAS S. MASSEY & NANCY A. DENTON, *AMERICAN APARTHEID: SEGREGATION AND THE MAKING OF THE UNDERCLASS* 23–27 (Harv. Univ. Press 1993).

30. De La Roca et al., *supra* note 2, at 129.

31. NAT'L ACADS. OF SCIS., ENG'G, AND MED., *MONITORING EDUCATIONAL EQUITY* 46 (2019).

32. *Id.* at 50.

33. See CARNEVALE & STROHL, *supra* note 13, at 8 (explaining how the ethnic stratification in postsecondary education is based on a variety of different factors, most related to access, which do not even allow for prepared Black and Latino students to realize their full educational and career potential).

34. *Id.* at 9–11.

35. *Id.* at 11.

attainment has been well-documented, as previously noted, which in turn fuels future disparities in housing access.

*Latino Housing Segregation: Class, Race and
Citizenship*

As a precursor to reviewing the legal history related to housing segregation, we first provide a general review of the Latino housing, economic, and linguistic landscape. Table 2 shows a summary of key characteristics in these areas for our five focal cities.

Metro area	Population (millions)	Population (% of total)	English isolation ¹	Foreign-born noncitizens	Median income	Poverty ²	Home ownership ³	
Chicago	Total	9.5	-	5%	9%	\$83,000	12%	67%
	Latino	2.1	22%	14%	22%	\$63,700	16%	57%
	White	5.0	53%	2%	3%	\$102,000	7%	79%
Houston	Total	6.8	-	10%	14%	\$75,000	14%	63%
	Latino	2.5	37%	22%	27%	\$56,670	20%	57%
	White	2.4	36%	1%	3%	\$104,000	7%	76%
Los Angeles	Total	13.2	-	11%	16%	\$80,100	14%	50%
	Latino	6.0	45%	14%	23%	\$65,000	18%	41%
	White	3.9	30%	3%	5%	\$108,400	9%	61%
Miami	Total	6.1	-	14%	17%	\$65,000	15%	60%
	Latino	2.7	45%	25%	27%	\$60,000	16%	54%
	White	1.8	31%	3%	6%	\$85,200	9%	74%
New York	Total	19.9	-	9%	12%	\$93,000	13%	55%
	Latino	4.9	24%	20%	22%	\$65,000	20%	32%
	White	9.3	46%	3%	4%	\$118,890	7%	71%

¹No member of household reported speaking English "only" or "very well"

²Member of a family with income at or below the federal poverty threshold

³Respondent's household owns primary residence (vs. renting)

Table 2 shows substantial differences between the Latino population and the population as a whole in all cities, with the exception of economic characteristics for Miami. The data indicates that Latinos in our focal metros are disproportionately likely to live in English-isolated households and disproportionately likely to be foreign-born noncitizens (as opposed to U.S.-born or naturalized citizens). English isolation, which indicates the share of residents for whom no member of the household self-reported speaking English exclusively or "very well," is important because it is tied to both time in the United States and everyday use and integration

with English speakers. We observe similar patterns for economic characteristics in Chicago, Houston, Los Angeles, and New York: the median income for Latinos is substantially lower than the median for the metro population as a whole and Latinos are disproportionately likely to have family incomes below the federal poverty threshold. Similarly, the Latino homeownership rate (an important proxy for wealth) is substantially lower than the average for each metro. The economic pattern for Miami follows the same direction as our other focal cities (with lower median income, higher poverty, and lower homeownership among Latinos), but the magnitude of the disparity is much smaller—in part because Miami has the lowest overall median income of these five metros. As presented in Table 3 and discussed below, these patterns are echoed in an examination of educational attainment in each metro.

Given the significant financial investment required to secure an apartment or purchase a home, income and poverty are important signals of both housing access and exposure to segregation and poverty's negative correlates. Beyond income, measures of household wealth highlight disparities in homeownership and, subsequently, residential segregation. In 2017, the median net worth of White households was \$171,700 compared to \$25,000 for Latino households.³⁶ When home equity is removed, the median net worth for White households is \$70,240 compared to \$7,108 for Latino households.³⁷ Latino median wealth consequently drops from 15% of White median wealth to 10% when home equity is excluded. This gap speaks to both present-day familial wealth, as well as future generational wealth since homeownership represents an important asset which can either support housing security or perpetuate residential segregation patterns.

Importantly, economic differences are only one part of the segregation story, especially for Latino families. Crowell and Fosset point out that Latino residential integration is limited “even when Latinos and Whites are comparable on relevant resources.”³⁸ Despite the fact that Latino segregation from Whites has remained relatively stable, their residential isolation has increased.³⁹ This

36. *Quick Facts*, U.S. CENSUS BUREAU (Apr. 21, 2021), <https://www.census.gov/quickfacts/fact/table/US/PST045219> [<https://perma.cc/Y7CG-CFH6>].

37. *Id.*

38. Amber R. Crowell & Mark Fossett, *White and Latino Locational Attainments: Assessing the Role of Race and Resources in U.S. Metropolitan Residential Segregation*, 4 SOCIO. RACE & ETHNICITY 491, 491 (2017).

39. *Id.* at 493.

phenomenon highlights the importance of examining enclave-based outcomes. Beyond race, ethnicity requires additional attention in the Latino community as studies have found that there is “substantial heterogeneity in the link between segregation and outcomes for Latino groups of different ancestry.”⁴⁰ This heterogeneity is generally largest for individuals who self-identify as Puerto Rican or Dominican.⁴¹

Language and citizenship provide a final, yet critical part of the Latino housing segregation story. Crowell and Fossett find that residential contact with Whites is greater for Latinos who are U.S.-born and have English fluency, though the statistical significance of the results varies by metro area, highlighting the importance of local contexts.⁴² Additionally, in his analysis of homeownership and citizenship status, Rugh notes that Latino families have an intergenerational wealth disadvantage due to both racial segregation and mixed-citizenship status families.⁴³ He argues that “intra-Latino inequality masquerades as success” since homeownership varies by race, ethnicity, and legal status within the Latino community.⁴⁴ Highlighting the role of racialized immigration enforcement, Rugh notes that 85% of deportees between 2007 to 2013 were employed Latino men, which exacerbated housing insecurity for mixed-status families.⁴⁵

Though a full review of research on the effects of housing segregation is outside the scope of the current article, recent studies have found that Latino locational attainment is associated with socioeconomic status, race, citizenship, and English ability⁴⁶ and that higher levels of segregation are associated with negative effects for native-born Latino college enrollment, professional occupation, and income.⁴⁷

With this context in mind, we now turn to the legislative and legal history of fair housing and its connection to educational outcomes.

40. De la Roca et al., *supra* note 2, at 130.

41. *Id.*

42. Crowell & Fossett, *supra* note 38, at 10.

43. Jacob S. Rugh, *Why Black and Latino Home Ownership Matter to the Color Line and Multiracial Democracy*, 12 RACE & SOC. PROBS. 57, 61 (2020).

44. *Id.* at 57.

45. *Id.* at 62.

46. See Crowell & Fossett, *supra* note 38, at 14.

47. De La Roca et al., *supra* note 2, at 135.

The Evolution of Housing Discrimination and Latino Families

The legislative history of the Fair Housing Act (FHA) of 1968 highlights the critical connection between housing, education, and economic attainment. During the legislative hearings, Senator Mondale of Minnesota noted “[f]air housing is, therefore, more than merely housing. It is part of an educational bill of rights for all citizens.”⁴⁸ Additionally, Ewert argues that two other goals of the FHA were to “promote access to employment” and “to affirm the value . . . and undo the psychological harm of being second class citizens.”⁴⁹

Given the vital role of housing in educational and economic attainment, housing discrimination perpetuates the deleterious effects of segregation. During the era in which the FHA was passed, the focal divide was primarily between Black and White households.⁵⁰ Nonetheless, many general practices in the housing market negatively impacted Latino families as well, and there are additional layers to the Latino segregation story, most notably citizenship and language as discussed above. Before addressing these Latino-specific housing issues, however, we first briefly review broader-reaching issues of housing discrimination and their evolution over time.

Historical practices in the housing market, and subsequent court cases, often resulted in disparate treatment of protected categories of citizens, such as discrimination based on race or national origin.⁵¹ Ewert pointedly notes that discrimination in public policy enabled discrimination by private actors.⁵² Examples include the creation of eminent domain and construction of urban housing projects via the 1949/1954 Housing Acts, and the systematic steering of Black Americans into hyper-segregated neighborhoods through realtor/lender redlining and restrictive covenants.⁵³ Though redlining is often considered past practice, it

48. Michelle Y. Ewert, *Things Fall Apart (Next Door): Discriminatory Maintenance and Decreased Home Values as the Next Fair Housing Battleground*, 84 BROOK. L. REV. 1141, 1174 (2019).

49. *Id.*

50. *See generally id.*

51. George D. Ruttinger, *Washington Lawyers' Committee for Civil Rights and Urban Affairs: A Report on the Committee's Fair Housing Project*, 62 HOWARD L.J. 51, 52–53 (2018).

52. Ewert, *supra* note 48, at 1150.

53. MASSEY & DENTON, *supra* note 29, at 52–53.

was given new life during the predatory lending era, which some refer to as “reverse redlining.”⁵⁴

More recently, issues of disparate impact have returned to the forefront via facially neutral policies that disproportionately affect protected classes.⁵⁵ The 2015 *Inclusive Communities* Supreme Court case was a pivotal decision, because it affirmed at a national level that disparate impact claims are cognizable under the FHA.⁵⁶ The case centered on a lawsuit alleging that the process employed by the Texas Department of Housing and Community Affairs to allocate its Low Income Housing Tax Credit “effectively restricted Section 8 tenants, who were predominantly [B]lack, to segregated neighborhoods.”⁵⁷ The Supreme Court’s holding identified specific standards for proving the existence of a disparate impact, and how to confirm that the disparate impact was caused by the policy at issue. While a detailed analysis is beyond the scope of this article, it is important to note that the Supreme Court leaned on the FHA’s original intention of reducing segregation and the U.S. Department of Housing and Urban Development’s 2013 definition of disparate impact as that which “creates, increases, reinforces, or perpetuates segregated housing patterns,” before ultimately expanding the definition of disparate impact to include that which has a “disproportionate adverse effect on minorities.”⁵⁸ Although proving statistical disparities is an important part of disparate impact arguments, plaintiffs must also prove that the disparities are connected to the policy in question.⁵⁹

Prior to *Inclusive Communities*, which focused primarily on Black families, the 2016 *Yuma* case addressed the issue of disparate impact in the Hispanic community.⁶⁰ Using evidence of a significant income gap between White and Hispanic families, the plaintiffs argued that the City of Yuma’s rejection of moderate-income housing would disproportionately affect Hispanics.⁶¹ The Ninth Circuit found the evidence sufficient and “held that a reasonabl[e] jury could find that citizens’ references to crime, large family sizes,

54. Ewert, *supra* note 48, at 1155–56.

55. Michelle Shortsleeve, *Challenging Growth-Restrictive Zoning in Massachusetts on a Disparate Impact Theory*, 27 B.U. PUB. INT. L.J. 361, 374 (2018).

56. *Id.* at 364; *see also* Texas Dep’t of Hous. & Cmty. Affairs v. Inclusive Cmty. Project Inc., 135 S. Ct. 2507 (2015).

57. Shortsleeve, *supra* note 55, at 370.

58. *Id.* at 371–72 (quoting Inclusive Cmty. Project, 135 S. Ct. at 2513).

59. *Id.* at 375.

60. *Id.* at 373; *see also* Ave. 6E Invs., LLC v. City of Yuma, 818 F.3d 493 (9th Cir. 2016) *cert. denied*, 137 S. Ct. 295 (2016).

61. Shortsleeve, *supra* note 55, at 373.

and unattended children” (albeit facially neutral) “could suggest animus against Hispanics.”⁶² Highlighting the connection between housing, education, and economic opportunity, the *Yuma* court stated that “[c]omparable housing must have access to ‘similarly or better performing schools, comparable infrastructure . . . as well as equal or lower crime levels.’”⁶³

Whether through disparate treatment or disparate impact, the confluence of discriminatory housing practices with educational and economic outcomes over time has led to a concentration of “poverty’s negative correlates” (e.g., crime, single-parenthood, dependency), which have perpetuated segregation and restricted educational access and economic opportunity.⁶⁴

Latino-specific Housing Issues

As discussed earlier, language and citizenship are central to the Latino segregation story and warrant further attention in relation to housing discrimination cases. In one of the largest legal settlements of its time, the 1990 case of *Tscherny v. Horning Brothers* involved the “innovative provisions” requiring a firm to advertise to Hispanic communities and provide bilingual marketing materials and applications after it was found that they refused to rent to a Latino tester.⁶⁵ In more recent cases, language has been viewed as a marker or correlate of citizenship. Preservation of one’s native language may be viewed as a refusal to assimilate or plant roots.⁶⁶ Alternatively, discrimination based on citizenship is often tied to the criminalization of immigration under the guise of public safety issues.⁶⁷

The 2006 *Hazleton* case in Pennsylvania presents a poignant example as the first local anti-illegal immigration (AII) ordinance anchored in language and citizenship requirements, upon which over one hundred other similar ordinances were subsequently based nationwide.⁶⁸ While such ordinances varied in their reach, the ordinances at issue in *Hazleton* established English as the official

62. *Id.* at 374.

63. *Id.* at 375 (quoting *Yuma*, 818 F.3d at 512).

64. MASSEY, *supra* note 16, at 111.

65. Ruttinger, *supra* note 51, at 56; *Tscherny v. Horning Bros.*, No. 1:88-CV-03426 (D.D.C. Nov. 29, 1998).

66. STEVEN W. BENDER, *TIERRA Y LIBERTAD: LAND, LIBERTY, AND LATINO HOUSING* 68–69 (NYU Press 2010).

67. *Id.* at 69.

68. Rigel C. Oliveri, *Between a Rock and a Hard Place: Landlords, Latinos, Anti-illegal Immigrant Ordinances, and Housing Discrimination*, 62 VAND. L. REV. 53, 59–60 (2009).

language, required proof of citizenship for rental properties, and threatened punishment against landlords and employers who knowingly harbored undocumented immigrants.⁶⁹ According to some scholars, the result of local citizenship and language ordinances was that landlords, neighbors, and/or local officials would default to ethnic profiling based on language, appearance, or names,⁷⁰ thereby blocking access to rental housing altogether or creating residential tensions. The *Hazelton* ordinances were deemed unconstitutional in 2007 by a district court and after seven years of appeals, the Supreme Court refused to hear the case in 2014, thereby effectively confirming the unconstitutionality of the ordinances.⁷¹ Similar local ordinances passed in Escondido, California and Farmers Branch, Texas among other places, only to later be derailed like the Hazleton ordinance.⁷²

Left without direct means to enforce immigration requirements on rental properties, localities have resorted to other facially neutral quality-of-life and public safety measures in attempts to curate neighborhood composition.⁷³ Density zoning as well as familial status and occupancy restrictions are among the most common enduring forms of housing ordinances that have a disparate impact based on race, class, and citizenship. A full review of these cases is beyond the scope of this article; however, familial status and occupancy restrictions present a particularly important issue in the Latino community due to the prevalence of intergenerational and extended family households, particularly in immigrant and mixed-status communities.⁷⁴ Interestingly, Bender notes, “the variety of zoning restrictions that plague Latino/a immigrant communities tend to pass constitutional muster, at least when challenged under federal law. This suggests that housing solutions for embattled Latino/a communities often are found in the political arena and the marketplace, rather than in the courtroom.”⁷⁵

We will revisit the issue of law and policy later in our discussion, but we now turn our attention to the issue of Latino

69. BENDER, *supra* note 66, at 67.

70. *Id.* at 67 (“Under this ordinance an official or resident—presumably someone who overhears Spanish or sees a Mexican-appearing person living next door—can lodge a complaint.”).

71. See *Lozano v. Hazleton*, ACLU (Feb. 5, 2015), <https://www.aclu.org/cases/lozano-v-hazleton> [<https://perma.cc/CKF7-8B7B>].

72. BENDER, *supra* note 66, at 67.

73. *Id.* at 73.

74. *Id.* at 73–80.

75. *Id.* at 80.

education, because housing segregation inevitably feeds into schools, which are the ultimate microcosm of segregation within a neighborhood. Again, we argue that language and citizenship issues are a central component of the education story, which exhibits a similar interdependence with issues of housing.

II. Segregation and the Latino Student

Latinos have faced a long, enduring history of segregation laws that did not explicitly require the segregation of students into separate schools, although separation of Latino students was intentionally fostered.⁷⁶ In the early twentieth century, Latinos were racially categorized as White by the U.S. but nevertheless quickly became segregated from Whites in schools.⁷⁷ The placed racialization of Latino “whiteness” served as a constant threat to White European Americans who wished to assert, affirm, and own their whiteness and dominance in the racial hierarchy.⁷⁸ Donato and Hanson argue that, although Latinos were legally White, they were seen as socially “colored” and they became treated as such in their schools and communities.⁷⁹

Latino students, unlike Black students, did not have state laws that explicitly mandated or permitted *de jure* segregation.⁸⁰ Latino students did, however, face *de facto* segregation mandated by school officials who argued the need for separate classrooms or schools due to pathologized language needs, or the community’s desire to “Americanize” them.⁸¹ This “othering” of Latinos’ racial identity was largely socially constructed inside ever-changing concepts of race and ethnicity inside the Black-White binary.⁸² While the social construction of race assigns value based upon skin

76. See Ruben Donato & Jarrod Hanson, *Mexican-American Resistance to School Segregation*, PHI DELTA KAPPAN (Jan. 21, 2019), <https://kappanonline.org/mexican-american-resistance-school-segregation-donato-hanson/> [https://perma.cc/DT65-5HLJ] (“Mexican-American students did not face state laws explicitly mandating or permitting their segregation, and . . . school officials often segregated them all the same.”).

77. Kristi L. Bowman, *The New Face of School Desegregation*, 50 DUKE L.J. 1751, 1763–64 (2001).

78. MASSEY & DENTON, *supra* note 29, at 23.

79. See Donato & Hanson, *supra* note 76 (“Legally, Mexican-American students may have been classified as White, but those students experienced segregation because local officials considered them to be *not* White.”).

80. Bowman, *supra* note 77, at 1768–72.

81. GILBERT G. GONZALEZ, *CHICANO EDUCATION IN THE ERA OF SEGREGATION* 40–45 (Associated Univ. Presses, Inc. 1990).

82. See Bowman, *supra* note 77, at 1755–68.

color and other physiological characteristics,⁸³ ethnicity can be wrongly matched with race and connected to one's religion, traditions, and language. White norms made Latinos, with their brownness and carried homeland language, obvious outsiders while their language especially labeled them as "foreign."⁸⁴ Whiteness has historically been a term unwillingly shared by White people, as exemplified by the racial aggression that resulted from a 1930's census that classified Latinos as "White." As a result, Latinos were subsequently classified as "foreign-born Whites" by the 1940's.⁸⁵ Under this designation, Latinos were segregated across the country into "Americanization schools' in which their 'deficiencies,' linguistic and otherwise, would be corrected."⁸⁶ The growth of the Latino population in the latter half of the 20th century did not resolve the challenge of Latino educational segregation, which persists in the current educational context.

A. Current Educational Context

According to the UCLA Civil Rights Project, the U.S. public school population has been reshaped by a surging Latino population.⁸⁷ The enrollment of Latino students has risen dramatically over time, with Latinos representing just 5% of enrollment rates in schools in 1970, and 26% by 2016.⁸⁸ Latino students are now "the second largest group in the nation's public schools . . . in most regions of the country—and are the largest group in public schools in the West" as well as in many of the nation's largest cities.⁸⁹ Continued growth of the Latino population will correlate with rising enrollment rates of Latinos, because the

83. *Id.* at 1756.

84. See LILIA FERNANDEZ, *BROWN IN THE WINDY CITY: MEXICANS AND PUERTO RICANS IN POSTWAR CHICAGO* (Univ. of Chi. Press 2012) ("[Puerto Ricans] challenged Americans' categories of racial knowledge even further, being 'Americans' and yet 'foreigners' at the same time. Like incoming Mexicans, they confounded the nation's black-white binary at a moment when European immigrants had consolidated their 'whiteness.'").

85. *Id.* at 66.

86. Michael E. Madrid, *The Unheralded History of the Lemon Grove Desegregation Case*, 15 *MULTICULTURAL EDUC.* 15, 17 (2008).

87. Press Release, UCLA Civil Rights Project, Brown at 65: No Cause for Celebration (May 10, 2019), <https://civilrightsproject.ucla.edu/news/press-releases/press-releases-2019/brown-at-65-no-cause-for-celebration/> [<https://perma.cc/G2M2-HT2F>].

88. *Id.*

89. *Id.*

Latino population is generally younger and, therefore, more concentrated in the school systems.⁹⁰

Latinos' growing presence in the U.S education system has led to a large language shift in schools. "Census data from 2010 reveal that Spanish is spoken by at least 25% of the population (5 years or older) in 54 out of 57 metropolitan areas in the United States."⁹¹ Gándara and Aldana highlight that twenty-two of these metropolitan areas are located in California, twelve are in Texas, and despite the multilingual make up of students, schools have failed to capitalize on these linguistic assets.⁹² The Latino population will continue to diversify the K-12 school system, making it more multiracial, multicultural, and multilingual. As a result, school district leaders must equip themselves and the schools within their jurisdiction with the tools needed to support the diverse change in student body demographics.

It must be noted that "as diversity spreads, so too does segregation."⁹³ In 2016, 41.6% of Latino students attended intensely segregated non-White schools.⁹⁴ Orfield and Frankenberg argue, "[a] primary challenge that faces schools today, and no doubt into the future, is the increasing segregation of these Latinos."⁹⁵ Segregation in particular has been harmful to Latino English Language Learners (ELLs) who face higher levels of segregation when compared to non-ELLs.⁹⁶ Moreover, segregation is especially harmful to Latino immigrant ELLs who are more likely to live in more segregated neighborhoods and are therefore forced to attend highly segregated schools where 90% of the student body are students of color.⁹⁷ Thus, Latino ELLs experience the long-lasting, ever-present negative impacts of segregation on their education,

90. Patricia C. Gándara & Ursula S. Aldana, *Who's Segregated Now? Latinos, Language, and the Future of Integrated Schools*, 50 EDUC. ADMIN. Q. 735, 736–37 (2014).

91. *Id.* at 736.

92. *Id.*

93. Gary Orfield & Erica Frankenberg, *Increasingly Segregated and Unequal Schools as Courts Reverse Policy*, 50 EDUC. ADMIN. Q. 718, 726 (2014).

94. See UCLA Civil Rights Project, *supra* note 87.

95. Gándara & Aldana, *supra* note 90, at 737.

96. *Id.* at 742.

97. See John Iceland & Melissa Scopilliti, *Immigrant Residential Segregation in U.S. Metropolitan Areas, 1990–2000*, 45 DEMOGRAPHY 79 (2008); see also CAROLA SUÁREZ-OROZCO, MARCELO M. SUÁREZ-OROZCO & IRINA TODOROVA, *LEARNING A NEW LAND: IMMIGRANT STUDENTS IN AMERICAN SOCIETY* (Harv. Univ. Press 2008); see also Julian Vasquez Heilig & Jennifer Jellison Holme, *Nearly 50 Years Post-Jim Crow: Persisting and Expansive School Segregation for African American, Latina/o, and ELL Students in Texas*, 45 EDUC. & URB. SOC'Y 609 (2013).

which is often reflected by low levels of academic achievement.⁹⁸ Importantly, Latino ELLs often face triple segregation and isolation by poverty, race, and language.⁹⁹ This knowledge is crucial for practitioners and policymakers as they seek to address centuries of segregation practices.¹⁰⁰

B. Legal Context: Race, Language, & Educational Opportunity

Despite the barriers described, the Latino community has resiliently used various forms of capital to legally fight for integration in court settings. The *Roberto Alvarez v. Board of Trustees of the Lemon Grove School District* case of 1931 is one example.¹⁰¹ In July of 1930, the Lemon Grove school district in California developed a plan to segregate the Mexican American children from the White children into a “special school.”¹⁰² “The school resembled a barn and was characterized by an inferior instructional program.”¹⁰³ The court ruled in favor of Alvarez, an important victory that:

[P]layed a significant role in the defeat of the Bliss Bill. . . . The Bliss legislation would have classified Mexicans as Indians which, in turn, would have allowed Mexicans and their children to be segregated Had the Bliss Bill been enacted, it may have facilitated the perpetuation of separate but equal facilities in California.¹⁰⁴

As Madrid explains, “the passage of the Bliss legislation may have precipitated a victory for those in favor of segregation in *Mendez v. Westminster*, the 1945 case”¹⁰⁵ *Mendez* showed that the school districts in Southern California had segregated a group of Spanish-speaking children into “Mexican” schools separate from the English-speaking children.¹⁰⁶ The parents argued that their children and a group of five thousand other children were facing “a

98. See ADRIANA D. KOHLER & MELISSA LAZARÍN, NAT’L COUNCIL OF LA RAZA, HISPANIC EDUCATION IN THE UNITED STATES 1 (2007).

99. Heilig & Holme, *supra* note 97, at 616; see also UCLA Civil Rights Project, *supra* note 87.

100. Gándara & Aldana, *supra* note 90, at 737.

101. *Alvarez v. Owen*, No. 66625 (Cal. Sup. Ct. San Diego County filed Apr. 17, 1931).

102. Madrid, *supra* note 86, at 16–17.

103. *Id.* at 17.

104. *Id.* at 18.

105. *Id.*

106. GUADALUPE SAN MIGUEL JR., “LET ALL OF THEM TAKE HEED”: MEXICAN AMERICANS AND THE CAMPAIGN FOR EDUCATIONAL EQUALITY IN TEXAS, 1910-1981, at 119 (Univ. of Tex. Press 1st ed., 1987).

concerted policy and design of class discrimination against persons of Mexican or Latin descent or extraction of elementary school age by the defendant school agencies . . . [which] resulted in the denial of the equal protection of laws of those persons.”¹⁰⁷ The court’s findings were significant because, for the first time, it was concluded that segregation of Latinos in public schools was a violation of the state law and a denial of equal rights.¹⁰⁸ The court also found that children do learn English more quickly in mixed settings rather than the separate ones, “which undercut a principal instructional reason for the existence of segregated schools.”¹⁰⁹ *Mendez* has been cited as a foreshadowing of *Brown v. Board of Education* which played a “prominent role in dismantling the system of de facto segregation in the United States.”¹¹⁰

In *Independent School District v. Salvatierra*, Jesus Salvatierra and his community in Del Rio brought a suit to the Texas Supreme Court that challenged “school plans to increase segregation of its Latino students.”¹¹¹ The Texas court stated the Latinos could not be segregated from “other white races” for malice reasons but could in fact be segregated for pedagogical reasons.¹¹² “The appellate court allowed the district to segregate Latino students in early elementary grades”¹¹³ “with no explicit constitutional, statutory or regulatory authority.”¹¹⁴ “Consequently, fashioning legal remedies for this discrimination using theories of either *de jure* or *de facto* segregation would prove next to impossible.”¹¹⁵ As such, segregation of Latinos became a strong “pattern throughout the Southwest.”¹¹⁶ As such, proficiency in English “often presented special challenges for Latino students”

107. *Id.*

108. *Id.*

109. *Id.*

110. Bowman, *supra* note 77, at 1768.

111. *Id.* at 1771–72.

112. *Id.*; *see also* *Indep. Sch. Dist. v. Salvatierra*, 33 S.W.2d 790, 794 (Tex. Civ. App. 1930).

113. Bowman, *supra* note 77, at 1772.

114. Compare Margaret E. Montoya, *A Brief History of Chicana/o School Segregation: One Rationale for Affirmative Action*, 12 BERKELEY LA RAZA L. J. 159, 165 (2002), and Bowman, *supra* note 77, at 1772. The two articles provide a picture of what the court effectively allowed the schools to do and how they allowed them to it; they were allowed to segregate students with no oversight protecting individuals’ legal rights.

115. Montoya, *supra* note 114, at 165.

116. *See id.* at 164–65.

who were at risk of being segregated for so-called pedagogical purposes.¹¹⁷

Texas remained an example of blatant segregation in the southwest as seen in *Delgado v. Bastrop Independent School District*.¹¹⁸ This case presented an argument against segregation, citing the 14th Amendment, which outlined Latinos' right to the Equal Protection Clause under which legal segregation was prohibited.¹¹⁹ Latinos tried to use their status as White in defense against Texas public schools that were implementing a policy of segregating Mexican children into other school buildings and classrooms.¹²⁰ The court ruled in favor of Delgado affirming it was wrongful and illegal to segregate Latinos, "denying said pupils use of the same facilities and services enjoyed by other children of the same age or grades."¹²¹ Nonetheless the court still decided that Mexican children could remain on a school campus but segregated into different school buildings or separate classrooms if they did not know sufficient English.¹²²

C. Contemporary Issues of Linguistic Isolation

Although *Brown v. Board of Education* officially called for an end to legal segregation for students of color in 1954, Black and Latino students remain highly segregated. Of importance is the fact that the legacy of the *Brown* ruling made no reference to Latino cases in its decision and, as such, desegregation has remained complex for Latinos.¹²³ Political and social changes implemented by court systems for Black students did not transfer over similarly to Latino students.¹²⁴ The legal tensions between Latinos' racial categorization as "legally White" versus "socially colored" complicates the history and understanding of Latino experiences of educational segregation.

Brown, upon its ruling, had not worked favorably in the desegregation of Latino students until 1970 when two federal courts held that Latinos should be distinct from Whites in the context of

117. Bowman, *supra* note 77, at 1777.

118. *Delgado v. Bastrop Ind. Sch. Dist.*, Civil Action No. 388 (W.D.Tex. 1948) (unreported); see also SAN MIGUEL JR., *supra* note 106, at 120–21.

119. SAN MIGUEL JR., *supra* note 106, at 123–24.

120. Montoya, *supra* note 114, at 163.

121. SAN MIGUEL JR., *supra* note 106, at 124.

122. *Id.* at 125.

123. See Bowman, *supra* note 77.

124. Steven H. Wilson, *Brown over "Other White": Mexican Americans' Legal Arguments and Litigation Strategy in School Desegregation Lawsuits*, 21 L & HIST. REV. 145, 146 (2003).

segregation.¹²⁵ In *Cisneros v. Corpus Christi Independent School District*, the 5th Circuit Court of Appeals ruled that Latino students should be protected from segregation under *Brown*.¹²⁶ However, it took until 1973, in *Keyes v. Denver*, for the Supreme Court to address the segregation of Latinos and “recognize[] the rights of Latino students (a great many of whom were English learners) to desegregation remedies.”¹²⁷ In order to carry out their decision in *Keyes*, the district court “found it necessary to protect the rights of the school district’s Latino students to appropriate linguistic support and successfully encouraged a settlement between the plaintiffs and the district on this issue.”¹²⁸ Unfortunately, the *Keyes* decision did not come into fruition as the Nixon administration once again promoted “language as an issue” and supported educational segregation on the basis of language needs.¹²⁹ Once again, the focus for Latino students moved from desegregation to language assistance which became further “accelerated by the passage of the Bilingual Education Act in 1968, and then in 1974 the Supreme Court decision, *Lau v. Nichols*.”¹³⁰

While minority students’ rights of language are critically important and should not be understated, the desegregation focus on race never fully addressed the accumulating and subsequently worsening factors of segregation facing Latino students. Latinos now represent a large and fast-growing presence in K-12 public schools in every region of the United States.¹³¹ Yet, they are experiencing more rapidly rising segregation rates than any other racial/ethnic group.¹³² Bowman argues that “[t]he first step in understanding Latinos’ contemporary experiences in segregated schools is to review the historical foundations of such segregation.”¹³³ This historical foundation includes the tension between the “legally White” versus “socially colored” status of Mexican Americans and the resulting legacy of Mexican-American

125. Bowman, *supra* note 77, at 1777.

126. *Id.* at 1778; *Cisneros v. Corpus Christi Indep. Sch. Dist.*, 467 F.2d 142, 144 (5th Cir. 1972).

127. Gándara & Aldana, *supra* note 90, at 740; *Keyes v. Sch. Dist. No. 1*, 413 U.S. 189 (1973).

128. Gándara & Aldana, *supra* note 90, at 740.

129. *Id.*

130. *Id.* at 741.

131. See Kohler & Lazarín, *supra* note 98, at 2.

132. See generally Orfield & Frankenberg, *supra* note 93, at 730–31 (noting that Latinos are now the most segregated demographic group).

133. Bowman, *supra* note 77, at 1768.

schools, particularly in the Southwest.¹³⁴ As Donato and Hanson explain, “[t]he history of Mexican American school segregation is complex, often misunderstood, and currently unresolved.”¹³⁵ The response of school districts, urban planners, and state and national officials will be vital to the achievement, college success, and economic opportunity of Latino students.¹³⁶

III. Analysis of the Influence of Segregation on Educational Outcomes: The Enclave Perspective

We now proceed to an examination of educational attainment, first comparing Latino degree attainment to the average attainment in each focal metropolitan area (Table 3), and then focusing on bachelor’s degree (BA) attainment disparities among Latinos, specifically analyzing BA attainment for Latinos residing in Latino enclaves (i.e., the neighborhoods with the highest concentrations of Latino residents in each metro, a result of the intersection of residential preferences and patterns of segregation) and Latinos residing elsewhere in the same metro area (Table 4).

As with Tables 1 and 2, we use the IPUMS USA release of the 2015–2019 American Community Survey five-year sample.¹³⁷ For these analyses, we restrict the sample to respondents of age 25 to 34 (the standard cohort for postsecondary attainment analysis). Because the focus of this paper is on long-term educational outcomes in the context of Latino segregation in U.S. cities, we also omit respondents who immigrated to the United States after the age of seventeen (i.e., adult arrivals).

134. See Donato & Hanson, *supra* note 76.

135. *Id.* at 202.

136. See Orfield & Frankenberg, *supra* note 93, at 731–32.

137. Ruggles, *supra* note 22.

		Highest degree attained					
Metro area		HS or less	Some college	AA	BA	Graduate degree	Total
Chicago	Overall	26.2	21.1	7.5	31.8	13.4	100.0
	Latino	47.1	23.9	8.5	15.8	4.7	100.0
	White	15.7	17.1	7.4	42.1	17.8	100.0
Houston	Overall	32.9	25.2	8.1	24.6	9.2	100.0
	Latino	50.3	25.5	7.4	13.3	3.4	100.0
	White	20.8	22.3	8.3	35.5	13.1	100.0
Los Angeles	Overall	30.2	24.0	7.6	28.8	9.4	100.0
	Latino	46.0	27.5	7.4	15.4	3.7	100.0
	White	14.2	19.8	7.5	42.8	15.7	100.0
Miami	Overall	31.7	22.2	12.8	23.7	9.6	100.0
	Latino	34.6	22.1	13.9	21.1	8.4	100.0
	White	22.1	19.6	11.4	33.0	14.0	100.0
New York	Overall	25.6	16.4	7.5	34.4	16.1	100.0
	Latino	41.7	21.1	9.1	20.9	7.3	100.0
	White	15.7	12.3	6.4	43.4	22.3	100.0
<i>Universe: age 25-34 excluding adult arrivals</i>							

Table 3 shows educational attainment rates for Latinos in key metro areas relative to average attainment for those same metros. While Table 3 does not show cross-racial or cross-ethnic comparisons, prior research shows that Latinos are among the groups with the lowest rates of college access and participation (i.e., the share of the population whose highest educational attainment is a high school diploma or less), a pattern that holds even when excluding individuals who immigrated as adults, as we do throughout this analysis.¹³⁸

Among the focal metros, Houston has the highest percentage of Latinos whose highest educational attainment is a high school degree or less, followed by Chicago and Los Angeles; Miami has the highest percentage of Latinos with at least some college experience. Relative to the average metropolitan area attainment, Latinos are also overrepresented in the “some college” (but no degree) and associate degree (AA) categories and underrepresented among BA holders and individuals with a graduate or professional degree. As with the economic indicators presented in Table 2, these patterns

138. Flores et al., *supra* note 19, at 147.

are also observable in Miami, but the magnitude of the disparity is much less. In other words, Latinos in Miami are slightly underrepresented among BA and graduate degree holders and slightly overrepresented among AA holders, but are closer to the population averages than is the case in our other focal metros. There are alarming disparities in the share of the White and Latino population whose highest degree is a BA, with a 12-percentage point gap in Miami and a 22–27-percentage point gap in all other focal metros. These disparities widen when considering graduate degrees. In Miami, the White graduate attainment rate is nearly double the Latino attainment rate; in New York, triple; and in Chicago, Houston, and Los Angeles, nearly quadruple. The narrower gap in Miami is partly attributable to the fact that of these five metro areas, Miami has the smallest share of White residents with a BA degree or higher. Thus, the narrower gap in Miami is attributable both to a relatively high level of Latino BA+ attainment and a relatively low level of White BA+ attainment.

We next consider disparities in educational attainment *among* Latinos in relation to patterns of residential segregation. Specifically, in Table 4, we present the BA (or higher) attainment rates for Latinos living within neighborhoods with disproportionately high concentrations of Latino residents (i.e., Latino enclaves) compared to attainment rates for Latinos living in neighborhoods whose Latino population share is similar to or lower than the metro area as a whole (i.e., non-enclaves).

We identify Latino enclaves at the level of the Public Use Microdata Area (PUMA), a Census-defined geographic area of approximately 100,000 residents that in a large metropolitan area typically consists of one or more contiguous neighborhoods. Following Cathy Yang Liu and colleagues,¹³⁹ we identify Latino enclaves based on the residential concentration quotient (RCQ)—the ratio of the Latino population share for a given PUMA to the Latino population share for the metropolitan area containing that PUMA—and define PUMAs as enclaves using an RCQ threshold of 1.5.¹⁴⁰ In simpler terms, we classify neighborhoods as Latino enclaves if they are at least 1.5 times as Latino as their metro area.

139. Cathy Yang Liu, *Ethnic Enclave Residence, Employment, and Commuting of Latino Workers*, 28 J. POL'Y ANALYSIS & MGMT. 549, 600–25 (2009); Cathy Yang Liu & Gary Painter, *Travel Behavior Among Latino Immigrants: The Role of Ethnic Concentration and Ethnic Employment*, 32 J. PLAN. EDUC. & RSCH. 62 (2012); Pengyu Zhu, Cathy Yang Liu & Gary Painter, *Does Residence in an Ethnic Community Help Immigrants in a Recession?*, 47 REG'L SCI. & URB. ECON. 112 (2014).

140. The RCQ is calculated as $(P_{ij}/P_j)/(P_{im}/P_m)$, where for each PUMA j in metro m , P_{ij} is the population of Latinos in PUMA j , P_j is the total population of PUMA j ,

Proportion of Latinos with a BA or higher ¹				Disparity in BA+ attainment rate, non-enclave vs. enclave residents	
Column1	A. All Latino residents	B. Residents of Latino enclave neighborhoods ²	C. Residents of non-enclave neighborhoods	D. Gap ³ (C - B)	E. Ratio ⁴ (C ÷ B)
Chicago	20%	17%	23%	6 pts	1.3
Houston	17%	10%	20%	10 pts	2.1
Los Angeles	19%	14%	22%	8 pts	1.6
Miami	29%	29%	30%	0 pts	1.0
New York	28%	22%	33%	11 pts	1.5

¹Universe: Latinos age 25-34 excluding adult arrivals

²Neighborhoods whose Latino population share is at least 1.5 times that of the metropolitan area as a whole

³Calculated as difference between rates (e.g. in Chicago, 23% - 17% = 6 percentage points)

⁴Calculated as ratio of rates (e.g. in Chicago, 23% ÷ 17% = 1.3)

In every metro area except Miami, there is a substantial BA+ attainment gap for Latino enclaves compared to Latino residents of non-enclave neighborhoods. Across these four metros, the Latino enclave BA+ attainment rate is six to eleven percentage points lower than the non-enclave Latino attainment rate (column D). In terms of proportionality, the non-enclave Latino BA+ attainment rate is 1.3 to 2.1 times the Latino enclave rate (column E). In short, the Latino-White postsecondary attainment gap evident in Table 3 is especially pronounced in the neighborhoods with the highest concentration of Latino residents—that is, the neighborhoods where the processes of Latino residential segregation are most evident, and where Latino students are most likely to experience school segregation within a given metro area. As with previous tables, Miami is an exception, as the Latino BA attainment rate in enclave and non-enclave neighborhoods is nearly equal.

Table 4 can provide insight into the intersection of residential and educational segregation, as discussed previously in this paper, and long-term educational opportunities. While the analysis presented in Table 4 does not offer causal evidence, it does suggest that the long and ongoing history of Latino residential segregation

P_{im} is the Latino population of metro m , and P_m is the total population of metro m . As Liu and colleagues note, an RCQ of 1 means that the Latino concentration in a PUMA is exactly equal to the concentration for that metro, while an RCQ greater than 1 means the PUMA's Latino concentration is disproportionately high relative to the demographics of the metro as a whole. Because the RCQ is calculated relative to the demographics of each city, the Latino population share threshold at which a PUMA is classified as a Latino enclave varies from city to city.

(which contributes to the concentration of Latinos in certain geographic sections of a city, i.e., enclaves) and school segregation (which isolates Latino students, and is often coupled with a lack of financial resources for their schools) is associated with disparities in BA attainment among Latinos of similar ages in the same metropolitan area. In sum, segregation can compound the Latino-White opportunity gap for residents of the most concentrated Latino neighborhoods.

IV. Discussion

This analysis sought to examine the role of segregation on Latino educational outcomes within the context of a history that has both ignored and accounted for the racialization of Latinos in the United States. Historical, legal, and academic research indicate that Latinos occupy a particular yet varied position on the racial stratum of U.S. society. As a group, Latinos may share social and cultural characteristics related to migration patterns or citizenship pathways, language, and race and/or ethnicity. However, Latinos are diverse among themselves regarding country of origin but also are a microcosm of the racial spectrum we see in the United States, from light skin and European ancestry to indigenous phenotypes to Black African-origin backgrounds.

The diversity of the Latino population is also captured in the range of large metropolitan areas we examined here. Houston and Los Angeles consist primarily of Mexican-origin Latinos, the subjects of interest in many of the civil rights cases we examined, at 27 and 35% respectively, while Miami and New York City are approximately 3% Mexican-origin. In Miami, Latinos are primarily of Cuban and South American origin and comprise almost half of all residents; Miami also has the largest percentage of Black non-Latino residents of the metro areas we evaluated. The largest Puerto Rican presence is in New York, with notable Puerto Rican communities in Miami and Chicago as well. It is perhaps no coincidence that the biggest civil rights cases regarding Latino rights to housing and education arise out of locations such as Texas and California where Mexican and Central American origin individuals sought to integrate into these important sectors.

The contributions of this analysis are threefold. First, we offer a historical as well as a contemporary quantitative perspective on the relationship between segregation and educational attainment of Latinos in key metropolitan areas. While our analysis is not causal, we assess key outcomes related to critical sectors in the U.S.—housing and education—and link education to Latino

segregation through the enclave unit. Overall, we find that the role of Latino segregation continues to influence educational outcomes. Latino segregation is not uniform across all cities, although it is clear that BA attainment rates are substantially lower for Latinos residing within enclaves than for their peers in non-enclave neighborhoods (with the exception of Miami, a location that differs from other focal metro areas, with higher-than-average rates of Latino college degree attainment and a primarily Cuban and South American origin Latino population). Additionally, our analysis finds that the White-Latino postsecondary attainment and opportunity gaps evident across the nation are pronounced in the metro areas with the largest Latino populations—that is, the areas in which daily life for many Latinos is shaped by the multiple intersecting forces of Latino segregation discussed above.

Conclusion

The status of Latinos in the U.S. will only become more prominent with increased entry into certain sectors. Contreras describes this as the “Brown Paradox” whereby Latinos’ increasing presence in social and economic spaces is met with increased xenophobic responses in local, state, and federal policy, rather than leading to greater acceptance.¹⁴¹ The results of recent desegregation efforts and the retraction of school related decrees to promote more integration for educational opportunity indicate that a resistance to Latinos in the U.S. is still in operation. The data and research are clear about the negative effects of segregation by race and ethnicity. Adding linguistic and citizenship segregation is likely to magnify these negative outcomes. At the same time, the research on increasing the number of college degrees of all residents is a win, not only for an individual, but also a community. As the courts battle the need for and methods of desegregation, we can act by providing more opportunity for college degrees while also reducing barriers to attaining these degrees in institutional, policy, and legal practices across various communities. The increase in degree completion for the largest minority in the nation is ultimately an economic development endeavor with long-term financial and social benefits for entire metropolitan areas, and by extension, the nation at large.

141. FRANCES CONTRERAS, *ACHIEVING EQUITY FOR LATINO STUDENTS: EXPANDING THE PATHWAY TO HIGHER EDUCATION THROUGH PUBLIC POLICY* (James A. Banks ed., 2011).