



## A SHARED FUTURE

Fostering Communities of  
Inclusion in an Era of Inequality

# Disrupting the Reciprocal Relationship Between Housing and School Segregation

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## Introduction

In spite of their deep and obvious connections, housing and school policy have evolved separately, with little attention to their mutually reinforcing impacts. In civil rights law, the US Supreme Court initially recognized the “reciprocal relationship” between housing and school segregation in a sophisticated 1973 opinion in the Denver schools case,<sup>1</sup> only to retreat to a stance of willful ignorance a year later in the Detroit schools case,<sup>2</sup> describing the causes of school segregation as “unknown and perhaps unknowable.”<sup>3</sup> In Congress, committees with jurisdiction over housing and education are completely separate, mirrored by separate federal agencies that have had virtually no policy interaction until very recently. This same pattern of policy separation is repeated at the state and local level, with separate legislative committees and separate executive departments, so that finally at the local community level it is rare for a school board to have any contact with the local housing department, zoning board, or public housing authority.

This willful disconnect between housing and school policy does not, of course, mean that housing and school policy are not connected. Historically, they have worked together to maintain racial hierarchy and separation and to protect the privileges of the dominant groups in our society, which partly explains why their obvious connections have been submerged. But by acknowledging these mechanisms of separation, and working to disrupt them, we can continue to make incremental progress toward a more inclusive and integrated society.

This chapter will examine what we know about current laws, policies, and practices that mutually reinforce housing and school segregation, and present some examples of how housing and school policy can work together to disrupt the cycle.

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<sup>1</sup> *Keyes v. School District No. 1, Denver, Colorado* 413 US 189 (1973) was an early challenge to segregative school boundary-drawing outside the context of Southern *de jure* school segregation policy. By drawing school attendance lines to mirror neighborhood patterns of racial segregation, school officials were held liable under *Brown* even without an express racial separation law or policy.

<sup>2</sup> *Milliken v. Bradley* 418 US 717 (1974) involved a challenge to stark school segregation in Detroit and the Detroit region. A sharply divided Court held that a school integration remedy could not be extended to suburban school districts without a separate showing of a constitutional violation in each district.

<sup>3</sup> “It is this essential fact of a predominantly Negro school population in Detroit—caused by unknown and perhaps unknowable factors such as in-migration, birth rates, economic changes, or cumulative acts of private racial fears—that accounts for the ‘growing core of Negro schools,’ a ‘core’ that has grown to include virtually the entire city” (*Milliken v. Bradley*, opinion of Justice Stewart).

## **Education Policies that Influence Housing Segregation**

The racial and economic makeup of public schools can have a profound intergenerational effect on residential segregation or integration by affecting students' academic outcomes and career prospects, their interracial attitudes, and their desire to live and work in integrated settings as adults.<sup>4</sup> These are the deeper ways in which education policy influences housing patterns. But we are also concerned here with the ways in which current educational policies, structures, and decisions influence residential housing patterns and families' decisions about where to raise their families. By examining the influence of educational policies that support residential segregation, particularly the boundary-drawing that is so prevalent in American education, we can begin to develop policies to disrupt these patterns.

School district boundaries and school assignment policies are key drivers of school segregation,<sup>5</sup> but they are also the education policies that have the greatest impact on residential segregation. In the Jim Crow South, residential segregation was not necessary to preserve white access to higher-quality, better-resourced schools. But after court-ordered desegregation in both the South and North, school boundary lines took on much greater importance in sorting families by race and class, becoming a key factor in family residential choices and a priority for white policymakers seeking to preserve the segregated status quo.

Some of the key elements of school boundary-drawing that influence residential segregation include: school district boundaries that are coterminous with local land use jurisdiction boundaries; state policies that prohibit or discourage school enrollment across school district lines; school attendance zones that are closely tied to demographically identifiable neighborhood boundaries; uncontrolled school choice policies (charters, vouchers, and open enrollment); school siting decisions that do not take into account patterns of residential racial and economic segregation; resource allocation among schools; school rating systems and parental perceptions of school quality; and student transportation policies.

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<sup>4</sup> Mickelson (2011); Wells and Crain (1994).

<sup>5</sup> Siegel-Hawley (2016).

## **School District Boundaries and Local Land Use Jurisdiction Boundaries**

Wide variations in perceived school quality are a major driver of racial and economic segregation across school districts, particularly in highly fragmented metropolitan areas.<sup>6</sup> The disproportionate presence of higher-income students in a school district naturally leads to higher test scores.<sup>7</sup> In turn, reports of these scores increase demand among higher-income families for housing in the district, and thus the cost of housing.<sup>8</sup> This type of district-shopping and sorting by family income, informed by one-dimensional school ratings,<sup>9</sup> is a primary driver of income segregation in US metro areas.<sup>10</sup> The underrepresentation of African American and Latino families in the upper income quintiles guarantees that this increasing trend of income segregation for families with children will also include significant racial segregation. In fact, regions with high levels of school district fragmentation tend to have significantly higher rates of racial segregation between districts.<sup>11</sup> The existence of racially identifiable schools may also influence white parents and more affluent parents to make residential moves to less diverse neighborhoods and schools— based on either racial fears or implicit assumptions about school quality based on racial composition.<sup>12</sup> Real estate brokers and real estate marketing practices can exacerbate this tendency by focusing on school test scores and public perceptions of school quality. The greater the racial and economic disparities across school districts in a region, the greater the fluctuation in housing value and neighborhood racial instability will be, as higher-income and higher-wealth families with children rapidly bid up the price of housing in the “highest-performing” districts.<sup>13</sup>

Likewise, in highly fragmented metropolitan regions with multiple school districts serving the same housing market, state policies that prevent cross-district enrollment can further encourage district-shopping among homebuyers, exacerbating residential segregation

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<sup>6</sup> Ayscue and Orfield (2014); Owens (2016).

<sup>7</sup> Average math and reading scores on standardized assessment tests have a linear relationship to family income. See CollegeBoard (2016).

<sup>8</sup> Owens (2017).

<sup>9</sup> Wells (2015); Lerner (2015).

<sup>10</sup> Owens (2017).

<sup>11</sup> Bischoff (2008).

<sup>12</sup> Wells (2015); Frankenberg (2005); Holme (2002).

<sup>13</sup> Owens (2017).

by income and race.<sup>14</sup> A good example of these policies can be found in Connecticut, prior to the 1996 *Sheff v. O'Neill* state Supreme Court decision, where (with limited exceptions) school districts had been required by law to be coterminous with town boundaries, and students were required by law to attend public schools in the district where they resided. These state policies were found in *Sheff* to be the immediate cause of unconstitutional segregation in the greater Hartford region.<sup>15</sup>

The phenomenon of shared municipal authority over land use and school assignment (which is common in the Northeast and Midwest) can exacerbate these patterns of segregation and school sorting, as school districts' local zoning boards practice exclusionary zoning to prevent the entry of lower-income students into affordable housing in the district, thus ensuring a higher tax base, higher test scores, and a well-resourced school system for local students.

### **School District Secession and Residential Segregation**

A related problem arises in emerging efforts by local communities to secede from larger county-wide school districts, particularly in the South. Ironically, many county-wide districts in the South were originally created to prevent African American political control of urban schools,<sup>16</sup> yet the presence of consolidated regional districts later permitted the courts to assert jurisdiction over an entire region in school desegregation cases, in contrast to the courts' withdrawal from regional jurisdiction in fragmented Northern regions like Detroit.<sup>17</sup> In response to increasing diversity and continuing efforts to maintain school integration, some white communities have petitioned for separation from larger county districts, in the name of "local control" and "neighborhood schools."<sup>18</sup> When a predominantly white, upper-middle-class community breaks off from a racially and economically diverse county school district, it is reasonable to expect some degree of middle-class and white exodus from the county school

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<sup>14</sup> Frankenberg (2009).

<sup>15</sup> *Sheff v. O'Neill* 238 Conn. 1 (1996).

<sup>16</sup> Fischel (2009); Suarez (2015); Wilson (2016).

<sup>17</sup> Wilson (2016).

<sup>18</sup> Eaton (2014). The education research group EdBuild also recently published a comprehensive survey and critique of school secession policies across the country; EdBuild (2017).

district.<sup>19</sup> In recent years a number of school districts in the South have seen predominantly well-off and white suburban school districts seceding from county school systems,<sup>20</sup> with notable examples in Memphis, Tennessee,<sup>21</sup> and Baton Rouge, Louisiana.<sup>22</sup>

### **School Attendance Zones and School Assignment Policies That Are Closely Tied to Demographically Identifiable Neighborhood Boundaries**

Like school district boundaries, school attendance zone boundaries can have a powerful impact on residential segregation patterns. Inclusion of a diverse neighborhood *within* the zone of a perceived high-performing school can stabilize housing prices and residential turnover in a neighborhood. Conversely, the carving out of diverse neighborhoods from predominantly white school zones can accelerate neighborhood racial transition and loss of housing values.<sup>23</sup>

### **Uncontrolled School Choice**

Well-planned and well-executed systems of school choice can be useful tools in efforts to decouple residential segregation and school segregation. However, unfettered choice systems have the propensity to do significant harm to students, lowering overall academic outcomes and exacerbating existing patterns of school segregation. The promise of school choice as a driver of racial and socioeconomic integration, therefore, depends on strategically designed systems rather than on free-market choice.

Research indicates uncontrolled choice policies that permit the free exodus of middle-class and higher-income families from the regular public school system have been shown to have a segregative impact on public schools, leaving behind lower-income students of color and other less advantaged families.<sup>24</sup> Charter schools, which are some of the most commonly employed schools of choice, have been shown to increase segregation by race, socioeconomic status, and language ability if implemented without thoughtful systems put in place to prevent such outcomes.<sup>25</sup> Likewise, research on existing school voucher programs, both in the United

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<sup>19</sup> Frankenberg (2005).

<sup>20</sup> Eaton (2014); EdBuild (2017).

<sup>21</sup> Cramer (2017).

<sup>22</sup> Newkirk (2014).

<sup>23</sup> M. Orfield and Luce (2013).

<sup>24</sup> Mathis and Welner (2016); Potter (2017).

<sup>25</sup> Frankenberg, Siegel-Hawley, and Wang (2010); Bifulco and Ladd (2007).

States and abroad, has shown that such programs not only result in higher levels of school segregation, but also tend to harm academic achievement in participating students.<sup>26</sup>

Additionally, research indicates that open enrollment schemes, which allow students to enroll in schools located in neighboring districts, have a net segregative effect if enacted without supports (in particular, transportation support across district lines). Minnesota's history with open enrollment laws provides a particularly illustrative example. The state has operated under open enrollment laws since the 1990-91 school year, and while the statutory scheme requires receiving districts to provide transportation once students are inside district lines, there are no requirements for districts to move students across district boundaries. The absence of free student transportation exacerbates the “creaming” effect of uncontrolled school choice policies, as children without good transportation options are routinely left behind in increasingly poverty-concentrated schools.<sup>27</sup>

### **School Siting Decisions That Do Not Take into Account Patterns of Residential Racial and Economic Segregation**

As Justice Powell noted 44 years ago in *Keyes*, the siting or expansion of schools or the drawing of school attendance zones with an intent to segregate is unconstitutional. But how do we assess the decision today to site a new “neighborhood” school in a highly segregated neighborhood? While neighborhood schools are politically popular, especially at the elementary level, and contribute to policy values like walkability and community cohesion, they can also exacerbate racial and economic disparities. In the twenty-first century, it is increasingly difficult to hide the racial impacts of school siting and attendance zone boundary drawing decisions, and the lines between intentional, foreseeable, and “unintentional” segregative school decisions are becoming blurred.<sup>28</sup> Perhaps through creative siting decisions and school assignment policies, it may be possible to combine the values of “neighborhood” schools and school integration. In 2007, Justice Kennedy, speaking for five members of the Court, noted that the siting of schools or drawing of school attendance zones *with the intent to integrate* is a

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<sup>26</sup> Valenzuela et al. (2013); Abdulkadiroğlu, Pathak, and Walters (2015).

<sup>27</sup> Institute on Metropolitan Opportunity (2012).

<sup>28</sup> Tegeler (2016).



constitutional means of achieving the government’s compelling interest in school diversity.<sup>29</sup> Justice Kennedy’s concurrence is a pointed invitation to analyze the segregation impacts of any new school siting decision.

### **Resource Allocation Among Districts**

Reliance on local property tax revenue to fund public schools leads not just to inequity between rich and poor districts but also inexorably to racial and economic segregation across districts.<sup>30</sup> As higher-income homebuyers leave “lower-performing” districts, the local tax base declines at the same time as the district struggles with greater levels of need. A few miles away, higher-performing districts have every incentive to keep higher-need students out of the district, driving housing prices up and keeping tax revenue high, to better fund schools with very low levels of poverty and student need.<sup>31</sup> This is the classic example of what sociologists have called “opportunity hoarding”— in this context, the ability of wealthier towns to maintain high housing prices, commensurately high tax bases and well-resourced schools, and creating costly externalities in nearby cities and towns that have disproportionate shares of poor families—and it is a key structural driver of segregation.

### **School Rating Systems and Parent Perceptions of Quality**

Primitive school ranking systems based solely on average test scores primarily reflect the demographics and parental education levels of a school’s student population, and do not measure a school’s overall academic quality or its value as a diverse learning environment. Ranking of systems based on overall test scores deters higher-income families from purchasing in “lower-ranked” school zones, depressing housing values and tax base and exacerbating racial transition and neighborhood segregation.

Amy Stuart Wells has also documented the impact of peer networks on housing and school choices.<sup>32</sup> This word-of-mouth rating system, usually among same-race networks, is often influenced by implicit assumptions about school quality based on schools’ racial

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<sup>29</sup> *Parents Involved in Community Schools v. Seattle School District No. 1*, 551 US 701 (2007).

<sup>30</sup> Owens, Reardon, and Jencks (2016)

<sup>31</sup> EdBuild (2016).

<sup>32</sup> Wells (2015).

makeup.<sup>33</sup>

### **Housing, Tax, and Land Use Policies That Influence School Segregation**

In metropolitan areas where school attendance is strictly defined by neighborhood or otherwise narrowly drawn school district boundaries, decisions about housing cost and density, the location of multifamily rental housing, and the distribution of government-assisted housing subsidies will impact patterns of school enrollment based on race and income.

Exclusionary zoning, particularly policies that exclude low-cost homes, and multifamily rental housing for families, have the most significant impact on school composition. Because of the disproportionate representation of African Americans and Latinos among low- and moderate-income families, it is no secret who is being excluded from these suburban communities. Indeed, some exclusionary zoning is explicitly designed as “fiscal zoning,” to reduce the financial impact of additional children on local schools. The racial impacts of exclusionary zoning policies have frequently been the target of civil rights lawsuits,<sup>34</sup> and the fiscal impacts of exclusionary zoning reinforce opportunity hoarding. The greater the reliance on local property taxes to fund local education, the greater these disparities become. And these disparities are exacerbated by the federal mortgage interest tax deduction, which favors higher-income homeowners and, in effect, subsidizes schools in higher-income, less diverse districts.<sup>35</sup>

Federal housing programs exacerbate segregated metropolitan school patterns by effectively “steering” low-income families with children into lower-performing, higher-poverty schools.<sup>36</sup> Some of the federal housing policies that perpetuate and increase school segregation include the absence of civil rights guidance in the federal Low-Income Housing Tax Credit program,<sup>37</sup> the low range of allowable rents in the Section 8 Housing Choice Voucher

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<sup>33</sup> Ibid.

<sup>34</sup> See discussion in *Texas Department of Housing and Community Affairs v. Inclusive Communities Project, Inc.*, 576 US (2015).

<sup>35</sup> The average combined federal subsidy from the mortgage interest deduction and property tax deduction to homeowners with over \$200,000 in combined family income is over \$6000 per year; Fischer and Sard (2017).

<sup>36</sup> Ellen and Horn (2012).

<sup>37</sup> G. Orfield (2001); Roisman (2007).

program,<sup>38</sup> and the intentionally segregated siting of traditional public housing developments. There have also been instances where housing siting decisions have been made specifically to prevent greater school integration in white communities.<sup>39</sup> The segregated patterns that characterize these federal programs are enhanced by the exaggerated deference that the federal government pays to local government decisions about participation in government housing programs.<sup>40</sup>

As noted earlier, real estate marketing practices that promote housing sales based on local school achievement scores (which are primarily reflective of student demographics) reinforce segregation by bidding up housing prices for these “higher-performing” districts and schools.<sup>41</sup>

Private market discrimination against African American and Latino families continues to play a role in access to communities with high-performing schools,<sup>42</sup> as do private choices by families about where to live—although those choices are severely constrained by a racially distorted housing market, and by lack of knowledge and information about less segregated housing choices that may exist.<sup>43</sup>

### **Policy Choices That Can Potentially Disrupt the Housing and School Segregation Cycle**

While housing and school segregation are currently linked in a mutually reinforcing cycle, there are a number of policy options which, if pursued in earnest, could do much to dissolve the relationship and move toward greater degrees of integration on both fronts.

#### **Student Assignment Policies that Promote Residential Integration**

The best way to ensure residential stability and integration within a diverse school district is to minimize the presence of racially identifiable schools, or schools with high levels of poverty. If renters or homebuyers understand that wherever they live within the district, there will be relatively similar levels of need, racial integration, and equitable funding, there will be

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<sup>38</sup> Tegeler, Haberle, and Gayles (2013).

<sup>39</sup> Hirsch (2005).

<sup>40</sup> Tegeler (1994).

<sup>41</sup> Siegel-Hawley (2016); Wells (2015).

<sup>42</sup> US Department of Housing and Urban Development (2012).

<sup>43</sup> Krysan (2008).

less “shopping” for particular school assignment zones, and housing demand will be distributed more evenly across the district. This type of stability can be created through student assignment policies that explicitly take race and socioeconomic patterns into account, consistent with constitutional guidelines.<sup>44</sup>

Districts can also promote intra-district stability through magnet schools, controlled choice plans, and flexible boundaries for student assignment. State racial imbalance laws can also play a valuable role in ensuring that diverse districts do not become internally segregated. Massachusetts’ racial imbalance law considers schools with more than 50 percent nonwhite students as racially imbalanced, while schools with 30-50 percent nonwhite students are racially balanced, and schools with less than 30 percent nonwhite students are racially isolated.<sup>45</sup> Similarly, under Connecticut’s racial imbalance law, schools are considered imbalanced if they have minority student enrollment that varies more than 25 percentage points from the district average.<sup>46</sup> A recent decision by a suburban school district in Fairfield County, Connecticut to take more transfer students from a nearby urban district in order to achieve compliance with the state racial imbalance law illustrates the positive real world impact of these statutory schemes.<sup>47</sup>

At the very least, districts should avoid school zone boundary changes that increase racial or economic segregation. Although a broader use of Title VI is unlikely under the current federal administration, the increasingly prospective application of Title VI racial impact analysis during the Obama administration suggests that in the future, racial impacts of school boundary decisions could be required before such changes are permitted.<sup>48</sup> A similar approach was used recently in Minneapolis, under the aegis of the state’s school integration guidelines.<sup>49</sup>

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<sup>44</sup> US Departments of Justice and Education (2011); *Parents Involved in Community Schools v. Seattle School District No. 1*, 551 US 701 (2007).

<sup>45</sup> Racial Imbalance Act, Mass. Gen. Laws Ann. ch. 71, § 37D.

<sup>46</sup> Conn. Gen. Stat. § 10-226b (2010).

<sup>47</sup> Weiss (2017).

<sup>48</sup> Tegeler (2016).

<sup>49</sup> M. Orfield and Luce (2009).

## **Disrupting the Effects of School District Boundaries on Residential Segregation**

Just as sharp variations in racial and economic composition of schools *within* a district affect housing segregation, so too does residential racial and economic segregation *across* districts drive school segregation. The key to disrupting this pattern is to decouple residential location from school district attendance, making school district lines more porous. The presence of a predictable regional school integration plan, in contrast, tends to promote stability in residential racial patterns over time.<sup>50</sup> The two-way school integration plan in Hartford, with its mix of regional magnet schools and city-to-suburb transfers, is a good example of this type of system, though it has been in operation only for about fifteen years and does not yet reach a majority of city children. Real estate marketing in areas with stable school integration plans also tend to rely less on local school quality as a “selling point” for homebuyers.<sup>51</sup>

## **Preventing School District Secession in Larger County Districts**

Since local school district boundaries are defined and created by state law, most states have procedures in place that govern creation of new districts or changes to district boundaries. However, only a handful of states specifically address the racial and economic segregation impacts of school district secession.<sup>52</sup> A 2013 case in Pennsylvania demonstrates how more broadly worded state statutes can be adapted to take into account the impacts of segregation. In that case, parents from the predominantly white neighborhood of Porter Township petitioned to transfer from the racially and economically diverse East Stroudsburg district to the predominantly white Wallenpaupack district. The East Stroudsburg district appealed to the state department of education, successfully arguing that the petition did not have “educational merit,” because it would increase segregation in the East Stroudsburg district and deprive students in predominantly white Porter Township of the benefits of diversity.<sup>53</sup>

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<sup>50</sup> Brief of Housing Scholars as *Amici Curiae* (2006), *Parents Involved in Community Schools v. Seattle School District No. 1*, 551 US 701 (2007), available at [www.pprac.org/pdf/HousingScholarsBrief.pdf](http://www.pprac.org/pdf/HousingScholarsBrief.pdf). See also Pearce (1980); Frankenberg (2005); Institute on Race & Poverty (2006).

<sup>51</sup> G. Orfield (2001).

<sup>52</sup> EdBuild (2017).

<sup>53</sup> Commonwealth of Pennsylvania, State Board of Education, “Report And Recommendation Of The Special Committee On The Porter Township Initiative,” In Re Application of the Porter Township Initiative

A similar type of challenge to school district secession can be raised in the context of Title VI, through a racial impact complaint to the federal Department of Education. A recent school district secession fight in Jefferson County, Alabama, illustrates the difficulties associated with focusing on the unitary status analysis rather than Title VI's protections from discrimination based on race. In this instance, the ruling judge recognized race as a motivating factor for the creation of a new school district in the predominantly white and comparably wealthy suburb of Gardendale; however, due to the complicated nature of unitary status litigation, the U.S. District Court judge ruled that the suburb would be given the opportunity to run a separate school system so long as they remained in compliance with Jefferson County's ongoing court-ordered desegregation efforts.<sup>54</sup>

### **School Financing Systems That Promote Integrated Schools and Housing**

Equitable school financing systems that reduce reliance on local property taxes, spread the cost of education fairly, compensate for decades of neglect, and allocate per pupil spending based on student need will also eliminate a key driver of segregation. But in developing more equitable financing systems, it is important to avoid financial incentives that “reward” high-poverty schools with enhanced funding—districts need a counter-incentive that rewards reduction of poverty concentration in individual schools.

### **School Rating Systems That Promote Diversity and Accurately Reflect School Quality**

School rating systems used by realtors and online marketing platforms like Zillow should highlight the value of student diversity, year-to-year growth, school climate, and personal parent reviews, rather than simply relying on overall test scores.<sup>55</sup> More nuanced rating systems that emphasize these more important factors, along with overall test scores, would encourage more families with choices to consider purchasing housing in more diverse school

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Independent School District for Transfer from the East Stroudsburg Area School District to the Wallenpaupack Area School District, available at <http://www.stateboard.education.pa.gov/Documents/Current%20Initiatives/Applications%20and%20Petitions/Porter%20Township%20Opinion%20FINAL.pdf>

<sup>54</sup> *Stout v. Gardendale Board of Education*, Memorandum Opinion and Order, N.D of Alabama (2017) (the case is on appeal as of publication date)

<sup>55</sup> Wells (2015); Siegel-Hawley (2016).

districts and would maintain housing prices and residential stability over time.<sup>56</sup> Realtors can also play an important role in this process. For example, an innovative program in Pasadena recently brought local realtors into the Pasadena schools to dispel some of the stereotypes associated with an increasingly diverse student body—and it appears that realtors are now projecting a much more realistic and positive view of the city schools to potential homebuyers.<sup>57</sup>

### **Housing Policies that Promote School Diversity**

Where school assignment is closely tied to residential location, housing policies have an obvious and direct impact on school composition. Housing policies designed to give low-income children of color access to low-poverty, high-performing schools will have the most direct impact on school integration.<sup>58</sup> These policies include: affordable housing siting policies for the Low-Income Housing Tax Credit and other programs that take into account school composition and performance<sup>59</sup>; housing voucher policies that target high-performing, low-poverty schools<sup>60</sup>; mortgage assistance programs that promote school integration<sup>61</sup>; state zoning laws that prioritize school integration; elimination of tax incentives that reward purchase of homes in high-income school districts<sup>62</sup>; and real estate marketing practices that emphasize the value of school integration.<sup>63</sup>

### **Developing a Housing Policy-Schools Policy Dialogue**

Concerted efforts at every level of government are needed to overcome the stark separation between housing and school policies (and policymakers). Community activists can sometimes lead these efforts, but for permanent collaborations to flourish, permanent policy intersections need to be created within programs and planning processes.

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<sup>56</sup> US Department of Housing and Urban Development (2016); Wells (2015).

<sup>57</sup> Guzman-Lopez (2017).

<sup>58</sup> US Department of Housing and Urban Development (2016).

<sup>59</sup> Oppenheimer (2015); Tegeler et al. (2011); G. Orfield, Kucsera, and Siegel-Hawley (2012).

<sup>60</sup> DeLuca and Rosenblatt (2017).

<sup>61</sup> US Department of Housing and Urban Development (2016).

<sup>62</sup> See, for example, Fischer and Sard (2017).

<sup>63</sup> Breymaier (forthcoming).

At the federal level, housing and school policy were merged early in the Obama administration by a formal connection between the Choice Neighborhoods program (a HUD public housing redevelopment program) and the Promise Neighborhoods program (a Department of Education small-scale variant on Geoffrey Canada’s “Harlem Children’s Zone”). This collaboration focused on the important goals of improving resources, conditions, and outcomes for children within the context of a segregated system; unfortunately, it did not address segregation itself, the underlying racial isolation and poverty concentration of these neighborhoods and schools. It took longer for the Obama administration to connect HUD’s housing integration goals with the Department of Education’s school diversity priorities—this step finally occurred at a national conference in June 2016, with the release of a joint guidance letter from the Secretaries of Housing, Education, and Transportation calling on state housing, education, and transportation agencies to work together to promote integration.<sup>64</sup> The guidance letter included a series of concrete recommendations for state agencies, reflecting suggestions from advocates.<sup>65</sup>

HUD has also formally recognized, in its 2015 “Affirmatively Furthering Fair Housing” planning rule,<sup>66</sup> that access to quality educational opportunity is an important aspect of fair housing. In its “Assessment of Fair Housing” tool to be used by all jurisdictions receiving significant HUD funding, HUD acknowledges that “the geographic relationship of proficient schools to housing, and the policies that govern attendance, are important components of fair housing choice,” and further that “the quality of schools is often a major factor in deciding where to live, and school quality is also a key component of economic mobility.” It therefore requires its grantees, in assessing fair housing, to consider the following factors and policies:

Relevant factors to consider include “whether proficient schools are clustered in a portion of the jurisdiction or region, the range of housing opportunities close to proficient schools, and whether the jurisdiction has policies that enable students to attend a school of choice regardless of place of residence. Policies to consider include, but are not limited to: inter-district transfer programs, limits on how many students

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<sup>64</sup> US Departments of Housing and Urban Development, Education, and Transportation (2016).

<sup>65</sup> Tegeler and Siegel-Hawley (2015)

<sup>66</sup> US Department of Housing and Urban Development (2015).



from other areas a particular school will accept, and enrollment lotteries that do not provide access for the majority of children.<sup>67</sup>

At the local level, one positive example of housing and education policy collaboration began in Richmond, Virginia in 2015, with a series of meetings organized by the Poverty & Race Research Action Council, Housing Virginia, and faculty at Virginia Commonwealth University. The meetings were designed initially to bring together all the key policy stakeholders at the regional level—city and suburban school board members, a former city superintendent, directors of the city and regional housing authorities and the city housing department, nonprofit advocacy leaders, and key representatives from the state education and housing departments. The meetings worked out a series of planning documents with goals, obstacles, and strategies for collaboration. This collaboration has continued as efforts have moved forward to develop regional magnet schools for the Richmond area,<sup>68</sup> and Housing Virginia is developing a toolkit for other regions of the state on how to bring together housing and school officials for joint planning exercises.<sup>69</sup>

## **Conclusion**

In spite of their deep connections, housing and school policies continue to follow separate trajectories, with little coordination.<sup>70</sup> The lack of coordination begins at the federal level, with its separate congressional committees, executive agencies, and legal frameworks, and is mirrored at the state and local level—an overall “absence of formal governance structures to sustain coordination across housing and education sectors.”<sup>71</sup> Although the Obama administration took initial steps to undo this separation, given the abrupt change in direction at the federal level, supporters of coordinated housing and school integration policy will need to focus on state and local advocacy and innovation for the foreseeable future.

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<sup>67</sup> US Department of Housing and Urban Development (2017), Appendix C, 12.

<sup>68</sup> *Confronting School and Housing Segregation in the Richmond Region: can we learn and live together?* (Univ. of Richmond, Virginia Commonwealth Univ., August 2017), available at [http://school-diversity.org/pdf/Richmond\\_Housing-Schools\\_Report\\_2017.pdf](http://school-diversity.org/pdf/Richmond_Housing-Schools_Report_2017.pdf).

<sup>69</sup> Housing Virginia (forthcoming).

<sup>70</sup> Tegeler and Siegel-Hawley (2015).

<sup>71</sup> McKoy and Vincent (2008), 145.

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