

The Interdependence of Housing and School Segregation

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Housing and education in America have long been inextricably and intricately linked. First, due to the nation's history and widespread practice of assigning students to their neighborhood school, where housing is segregated, so are schools. Indeed, despite concerted efforts to desegregate schools in hundreds of jurisdictions across the country, school segregation has generally progressed in lockstep with residential segregation, and school and residential segregation have been mutually reinforcing.¹ Second, funding for schools is often tied to property taxes; consequently, the funding available for and quality of schooling is closely related to the value of the property within the residential area being served. Not surprisingly, racially segregated schools in areas of concentrated poverty have fewer resources, higher teacher turnover and a lower quality of education.² Third, residential insecurity and mobility have an adverse and often significant impact on student engagement and educational attainment. Recognizing how disruptive a lack of housing can be on a child's education, federal law provides an affirmative right for homeless or transitioning students to be able to enroll immediately in school.³

Below is a brief introduction to the links between housing and education, specifically desegregation and school diversity efforts; school financing and housing; and the impact of residential insecurity and mobility on educational attainment. This discussion serves as background and overview for the more extensive explorations of the relationship between housing and education contained in this volume.

SCHOOL AND RESIDENTIAL SEGREGATION

Through much of the twentieth century, residential segregation was legally enforced, and persisted through “violence, collective antiblack action, racially restrictive covenants, and discriminatory real estate practices.”⁴ Prior to the Supreme Court's landmark ruling in *Brown v. Board of Education*,⁵ schools also played a role in maintaining residential segregation. To keep African-American families from moving into white neighborhoods, localities would “plac[e] the only schools that served African American children in designated African American neighborhoods and provid[e] no transportation for African American students who lived elsewhere.”⁶ Families were forced to

reside in those designated neighborhoods to make sure their children could get an education. Even after *Brown*, the Supreme Court described the “profound reciprocal effect” of school assignment on residential segregation.⁷

After *Brown*, significant efforts were made to desegregate schools, within and across areas that remained residentially segregated. Hundreds of school districts were placed under court order to desegregate during the 1960s and 1970s, and remained under court order until the vestiges of segregation had been addressed to the extent practicable.⁸ These cases resulted for some time in more desegregated schools throughout the United States. And in turn, the desegregation of schools played an important role in breaking down residential segregation: “School districts that employ robust desegregation programs also enjoy stable residential integration.”⁹ Indeed, when students learn and play together, they are more likely to live and work together.¹⁰

From the 1980s onwards, however, legal support and resources for school desegregation have waned. Hundreds of school districts have been released from court supervision, and as those and other school districts around the country returned to neighborhood school assignment, schools rapidly resegregated.¹¹ The peak of integration, then, came in the late 1980s and early 1990s, when school districts were still under desegregation orders.

For the most part, the resegregation of schools previously under court orders to desegregate, and the continuing segregation of schools in areas such as New York City and Atlanta, reflect persistent residential segregation along race and class lines. Largely because the neighborhoods where schools are located are so segregated, schools are now as about as segregated as they were in 1970.¹² Indeed, in 1970, the typical African American student attended a school in which 32 percent of the students were white. By 2010, this exposure had fallen to 29 percent.¹³

Court-Ordered Desegregation Cases

Nearly 200 school districts remain under court order to desegregate today. The school desegregation cases serve as a powerful means to ensure that educational inputs — from chemistry labs to athletic facilities to teachers — are equitable, and to address structural inequalities that persist in schools. In determining whether a school district has desegregated, courts will examine the following areas: student assignment (both across schools and within schools); faculty; staff; extracurricular activities; transportation; facilities; and the quality of education provided to students.¹⁴ In addition, issues such as harassment, discipline, violence, and the school-to-prison pipeline — specifically when disproportionately impacting African American and Latinx students — have been addressed through the desegregation cases. And, while the vast majority of school desegregation cases have addressed *racial* segregation, the

United States Department of Justice, along with numerous civil rights organizations, have also addressed segregation of students with disabilities and the segregation of students due to language status.¹⁵

School districts under court order to desegregate have a set of tools and resources that can, and in some cases must, be used to address the impact of residential segregation on where students attend school. Perhaps the most important tool to address the impact of residential segregation is the drawing and/or monitoring of district and school attendance boundaries. School zoning, much like residential zoning, can dramatically change the racial composition of schools within a district, and school district lines can similarly impact the racial composition of schools within a particular region. Segregation across school district lines is far more difficult to tackle after the Supreme Court's decision in *Milliken v. Bradley*, which restricted school desegregation remedies to the school district under court order to desegregate.¹⁶ In *Milliken*, the Supreme Court ruled that suburban schools could not be part of efforts to address pervasive segregation in Detroit public schools, because the suburban school districts had not been found to have engaged in the intentional segregation of students.

In cases where neighborhoods are both racially segregated and it is not geographically feasible to zone white and black neighborhoods to the same school, districts have used majority-to-minority (M-to-M) transfers, which allow, as one example, a white student who is in a disproportionately white school to transfer to a disproportionately black school. Other common tools to address school segregation that results from residential segregation are magnet schools (which provide offerings to draw students outside of their zoned school) or the pairing of schools (where schools serving different school zones are paired together and, as a result, all students at a certain grade level attend school in the same school building).

Voluntary School Diversity Efforts

A decade ago, on June 28, 2007, the United States Supreme Court issued its ruling in *Parents Involved in Community Schools v. Seattle School District* ("PICS"), the only Supreme Court case specifically addressing school segregation in more than twenty years.¹⁷ The decision involved two cases, one out of Louisville, Kentucky, and the other from Seattle, Washington, challenging the voluntary efforts of those two communities to promote diversity and address racial isolation in their schools. More than fifty *amicus* (friend of the court) briefs were filed that underscored the importance of such diversity efforts in building strong and integrated communities, addressing violence, and promoting racial and economic opportunity and growth.

The Supreme Court, in a 5–4 decision penned by Chief Justice John Roberts, found both the Seattle and Louisville plans to be unconstitutional. Justice Anthony Kennedy

concurring only in part in that judgment; his separate concurring opinion, together with that of the four dissenting justices, is otherwise controlling, and provides the roadmap for what tools schools could continue to use to promote diversity and address racial isolation in schools.¹⁸ Justice Kennedy emphasized that while schools could continue to take account of the racial composition of a student's neighborhood in determining where and how that student was assigned to school, schools were only to take account of an individual student's race in the school assignment process as a last resort. As a result, voluntary efforts to promote diversity and address racial isolation in schools were left to rely upon the composition and racial segregation of neighborhoods as the primary, if not sole, factor in how students are assigned to school.

Put another way, after the PICS decision, residential segregation became an important factor in affirmative efforts to voluntarily address racial segregation in schools. While a school district could generally not assign a black student to a predominantly white school based on that student's race, it could allow for the assignment or transfer of students from a black neighborhood to that predominantly white school. Residential segregation became an engine for school integration.

If Chief Justice Roberts had wholly prevailed in PICS, the Court would have further curtailed school districts' ability to promote diversity and avoid racial isolation, leaving few (if not no) tools that could be used in such efforts. In his view, school districts could not voluntarily address the segregation of schools because, among other reasons, such segregation was the result not of government sponsored segregation, but rather of the private choices of residents about where to live.¹⁹ So while Chief Justice Roberts recognized the relationship between residential segregation and school segregation, he would have left communities no path to address segregation on any front: schools are segregated because of where people live, and consequently, school districts should be prohibited from addressing (in Justice Roberts' view) or limited in how they address (in Justice Kennedy's controlling view) that segregation.

Justice Roberts' view that residential segregation results from private rather than governmental choices is belied by the evidence and briefing presented to the Court in PICS, which underscored the nation's long and deep history of government-sponsored and facilitated residential segregation.²⁰ Housing scholars directly laid out the reasons for the high level of segregation and distortion within the housing market in order to address the Court's suggestion in *Milliken* that those factors were "unknown and perhaps unknowable."²¹ On the basis of a detailed analysis and review, the housing scholars clearly conveyed that "today's residential patterns are not the product of unfettered choice." Moreover, "for school districts to do nothing when faced with today's levels of residential segregation is effectively to choose school segregation."²²

School “Choice” Programs

School desegregation efforts have long served as a platform for students to exercise choice in where they attend school. Magnet schools and transfer programs, for example, allowed, if not specifically encouraged, students to exercise choice and attend schools outside of their neighborhood. These desegregation “choice” programs have, like housing choice programs, been touted, with varying success, as means to address segregation and allow students to engage across neighborhood lines. Particularly given that such desegregation “choice” programs have often been implemented in schools serving residential areas without aligned housing choice programs, they can be the only way some students are exposed to peers from different neighborhoods.

In recent years, charter schools and voucher programs have been implemented by states and school districts under court order to desegregate. Those programs must comply with the desegregation orders in place. In several cases, charter and voucher programs have negatively impacted ongoing desegregation efforts.²³

In states and school districts across the country, “choice” programs, such as charter schools and voucher programs, have been widely implemented outside of the school desegregation context. For the most part, such “choice” programs have not contributed to addressing school or residential segregation. Instead, studies have shown that charter and voucher programs have led to as much, if not more, racial segregation in schools.²⁴

SCHOOL FINANCING AND SEGREGATION

Property values play an important role in school funding across the country. In general, the local and state revenues that support schools are correlated to the property values in the district where the school is located. For that reason, the higher the property values, the better resourced the school.²⁵ Residential segregation — that concentrates neighborhoods by race and by class — directs and is substantially reflected in how schools are financed and resourced.²⁶

Nationally, high-poverty neighborhoods spend 15.6 percent less per student on schools than low-poverty neighborhoods.²⁷ That funding disparity, in addition to those monies that may be contributed through parent and school associations and other funding streams, accounts for a significant difference in the resources available to schools in areas of concentrated poverty. Moreover, given differences in wealth and income by race, schools are likely to be even less resourced in racially segregated areas of concentrated poverty.²⁸

RESIDENTIAL MOBILITY AND EDUCATIONAL OPPORTUNITIES

Housing — and in particular residential mobility and insecurity — is intimately intertwined with whether students have an opportunity to be educated. The impact

of residential mobility on educational engagement and attainment has been well documented. Residential mobility is negatively associated with student educational attainment and effectiveness, both in the short²⁹ and long term.³⁰ Particularly when resulting from eviction or other forced displacement, residential mobility is itself a form of violence and trauma that impacts how students are behaving and performing in school, and is associated with behavioral and socioemotional issues,³¹ increased rates of violence,³² student disengagement and dropout.

In *Evicted*, Matthew Desmond narrates the impact of residential mobility on the educational opportunities afforded to children, as families are pushed into segregated areas of concentrated poverty: “Eviction itself often explained why some families lived on safe streets and others on dangerous ones, why some children attended good schools and others failing ones. The trauma of being forced from your home, the blemish of an eviction record, and the taxing rush to locate a new place to live pushed evicted renters into more depressed and dangerous areas of the city.”³³ Not only does eviction push families into areas where schools are segregated and of lower quality, but the cycles of eviction often also mean that a child does not spend more than a few weeks at any given school. Children quickly fall behind and have little or no sense of connection to school and to their peers.³⁴

The impact of residential mobility and insecurity on a child’s education is explicitly recognized in the law; indeed, homeless students are the only group of students that have an immediate right to enroll in school under federal law. The McKinney-Vento Homeless Assistance Act provides an affirmative right to homeless students to immediately enroll in school.³⁵ “Homeless student” is broadly defined to include students living temporarily with relatives, in trailers, or in many other forms of temporary shelter.³⁶ Homeless students have a right to stay in the school that they had been attending — with transportation provided — or to enroll in the school assigned to the area where they are temporarily residing; they cannot be segregated in separate schools or separate programs within a school, and must be educated within a regular education program, not at a shelter; and homeless students with disabilities and/or English Learners must be provided the educational services to which they are entitled at the school where they are enrolled.

When families have experienced residential insecurity, and in particular during times of crisis when families have been displaced, schools have provided a stable anchor and platform for students. The protections provided to homeless students are perhaps the clearest indication in the law of the importance of housing to educational access and engagement, and of the deep reciprocal relationship between housing and education that has long been recognized in efforts to address segregation.

CONCLUSION

We are living in a time of deep racial divides. Those divides are fueled and perpetuated by the ongoing segregation of our neighborhoods and our schools. As noted above, schools and neighborhoods are as, if not more, segregated than they have been in decades. Students who reside in neighboring areas are growing up in different worlds where they rarely encounter one another. Rather than preparing students for a future where they live and work together, schools that remain deeply segregated across the country contribute to the likelihood of misunderstanding and racial violence.

Segregation and residential mobility are forms of trauma that have a lasting impact on our democracy and the future of this nation. The trauma of living in a racially segregated area of concentrated poverty is endemic: “Especially for poor African American families — who live in neighborhoods with rates of violence and concentrated poverty so extreme that even the worst white neighborhoods bear little resemblance — living in degrading housing in dangerous neighborhoods sent a clear message about where the wider society thought they belonged.”³⁷ Schools are an important anchor and catalyst for change and to break down the barriers of residential segregation. Indeed, efforts to address both school segregation and residential segregation and insecurity must be at the forefront of efforts to support healthy and thriving communities, promote democracy, and strengthen America’s future.

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Endnotes

- 1 Ong and Rickles (2004).
- 2 Brief of 553 Social Scientists, *Parents Involved in Community Schools v. Seattle School District*, 551 U.S. 701 (2007).
- 3 The McKinney-Vento Homeless Assistance Act of 1987 (Pub. L. 100-77, July 22, 1987, 101 Stat. 482, 42 U.S.C. § 11301 et seq.). The school provisions of the McKinney-Vento Act were amended in part and reauthorized by the No Child Left Behind Act of 2001.
- 4 Massey and Denton (1993), 42.
- 5 347 U.S. 483 (1954).
- 6 Rothstein (2017), 132.
- 7 *Keyes v. School District No. 1*, 413 U.S. 189, 202 (1973).
- 8 *Board of Education v. Dowell*, 498 U.S. 237 (1991).
- 9 Brief of Housing Scholars, *Parents Involved in Community Schools v. Seattle School District*, 26-29, <http://www.prrac.org/pdf/HousingScholarsBrief.pdf>; cited hereafter as Brief of Housing Scholars.
- 10 See, e.g., Wells and Crain (1994), 551-52.
- 11 Reardon et al. (2012).
- 12 Rothstein (2017), 179.
- 13 Ibid.
- 14 *Green v. County School Board of New Kent County*, 391 U.S. 430 (1968); *Freeman v. Pitts*, 503 U.S. 467 (1992).
- 15 The Justice Department filed a complaint against the State of Georgia for the unnecessary segregation of students with disabilities. *United States of America v. State of Georgia*, Complaint (Aug. 23, 2016) <https://www.justice.gov/crt/file/887356>. A number of resolution agreements involving English Learner students contained provisions against the unnecessary segregation of EL students from non-EL students. See, e.g., Settlement between the United States of America and the Boston Public Schools, 16 (Apr. 19, 2012) (<https://www.justice.gov/sites/default/files/crt/legacy/2012/04/25/bostonsuccessoragree.pdf>).
- 16 *Milliken v. Bradley*, 418 U.S. 717 (1974).
- 17 *Parents Involved in Community Schools v. Seattle School District*, 551 U.S. 701 (2007).
- 18 Ibid., 788.
- 19 Rothstein (2017), xiv.
- 20 Brief of Housing Scholars.
- 21 *Milliken v. Bradley*, 756 n.2.
- 22 Brief of Housing Scholars, 3.
- 23 Frankenberg and Siegel-Hawley (2013).
- 24 Ibid.; Malkus (2016).
- 25 President's Commission on School Finance (1972); U.S. Department of Education (2013).
- 26 NPR (2016).
- 27 National Center for Education Statistics, Education Finance Statistics Center Table A1, https://nces.ed.gov/edfin/Fy11_12_tables.asp (viewed August 12, 2017)
- 28 See Oliver and Shapiro (2006), detailing wealth disparities between Black and white communities.
- 29 Residential mobility has short-term negative associations with both children's and adolescents' school achievement and functioning. Pribesh and Downey (1999); Simpson and Fowler (1994); Wood et al. (1993).
- 30 The long-term relationship between mobility and educational attainment also appears to be negative. Several studies find that moving is associated with lower educational attainment by late adolescence. Astone and McLanahan (1994); Hagan, MacMillan, and Wheaton (1996); Haveman, Wolfe, and Spaulding (1991).
- 31 Adam and Chase-Lansdale (2002); Oishi (2010).
- 32 Sharkey and Sampson (2010).

- 33 Desmond (2016), 250.
- 34 “Jori tried to adjust to his new school. He was technically in eighth grade but so far behind that he might as well have been in seventh” (ibid., 287); “He and his brother would have to switch schools. Jori didn’t care. He switched schools all the time. Between seventh and eighth grades, he had attended five different schools — when he went at all” (ibid., 283).
- 35 Sec. 722 E(3)(e)(ii) of the McKinney-Vento Act.
- 36 U.S. Department of Education, “Title VII-B of the McKinney Vento Homeless Assistance Act: Non-Regulatory Guidance” (2004), <https://www2.ed.gov/programs/homeless/guidance.pdf>.
- 37 Desmond (2016), 257.