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Metropolitan School Desegregation: Impacts on Metropolitan Society

Gary Orfield*

School desegregation may be abandoned as a remedy for racial inequality without any serious exploration of the most far-reaching form of desegregated education—court-ordered, mandatory city-suburban desegregation, implemented for a quarter century in a number of the nation's largest metropolitan school districts. In the 1990s, the Supreme Court has handed down three major decisions that authorize the dismantling of school desegregation plans. In School Board of Oklahoma City v. Dowell,¹ Freeman v. Pitts,² and Missouri v. Jenkins,³ the Court permitted a return to segregated neighborhood schools, in part because of the belief that desegregation was neither feasible nor democratic. This Article suggests just the opposite. The most extensive forms of desegregation may not only be the most successful in the long run but also may lead to a broader form of democracy in school policy.

School desegregation policy arose out of a decision that the Constitution required striking down legal barriers to interracial education, but the policy did not develop with a clear understanding of urban realities. Not until seventeen years after Brown,⁴ in 1971, did the Supreme Court hand down its first decision explicitly addressing the issues of urban desegregation.⁵ Nothing was decided about desegregating the urban North until Keyes v. School District No. 1 was decided in 1973.⁶ Just a year

* Professor of Education and Social Policy, Harvard University.
5. Swann v. Charlotte-Mecklenburg Bd. of Educ., 402 U.S. 1 (1971) (holding that limited use of mathematical ratios of white to black students constituted an equitable remedy for segregation where the school board failed to introduce an acceptable plan of its own).
6. 413 U.S. 189 (1973) (holding that findings of intentionally segregative school board actions created a prima facie case of unlawful segregation in urban

825
later the Supreme Court decided that the autonomy of the suburbs represented a basic constitutional value; and Justice Potter Stewart, the swing vote against including suburbs in desegregation plans, expressed his puzzlement about how the suburbs had become so extremely segregated. Housing segregation, he said, came from "unknown or unknowable causes." Thurgood Marshall predicted in dissent that attempting to desegregate public schools wholly from within the city of Detroit would be an exercise in futility, and history proved him right. Detroit was the second most segregated metropolitan area in the United States in 1992-1993. Since 1974, the Supreme Court has said nothing positive about the metropolitan dimension of school segregation, despite the fact that more than three-fourths of the population and about nine-tenths of minority students reside in metropolitan areas. Virtually all of our big-city school districts have large majorities of "minority" students, whether or not those districts instituted busing.

Desegregation policy has been applied for decades in dramatically changing urban settings with virtually no consideration of those changes. Desegregation of the rural South was substantially finished a quarter century ago, and rural and small-town America remain the most integrated parts of the United States. The new plans developed and implemented since 1970 have primarily affected metropolitan areas.

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8. Id. at 756 (Stewart, J. concurring).
9. Id.
10. Id. at 783 (noting the district court's finding that a Detroit-only decree, the only permissible remedy, would not desegregate Detroit's schools).
Since Brown, there have been remarkable changes in the composition of our population and its distribution within metropolitan areas. Although these changes profoundly affect the feasibility of various forms of desegregation, and have occurred in all parts of the country, they were long ignored by the courts. Recently, however, a number of courts and policy makers have blamed the changes, described as "white flight," on desegregation itself, using this as a basis for ending desegregation orders. The courts have not considered, however, the possibility that their own limited remedies may have made lasting desegregation impossible. Neither have they recognized that one form of desegregation—metropolitan-wide, city-suburban desegregation—has been far more stable and successful. If courts curtail desegregation orders, thereby extinguishing the rights of minority children, on the grounds that they have caused harm by doing too much when the harm actually arises from doing too little, there is a very severe miscarriage of justice.

Since 1971, various metropolitan areas have pursued radically different desegregation policies. Because of different local histories, differing levels of litigation in various regions, variations in school district structures, and remedial court rulings that treat similar conditions with dissimilar remedies, this country has carried out an extremely important experiment. We can now compare the long-term effects of various desegregation plans ranging from unchanged neighborhood schools, to small voluntary plans, to mandatory transfers inside central cities, to racial balance mandates across entire metropolitan areas.

Consider the very different scenarios presented by the cities affected by the first Supreme Court decisions on urban desegregation. The very first urban case, Swann v. Charlotte-Mecklenburg Board of Education, dealt with mandatory desegregation across the city and suburbs of Charlotte, which had been combined into one large county-wide school district before the case arose. This metropolitan plan has been operating for a quarter century. Two years later, the next major case desegregated a central-city district in Denver. While the case was pending, Denver's school district was cut off from expansion by a state constitutional amendment, the "Poundstone Amend-

"ment," guaranteeing that all growth in school-age population since enactment of the amendment would be outside the reach of the desegregation order.16 Also in 1973, the Supreme Court let stand a lower court order blocking the desegregation of metropolitan Richmond, an area then about the same size as metropolitan Charlotte.17

By the early 1990s, Richmond had an overwhelmingly black city system with almost no desegregation.18 Denver won a release from court supervision in 1995 for what had become a heavily minority school district.19 Charlotte, however, continued its county-wide desegregation years after the federal court's supervision ended. In the mid-1990s, its county-wide district was gaining more white students both numerically and proportionally; in 1995, local voters overwhelmingly defeated candidates supporting partial dismantling of desegregation.20

These outcomes suggest that the more extensive the desegregation plan, the better—precisely the opposite of the widely shared assumption that the smallest plans are the least disruptive. Positive outcomes may reach well beyond educational benefits and desegregation levels to community race relations and depth of commitment to integration. This Article will explore, in light of the available statistical evidence, the broad impacts of metropolitan desegregation. The Article also offers a theory explaining the value of desegregation plans that give an entire metropolitan community an interest in solving racial tensions by maintaining the quality of schools in all parts of the metropolitan area, city and suburbs alike.

This analysis further suggests that the current trend toward

16. COLO. CONST. art. XIV, § 3, and art. XX, § 1. Article XX of the Colorado Constitution, titled "Home Rule Cities and Towns," was adopted on November 5, 1974. The amendment gives each suburban county a veto over any further annexations by Denver, effectively ending the city's ability to expand. Id. This meant, at the time of its passage, that the Denver school board, just then implementing desegregation, could not capture any of the suburban white growth as it had in the past, thereby ensuring that it would steadily become increasingly minority and less representative of the metropolitan population.


resegregation through a return to neighborhood schools is based on simple-minded and inaccurate assumptions. Those who believe that resegregation can reverse metropolitan demographic changes ignore the fact that such changes have been taking place for decades in cities that already have neighborhood schools.

I. INITIAL PROPOSITIONS ON SCHOOL SEGREGATION

A. "White Flight"

Since the early 1970s, the courts have moved backwards in their understanding of metropolitan communities. The first urban desegregation decisions showed a sensitivity toward complex interactions between segregated schools and segregated housing. They also reflected an awareness that cities continually change, and that the expansion of identified minority areas due to discrimination and fears of ghetto expansion largely shapes that change. Later decisions, however, lost that awareness, adopting instead a static view of remedies, and denying the relationship between educational and housing discrimination. Most recently, in the 1990s decisions that approve resegregation, the courts sometimes suggest the exact opposite of the conclusions reached in the 1970s—that the resumption of segregated neighborhood schooling may stabilize enrollment. Those decisions, however, fail to examine the record of other school districts that have implemented neighborhood schools.

When the Supreme Court first ordered desegregation of schools in American cities outside the South, it found that school segregation in those communities was the result of a complex interaction between educational and housing discrimination. The Court found many types of violations—from faculty discrimination, to gerrymandering, to selection of segregated building sites—but it was obvious that all those decisions had marked certain schools as “black schools,” and that marking in turn affected the willingness of whites to move into or stay in neighborhoods with such schools. Over time, such trends tended to mark entire parts of cities as ghettos or barrios and eventually to transform entire central cities into places where the public schools are almost all nonwhite. Simply ending the particular identified school practices would be insufficient because their effects were part of the process of creating comprehensive inequality. Residential segregation was so intense and extensive that a great many schools would remain
segregated even if the specific problems proved in court were eliminated. The Court found that residential segregation itself was not something that just happened but was the product both of the long-term effects of school segregation on the structure of the community and of other governmental actions in the field of housing and urban development. In the first Northern school case, Keyes v. School District No. 1, the Court concluded that segregation of "neighborhood" schools could influence enrollment in other schools as well and that racial "earmarking" of schools "may have a profound reciprocal effect on the racial composition of residential neighborhoods within a metropolitan area, thereby causing further racial concentration within the schools."

The assertion that school racial patterns could affect housing was not limited to the Burger Court; it was also expressed by leading critics of desegregation plans in the antibusing movement. The antibusing groups, as well as the experts that school districts hired to fight school desegregation plans, contended that transferring students to integrate schools affected housing decisions. The advocates of the "white flight" theory, beginning with James Coleman's 1975 article, argued that mandatory desegregation plans in city school districts induced whites to move away from those cities. The Supreme Court itself expressed sympathy for this theory in the 1995 decision Missouri v. Jenkins. The white flight theory clearly rested on the belief that changing the racial composition of schools changed residential decisions of families.

If the creation of racially earmarked schools or desegregation plans that reassign students to heavily minority schools prompt whites to move out of the city, other types of plans might have just the opposite effect. If increasing the minority concentration in a school or exposing white children to more minority students in another neighborhood convinces white families to move out, it could well be because of the fear of racial transition in the receiving schools, resulting in the isolation of white children in those schools. If that were true, then plans that increased stability and guaranteed a white middle-class majority in many schools might have precisely the opposite effect on

22. Id. at 202.
residential choice.

Public opinion data suggests that whites are not fleeing integration. Rather, those who move are probably much more concerned with racial transition and isolation. Because white support for school integration has increased greatly in the past two generations,\textsuperscript{25} residential choices may be related not to racial isolationism but white resistance to overwhelmingly nonwhite schools with high levels of poverty and social problems. Neighborhood schools along racial boundaries tend to experience rapid racial transition, often exacerbated by a concurrent residential transition. Many city desegregation plans reassign white students to heavily minority schools, leaving completely untouched all-white middle-class schools in nearby suburbs. There is clear evidence that although most whites support desegregation up to about the fifty percent minority level, few wish to have their children in schools with white minorities.\textsuperscript{26}

If the fear of racial transition and racial and class isolation affects residential choice, then the most wide-ranging desegregation plans might contribute to stability by spreading desegregation across sufficiently broad an area that there is a stable middle-class white majority in virtually all schools. Under such circumstances the costs of flight go up, since there are no nearby all-white alternatives, and the motivation for such flight declines, since there is little threat that whites will become isolated minorities in virtually all-black schools. In fact, the most extensive desegregation plans, covering entire urbanized counties, have shown by far the highest levels of desegregation and have produced the nation's most stable districts in their percentage of white enrollment.\textsuperscript{27} White flight is not the inevitable result of school desegregation.

\textbf{B. COUNTY-WIDE DESEGREGATION AS A SOCIAL EXPERIMENT}

One of the most important urban experiments during the last quarter century—metropolitan school integration—has been


\textsuperscript{26} \textit{Gary Orfield, Must We Bus? Segregated Schools and National Policy} 109 (1978).

ignored, despite having been proved both feasible and durable in a number of large U.S. metropolitan areas. This experiment has affected hundreds of thousands more students than such widely discussed issues as vouchers, Afrocentric schools, or contracting management of schools to private firms, but it largely has been ignored in civil rights policy debate since the Supreme Court defended suburban autonomy in the 1974 Detroit litigation. Neither is the subject on the political agenda of either the conservative movement or of a Democratic party attempting to avoid controversial racial issues.

Unlike housing desegregation policies, such as the Clinton Administration's "Moving to Opportunity" program, that affect a few thousand households and tiny programs matching city residents with suburban jobs, metropolitan school desegregation is a radical and far-reaching policy affecting all schools within some metropolitan areas and nine-tenths of all young people growing up in such areas. Metropolitan school desegregation plans have operated for twenty-five years in a number of large and rapidly growing Sunbelt metropolitan areas. More than a million students attend the school districts listed below in Table 1, all in the seventy-five largest systems in the United States and most of which have had city-suburban desegregation plans in place for at least the last twenty years. This experience should be considered a primary subject for urban policy analysis.

<table>
<thead>
<tr>
<th>District</th>
<th>Number of Students, 1990</th>
</tr>
</thead>
<tbody>
<tr>
<td>Broward County (Ft. Lauderdale)</td>
<td>161,000</td>
</tr>
<tr>
<td>Clark County (Las Vegas)</td>
<td>122,000</td>
</tr>
<tr>
<td>Nashville-Davidson County</td>
<td>68,500</td>
</tr>
<tr>
<td>Jacksonville (Duval County)</td>
<td>111,000</td>
</tr>
<tr>
<td>Tampa</td>
<td>123,900</td>
</tr>
<tr>
<td>St. Petersburg</td>
<td>94,400</td>
</tr>
<tr>
<td>Jefferson County (Louisville)</td>
<td>91,500</td>
</tr>
</tbody>
</table>

Some of the areas where this experiment is operating are among the nation’s most educationally integrated communities and the most rapidly growing metropolitan economies, while several of the areas where it was rejected by the courts are among the nation’s most intensely segregated communities. Metropolitan desegregation tends to produce far more stable and extensive desegregation in predominantly middle-class schools, yielding the greatest benefits for minority students and minimizing threats to white neighborhoods. As importantly, it counters the trend toward multiple school districts within a given metropolitan area deeply separated by race, class, and politics. This, in turn, can affect the decisions families make about housing, neighborhoods, and business. Obviously housing and business patterns are shaped by a variety of processes at work in various metro areas, but the school plan surely plays a significant role.

School issues often are ignored in urban housing research and policy making because separate agencies and professions work on each problem separately. This Article reports on a brief effort to correct that separation late in the Carter Administration with the creation of a joint school and housing desegregation litigation section in the Justice Department’s Civil Rights Division and the initiation of research and policy proposals within HUD. The Reagan Administration quickly abandoned

<table>
<thead>
<tr>
<th>District</th>
<th>Number of Students, 1990</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indianapolis</td>
<td>48,100</td>
</tr>
<tr>
<td>Charlotte-Mecklenburg</td>
<td></td>
</tr>
<tr>
<td>Wilmington (4 districts)</td>
<td>77,100</td>
</tr>
<tr>
<td>Orlando (Orange County)</td>
<td>103,000</td>
</tr>
<tr>
<td>Palm Beach County</td>
<td>106,000</td>
</tr>
</tbody>
</table>

29. The Indianapolis plan also includes many independent suburban districts which are mandated to receive and educate minority students from the city.


32. Id. at 139 (discussing HUD’s ineffective fair-housing marketing regulations).
those initiatives. With the exception of the Carter initiatives, the executive branch, much like the federal courts, has displayed little interest in understanding or changing the racial dynamics of metropolitan areas since the rise of the conservative movement with the election of Richard Nixon.

During a period when political leaders are pressing to cut back on existing civil rights policies, there is little interest in exploring new ones. Given that cities are continuing to decline, however, and that funds for direct federal urban interventions are likely to be small and diminishing for the foreseeable future, an educational policy with the potential to positively affect urban conditions deserves careful scrutiny by both the courts and the elected branches of government.

C. DIFFERENCES BETWEEN FRAGMENTED AND UNIFIED SCHOOL DISTRICTS

The most obvious difference between a metropolitan school district and the typical older metropolitan area's system of many separate school districts is that the former constitutes a single unit of school governance that must provide all public education for all sectors of the community. The children of the most powerful and least powerful sectors of the community depend on the same large institution, and all races and classes have a vital interest in its success. Local employers cannot pick and choose among school districts; the local school system must work. Business does not have the incentive to flee to another nearby school district without leaving the metropolitan community entirely. Economic development throughout the metropolitan area requires that the school district function effectively and be seen as a community asset. People have very little incentive to make residential choices on the basis of a school's racial concentration since none of the schools are segregated or threaten to become segregated soon and none are isolated and all-white. All schools will be supported by the same tax base. If those resources are fairly distributed, and the supplemental federal and state funds for the poor, the non-English speaking, and the handicapped are added, schools that serve the poor should have the most resources in such a system.

D. PHILOSOPHIC RATIONALES FOR AREA-WIDE METROPOLITAN DISTRICTS

In one of the greatest classics of American political thought, the *Federalist Papers*, James Madison wrote that the best way
to cure the evil of narrow factions pursuing narrow interests that undermine the interest of the broader community is to expand the scope of the community.\textsuperscript{33} By bringing a wider diversity of interests into a larger government, he said, there would be less likelihood of the tyranny of a narrow majority and greater likelihood of a full debate leading to the pursuit of broader community-wide interests. Madison reasoned that "the smaller the society" deciding a policy, the more likely that a local majority, not balanced by other forces and considerations will "concert and execute their plans of oppression."\textsuperscript{34} In arguing for the creation of the federal government, he said that a bigger polity would make more probable both genuine freedom and effectiveness.\textsuperscript{35} Even though the United States was then an overwhelmingly rural society with limited need for a federal government, Madison argued that the costs of extreme localism were great.\textsuperscript{36}

The costs of fragmentation and division among the independent states under the Articles of Confederation prompted the drafting and adoption of the U.S. Constitution, which embodies Madison's federalist convictions. Today, fragmentation and division undermine the ability of communities to provide minimal levels of basic services for those who face increasing poverty amid diminishing resources. A continuously growing share of wealth and resources are concentrated in areas with the least need of services. There are no natural correctives to these problems. In fact, they perpetuate themselves in vicious cycles. To maintain needed services for a growing community of poor

\textsuperscript{33} THE FEDERALIST NO. 10, at 58-60 (James Madison) (E.H. Scott ed., 1894).

\textsuperscript{34} Id. at 59.

\textsuperscript{35} Id. Madison argued:

\textquote{Extend the sphere, and you take in a greater variety of parties and interests; you make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens. . . . Besides other impediments, it may be remarked, that where there is a consciousness of unjust or dishonorable purpose, communication is always checked by distrust, in proportion to the number whose concurrence is necessary.}

\textit{Id.}

\textsuperscript{36} In fragmented government, "enlightened statesmen" would "rarely prevail over the immediate interest which one party may find in disregarding the rights of another, or the good of the whole." \textit{Id.} at 56. "Improper or wicked" policies would be "less apt to pervade the whole body of the Union, than a particular member of it; in the same proportion as such a malady is more likely to taint a particular county or district, than an entire State." \textit{Id.} at 60.
people, an impoverished community must raise its taxes. This, in turn, constrains the community's ability to attract and retain families and businesses, which have an economic incentive to locate in less-burdened communities that charge lower taxes. If the poor community attempts to compete by holding the line on taxes, it must deal with the pathologies of growing social disorder.

The multiple school districts that make up most metropolitan areas, while ostensibly preparing students for the same labor market and the same institutions of higher education, in fact fracture their communities along race and income lines, creating a political struggle that harms the community in general and its most vulnerable groups in particular. School district boundaries which were once just lines on the map become social boundaries and barriers in increasingly polarized metropolitan areas.37 Gregory Weiher writes in The Fractured Metropolis of the tendency for separate governments to become separate societies:

The existence of a boundary, particularly one which is unambiguous and authoritatively established, distinguishes one place from another. In turn, such places can be cognitively differentiated by persons seeking suitable locations in metropolitan areas. Because suitability is often defined in terms of the racial and class identity of people who live in particular places, political boundaries can become socioeconomic boundaries also.38

It is often possible, within large metropolitan areas, to walk from a very poor and troubled segregated minority school within the city to a superb upper middle-class school in an elite suburban district. Both neighborhoods can be approximately the same age and with similar initial housing stock; yet they have kinds of schools that serve and prepare students for different societies because of the separation of school districts and all that is connected to those increasingly different communities.

School systems in metropolitan areas often have worse problems than those that crippled the states under the Articles of Confederation. They are not even confederate. They act as if they were serving different societies. Often the representatives of the affluent systems with high-achieving children of well-to-

38. Weiher, supra note 37, at xx.
do, highly educated parents demean the city districts, blame
them for their own problems, and refuse to provide either
resources for equal education or the opportunity for city children
to transfer out to districts where the most privileged children
receive the best education. Such conduct perpetuates and even
intensifies the stratification of our society. In recent years, the
residents of affluent districts and their leaders increasingly have
opted for punitive measures against the city districts, blaming
city bureaucracies and city families for their own problems.

When the Founding Fathers thought about the problems of
governing the country, they tried to reason from the history of
other societies. When we think about the problems of providing
public education within metropolitan communities, we have
something much better: examples of both fragmented and unified
metropolitan approaches to desegregation. Among multiple-
district metropolitan areas there are almost no examples of
communities with significant minority populations that have
been able to provide substantially desegregated schools and
obtain access to middle-class schools for most minority children.
In many such areas, the central-city school system is the target
of intense public discussion, almost all of it negative. Since the
early 1980s, most states have enacted education reforms that
impose some form of state-wide testing and require publication
of comparative results. When these results are published,
they show the very low achievement levels of central-city relative
to suburban schools. They often show as well that some of the
worst achieving schools in the state are in the big cities and are
spending more than the state average on students. These data
tend to produce ongoing attacks on urban school systems and
their leaders, who are often the most visible minority educators
in the region.

Typically the blame is placed on the central-city bureauc-
ecracy, and the response is to tighten state requirements and to
encourage alternatives to the existing system such as transfers,
charter schools, private contracting for control of public schools,
vouchers to use private schools, radical decentralization to the
school level, and so forth. In central cities, where even minority
middle-class children no longer use the schools, local elected
officials often join the attack on the city school system. New

University of Chicago).
York's Rudolph Guiliani, Richard M. Daley of Chicago, and Mayor Raymond Flynn of Boston were among those following this strategy recently. Some minority mayors also have adopted this tactic.

If unequal performance is actually rooted in the social and educational problems of city parents and not in the city schools, such attacks are likely to be extremely counterproductive, weakening and demoralizing the city school staffs without producing gains for children. Such attacks also accelerate middle class departure from schools and communities and continuously weaken the political base for attracting additional assistance from the outside. Since schools and the quality of the local labor force are vital factors in determining the location of businesses, negative beliefs can intensify the economic decline of central cities, which, in turn, produces more middle class departures and deepens the problems of local families, feeding the vicious cycles.

As the city population becomes increasingly dominated by aging, relatively low-income families with no children in the schools, the possibility of local tax increases declines even as leverage for assistance from other levels of government deteriorates. The result is a continuously deteriorating central-city system providing the only option for the children who need education most urgently. The fact that this system will be overwhelmingly nonwhite only reinforces racial stereotypes.


41. Alan Ehrenhart, Neighborhood Schools' May Be Idea Whose Time Has Returned, COM. APPEAL (Memphis, TN), Feb. 25, 1996, at B3 (noting that the African-American mayors of Cleveland and St. Louis have expressed an interest in ending school busing programs in preference for emphasizing neighborhood schools); Patrice M. Jones & Scott Stephens, Hard Work Ahead for Schools: White Urges All to Cooperate with Order, Blames Parrish, CLEV. PLAIN DEALER, Mar. 5, 1995, at A1 (noting Cleveland Mayor White's criticism of a departed superintendent).
Often minority administrators end up with the job of imposing cuts and being blamed for low achievement.

E. School Segregation Differences Related to Size of Districts

The Supreme Court's 1974 decision in the Detroit case, *Milliken v. Bradley*, which limited desegregation orders to single districts except in extraordinary conditions, meant that whether or not minority students could be desegregated depended to a substantial degree on how their state happened to organize its school districts. In New England, where tiny towns dated back to colonial days and where a city like Boston had been cut off from expansion long before the automobile age, a given school district included only a small fraction of the students in the urban community. Boston, for example, had only one-eleventh of the students in the Boston metropolitan area, but had to serve the great concentration of black students. Thus the great majority of Boston's middle class was beyond the reach of the city's desegregation plan. Florida, on the other hand—a state with a much higher proportion of black students—was totally organized in county-wide systems, most of which included both the central city and its suburbs in a single district. In Orlando, Jacksonville, and Tampa, whites and blacks were in the same big district and could be desegregated by a single court order.

One rough measure of the impact of school district organization is the relationship between the size of the average school district in a state and the level of segregation of that state's students. As Table 2 below shows, among the states with the largest average size of school districts, often meaning school district organization at the county level, no state reports much more than one-third of its black students in intensely segregated schools. Among the states with the smallest districts, on the other hand, those with large black populations tend to be dramatically segregated. All of the states with the highest levels of segregation for black students had relatively small school districts and fragmented district patterns.

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42. 418 U.S. 717 (1974).
43. See id. at 745 ("[I]t must be shown that racially discriminatory acts of the state or local school districts ... have been a substantial cause of interdistrict segregation.").
Table 244
Average Size of School Districts and Level of Segregation, States with Largest and Smallest Districts, 1991-1992

<table>
<thead>
<tr>
<th>Largest Districts</th>
<th>Median Enrollment</th>
<th>Percent of Black Students in Intensely Segregated Schools</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>3,905</td>
<td>36.8</td>
</tr>
<tr>
<td>Delaware</td>
<td>3,479</td>
<td>0.0</td>
</tr>
<tr>
<td>Florida</td>
<td>12,028</td>
<td>24.9</td>
</tr>
<tr>
<td>Louisiana</td>
<td>6,526</td>
<td>34.4</td>
</tr>
<tr>
<td>Maryland</td>
<td>13,165</td>
<td>36.7</td>
</tr>
<tr>
<td>Nevada</td>
<td>3,184</td>
<td>0.0</td>
</tr>
<tr>
<td>North Carolina</td>
<td>4,838</td>
<td>6.2</td>
</tr>
<tr>
<td>South Carolina</td>
<td>3,592</td>
<td>17.7</td>
</tr>
<tr>
<td>Tennessee</td>
<td>3,235</td>
<td>37.3</td>
</tr>
<tr>
<td>Virginia</td>
<td>3,571</td>
<td>6.4</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Smallest Districts</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Arkansas</td>
<td>687</td>
<td>8.2</td>
</tr>
<tr>
<td>California</td>
<td>1,396</td>
<td>33.7</td>
</tr>
<tr>
<td>Colorado</td>
<td>521</td>
<td>0.1</td>
</tr>
<tr>
<td>Connecticut</td>
<td>1,827</td>
<td>36.2</td>
</tr>
<tr>
<td>Illinois</td>
<td>795</td>
<td>59.3</td>
</tr>
<tr>
<td>Indiana</td>
<td>1,906</td>
<td>25.9</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>1,821</td>
<td>12.5</td>
</tr>
<tr>
<td>Michigan</td>
<td>1,674</td>
<td>58.5</td>
</tr>
<tr>
<td>Missouri</td>
<td>556</td>
<td>26.2</td>
</tr>
<tr>
<td>Nebraska</td>
<td>37</td>
<td>0.0</td>
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<tr>
<td>New Jersey</td>
<td>971</td>
<td>54.6</td>
</tr>
<tr>
<td>New York</td>
<td>1,431</td>
<td>57.5</td>
</tr>
<tr>
<td>Ohio</td>
<td>1,768</td>
<td>12.9</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>355</td>
<td>14.4</td>
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<tr>
<td>Texas</td>
<td>801</td>
<td>30.2</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>924</td>
<td>16.6</td>
</tr>
</tbody>
</table>

44. Source of district data: National Center for Education Statistics, Directory of Public Elementary and Secondary Education Agencies, 1991-92, Table 6. States with less than five percent African-American students have been omitted.
None of the states with the largest school districts is in the North. The fact that county government was historically much more important in the southern and border states and in parts of the West meant that these regions often met the desegregation challenge with county-wide school districts containing enough of the local housing market and large enough white populations to make long-term and comprehensive desegregation much more viable. Unfortunately, the states where a large majority of Latinos were enrolled—California, Texas, New York, Illinois—had small districts and the most segregated schools.

The level of segregation for African-American and Latino students attending schools in large central cities is several times higher than that found in smaller communities. Segregation is lowest in the places once considered most resistant to racial change: small towns and rural areas. As Table 3 shows, this heightened isolation is not merely racial; it is also reflected in isolation by poverty and by inferior schooling along many dimensions. Although racial attitudes were most negative in the rural and small-town South, those areas achieved much higher levels of desegregation because their districts were likely to include both whites and blacks in the area.

Table 3

<table>
<thead>
<tr>
<th>School Race %</th>
<th>Large Metros</th>
<th>Small Metros</th>
<th>Towns 25,000+</th>
<th>Rural small areas</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>city suburbs</td>
<td>city suburbs</td>
<td>25,000+</td>
<td></td>
</tr>
<tr>
<td>90-100% Minority</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Blacks</td>
<td>63.9</td>
<td>21.5</td>
<td>27.4</td>
<td>14.6</td>
</tr>
<tr>
<td>Latinos</td>
<td>56.2</td>
<td>22.4</td>
<td>32.8</td>
<td>13.7</td>
</tr>
</tbody>
</table>

| 50-100% Minority |              |              |                |                  |
| Blacks          | 92.4         | 57.9         | 62.9           | 43.0             | 45.5             | 44.9             | 45.8             |
| Latinos         | 93.8         | 63.9         | 70.4           | 51.4             | 44.0             | 60.5             | 46.5             |

| Majority White |              |              |                |                  |
| Blacks         | 7.6          | 42.1         | 37.1           | 57.0             | 54.5             | 55.1             | 54.2             |
| Latinos        | 6.2          | 31.1         | 29.6           | 48.6             | 56.0             | 39.5             | 53.5             |

45. Source: ORFIELD, NATIONAL SCHOOL BOARDS ASS'N, supra note 13. Large metros have a central city with a population over 400,000. Likewise, small metros have a central city with population under 400,000.
In 1986, the twenty-five largest central-city systems contained 30% of Latino students, 27% of blacks, and 3% of whites. This extremely unequal distribution of students shows the inefficacy of the Supreme Court's effort to desegregate within these districts. Comparing the largest city and county-wide districts in the early 1990s, Table 4 shows that the latter start out with almost twice the percentage of white students. They have vastly better possibilities of both enrolling minority students in majority white, middle-class schools and maintaining desegregation long enough to make a significant impact.

Table 446
Racial Composition of Central City and County-Wide School Districts in Metropolitan Areas over 1,000,000 Population, 1991-1992

<table>
<thead>
<tr>
<th></th>
<th>White</th>
<th>Black</th>
<th>Hispanic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central City</td>
<td>28.9</td>
<td>35.6</td>
<td>28.6</td>
</tr>
<tr>
<td>County-Wide</td>
<td>51.1</td>
<td>26.2</td>
<td>20.7</td>
</tr>
</tbody>
</table>

Another sign that the scale of a district matters can be found in data on the stability of the racial proportions in school systems, a fundamental issue in the white flight literature. A study of racial change over a nineteen-year period found that among the nation's sixty largest school districts, a majority of the ten districts with the least decline in percentage of white students (9% or less) had county-wide desegregation plans in place.47 Three of the four others had the advantage of being county-wide systems, though they lacked overall desegregation plans, and two had very few minority students. In contrast, most of the ten with the largest declines in percentage of white students were in central-city systems with no mandatory student reassignments.48 A number of the county-wide school districts had less of an increase in percentage of minority students than the entire country experienced from changing birth rates and immigration patterns—forces obviously independent of desegregation plans.

46. Computations were gathered from the U.S. Department of Education, Common Core of Education Statistics.
47. ORFIELD & MONFORT, supra note 27, at 13.
48. Id. at 12-13.
Table 5
Most Stable Large School Systems, 1967-1986
Decline in Percent of White Students^{49}

<table>
<thead>
<tr>
<th>School System</th>
<th>Decline</th>
</tr>
</thead>
<tbody>
<tr>
<td>Broward County, FL</td>
<td>9</td>
</tr>
<tr>
<td>Palm Beach County, FL</td>
<td>9</td>
</tr>
<tr>
<td>Greeneville, SC</td>
<td>7</td>
</tr>
<tr>
<td>Albuquerque, NM</td>
<td>6</td>
</tr>
<tr>
<td>Jordan, UT</td>
<td>5</td>
</tr>
<tr>
<td>Mobile, AL</td>
<td>4</td>
</tr>
<tr>
<td>Pinellas County, FL</td>
<td>4</td>
</tr>
<tr>
<td>Cobb County, GA</td>
<td>4</td>
</tr>
<tr>
<td>Ann Arundel County, MD</td>
<td>3</td>
</tr>
<tr>
<td>Polk County, FL</td>
<td>2</td>
</tr>
</tbody>
</table>

II. THE VALUE OF DISTRICT CONSOLIDATION

A. WHY METROPOLITAN DISTRICTS MAY BE MORE DEMOCRATIC

Although small local systems are often idealized as exemplars of democratic responsiveness, the truth is that they tend to have little visibility and very low electoral turnouts, in part because they operate in such small communities that they cannot possibly be covered by the sources that provide most public information—television and the metropolitan press. For many years election data have shown that national elections have the highest turnout and local elections the lowest.^{50} Some of the very lowest levels of turnout are found in school board elections called apart from general elections, where as many as nine-tenths of the voters do not participate.^{51} Local suburban school systems typically face a press that simply prints handouts and that fails to provide any serious independent analysis of educational outcomes. Politics in such a setting is often about

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^{49} Washington, D.C. was omitted from this list because its white percentage in 1967 was only eight percent.

^{50} Local turnouts average about 30% below presidential election turnouts and about 15% below turnouts in midterm congressional elections, which attract only about a third of the voting age population. RUY A. TEIXEIRA, THE DISAPPEARING AMERICAN VOTER 7 (1992). Local school board elections have still lower turnouts. Lynn Olson & Ann Bradley, Boards of Contention, EDUC. WK., Apr. 29, 1992, at 7.

^{51} See Olson & Bradley, supra note 50, at 7 ("Turnouts in school board elections typically hover between 10% and 15% of registered voters.").
local personalities, not issues. Suburban districts are virtually invisible in the media, while coverage of the big city system tends to emphasize its pathologies, politics, and failures—not to mention the often ugly patronage-and-contracts politics that tends to take hold after the middle class abandons a school district and control falls into the hands of ambitious small-time local politicians trying to use the school board as a launching pad for a major political job. The public discussion of school systems in such circumstances tends to deepen divisions.

A single metropolitan school district, on the other hand, creates a unit of governance that can and will be covered by the dominant media of public debate—television and the metropolitan press—and that will have to deal in a very visible fashion with the big issues before the community. Serious democratic debate is much more likely under such circumstances. In these settings, officials are accountable to both white and minority voters and have a strong incentive to try to find policies and programs satisfactory to both. Many talented educators who would not consider central-city jobs will commit their careers to a metropolitan district.

A single metropolitan system also means teachers in the area will not be in a position to shop among districts; they will have their careers within the metropolitan system. More importantly, allocation fights in the state legislature will not pit a politically declining central-city school system against the rising forces of suburban districts. Rather, a unified metropolitan area will seek its share of resources with a single, strong voice. This difference is crucially important. Many city districts have declining real tax bases and must fight their own suburbs each year to get enough dollars from the governor and legislature to preserve basic services.

The starting point of desegregation planning is radically different in central-city and metropolitan districts. A central-city plan starts with a declining white minority, a minority middle class well into suburbanization, and, often, a large majority of impoverished students with low achievement levels. The district faces the probability that these patterns will intensify, and that a poorly implemented desegregation plan will accelerate that intensification. The incentive is to do the minimum necessary, to offer special bribes to the middle class (magnet schools), to favor whites (since they are a scarce resource), and to end it all as soon as possible.

By contrast, a metropolitan desegregation plan is very likely
to put all students in majority white schools or, perhaps, evenly balanced magnet schools. There are not likely to be futile transfers of minority students from one virtually all-minority school to another school with few whites and high poverty. While the plan is likely to place an unfair part of the student transportation burden on minority families, those families are actually getting access to better schools more connected to colleges, under conditions where that access is likely to last for a long time.

B. RECENT CREATION OF COUNTY-WIDE DISTRICTS WITHOUT COURT ORDERS

The manifest economic costs of central-city school systems that are in continuously more serious decline has recently led several communities in the South to decide to merge their city and suburban school districts into single county-wide systems. Following the great success of metropolitan Charlotte and Raleigh, two of the South’s most economically buoyant areas and both of which merged their school districts a generation ago, decisions have been taken to merge school systems in Chattanooga and Knoxville, Tennessee, as well as Durham and Greensboro, North Carolina. The North Carolina state government put considerable pressure on localities to consolidate into county-wide districts. This was not done for desegregation purposes, but instead, because the state believed broader districts are more efficient and effective.

North Carolina’s and Tennessee’s efforts can be seen as part of a larger trend toward school district consolidation in the twentieth century. The United States went from 108,579

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52. The Chattanooga merger was stimulated by a report of the Chattanooga Area Chamber of Commerce in 1992. CHATTANOOGA AREA CHAMBER OF COMMERCE, OPPORTUNITIES: IMPROVING EDUCATION IN CHATTANOOGA/HAMILTON COUNTY (1992). Merger was approved in the fall of 1994 and $7.5 million in donations were obtained to plan an improved county-wide system. Meg Summerfeld, Grants to Aid Merger of Chattanooga, County Districts, EDUC. WK., June 14, 1995, at 3.


districts in 1942 to 67,355 in 1952 and 34,678 in 1962. The numbers continued to decline rapidly to 15,781 in 1972, but then virtually stalled. In 1992 there were still 14,600 districts. Consolidation was pushed hard by state governments during much of the twentieth century in the belief that larger, more comprehensive school systems would provide stronger educational programs. The movement faltered, however, when it moved from rural and small town consolidation to metropolitan areas. The initiatives in these two southern states, however, are a welcome sign that the trend toward consolidation continues.

C. DESEGREGATION POSSIBILITIES AND SUPPORT IN MERGED DISTRICTS

Support for desegregation on a county-wide level was strongly reaffirmed in 1995 elections in both Raleigh and Charlotte. In both counties supporters of integration won school board elections, and in Raleigh the local chamber of commerce endorsed continuing the desegregation plan. In Charlotte, desegregation supporters won all of the district seats and two-thirds of the at-large seats. Superintendent John Murphy, who had worked with the business community to cut back desegregation, resigned following the election and did not find another superintendency. These positive outcomes came at the same time that many areas with plans limited to central cities were moving to dismantle desegregation. One of the reasons Raleigh and Charlotte voters endorsed continuing desegregation is that both districts were experiencing reverse white flight. In striking contrast to the national enrollment picture and the trends in almost all large urban districts, both the number and percent of white students was increasing as shown in Table 6.

55. Disappearing Districts, EDUC. WK., Mar. 3, 1993, at 3 (citing U.S. Census Bureau statistics on dropping number of independent school districts).
56. Id.
57. Id.
58. Personal communication to the author from Roslyn Mickelson, Professor, University of North Carolina at Charlotte (Jan. 12, 1996).
60. Metropolitan Raleigh's district was substantial, comparable to 1990 enrollments of: Washington, D.C., 80,700; Cleveland, 70,000; San Francisco, 61,700; Atlanta, 60,800; and Boston, 60,500. Enrollment of the 100 Largest Public School Districts: Fall 1990, EDUC. WK., May 16, 1993, at 8 (compiled by the National Center for Education Statistics, U.S. Department of Education).
### Table 6^61

**Wake County Public Schools (Metropolitan Raleigh)**

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Enrollment</th>
<th>Minority Enrollment</th>
<th>Percent Minority</th>
</tr>
</thead>
<tbody>
<tr>
<td>1976</td>
<td>55,649</td>
<td>16,025</td>
<td>28.8</td>
</tr>
<tr>
<td>1987</td>
<td>59,687</td>
<td>17,885</td>
<td>30.0</td>
</tr>
<tr>
<td>1988</td>
<td>60,985</td>
<td>17,366</td>
<td>28.5</td>
</tr>
<tr>
<td>1989</td>
<td>62,462</td>
<td>17,725</td>
<td>28.4</td>
</tr>
<tr>
<td>1990</td>
<td>64,243</td>
<td>17,588</td>
<td>27.4</td>
</tr>
<tr>
<td>1991</td>
<td>66,915</td>
<td>18,108</td>
<td>27.1</td>
</tr>
<tr>
<td>1992</td>
<td>70,052</td>
<td>18,495</td>
<td>26.4</td>
</tr>
<tr>
<td>1993</td>
<td>73,192</td>
<td>18,865</td>
<td>25.8</td>
</tr>
</tbody>
</table>

1976 to 1993:  

- Minority Enrollment Change: +17.7%
- White Enrollment Change: +37.1%
- Total Enrollment Change: +31.5%

Metropolitan school districts also bring about concrete differences in educational possibilities. The norm in multidistrict metropolitan areas is intense isolation of students by both race and income and concentration of more affluent children in the schools with the highest completion and achievement levels, the richest curriculum, and the best connections to college. Normally, minority children, particularly low-income minority children, have little or no access to the schools and teachers that most successfully prepare students for college. In single-district metropolitan areas, by contrast, desegregation ends or greatly reduces high poverty minority schools and opens the best schools to nonwhite students. Affluent white children grow up in interracial schools with real exposure to working-class and poor people rather than in the isolation of white, upper-class suburbia. This is a major change in the most important public institution provided by American society. It clearly and dramatically changes the possibilities for many minority students, and it denies higher income whites their normal status of almost total isolation in homogeneous schools with few if any nonwhite or low-income students.

The possibilities of desegregation, of course, are not always

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realized. It is possible within a metropolitan district to draw plans that lack continuity, cause disruptions for families, combine low-income black and white groups, and otherwise waste opportunities. Since the beginning of the desegregation struggle, we have known that getting a student in the front door of a better school is only the first step. Whether or not the full benefits are obtained depends on fair treatment within the receiving school, the preparation and attitudes of the teachers, grouping and tracking policies, and other factors. Nonetheless, moving from a failing school to a far more successful school greatly increases possible benefits.

III. THE INTERACTION OF EDUCATION AND HOUSING

A. IMPACTS ON RESIDENTIAL INTEGRATION

The first study to link metropolitan school desegregation to housing was one conducted in 1980 by Diana Pearce. Her research for the National Institute of Education showed that in areas without metro desegregation plans, housing advertisements were replete with racial signals. Schools mentioned in advertisements were white schools, often in areas where people might not know the racial composition of the region without a school reference. Minority schools were never mentioned. Such racial signals were absent, however, in the metropolitan areas with area-wide desegregation.

A subsequent paper by Pearce and Robert Crain suggested that city-wide desegregation plans increased residential desegregation from 1970 to 1980 in the cities studied. A study now

63. HAWLEY ET AL., supra note 62, at 118-47.
64. Diana M. Pearce, Deciphering the Dynamics of Segregation: The Role of Schools in the Housing Choice Process, 13 URB. REV. 85, 88 (1981).
65. Id. at 90-91.
66. Id.
67. Id.
68. Id. at 90, 98.
underway shows that residential segregation declined much more sharply from 1970 to 1990 in districts with county-wide desegregation plans than in similar metropolitan areas without such plans. Preliminary data suggest that metropolitan desegregation is related to twice as large an average decline in the residential segregation index during this two-decade period.

There are several other possible intersections between metropolitan school desegregation and housing. What, for example, is the effect on an African-American family's housing knowledge and choices when their children go to suburban schools and the family becomes involved in the life of a suburban school community? When children go to school across race and class lines, does it affect their housing preferences as adults?

On both these issues there are some intriguing findings. In Milwaukee, where the state government funded voluntary transfers of city minority students to cooperating suburban school districts and now supports an expanded program under a consent decree, research showed that many of the minority families involved developed a strong interest in the possibility of moving to the suburbs. Black and white adults who had attended integrated schools were more likely to live in integrated neighborhoods. A fifteen-year longitudinal study comparing similar groups of minority students in Hartford who did or did not transfer to the suburbs under a voluntary desegregation program showed that those attending suburban schools were considerably more likely to live in integrated communities as adults. It may be that educational experience strongly affects housing preferences by affecting levels of comfort with and toleration for interracial neighborhood contact. Preliminary data from the twenty-year study noted above are to the same effect. Since the average American family moves every six years, an average housing unit would have turned over three times during this period. Area-wide school integration may well affect housing choices.

Opponents of school and housing desegregation policies often

70. Lois M. Quinn et al., Relationships Between School Desegregation and Government Housing Programs: A Milwaukee Case Study (1980).
argue that segregation cannot be defeated because the steady spread of ghettos is built into the incompatible housing preferences of whites and blacks. Because the average American household moves every six years, neighborhoods must continuously replace their populations. If, according to a theory articulated by Thomas Shelling and examined empirically by Reynolds Farley and others, blacks move into an area in greater concentrations than most whites prefer, the housing market will shift and the area will become more and more black, even though both races are willing to accept some level of integration. The basic claim is that by the time a neighborhood becomes comfortable for blacks it is no longer acceptable to whites, rendering interracial neighborhoods highly unstable.

The policy implication some draw from this is that since neighborhoods are inherently unstable, school desegregation is not feasible without constant changes in plans. The theory has also been used to attack housing desegregation efforts as exercises in futility. In many recent school desegregation cases, including the 1992 Supreme Court decision Freeman v. Pitts, this argument was very important in supporting the proposition that housing preference structures produce a "natural" process of spreading segregation that the school systems cannot change, and therefore school districts should simply be allowed to return to segregated neighborhood schools. Surveys have been conducted by expert witnesses for school district defendants in a number of localities to try to create evidence to convince courts of these propositions.

Preferences grow out of experience and they change. Research is needed on ways in which experiences in interracial schools, particularly in the kind of integrated schools made possible by a city-suburban desegregation plan, change preferences in ways that make it easier to achieve widespread


74. See Reynolds Farley et al., "Chocolate City, Vanilla Suburbs": Will the Trend Toward Racially Separate Communities Continue?, 7 SOC. SCI. RES. 319, 333-38 (1978) (discussing the results of a study aimed at discovering how much residential integration whites would accept).


desegregation of housing.\textsuperscript{77} Without metropolitan school
desegregation plans, the concentration of minority housing on
the boundaries of existing minority areas means that the only
whites who will experience significant contact with nonwhites in
their neighborhoods or neighborhood schools are less affluent
families living near ghettos. Usually that contact is brief and
negative because it occurs during a racial transition which often
is overlaid with severe social tensions and resentments. Much
of the “natural” school integration that occurs in cities without
desegregation plans takes place in a situation of rapid white
displacement. Usually the school resegregates much faster than
the neighborhood because newcomers are younger, have more
school-age children, and rely more heavily on public schools than
the whites they replace. In thinking about housing-school
relationships, it is critically important to realize that the
thousands of segregated minority schools in New York, Los
Angeles, Chicago, Detroit, and many other cities were all
interracial at some point but resegregated mostly through
neighborhood transition. School integration at the neighborhood
level in metropolitan areas has seldom lasted. These are hardly
the conditions that would produce the full potential benefits of
desegregation. “Natural desegregation” under such circumstances
is more likely to intensify, rather than reduce, prejudice.

It may be true, contrary to popular assumptions, that
neighborhood schools undermine neighborhood integration.
Because the school no longer represents the leading edge of
resegregation, “artificial” school desegregation strategies
covering entire housing markets are far more conducive to "natural" residential integration. Under such an "artificial" strategy, schools become a center of stable interracial contact, and usually in a predominantly middle-class setting, because any failure to maintain a public school that is seen as acceptable to white, middle-class families will impose a burdensome "school tax" that whites have to pay if they choose to withdraw their children from the failing public school and instead enroll them in a private or parochial school. The yearly cost of private schools for a family with three children would consume a very high fraction of family income for many urban families.

Under the typical city-only desegregation plan formulated after the Supreme Court blocked the path to city-suburban integration in *Milliken v. Bradley*, suburban whites are largely isolated from any desegregation, except in suburbs where a sizable minority community forms. Whites choosing to live in the city, on the other hand, could well face an integration plan that places all white children in schools with large nonwhite majorities and high fractions of educationally disadvantaged low-income children. A white child in Cleveland, for example, might face assignment to a school that was "integrated" at the 80% African-American level with 60% poor children, while three miles into the suburbs a similar child would go to a 99% white school with very few, if any, low-income children. Such differences are not unusual, and they reinforce the long-established suburbanization trend. They also spur outmigration of minority middle-class families.

A return to neighborhood schools in such a setting, often advocated by those fighting to preserve a white, middle-class population for the city, likely would not work. Central cities with neighborhood schools still house disproportionate numbers of minority and low-income children. Minority residential areas and schools continue to expand on their peripheries, producing racial and class change neighborhood-by-neighborhood and rarely producing a school that can compete with suburban schools.

One need only study the demographics of many central cities without busing plans, such as Chicago, Los Angeles, Atlanta, and others, to see the way in which neighborhood schools have

78. 418 U.S. 717 (1974) (refusing to impose a multidistrict remedy for single district *de jure* segregation).
failed to hold white families. After Atlanta's black leaders worked out a compromise in 1973 to drop a desegregation case in return for black control of the school administration, city leaders hoped that it would stop white flight.\textsuperscript{79} Atlanta, however, has had one of the nation's most dramatic declines in white enrollment, followed by a massive departure of the black middle class to a sector of suburbia.\textsuperscript{80}

Metropolitan desegregation plans alter conditions and incentives for families in key respects. Built into beliefs about housing markets in many urban communities, and into popular understanding of the meaning of success, is the "right" of affluent families to attend homogeneous, high-status schools in communities where land-use and housing policies make residence by less affluent families impossible and where traditions of private discrimination exclude blacks. The right to attend such schools is commonly understood and marketed as part of buying an expensive house in an exclusive community—almost a property right. Countless meetings over school integration and scattered-site public housing in suburbia have seen residents and political leaders arguing that they bought and paid for that right. Although Americans strongly support the goal of equal educational opportunity for all, they also support—without recognizing the contradiction—the reality of far better educational opportunity for those who both have the money to buy it and who do not face housing market discrimination. Metropolitan school desegregation partially detaches the best school opportunities from housing wealth and significantly lowers the intense class stratification of schools within metropolitan areas.

As desegregation plans change the experience of children and families, it is reasonable to think that these changes would impact the residential choices that families make. Area-wide desegregation would make city neighborhoods more viable, and suburban communities somewhat less alluring, since white families moving within the area would be assured integrated, rather than segregated, schools.

B. Subsidized Housing and Segregated Schools

Just as there have been few serious looks at the impact of


\textsuperscript{80} Id. at 104-05.
school desegregation on housing integration, there has been little systematic study of the impact of subsidized housing on school integration. Housing policies have clearly contributed to the national problem of segregated schools. The only HUD-funded studies of this problem were conducted a decade and a half ago, and they showed dramatic relationships between subsidized housing and segregated schools in metropolitan St. Louis, Columbus, Phoenix, Denver, and Dallas. In some communities, different placement and tenanting of subsidized housing could have eliminated much of the need for busing to produce integrated schools. Other HUD studies of the location and tenancy of subsidized housing suggest the likelihood of similar problems in many metropolitan regions. A study of one of the most rapidly growing urban counties of the 1980s, Florida's Palm Beach County, showed a serious subsidized housing contribution to segregation there.

Many of the census tracts with the highest levels of concentrated poverty and with the schools having the highest dropout rates are in communities where large fractions of the students live in federally subsidized housing. The first city in the United States to return to neighborhood elementary schools with federal court approval, Norfolk, Virginia, instantly created almost all African-American and all-poor schools, some of which


82. See Robert Gray & Steven Tursky, Local and Racial/Ethnic Occupancy Patterns for HUD-Subsidized Family Housing in Ten Metropolitan Areas, in Housing Desegregation and Federal Policy 235, 249 (John M. Goering ed., 1986) (finding that HUD-subsidized rental housing in 10 metropolitan areas was concentrated in a relatively small number of minority-occupied census tracts).


84. See Orfield, Housing Issues, supra note 81; Gray & Tursky, supra note 82 (discussing the results of a study that revealed that HUD rental housing subsidy programs were concentrated mainly in minority census tracts); Orfield, Building an Integrated Community, supra note 83.
were dominated by students in subsidized housing.\textsuperscript{85}

C. \textbf{WHY EDUCATIONAL INSTITUTIONS AND DATA ARE OFTEN IGNORED IN URBAN POLICY ANALYSIS}

It is odd that urban policy analysis concentrates a great deal on public policies about housing and urban development and very little on the largest and most widely supported public institutions, the schools. Of the four basic ways in which public policy may affect the mobility of children and families—income policies, education policies, job policies, and housing and neighborhood policies—it is clear that education is the only one seriously pursued as a means of equalizing opportunity in the United States and the only one that is generally seen as a legitimate function of government. We have one of the most unequal income distribution of any industrialized society and the weakest policies for moving children out of poverty.\textsuperscript{86} We have an exceptionally small public housing sector and there is no consensus about its operation or goals.\textsuperscript{87} While funding for federal urban programs fell substantially in the 1980s and early 1990s, funding for education rose throughout the 1980s.\textsuperscript{88} If there is any relationship between public preferences and public budget priorities, education policy should have large consequences.

There was a very sharp rise in per-student spending for education in the last two decades in spite of the tax revolt that has dominated much of the politics of this period.\textsuperscript{89} Education normally receives public support for expansion even when there is a strong majority favoring overall governmental cutbacks. Public education is the most universal of major public policies, reaching about nine-tenths of all children in school at any point

\begin{footnotesize}
\begin{itemize}
\item[85.] See \textsc{Christina Meldrum \& Susan E. Eaton, \textit{Resegregation in Norfolk, Virginia: Does Restoring Neighborhood Schools Work?} 56-60 \textit{(1994)}).
\item[86.] \textsc{Robert Haveman, \textit{Starting Even: An Equal Opportunity Program to Combat the Nation's New Poverty} 238-40 \textit{(1988)}; \textit{Dimensions: Children in Poverty}, \textit{Educ. Wk.}, Sept. 29, 1993, at 3 (discussing a United Nations report that found the percentage of children living in poverty in the United States is more than double that of any other major industrialized nation and attributing the high percentage to the failure of U.S. policies).}
\item[89.] \textit{Id.}
\end{itemize}
\end{footnotesize}
Other policies with potential to expand opportunities for urban residents and communities tend to be contentious and unstable. Job training and housing and urban development are predominantly federally funded and took the largest proportionate cuts during the 1980s. Welfare and antipoverty policies have been under extremely strong attack for two decades and both parties have pledged to radically alter current welfare policies. Only education expanded both in the liberal period and again in the conservative period, though the focus and the dominant issues changed. Presidents Bush and Clinton recommended education programs with many common elements.\(^{91}\) State governments dominated by both national parties adopted very similar education reforms in the 1980s, reforms providing more resources but requiring tougher course requirements and more demanding testing.\(^{92}\) No one disputes the importance of education and that government must assure minimum standards for the good of the society and the economy. Education is believed to be the key to opportunity, and education has clearly become even more sharply related to economic success in the past generation as the incomes of people with less than a college education declined and that of people with higher education rose significantly.\(^{93}\)

Although education is the largest function of local and often

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90. See Kevin Brown, Do African-Americans Need Immersion Schools?: The Paradoxes Created by Legal Conceptualization of Race and Public Education, 78 Iowa L. Rev. 813, 865 n.218 (1993) (noting 90% of school students attend public schools).


92. Sunderman, supra note 39.

93. See James R. Kluegel & Eliot R. Smith, Beliefs About Inequality: Americans' Views of What Is and What Ought to Be 45 (1986) (finding that the majority of respondents to a national survey saw more education as the most effective means to economic advancement, a result that corresponds to other scholars' assessments that the American public places "great significance" on education as a route to economic advancement).
of state government and frequently ranks foremost among public priorities, the analysis of education largely has been separated from the study of urban development. Since a good home in a good neighborhood and a higher education are the primary dreams of American families, this is shortsighted. It seems very likely that the social and economic structure of our urban settlements strongly reflects the working out of various ways families with choices can provide superior education for their children and avoid the cost of providing it for other children. Many battles over zoning, land use, affordable housing, and taxation turn directly on these issues. Metropolitan desegregation takes attention from these boundary-protection activities that generate intense metropolitan fragmentation, and turns it toward the needs of the larger community.

D. THE NEED FOR BETTER HOUSING SEARCH RESEARCH

One reason why there has not been more research on the school-housing relationship has been that surveys on housing choice often have not shown schools to be a serious consideration. There have been a good many surveys of why people choose homes and neighborhoods, but they tend to show that schools are a relatively unimportant feature compared to price, location, physical attributes, and other factors. Questions asked in many housing choice surveys may be deeply misleading because they do not tap the way in which home-seekers define communities they searched before the beginning of the process of choosing a particular unit. A very important prior question is not asked: "Why don't you even consider looking for housing in the central city and certain parts of the inner suburbs or satellite cities?" If one were to visit real estate offices or sample relocation services in major metropolitan areas, it quickly would become apparent that whites of higher economic and social status are almost never shown and almost never ask to see homes in areas with heavily nonwhite schools. This fact is so

94. See MICHAEL N. DANIELSON, THE POLITICS OF EXCLUSION 1-5, 27-49 (1976) (discussing suburban exclusionary practices that permit residents to maximize the quality of their housing development, schools, and other local benefits).
95. See W.A.V. CLARK & ERIC G. MOORE, RESIDENTIAL MOBILITY AND PUBLIC POLICY (1980) (collecting such studies).
96. Id.
97. ALICE WOLDT, SCHOOLS AND NEIGHBORHOODS RESEARCH STUDY: REAL ESTATE MARKETING PRACTICES AND RESIDENTIAL SEGREGATION 14-20 (1978)
deeply built into the housing search process for many home-seekers, and there are so many other unattractive beliefs about urban neighborhoods (concerning violence and other problems), that the possibility is not even mentioned. As some important political scientists have noted, sometimes the most important decisions to understand are nondecisions, the most important questions are those whose answers are so deeply predetermined that the question is not even posed. 98 Those are the issues that illuminate the deep structure of a society.

If white suburban parents around Detroit or Newark or other older central cities were asked whether or not they would consider buying in an area where their children would have to attend city schools, the responses would doubtless contradict the impression of low concern about schooling that one might receive from the housing search literature. Since most of these studies were conceived with housing as a central focus and without a good theory of dimensions of schooling that might be critical, the responses tell much less than they appear to. Polls showing a sharp rise in white resistance to school integration when their children would be in majority nonwhite schools (even among families perfectly willing to accept substantial integration), suggests that this should be one of the questions explored in well-designed research.

There are exceptions to the tendency for researchers to miss this issue. A report summarizing much of the early research by Charles Kieffer, for example, argued that the impact would be strongest on the areas threatened with racial transition:

When prospective home buyers are hunting for locations, the chances are that they won't want to "risk" moving into an area of "questionable stability." The school clearly becomes part of that "risk quotient." . . . Conversely, a neighborhood in which the school is respected would doubtless promote continuing development . . . and its ability to attract, in an ongoing way, new families with children as replacements for those who have moved or grown. . . .

. . . These concerns, moreover, may be most salient for already marginal or changing neighborhoods or "fringe areas." 99

One study showed that when schools are featured prominently in real estate advertising, it tends to be a school or school district that serves upper-income white communities.  

The bottom line is that in many cities, middle-class whites with children, and a growing number of middle-class minority families, will not even look in the city for housing. Desirable neighborhoods that have never decayed, or historically interesting communities that have gentrified, typically are occupied by young families, singles, gays, empty-nesters, or affluent users of private schools. Often families move from such neighborhoods when their children reach school age unless there is a local school or magnet school that is integrated and predominantly middle class in student background.

If these relationships are true, there should be substantial and measurable differences in urban residential patterns of families with and without school-age children. Those patterns should show the different effects of different types of schools provided within those communities under various forms of desegregation plans or neighborhood school arrangements. This is clearly a case where better surveys, probing more deeply into the stages of housing choice, are needed. Likewise, more serious analysis of actual behavior, based on migration trends for families with school-age children is also necessary. The degree to which such differences are apparent will, of course, depend also upon the overall migration trends into metropolitan areas, the nature of the housing stock that exists in the city, and other

100. Pearce, supra note 64, at 89-93.


102. See generally id. at 84-107 (detailing the perceptions and experiences of whites in Washington, D.C. schools). Whites aged 25-29, the prime years for starting a family, moved out of the central cities to the suburbs at greater than a two-to-one margin from March 1993 to March 1994. KRISTIN A. HANSON, U.S. DEPT OF COMMERCE, GEOGRAPHIC MOBILITY: MARCH 1993 TO MARCH 1994, at 84 (1975). Many metropolitan areas show sharp differences in concentrations of the total population of school-age children, in spite of the more affordable housing for young families in central cities. In the Denver metropolitan area, for example, only 8.5% of the city residents were between five and fourteen years of age, while all of the suburban counties had between 11.9% and 20.2% of this group. In Milwaukee, 12.2% were in this age group, compared to 16.0% to 17.3% in the suburbs. In Washington, D.C., the city proportion was 9.7%, compared to 13.3% to 17.8% in all suburbs except Arlington County. U.S. BUREAU OF THE CENSUS, STATE AND METROPOLITAN AREA DATA BOOK 113, 137, 173 (1991).
factors. Everything else being equal, however, research should reveal an impact on the decisions of young families because a good metropolitan desegregation plan diminishes both one of the leading push forces from the central cities and one of the leading pull factors to newer suburbs.

E. URBAN POLICY AND SCHOOL DATA

Urban policy decision-makers who shape the nature of the local private housing markets with transportation, infrastructure, zoning, and land-use policies typically do not use school data and have no relationship with school officials in their planning processes. In thinking about social issues, urban policy tends to rely overwhelmingly on census data and to make little or no use of public school data. As a result, urban-policy decisions typically are made with little or no understanding of their impact on schools, on the quality and nature of schooling offered where the development takes place, or on the potential of using different school policies to help shape development or redevelopment. HUD, for example, in seeking to avoid segregation in public housing, has relied on out-of-date census data on minority population concentrations, which often leads to approving new housing or locating families in areas which appeared to be diverse in 1990, but which have virtually all-minority, all-poor schools with very low levels of educational achievement. Needless to say, either investing in such communities or using housing policy in ways that resegregate integrated schools is likely to be highly counterproductive for the children living in the housing.

Most debate about urban policy and the underclass concludes that only a small percent of minority residents live in situations of concentrated poverty, although the fraction is growing. A vastly higher proportion of minority youths (but extremely few whites), however, attend schools with high

concentrations of impoverished students. In other words, the negative conditions very strongly associated with concentrated poverty are much more severe in our educational institutions than they are in our residential communities. Schools that comprise greater than ninety percent black and Latino students are more than fourteen times as likely as white schools to have a majority of children living in poverty. It may be much more important for analyzing the impact of poverty on the young to focus on contacts among young people rather than on the overall population. If HUD and local governments wish to stabilize neighborhoods and improve educational mobility, these issues need to be considered.

Since black and Latino children show much more extreme isolation by both race and income, it is certainly critical to understand the impact on them of metropolitan school desegregation plans that disrupt the bleak patterns predominant in central-city districts. The data following in Table 7 show that nearly a third of blacks and almost half of Latino children in the nation's largest urban school districts attend schools more than fifty percent poor. Large numbers are in almost totally impoverished schools. All the urban data suggest that these trends will intensify. Since percentage of poor children in a school is an extremely strong predictor of inequality in educational outcomes, these data deserve the attention of researchers on urban poverty. So does the fact that metropolitan school districts show less poverty.

104. ALLAN C. ORNSTEIN & DANIEL U. LEVINE, FOUNDATIONS OF EDUCATION 451 (4th ed. 1989) ("The net result is that city school districts have become increasingly low income and minority in their student composition, with a high proportion of minority students attending predominantly minority, poverty schools.").
105. ORFIELD, NATIONAL SCHOOL BOARDS ASS'N, supra note 13, at 22 (1993).
106. See ORFIELD & MONFORT, supra note 27, at 18-33 (detailing segregation levels for black and Hispanic students).
Table 7108
School Poverty Concentrations by Type of District and Race, 1991

<table>
<thead>
<tr>
<th></th>
<th>0-50% Poor Students</th>
<th>50-90% Poor Students</th>
<th>90-100% Poor Students</th>
</tr>
</thead>
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<td><strong>WHITES</strong></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>City</td>
<td>78.2</td>
<td>20.3</td>
<td>1.4</td>
</tr>
<tr>
<td>Metro</td>
<td>94.4</td>
<td>5.6</td>
<td>0.1</td>
</tr>
<tr>
<td>Suburb</td>
<td>96.1</td>
<td>3.8</td>
<td>0.1</td>
</tr>
<tr>
<td><strong>BLACKS</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>City</td>
<td>65.4</td>
<td>27.9</td>
<td>6.7</td>
</tr>
<tr>
<td>Metro</td>
<td>71.4</td>
<td>25.6</td>
<td>3.0</td>
</tr>
<tr>
<td>Suburb</td>
<td>87.9</td>
<td>11.3</td>
<td>0.1</td>
</tr>
<tr>
<td><strong>ASIANS</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>City</td>
<td>69.3</td>
<td>24.5</td>
<td>6.2</td>
</tr>
<tr>
<td>Metro</td>
<td>92.3</td>
<td>7.5</td>
<td>0.1</td>
</tr>
<tr>
<td>Suburb</td>
<td>94.1</td>
<td>5.6</td>
<td>0.3</td>
</tr>
<tr>
<td><strong>LATINOS</strong></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>City</td>
<td>52.8</td>
<td>32.5</td>
<td>14.7</td>
</tr>
<tr>
<td>Metro</td>
<td>67.2</td>
<td>31.2</td>
<td>1.6</td>
</tr>
<tr>
<td>Suburb</td>
<td>66.5</td>
<td>33.4</td>
<td>0.1</td>
</tr>
</tbody>
</table>

F. LACK OF COORDINATION AMONG RELEVANT GOVERNMENT AGENCIES AND THEIR RESEARCH PROGRAMS

Too often the courts, as well as the most important government agencies, act as if it is not important to understand school-housing interactions. The issue was briefly on the HUD agenda in 1980, partly as the result of a court order in the St. Louis school desegregation case that directed HUD to work with the local and state housing and development agencies to devise a plan that supported integrated housing.109 HUD commissioned a report of the impact of its programs on the St. Louis-area schools and later a small study of three other metropolitan

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The study showed a substantial relationship between the location of family subsidized housing and school segregation in each area (metropolitan Denver, Phoenix, and Columbus) and was scheduled for publication in 1981. Publication of the report, however, was canceled immediately after the beginning of the Reagan Administration and research was ended.

Late in the Carter Administration there was a short-lived effort to relate school and housing desegregation issues. A Ford Foundation report demonstrated the total absence of such coordination. HUD, for example, often approved subsidized housing that directly undermined a school desegregation plan. During the Carter years the Justice Department's Civil Rights Division combined its school and housing sections and began to develop comprehensive litigation strategies to ask for coordinated remedies. Only one case was fully developed during the Carter Administration, leading to a sweeping victory in Yonkers, New York. The Justice Department was actively considering other major cases in areas such as Phoenix. The Reagan Administration reséparated the school and housing sections at Justice and brought no more suits of this type. Combining these issues enables a systemic strategy for considering how various types of governmental agencies interact to foster metropolitan-wide segregation. Separating them is more consistent with a strategy of each institution blaming private attitudes and the actions of other institutions, thereby limiting its own accountability.

Near the end of the Carter Administration, one of the last

111. Id.
114. There were extensive discussions with the Phoenix city government and various community groups about a plan for voluntary housing desegregation to deal with the issues being raised by the Justice Department investigation. The author visited the city during 1980 to consult with city planners, civil rights officials, and the city council about these issues. The planning process ended after the 1980 election removed the Carter Administration from power. The issue of interdistrict school and housing segregation was not litigated.
regulations HUD published required that housing decisions be made in ways that supported school integration. Such consideration would have brought about significant changes in housing decisions but the regulation was rescinded in the first days of the Reagan Administration. In its final year under President Carter, HUD commissioned exploratory research on school-housing interactions and sponsored conferences bringing together school and housing officials in Dallas and Denver. The Denver session stimulated a number of local initiatives and experiments, including a successful effort to develop the last major vacant land in the city as an intentionally integrated community with a naturally integrated neighborhood school.

Since that time there has been no serious analysis of these issues and no substantial effort to coordinate policy.

G. POLITICAL BARRIERS TO ANALYSIS OF METROPOLITAN INTEGRATION

Urban school desegregation has been extremely controversial since it began in earnest with the Supreme Court's first busing decision in 1971. Since that time four presidents and their administrations have been active critics of busing orders. The only federal program to foster successful desegregation was published, but was rescinded by the Reagan Administration before it took effect. The Reagan Administration promised to resubmit a regulation, but never did so. See CITIZENS COMM'N ON CIVIL RIGHTS, A DECENT HOME: A REPORT ON THE CONTINUING FAILURE OF THE FEDERAL GOVERNMENT TO PROVIDE EQUAL HOUSING OPPORTUNITIES 55-56 (1983).

115. The HUD Title VIII regulation was published, but was rescinded by the Reagan Administration before it took effect. The Reagan Administration promised to resubmit a regulation, but never did so. See CITIZENS COMM’N ON CIVIL RIGHTS, A DECENT HOME: A REPORT ON THE CONTINUING FAILURE OF THE FEDERAL GOVERNMENT TO PROVIDE EQUAL HOUSING OPPORTUNITIES 55-56 (1983).

116. Id.

117. See generally SCOTT CUMMINGS, RACIAL ISOLATION IN THE PUBLIC SCHOOLS: THE IMPACT OF PUBLIC AND PRIVATE HOUSING POLICIES (1980) (surveying such research).


120. See Gary Orfield, Race and the Liberal Agenda: The Loss of the Integrationist Dream, 1965-1974, in THE POLITICS OF SOCIAL POLICY IN THE UNITED STATES 313, 347-48 (Margaret Weir et al. eds., 1988) (stating that the Republican party, which won four of five presidential elections after 1964,
gation, the Emergency School Aid Act,\textsuperscript{121} was repealed in 1978, and there has been no proposal to reinstate it. Given all this, most Americans probably would be surprised to know that public opinion actually has become more supportive towards desegregation and busing since 1980 and that substantial majorities of both white and minority families whose children have been bused for desegregation purposes report positive experiences.\textsuperscript{122}

Notwithstanding this increasing public support, there has been almost no serious political consideration of the possibilities of metropolitan school desegregation outside of those communities where it is a reality. In our social research and policy analysis we tend to give a great deal of attention to issues that currently are on the national agenda, no matter how inconsequential social research may suggest their impact may be, and almost none to policies that have been rejected, no matter how basic the questions they address. The extreme and growing differences between education in cities and suburbs, and between the schools attended by minorities and whites in many metropolitan areas, receive very little attention because no one and no institution in a position to act on a state or national level has announced any intention to do anything about it. The fact that individual courts, school districts, and metropolitan areas were actually successfully implementing school desegregation plans has gone unremarked in the current political climate.

H. THE "WHITE FLIGHT" CONTROVERSY

The only research on school desegregation funded during the Reagan and Bush administrations was on white flight. Nothing was done to study positive effects of metropolitan plans. The only federally funded studies were a study funded by the U.S. Commission on Civil Rights and another funded by the Department of Education, both of which were undertaken by investigators who had testified for school districts against mandatory

\footnotesize{\textsuperscript{122} See Orfield, supra note 119, at 663 (citing a 1989 survey reporting that 63\% of black parents and 64\% of whites said their busing experience had been "very satisfactory,"—up from similar surveys in 1978 and 1981—and concluding that parental support is increasing for busing, although the general public response may still be negative).}
These studies essentially agreed with James Coleman's 1975 paper that ignited controversy by positing a relationship between school desegregation and "white flight." Claiming that implementing busing plans accelerated the loss of white students from school districts, Coleman's study received intense national attention because of Coleman's stature as the director of the study of desegregation mandated by Congress in 1964, and because it lent academic substance to the fierce attack on a very unpopular policy: busing. It seemed as if a prominent academic with credibility in the field was saying that urban desegregation was a futile effort.

Coleman's linking of urban desegregation and declining white enrollments launched numerous studies and countless courtroom battles. Researchers compiled data relating desegregation to enrollment changes, and specialists in analyzing such data emerged and appeared in courts across the country purporting to show the futility of school desegregation orders. During the Reagan and Bush administrations, federal civil rights officials adopted the white flight theory and sponsored research by leading witnesses against desegregation plans intended to provide proof for this theory. Some key federal court decisions on desegregation relied directly on evidence from studies commissioned by school districts to document white flight. The first federal court order permitting the dismantling of an existing desegregation plan came in Norfolk, Virginia and relied on white flight testimony by David Armor, even

124. COLEMAN ET AL., supra note 23, 81.
126. See Gary Orfield, Research, Politics and the Anti-Busing Debate, 42 LAW & CONTEMP. PROBS. 141, 143-49 (Autumn 1978) (detailing Coleman's 1966 report and his 1975 paper as well as the controversy surrounding them).
127. James S. Coleman & Sara D. Kelly, Education, in URBAN PREDICAMENT (William Gorham & Nathan Glazer eds., 1976) (arguing that the desegregation of white schools was worsening the problem).
128. See ROSSELL, supra note 123; WELCH & LIGHT, supra note 27 (arguing that desegregation plans actually increased segregation in many metropolitan areas).
129. See Riddick v. School Bd., 784 F.2d 521, 526 (4th Cir.), cert denied, 479 U.S. 988 (1986) (noting Armor's conclusion that "mandatory busing has led to significant white flight").
though the decline in white enrollment had ended several years before the elementary desegregation plan was partially rescinded. As it happened, the percentage decline in white enrollment resumed a few years later, after a partial return to neighborhood schools.\textsuperscript{130}

While many issues in this debate are still unsettled, there are some agreed relationships between school desegregation plans and trends in white enrollment. Mandatory desegregation plans limited to central cities with large minority enrollments speed up the decline in white enrollment, at least in the beginning.\textsuperscript{131} Virtually all central cities, however, have experienced a continuing decline in the percent of white students for many years, and declines have been sharp in many cities whether or not they had a desegregation plan.\textsuperscript{132} In cities which have dismantled all or part of their plan, the white enrollment decline continues. In other words, the basic forces that are producing white enrollment decline go far beyond the school desegregation plan although the plan can accelerate this decline. On the other hand, analysis of the largest school systems in the United States shows that half of those with the greatest stability of enrollments by race between the 1960s and the mid-1980s had mandatory metropolitan desegregation plans. The large 1987 study for the U.S. Civil Rights Commission by Finis Welch and Audrey Light concluded that mandatory metropolitan plans produced very large increases in desegregation with “much less enrollment loss” than more limited plans.\textsuperscript{133}

I. \textbf{POSSIBLE USES OF HOUSING POLICY TO REDUCE METROPOLITAN SCHOOL AND HOUSING SEGREGATION}

While this Article endorses metropolitan school desegregation plans as the most effective way to overcome the problems


\textsuperscript{131} See Orfield \& Monfort, \textit{supra} note 27, at 7 (documenting decline in white enrollment from 1967 to 1986).

\textsuperscript{132} See Orfield \& Monfort, \textit{supra} note 27, at 33 (noting the unlikelihood of meaningful integration occurring where percentage of white students has declined).

\textsuperscript{133} Welch \& Light, \textit{supra} note 27, at 6. County-wide districts have low enrollment loss because they are concentrated in the Sunbelt and encompass cities and suburbs alike. \textit{Id.} Large urban districts are at the other extreme, with little segregation improvement and large white enrollment loss. \textit{Id.}
that plague city-district desegregation, such plans need not and ought not exclude housing initiatives. Some districts have responded to the pressures of court-ordered school desegregation by devising ways to use housing policy to produce more integrated schools and, eventually, to permit the return of neighborhood schools in some sectors.\(^{134}\) After the desegregation of the metropolitan Louisville area in 1975 with the merger of the city and its suburban county, the Kentucky Human Relations Commission initiated a policy of using Section 8 programs to reduce school segregation.\(^{135}\) This policy was implemented primarily by giving counseling and escort service to Section 8 certificate holders searching for housing, by exempting families making pro-integration moves from busing, and by returning neighborhood schools to neighborhoods that became integrated. The school district was able to move a number of schools from its mandatory assignment plan. Denver undertook a scattered-site housing plan, worked with realtors on integrating neighborhoods, and negotiated a deal to build a new school for a major development only on the condition that the housing be strongly marketed as integrated. The Palm Beach County School Board attempted to respond to charges that it had built schools in a way that intensified segregation by requiring developers wanting new schools in outlying areas to enter into agreements about the development of residentially integrated communities.\(^{136}\)

The situation to date has been one of policy experimentation in response to local conditions without national support or research and assistance. There should be a serious effort to determine what works under what conditions to create and sustain lasting integration of schools and housing. From an educational perspective, a basic reason for housing integration is that there is substantial evidence that school integration works more efficiently and creates greater benefits when students live in integrated neighborhoods. A study of children in Omaha by Cornelius Jackson found, according to Meyer Weinberg, that "[c]hildren in the residentially desegregated


\(^{135}\) See generally Kentucky Comm'n on Human Rights, School and Housing Desegregation Are Working Together in Louisville and Jefferson County 83-85 (1983) (discussing the improvement in the education gap when blacks and whites live in suburban communities as part of housing and education desegregation plans).

\(^{136}\) Peter Schmidt, Palm Beach Shifts Integration Focus to Housing, Educ. Wk., Feb. 26, 1992, at 1, 9.
schools... related more positively to their schools." Parents in these areas also had more positive attitudes toward the schools. The author attributed it to "their having been classmates longer and having shared memberships in churches and social organizations." Robert Green's study of the metropolitan Wilmington plan reached a similar conclusion. Rosenbaum's research on the educational experience of the students in the Gautreaux plan also suggests large benefits from school desegregation growing out of housing policy changes. Certainly, these issues deserve very careful attention, since they both respond to a fundamental criticism of desegregation orders ("the real problem is housing") and point toward a way to eventually end much of the coercion involved in school desegregation without recreating systems of separate and unequal schools.

J. RECENT APPROACHES TO METROPOLITAN SCHOOL DESSEGREGATION

There have been several mergers of city and suburban school systems in the last two decades, two under federal court order—Louisville and Wilmington. In Indianapolis a large-scale metropolitan desegregation plan was ordered involving only

138. Id.
139. See generally ROBERT L. GREEN ET AL., METROPOLITAN SCHOOL DESSEGREGATION IN NEW CASTLE COUNTY, DELAWARE (1980) (report to the Rockefeller Foundation reaching a similar conclusion).
one-way busing from the city rather than merger of the city and suburban school districts. Federal courts ordered the merger of segregated suburban districts in the suburbs of St. Louis and Pittsburgh, and a state court rejected an effort to split a district in New Jersey in a way that would increase segregation and instead ordered a study of regional approaches.

There also have been two plans providing relatively large-scale transfers from city to suburban schools under federal court settlement agreements in metropolitan St. Louis and Milwaukee. In St. Louis more than one-fourth of the city's African-American students attend suburban schools. Boston also sends several thousand of its students on voluntary transfers under the METCO program, which has been operating for almost thirty years. Finally, there is a major metropoli-

142. See United States v. Board of Sch. Comm'rs, 506 F. Supp. 657, 663-69 (S.D. Ind. 1979) (ordering one-way busing as one of a number of remedies), aff'd, 637 F.2d 1101, 1103-05 (7th Cir.), cert. denied, 449 U.S. 838 (1980).


144. The community of Englewood Cliffs, New Jersey, sued in state court in 1985 for permission to withdraw from a 20-year-old sending relationship with the Englewood school district, thus increasing the segregation of an Englewood high school. In 1988, the state commissioner of education ruled against the community as did the state board of education in 1990 and the appellate division of the superior court in 1992. The court required a study of regionalization, combining the areas, ruling that home rule and local control must yield to the fulfillment of the educational and racial policies in the state statutes and constitution. In 1993, the New Jersey Supreme Court upheld the decision, and regionalization plans were submitted in 1995. Robert Hanley, Island in a Sea of White Resistance: Englewood's Neighbors Oppose All Regional School Plans, N.Y. TIMES, Dec. 21, 1995, at B1.


146. Armstrong v. Board of Sch. Directors, 616 F.2d 305, 310 (7th Cir. 1980) (detailing Milwaukee agreement).


148. The Metropolitan Council for Educational Opportunity (METCO) school integration plan provides financial assistance from Massachusetts to any regional school district that files a school integration plan that seeks to reduce racial imbalance in the public schools. MASS. ANN. LAWS ch. 76, § 12A (Law. Co-op. 1984). The financial assistance includes the cost per pupil of educating each nonresident child, the cost of transportation of each child, and the cost of
The destiny of these metropolitan areas and their school districts should be compared to those that took no action and allowed themselves to be transformed by demographic change. A good example is metropolitan Richmond, Virginia. Civil rights lawyers sued for a merger and desegregation of Richmond and its two adjacent suburban counties, Henrico and Chesterfield, in the early 1970s, but the initiative was blocked by a 4-4 tie vote on the Supreme Court.

The basic reality of multidistrict metropolitan areas is one of segregated patterns of student assignment, creating separate and unequal worlds of educational opportunity. The privileged sectors in those areas deny responsibility for or common interest with the school systems that serve the most disadvantaged students. Blame for the fate of such systems is shifted to urban institutions and communities. When the poor sectors face disastrous change, the changes are seen not as objects of general concern but as sorry examples of the inability to be fiscally responsible.

The entire central-city system has been written off as unsuitable for middle-class white children and irrelevant to the white community in a good many metropolitan areas; in some, the minority middle class has also reached the same conclusion. The condemnation is so universal that ranking leaders of the political parties receiving the votes of the city's minority voters could send their children to private schools without facing any serious negative criticism. As New York, Cleveland, Washington, Los Angeles, and other large city districts face drastic cutbacks in local budgets, there is no initiative for a tax increase or an increase in state or federal grants to prevent a major cutback in school budgets. In fact, suburban pluralities in state legislatures often move to change the distribution of funds in

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149. Sheff v. O'Neill, No. CV89-020360977S, 1995 WL 230992, at *1 (Conn. Super. Ct. Apr. 12, 1995). This case has been heard by the Connecticut Supreme Court, but there has been no decision as of this printing.


their direction while confronting city students with more difficult tests and other barriers to graduation and college access, policies based on the assumption that city schools are not overwhelmed but willfully negligent. Metropolitan school districts, in stark contrast, are viewed very differently—even when they include depressed inner-city communities—as powerful and influential centers of state economic policy and as magnets for, rather than obstacles to, business investment.

CONCLUSION

Since comparative systematic research to date has been so limited, this Article can only spell out a theoretical argument and focus on a few comparisons that can be drawn from existing data sources on the linkages between housing and education. The data presented suggest powerful and important relationships, but the Article is far from a definitive analysis of the issues. It does suggest that HUD's Moving to Opportunity Policy, which emphasizes expansion of the housing choices for low-income subsidized families, and therefore school choices as well, could be an important positive component of a broader policy. Such a policy also might include support for voluntary city-suburban school transfer and desegregation programs and assistance to areas that wish to learn from metropolitan areas that have consolidated systems.

This Article explores the possible operation of metropolitan school desegregation as a powerful element in reshaping the conception of a community of interests in educating all the children of a region and as a tool for changing beliefs about the probable future of various regions and communities within the metropolitan area. In such plans, all neighborhoods can have good, largely middle-class schools, central-city housing may be more desirable and pass much less rapidly from the white to the minority submarket. Integrated neighborhoods may be less vulnerable when they have the support of an integrated rather than a rapidly changing school and when there is no incentive for whites to flee to another school district.

There are strong reasons to think that metropolitan school districts with strong desegregation plans can develop powerful and effective local schools that are well-linked to major institutions, thus offsetting some of the racial and economic polarization existing in metropolitan America. A single district instead of many systems that are separated by race and class and are turned against one another can achieve some of the key
benefits that James Madison pointed to in his argument for creation of the federal government. Many more of the interest groups of the society are represented and there is much less risk of tyranny of a locally dominant faction. Such a solution also aids democracy in other critical respects—a metropolitan district is far more visible and thus more susceptible to democratic control in an era in which the public relies on the mass media for its political information. Since the price of exit from the school district is greatly increased by its broad scope, there is much greater incentive for people to invest in improving the system rather than simply leaving for a better one. Learning how and under what conditions these area-wide districts work and exploring possibilities for mutually supportive educational, housing, and urban policies could make an important contribution to the development of a workable metropolitan system for a highly urbanized and rapidly changing multiracial nation.