

To: NYCLU Senior Leadership  
From: Rashida Richardson and Yusuf Abdul-Qadir  
Date: August 2, 2016  
Re: Syracuse Desegregation Preliminary Background Memo

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## **Background on Economic, Housing and Educational Opportunities in Syracuse**

Of the nation's 100 largest metropolitan areas, Syracuse has the highest level of poverty concentration amongst blacks and Latinos.<sup>1</sup> While the Great Recession has contributed to the sharp re-concentration of poverty in metropolitan areas since 2000; for many US cities, the concentration of poverty, particularly within communities of color, is a product of political decisions, institutional arrangements, and unfettered private discrimination. These decisions and practices "ensure that significant segments of our population live in neighborhoods where there is no work, where there are underperforming schools, and where there is little access to opportunity."<sup>2</sup> These patterns of metropolitan polarization is most apparent in Syracuse because of its history of residential and school segregation.

### Housing Segregation in Syracuse

Much of the residential patterns within Syracuse and the surrounding Onondaga County are a result of systemic disinvestment in neighborhoods with large black populations facilitated through discriminatory government and private practices and programs like redlining, blockbusting, racially restrictive covenants, urban renewal, predatory lending, and isolation of affordable housing. For instance, in the 1960s, many black residents were displaced because their homes were demolished to clear land for middle and higher income housing projects, university student housing, and a medical center.<sup>3</sup> Around the same time, nearly 1,300 black residents were displaced for the construction of Interstate 81. As black residents moved to different city neighborhoods, white residents increasingly fled to surrounding suburbs or rural area.

There are also a number of local factors that have contributed to housing segregation, neighborhood quality, and housing accessibility in Syracuse. For instance, there are stark racial disparities in home ownership rates in Onondaga County.<sup>4</sup> While there are generally fewer minority applicants for home purchase and home improvement loans, minority loan applications

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<sup>1</sup> PAUL JARGOWSKY, CENTURY FOUNDATION, ARCHITECTURE OF SEGREGATION: CIVIL UNREST, THE CONCENTRATION OF POVERTY, AND PUBLIC POLICY (2015), *available at* <https://tcf.org/content/report/architecture-of-segregation/>.

<sup>2</sup> PAUL JARGOWSKY, CENTURY FOUNDATION, ARCHITECTURE OF SEGREGATION: CIVIL UNREST, THE CONCENTRATION OF POVERTY, AND PUBLIC POLICY (2015), *available at* <https://tcf.org/content/report/architecture-of-segregation/>.

<sup>3</sup> U.S. COMMISSION ON CIVIL RIGHTS, Clearinghouse Pub. No. 12, PROCESS OF CHANGE: THE STORY OF SCHOOL DESEGREGATION IN SYRACUSE, NEW YORK 5 (1968).

<sup>4</sup> "...homeownership rates of Non-Hispanic Whites well over double that of Blacks and Hispanics." CNY FAIR HOUSING, ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING: SYRACUSE AND ONONDAGA COUNTY, NY 41 (2014), *available at* <http://cnyfairhousing.org/wp-content/uploads/2014/11/CNY-Fair-Housing-sm2.pdf>.

are more likely to be denied than white applicants.<sup>5</sup> The denial of home improvement loans is significant because housing stock is significantly older in the City of Syracuse compared to Onondaga County, New York State, and national rates.<sup>6</sup> This is problematic because in addition to the increased costs of maintaining aging housing, many of the houses in Syracuse were built before lead paint regulations and modern construction standards.<sup>7</sup>

For residents without economic resources or opportunities, housing options are scarce because there is a serious shortage of affordable housing throughout Onondaga County. Most affordable housing options are limited to the City of Syracuse because of exclusionary zoning policies, source of income discrimination, and limited public transportation. In fact, there are a limited number of landlords and geographic areas that accept Section 8 vouchers or other forms of public assistance. “Roughly 8.5% of the housing units in Syracuse are subsidized to be affordable for low-income families whereas only 1.2% of all units within the county (excluding Syracuse) are subsidized to be affordable.”<sup>8</sup>

### School Segregation in Syracuse

In the 1960s, the Syracuse Board of Education tried to integrate its schools by race, after local civil rights groups protested the racial imbalance in schools. Initially, the school board was resistant because they considered the racial imbalances in Syracuse schools to be a consequence of housing issues. However, after hearing about the academic improvements among black students who transferred to an all-white school because of overcrowding in a predominantly black school, and pressure from urban renewal officials that “white families would not be attracted to middle income housing” in Syracuse unless the schools improved, the School Board and superintendent decided to develop an integration plan.<sup>9</sup>

The first integration plan included closing predominantly black schools and busing the students to predominately white schools, where the receiving schools limited enrollment of black students to ten percent.<sup>10</sup> Though academic performance improved, the voluntary integration ultimately failed because of conflicting community pressures. Subsequent integration efforts included a special academic program for high ability middle school students and a cooperative project

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<sup>5</sup> CNY FAIR HOUSING, ANALAYSIS OF IMPEDIMENTS TO FAIR HOUSING: SYRACUSE AND ONONDAGA COUNTY, NY 41-46 (2014), available at <http://cnyfairhousing.org/wp-content/uploads/2014/11/CNY-Fair-Housing-sm2.pdf>.

<sup>6</sup> CNY FAIR HOUSING, ANALAYSIS OF IMPEDIMENTS TO FAIR HOUSING: SYRACUSE AND ONONDAGA COUNTY, NY 40 (2014), available at <http://cnyfairhousing.org/wp-content/uploads/2014/11/CNY-Fair-Housing-sm2.pdf>.

<sup>7</sup> CNY FAIR HOUSING, ANALAYSIS OF IMPEDIMENTS TO FAIR HOUSING: SYRACUSE AND ONONDAGA COUNTY, NY 40-41 (2014), available at <http://cnyfairhousing.org/wp-content/uploads/2014/11/CNY-Fair-Housing-sm2.pdf>.

<sup>8</sup> CNY FAIR HOUSING, ANALAYSIS OF IMPEDIMENTS TO FAIR HOUSING: SYRACUSE AND ONONDAGA COUNTY, NY 55 (2014), available at <http://cnyfairhousing.org/wp-content/uploads/2014/11/CNY-Fair-Housing-sm2.pdf>.

<sup>9</sup> U.S. COMMISSION ON CIVIL RIGHTS, Clearinghouse Pub. No. 12, PROCESS OF CHANGE: THE STORY OF SCHOOL DESEGREGATION IN SYRACUSE, NEW YORK 5 (1968).

<sup>10</sup> U.S. COMMISSION ON CIVIL RIGHTS, Clearinghouse Pub. No. 12, PROCESS OF CHANGE: THE STORY OF SCHOOL DESEGREGATION IN SYRACUSE, NEW YORK 7 (1968).

where elementary classes were conducted on the Syracuse University campus.<sup>11</sup> Both programs ultimately failed because the schools reached a tipping point at which white middle class families and teachers fled to surrounding suburbs.

Over time, Syracuse has experienced the largest increase in majority-minority schools, compared to other Upstate New York metropolitan areas.<sup>12</sup> A UCLA Civil Rights Project study found that “[i]n Syracuse, black students attended school in 1989 with a third of students from their own race; twenty years later, the typical black student attended schools with nearly half black students.”<sup>13</sup> In contrast, enrollment in districts in suburban areas have remained predominately white and middle class, with only 21 percent of student eligible for free and reduced-price lunch, compared to the City of Syracuse, where 80 percent of students are eligible for free and reduced-price lunch.<sup>14</sup>

### **Why Syracuse is Ripe for Intervention?**

#### Expiration of Interstate 81

It was nearly 60 years ago when community members, elected officials and the local Chamber of Commerce converged on ways to reduce congestion in downtown Syracuse. At the time, they envisioned addressing these problems with two street grade expressways to go around the city—one going north-south along Salina St., the other east-west along Erie Blvd.—so as to not negatively impact housing or commerce. The idea galvanized tepid State support (contingent to Syracuse supporting 50% of the project), but stalled due to the State’s financial situation. In 1956, the year President Eisenhower signed the Federal-Aid Highway Act (which offered to cover 90% of the construction costs associated with building elevated or depressed/below grade highways), the State changed suit and what Syracuse got was not one, but two elevated highways dissecting the city: I-81 and I-690. With funding intact, construction of I-81 required the use of eminent domain to seize property and with it, the forced displacement over 1,300 (mostly African American) residents of Syracuse’s 15<sup>th</sup> Ward.

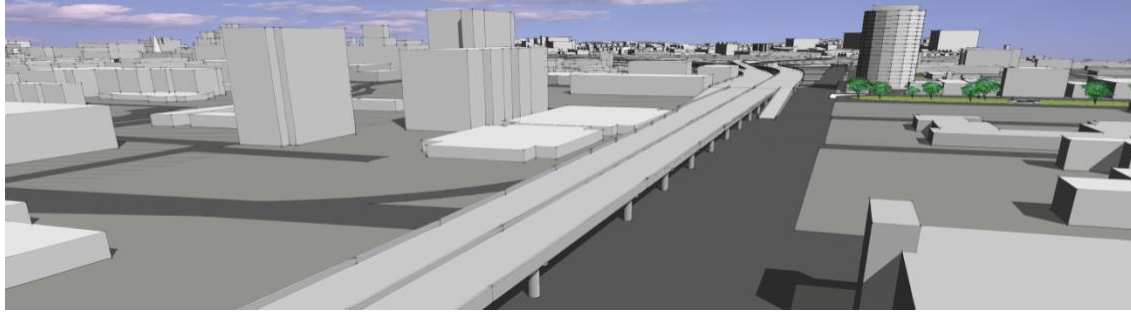
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<sup>11</sup> U.S. COMMISSION ON CIVIL RIGHTS, Clearinghouse Pub. No. 12, PROCESS OF CHANGE: THE STORY OF SCHOOL DESEGREGATION IN SYRACUSE, NEW YORK 18 (1968).

<sup>12</sup> GARY ORGIELD & JOHN KUCSERA, THE CIVIL RIGHTS PROJECT at UCLA, NEW YORK STATE’S EXTREME SCHOOL SEGREGATION: INEQUALITY, INACTION AND A DAMAGED FUTURE 98-99 (2014), available at <https://civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/ny-norfl-et-report-placeholder/Kucsera-New-York-Extreme-Segregation-2014.pdf>.

<sup>13</sup> GARY ORGIELD & JOHN KUCSERA, THE CIVIL RIGHTS PROJECT at UCLA, NEW YORK STATE’S EXTREME SCHOOL SEGREGATION: INEQUALITY, INACTION AND A DAMAGED FUTURE 123 (2014), available at <https://civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/ny-norfl-et-report-placeholder/Kucsera-New-York-Extreme-Segregation-2014.pdf>.

<sup>14</sup> GARY ORGIELD & JOHN KUCSERA, THE CIVIL RIGHTS PROJECT at UCLA, NEW YORK STATE’S EXTREME SCHOOL SEGREGATION: INEQUALITY, INACTION AND A DAMAGED FUTURE 123 (2014), available at <https://civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/ny-norfl-et-report-placeholder/Kucsera-New-York-Extreme-Segregation-2014.pdf>.



With the useful lifespan of I-81 to expire in 2017, an opportunity is emerging that is convening many of the same stakeholders opposed to I-81 and I-690 in the 1950s. In June 2012, the Syracuse Housing Authority (Syracuse's Public housing authority) wrote a letter to Mayor Stephanie Miner, explaining that 568 families will have to be displaced irrespective of the outcome of the decision on I-81, and the imminent need to begin planning for a new, mixed-income/mixed use neighborhood along the footprint of a removed I-81. In January of 2015, the Syracuse Common Council passed a unanimous resolution urging the State DOT to support the removal of the I-81 viaduct.<sup>15</sup> CenterState CEO (CNY's Chamber of Commerce), the Onondaga Citizens League, Rethink81, Moving People Transportation Coalition (operating within the Alliance of Communities Transforming Syracuse: A conglomerate of faith-based organizations and interfaith congregations) and other community groups have all lobbied for the removal and replacement of I-81 into an at-grade/street level boulevard, the development of a new mixed-income/mixed use neighborhood, and multiple transportation options. Their voices are being empowered by lessons learned from highway systems in the heart of cities across the country and a new understanding of the particular impacts I-81 has had on economic and racial justice in Syracuse. It is being informed by the intersection between segregation (both housing and in schooling) and concentrated poverty, as they are more amplified by the presence of I-81. To ameliorate those varied concerns over the future of I-81, options that will indelibly impact urban planning, housing in the city and the surrounding suburbs, etc., are being reviewed by the New York State Department of Transportation (NYSDOT). In determining what needs to be done with I-81, NYSDOT is focusing on four options identified in its scoping report last year, including:

- Replacing the highway with a new elevated viaduct
- Knocking down the elevated span, replacing the viaduct with an at-grade, street level boulevard, rerouting major vehicular traffic around Syracuse on I-481 and onto I-690
- Digging a tunnel and replace the viaduct
- A no-build option that the state is required to consider. Involves the continuance of routine maintenance on the existing Interstate 81

Any decision of NYSDOT regarding I-81, will have significant impact on Syracuse, its makeup, and CNY overall. With the passage of a long-term Highway Bill (HR 3763), Syracuse's I-81 has

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<sup>15</sup> See, Tim Knauss, *Syracuse city council: To restore the city, remove the I-81 viaduct*, SYRACUSE.COM, Jan. 26, 2015, [http://www.syracuse.com/news/index.ssf/2015/01/syracuse\\_city\\_council\\_to\\_restore\\_the\\_city\\_tear\\_down\\_i-81\\_viaduct.html](http://www.syracuse.com/news/index.ssf/2015/01/syracuse_city_council_to_restore_the_city_tear_down_i-81_viaduct.html).

been designated as a “high priority,” ensuring 90% of its funding from the federal government. As other such viaducts/highways/expressways are reaching the end of their useful lifespan in the Bronx, Rochester, Albany and Buffalo, it will have implications statewide, impacting projects to follow.



### Consensus NY- Consolidation of Onondaga County

While discussions on the future of I-81 are ongoing, they are not happening in a vacuum. In 2014, the Commission on Local Government Modernization, was convened and tasked with envisioning a more resilient, competitive, and efficient Syracuse Metro Area. By January of 2016, they changed their name Consensus CNY and released an “Options Report & Preliminary Committee Recommendations.” With the exception of schools, it outlined over 50 recommendations for Onondaga County, including consolidating the City of Syracuse and the towns and villages of Onondaga County into the second-largest metropolitan area in the state.

Consensus’ recommendations called for changes in five key areas, including:

- Infrastructure
  - Countywide water system, managed by the Onondaga County Water Authority (OCWA) and merged with the City of Syracuse water system.
  - Increased cooperation between transportation and public works departments in Syracuse and its surrounding suburbs that border it, including the creation of a “core highway services area”.
  - Inter-municipal agreement, to share engineering, maintenance, purchasing, and other related services, overseen by a “highway advisory services committee” would provide the appropriate oversight for such an agreement.
  - A merging of the Syracuse, Onondaga County, and other Parks Departments from the various county towns and villages.
  - An “asset management system” to integrate and evaluate all sewer and wastewater, with oversight of engineering, planning, construction, and maintenance shifted to from the city and other municipalities, to the county.
  - Pursuing bulk-bidding for solid-waste hauler services across municipal borders

- Coordination to enhance the development and deployment of high-speed broadband services and mass transit systems.
- Public Safety
  - The creation of a metropolitan police department through the merging of Syracuse and other county police forces.
  - Increase community policing and patrols in high-crime areas.
  - Develop a countywide EMS system with four quadrants, each serviced by a single contractor.
  - The creation of a metropolitan fire authority with members from government and fire departments within 5-7 years.
  - Unification of the jail operations in Onondaga County, which are currently split between the sheriff's office and the corrections department.
- Municipal Operations
  - A centralized, coordinated tax assessment programs to serve multiple towns, inclusive of tax certiorari lawsuit defense as well as the implementation of a common accounting software/centralized information technology system.
  - Reduce the number of separate justices in order to explore and pursue a regional court system.
  - A centralized codes education program and enforcement operations between municipalities.
  - Work with the state on the adoption of improved Medicaid technology.
- Economic Development
  - Create a countywide tax base framework to focus on regional economic benefits, and for revenue sharing purposes. Modeled after Minnesota's Fiscal Disparities Program, it would take a scaled approach to tax distribution based on properties' market value per capita, putting increased emphasis on the city of Syracuse and most village governments.
  - Merge the city and county industrial development agencies.
  - Consolidate land use planning under a single countywide plan to optimize existing infrastructure and reduce the creation of new infrastructure.
- Governance
  - A city-county government for Syracuse and Onondaga County, creating an "opt-in" process where towns and villages can opt-in to the "one-community" government, where the new government would be charged with managing regional matters (land use, infrastructure, economic development), address overlapping services in the entire county, and use the influence of being the 2<sup>nd</sup> largest metropolitan area/municipality in the state to advocate for seek mandate relief.

NOTE: A referendum vote was scheduled for November 2016 for such a plan, but it was called off due to a lack of community engagement and support.



### Source of Income Discrimination Legislation and Expansion of Section 8 Program

Nearly 6,000 families have won housing vouchers through Section 8 and Public Assistance, but aren't allowed to use them due to source of income discrimination. Source of income discrimination reduces mobility options for families, ensuring they will remain in concentrated poverty. The discrimination faced by families in Syracuse was outlined by a 2014 report of CNY Fair Housing.

In light of their report, the Common Council is taking up legislation to end source of income discrimination. Legal Services of CNY and CNY Fair Housing, as well as other advocacy groups, are up against an uphill battle as (Syracuse) University area landlords (the largest campaign contributors to Common Council races), are working to kill the bill before it gets to the Council floor. It has been stuck in the Neighborhood Preservation Committee for months, and has been delayed. There are no talks of a countywide effort for source of income discrimination at the moment.

### Upstate Revitalization Initiative Grant Proposal

The growth and economic development of Western New York evidenced through the success of "Buffalo Billion"— a \$1 billion investment from the Governor for implementing 6 high level strategies for "sustainable, next-gen growth"— spurned a competition throughout Upstate NY in what became known as the Upstate Revitalization Initiative. Three regions were awarded \$500 million each to executive economic development plans, with Central New York being one of them.

CNY's application, touted on creating 6,000 jobs over 5 years, and focused on:

- Unmanned systems: Invest \$250 million over the next five years to make Central New York a global center for the development of unmanned aerial and ground systems and their safe integration into commercial airspace and road traffic. It pegged the cost at \$81.2 million, with \$50 million coming from the state. The first-year investment would create 1,364 jobs for the region.
- Indoor farms: Spend \$50 million on programs to boost the region's agricultural output and exports. Among the projects would be the development of indoor farms — also known as "controlled environment agriculture" — in Cayuga and Onondaga counties. Combined, they would cover 150 acres, use \$15 million in state grants and have the potential to create 339 jobs.
- Global manufacturing and logistics hub: Invest \$40 million to create an intermodal cargo transfer, or "inland port," on a 225-acre former mining property off Interstate 481 in the Jamesville area. The hub could directly create 300 jobs, plus 1,644 jobs in surrounding manufacturing, warehousing and distribution facilities that would be

attracted to it, the council said. In addition, it would reduce shipping costs for regional manufacturers by 40 percent.

- National veterans resource complex: Invest \$12.5 million for a hub at Syracuse University that would provide research, programming, education, training and entrepreneurship support for military veterans. The complex would utilize \$12.5 million in state funds and create approximately 300 jobs.
- Government modernization: Invest \$25 million to create and implement a plan for more effective and efficient local government. The investment would advance the work of the Commission on Local Government Modernization for Syracuse and Onondaga County.
- Fighting poverty: Spend \$50 million implementing strategies to improve economic opportunities in distressed communities. The strategies, made through a new organization that would be called the Alliance for Economic Inclusion, would include attracting and growing good jobs in poor areas of the region and establishing workforce and education programs that align with employer needs in key industry sectors, and could put 5,000 unemployed or underemployed residents into jobs.

### Federal Interest in Collaborative Approaches to local Education, Transportation, and Housing Issues

In June 2016 the U.S. Department of Housing and Urban Development (HUD), Department of Education (DOE), and Department of Transportation (DOT) issued a joint letter urging local education, transportation, and housing and community development agencies to work with local communities on collaborative strategies to address the interrelated needs for comprehensive transportation, educational opportunity, and affordable housing.<sup>16</sup> The letter described a new process made available through a new Affirmatively Furthering Fair Housing rule issued by HUD in 2015. The rule provides opportunities for cross-agency collaboration and strong community involvement by recognizing the intersectional nature of housing, education, and transportation issues. The letter provides specific examples of actions local agencies can take in furtherance of this rule. For example the letter directs state and local educational agencies to work with transportation and housing agencies to “create housing and school choice opportunities that best address the unique needs of students, families, and communities.”<sup>17</sup>

In addition to this joint letter, Erica Frankenberg stated that there is interest in Congress to introduce a bill that will fund collaborative housing and school integration projects.<sup>18</sup>

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<sup>16</sup> U.S. Dep’t of Housing & Urban Dev., U.S. Dep’t of Transportation, U.S. Dep’t of Educ., Joint Letter (Jun. 3, 2016), <https://www2.ed.gov/documents/press-releases/06032016-dear-colleagues-letter.pdf>.

<sup>17</sup> U.S. Dep’t of Housing & Urban Dev., U.S. Dep’t of Transportation, U.S. Dep’t of Educ., Joint Letter (Jun. 3, 2016), <https://www2.ed.gov/documents/press-releases/06032016-dear-colleagues-letter.pdf>.

<sup>18</sup> Interview with Erica Frankenberg, Associate Professor of Education, Penn State College of Education, on phone (June 30, 2016).



## SIPP Program

The Socioeconomic Integration Pilot Program (SIPP) was created by the New York State Education Department to increase student achievement through socioeconomic integration in school districts with at least ten schools in the district and poverty rates between 60-70%. NYSED identified twelve school districts that meet the eligibility requirements, including, New York City Department of Education, Buffalo School District, Rochester School District, Yonkers School District, Syracuse School District, Schenectady School District, Mount Vernon School District, Albany School District, Utica School District, Newburgh School District, Binghamton School District, and Hempstead Union Free School District. Charter schools and schools receiving School Improvement Grants<sup>19</sup> or School Innovation Fund Grants<sup>20</sup> are not eligible for this grant. School Districts apply for grants to use one of three proposed models and the number of applications each school district can submit is limited by the total number of schools within a district. Only 25 schools will be funded through this pilot program with each school receiving up to \$1,250,000 over three years. The pilot program includes a planning period (6-18 months) and an implementation period (18-30 months), but funding during each of these periods is contingent upon progress.

During interviews with researchers who are examining the SIPP program, we learned that the Syracuse School District submitted applications with plans that would increase socioeconomic isolation in two Syracuse schools, Clary Middle School and LeMoyne Elementary School. Originally, the Clary plan would increase the number of low income students from 75% in the 2014/15 school year to 80% in the 2017/18 school year.<sup>21</sup> Similarly, the LeMoyne plan was slated to increase the number of low income students from 74% to 79% over the same time period.<sup>22</sup> It was clear to researchers and NYSED that the Syracuse School District did not read or understand the SIPP program.

NYSED asked the school district to revise the plans to reduce socioeconomic isolation and add details on existing district and school administration commitment to carrying out the SIPP planning and implementation process. The revised Clary plan seeks to reduce the school's percentage of socioeconomic isolation by seven percent through implementing a school-wide Expeditionary Learning program that uses "evidence-based best practices in literacy, inquiry-based mathematics, and original research and data collection...to deeply engage students in inquiry-based, real-world research and learning; student-engaged assessment practices; flexible student grouping, teacher teams and scheduling; use of crews/advisories and community meetings to foster a school culture that promotes character, respect, high expectations, and physical and emotional safety; and ongoing, high-quality professional development."<sup>23</sup> The

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<sup>19</sup> U.S. Department of Education grants to raise student achievement in a state's lowest performing schools.

<sup>20</sup> NYSED grants to increase high school graduation, college and career readiness of high school graduates, college persistence, and college graduation rates by increasing the availability of new high quality seats for students at most risk for dropout, disengagement, and poor academic performance.

<sup>21</sup> Interview with Michael Hilton, Policy Analyst, Poverty & Race Research Action Council, in N.Y., (June 28, 2016).

<sup>22</sup> Interview with Michael Hilton, Policy Analyst, Poverty & Race Research Action Council, in N.Y., (June 28, 2016).

<sup>23</sup> SES Integration Plan, Revised: Section B- Program Narrative for Cary Middle School, Syracuse School District (April 16, 2015) (on file with NYCLU and Poverty & Race Research Action Council).

revised LeMoyne plan seeks to reduce socioeconomic isolation by about four percent by implementing a school-wide Montessori Learning program. The goal of both programs is to attracting higher socioeconomic status students from other schools within the district.

### **Policy Options**

Research shows that black-white housing segregation has decrease, marginally, but levels of school segregation have now surpassed those of residential segregation.<sup>24</sup> Most experts agree that housing and educational segregation are inextricably linked; yet, most policies to address one of these problems are exclusive to the other. The following policy options seek to address housing and educational opportunity issues or have proven to have a positive effect on both issues. While most of these policy options have been applied to some degree in United States, many are politically fraught, so experts have suggested that they may be more feasible if coordinated with litigation or at least the threat of litigation.

There are several other policies and models that are not discussed below but the following options seem most appropriate for Syracuse and Onondaga County.

### **Interdistrict Integration Plans**

In theory, interdistrict integration plans connect traditionally underserved students to schools with greater resources and socioeconomic diversity. The policies and practices amongst interdistrict plans vary, but most typically involve a system of several school districts within a metropolitan area with open transfer policies. In order to attract affluent, middle class, and often white families from the surrounding suburbs, most plans involve the creation of attractive magnet schools in urban centers, which typically have high concentrations of poverty and racial isolation. The magnet school(s) will ideally employ a diversity-focused admission policy using a weighted lottery or controlled choice. To counterbalance, the suburban districts will open a set number of seats for students from areas with high concentrations of poverty and racial isolation. To achieve and maintain racial and socioeconomic balance within schools, participating school district must ensure there are adequate resources for student recruitment, transportation, and support for transfer students and their families (e.g. centrally located family resources center or dedicated staff). Some experts have added that for optimal desegregation, the net of participating suburban districts must be large enough to ensure sufficient participation and to avoid creaming or parents opting out of the public school system.<sup>25</sup>

Myron Orfield argues that even with an interdistrict plan there is not one “silver bullet” to solve all problems, so the participating districts must engage in several activities to reduce

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<sup>24</sup> GENEVIEVE SIEGEL-HAWLEY, WHEN THE FENCES COME DOWN: TWENTY-FIRST CENTURY LESSONS FROM METROPOLITAN SCHOOL DESEGREGATION 38 (The University of North Carolina Press (2016).

<sup>25</sup> See, Interview with Halley Potter, Fellow, The Century Foundation, in N.Y. (June 16, 2016); Interview with Sean Reardon, Professor, Stanford Graduate School of Education, on phone (July 5, 2016); Interview with Susan Eaton, Director, Brandeis University Sillerman Center for the Advancement of Philanthropy, on phone (July 19, 2016); Interview with Myron Orfield, Professor, University of Minnesota Law School, on phone (July 11, 2016).

segregation.<sup>26</sup> One of the activities Orfield suggests that could work in Syracuse is the Metro Job Center Magnet model. Under this model, school districts would agree to locate a highly desired magnet school at a metropolitan job center. The school will be able to attract a certain number of students who live in the attendance zone near the job center and students from surrounding areas, whose parents commute to the job center for work, through public transportation or personal cars. This is one of the few models that has not been implemented anywhere but has tremendous integrative potential, particularly in areas with a good public transportation system and a large commuter populations.

### *Case Study: Hartford, CT*

Since 1965, eleven metropolitan areas have implemented interdistrict integration plans. These plans derived from state<sup>27</sup> or federal<sup>28</sup> court orders, state legislation<sup>29</sup>, or some combination of both<sup>30</sup>. Though the plans have experienced varying degrees of success, Hartford is one of the only districts that has been able to attain and maintain racial and socioeconomic balance.

In 1966, Connecticut created the Project Concern transfer program, which encouraged suburban districts to voluntarily participate by accepting Hartford minority youth in their schools, but white suburban students were not required to attend Hartford schools.<sup>31</sup> The program ultimately failed because at its peak, only five percent of Hartford students participated, so the suburban districts dropped out.<sup>32</sup> In 1969, the State of Connecticut enacted legislation that defined four state educational interests including, providing an equal opportunity to receive a suitable program of educational experiences, sufficient funding for student to achieve a suitable education, and reducing racial and ethnic isolation in schools.<sup>33</sup> During the same time, a mandatory racial imbalance law was enacted which, required annual reporting on the number of minority teachers and students and the number of low-income students in each school, notification of when any school was racially imbalanced, and school district plans to correct the imbalance.<sup>34</sup> These laws resulted in the creation of the Open Choice transfer program, which allowed urban students to attend nearby suburban public schools, and suburban or rural student to attend public schools in nearby urban centers to reduce racial and ethnic segregation.<sup>35</sup> The program used lotteries to

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<sup>26</sup> MYRON ORFIELD ET AL., INSTITUTE ON RACE AND POVERTY UNIVERSITY OF MINNESOTA LAW SCHOOL, A COMPREHENSIVE STRATEGY TO INTEGRATE TWIN CITIES SCHOOLS AND NEIGHBORHOODS 5 (2009).

<sup>27</sup> East Palo Alto, CA and Minneapolis, MN.

<sup>28</sup> Indianapolis, IN and St. Louis, MS.

<sup>29</sup> Rochester, NY; Boston, MA, and Omaha, NE.

<sup>30</sup> Hartford, CT and Milwaukee, WI.

<sup>31</sup> See JACK DOUGHERTY AND CONTRIBUTORS, ON THE LINE: HOW SCHOOLING, HOUSING, AND CIVIL RIGHTS SHAPED HARTFORD AND ITS SUBURBS (Book-in-progress, 2016), <http://ontheline.trincoll.edu>.

<sup>32</sup> See JACK DOUGHERTY AND CONTRIBUTORS, ON THE LINE: HOW SCHOOLING, HOUSING, AND CIVIL RIGHTS SHAPED HARTFORD AND ITS SUBURBS (Book-in-progress, 2016), <http://ontheline.trincoll.edu>.

<sup>33</sup> See Connecticut General Statutes (CGS) Sec. 10-4(a)(1)-(4) Educational interests of state identified.

<sup>34</sup> “Although the Connecticut legislature did pass a mandatory racial imbalance law in 1969, it had relatively little effect. The law required individual school minority enrollments to be within 25 percentage points of each district’s average, but since this regulation was applied separately to each district, it had no impact across municipal boundaries.” JACK DOUGHERTY AND CONTRIBUTORS, ON THE LINE: HOW SCHOOLING, HOUSING, AND CIVIL RIGHTS SHAPED HARTFORD AND ITS SUBURBS (Book-in-progress, 2016), <http://ontheline.trincoll.edu>. See also, CGS §§ 10-226a to 10-226e (1969).

<sup>35</sup> Connecticut State Department of Education, Open Choice Program Questions & Answers, <http://www.sde.ct.gov/sde/cwp/view.asp?a=2681&q=335142> (last modified Apr. 29, 2016).

place students in schools when space was available. Despite evidence demonstrating significant improvements in the test schools of black students who transferred out of Hartford Public Schools,<sup>36</sup> the program had relatively little effect on racial and ethnic isolation issues.

Throughout the 1970s Hartford area civil rights groups pursued several school desegregation lawsuits; however, nothing prevailed until the 1996 State Supreme Court ruling in *Sheff v. O'Neill*.<sup>37</sup> The court found that the racial and socioeconomic isolation in Hartford public schools violates the state constitution's guarantee of an education, but it failed to establish a remedy or timetable to resolve the problem. Over the next decade, the state legislature grappled with a number of remedies and ways to measure the integrative effect. In short, the litigation resulted in an expanded interdistrict transfer program, which included the creation of several magnet schools in Hartford and specific goals<sup>38</sup> of reducing racial and socioeconomic isolation.

Today, Hartford is a two way system where most (maybe 2/3) of the 45% of Hartford students now attend integrated schools are attending the regional magnet schools, which are usually half city students and half suburban students.<sup>39</sup> Long term studies of the Hartford program have not only shown significant improvements in students' test scores and graduation rates, but black graduates also had a greater sense of interracial comfort in predominantly white settings and were more likely to work in professions that traditionally employ fewer blacks.<sup>40</sup> Reports on participation in the programs found that black students from Hartford and the suburbs are more likely to apply to the interdistrict programs, as well as all students from suburban districts with more than 60 percent minority enrollment.<sup>41</sup>

Some experts such as, Susan Eaton, caution that even successful programs, like Hartford, are precarious.<sup>42</sup> While the binding nature of court orders has helped sustain efforts, experts suggest that part of Hartford's success, and difficulties, are due to significant state investment in magnet

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<sup>36</sup> Amy Stuart Wells et al., Charles Hamilton Houston Institute for Race & Justice, *Boundary Crossing for Diversity, Equity, and Achievement: Inter-district School Desegregation and Educational Opportunity 4* (2009), [http://www.school-diversity.org/pdf/Wells\\_BoundaryCrossing.pdf](http://www.school-diversity.org/pdf/Wells_BoundaryCrossing.pdf).

<sup>38</sup> The 2008 *Sheff v. O'Neill* stipulation order and agreement established a local standard for measuring school integration. In order for a school to meet the standard no more than 75% of all students can be racial or ethnic minority students. See *Sheff vs. O'Neill Stipulation and Proposed Order*. Connecticut Superior Court (Apr. 4, 2008), [http://digitalrepository.trincoll.edu/cssp\\_archives/19/](http://digitalrepository.trincoll.edu/cssp_archives/19/).

<sup>39</sup> Interview with Phil Tegeler, Executive Director, Poverty & Race Research Action Council, on phone, (June 16, 2016).

<sup>40</sup> See, Amy Stuart Wells et al., Charles Hamilton Houston Institute for Race & Justice, *Boundary Crossing for Diversity, Equity, and Achievement: Inter-district School Desegregation and Educational Opportunity 5, 9* (2009), [http://www.school-diversity.org/pdf/Wells\\_BoundaryCrossing.pdf](http://www.school-diversity.org/pdf/Wells_BoundaryCrossing.pdf).

<sup>41</sup> The report also showed that English Language Learners and special education students were much less likely to apply to the interdistrict programs. See JACK DOUGHERTY ET AL., WHO CHOOSES IN HARTFORD? REPORT 1: STATISTICAL ANALYSIS OF REGIONAL SCHOOL CHOICE OFFICE APPLICANTS AND NON-APPLICANTS AMONG HARTFORD-RESIDENT HPS STUDENTS IN GRADES 3-7 (2014); JACK DOUGHERTY, DIANE ZANNONI, ET AL., WHO CHOOSES IN THE HARTFORD REGION? REPORT 2: A STATISTICAL ANALYSIS OF REGIONAL SCHOOL CHOICE OFFICE APPLICANTS AND NON-APPLICANTS AMONG HARTFORD AND SUBURBAN-RESIDENT STUDENTS IN THE SPRING 2013 LOTTERY (2015).

<sup>42</sup> Interview with Susan Eaton, Director, Brandeis University Sillerman Center for the Advancement of Philanthropy, on phone (July 19, 2016).

programs, transportation, and incentives<sup>43</sup> for participating suburban school districts. Enrollment in and expansion of magnet schools has steadily grown without a comprehensive state plan, so the financial formulas for most schools are varied, confusing, and expensive.<sup>44</sup> “An analysis of state data shows an average annual cost of \$12,845 per pupil at Sheff-related magnets in the greater Hartford region, about \$2,500 more than the overall statewide average for public schools.”<sup>45</sup> Transportation has also been a major cost, fiscally and administratively. During the 2006-07 school year, transportation costs in Hartford were \$3.7 million, but because bus rides lasted as long as two hours, the interdistrict choice program fell short of its target number of participating students.<sup>46</sup> These increased costs and frustrations have resulted in legislative backlash including, state budget cuts to public education<sup>47</sup> and requiring magnet programs in areas not covered by court order to charge for tuition for out of district students.<sup>48</sup>

### Regional School District Cooperative Agreement<sup>49</sup>

Regional school district cooperative agreements is one of these newest integration models emerging from Omaha. In 2007, legislation passed that created learning communities within any city of the metropolitan class in the state, or in rural areas at the request of at least three school boards of districts that are “sparse” or have a minimum combined total of 2,000 students.<sup>50</sup> Omaha is the only city of metropolitan class in Nebraska, so it and ten surrounding school districts joined to form a learning community that shares a common tax base and provides open enrollment across all districts.

The legislation was possible because of two unusual state statute enacted in 1891 and 1921, respectively, and a school finance lawsuit. The 1891 statute that allows any city of metropolitan class to “constitute one Class V school district.”<sup>51</sup> The 1921 law allowed any metropolitan class

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<sup>43</sup> The state pays a grant of \$3,000 per student enrolled if the number of Open Choice students is less than 2 percent of the total population of the receiving district; \$4,000 per student enrolled if the number of Open Choice students is greater than or equal to 2 percent but less than 3 percent of the total population of the receiving district; or \$6,000 per student enrolled if the number of Open Choice students is greater than or equal to 3 percent but less than 4 percent of the total population of the receiving district; \$6,000 per student if enrollment is greater than 4,000 students and the number of students in the program increased by 50 percent; and \$8,000 per student enrolled if the number of Open Choice students is greater than or equal to 4 percent of the total student population of the receiving district. Connecticut State Department of Education, Open Choice Program Questions & Answers, <http://www.sde.ct.gov/sde/cwp/view.asp?a=2681&q=335142> (last modified Apr. 29, 2016).

<sup>44</sup> Robert A. Frahm, *Magnet school costs strain state, local budgets*, THE CT MIRROR, Jan. 26, 2010, <http://ctmirror.org/2010/01/26/magnet-school-costs-strain-state-local-budgets/>.

<sup>45</sup> Robert A. Frahm, *Magnet school costs strain state, local budgets*, THE CT MIRROR, Jan. 26, 2010, <http://ctmirror.org/2010/01/26/magnet-school-costs-strain-state-local-budgets/>.

<sup>46</sup> Elizabeth DeBray-Pelot and Erica Frankenberg, *Federal Legislation to Promote Metropolitan Approaches to Educational and Housing Opportunity*, GEO. J. ON POVERTY L. & POL’Y, Spring 2010, at 265, 279.

<sup>47</sup> See Linda Conner Lambeck, *Malloy’s budget plan tightens belt on education*, CONNECTICUT POST, Feb. 4, 2016, <http://www.ctpost.com/news/article/Local-education-grants-safe-in-Governor-s-budget-6803887.php>.

<sup>48</sup> See Jacqueline Rabe Thomas, *Magnet schools caught in squeeze over tuition, funding*, THE CT MIRROR, Apr. 25, 2016, <http://ctmirror.org/2016/04/25/magnet-schools-caught-in-squeeze-over-tuition-funding/>.

<sup>49</sup> Regional school district cooperative agreements are a combination of federated regionalism and interdistrict plans. I have separated it into its own policy option because it is not a definitive example of either of the aforementioned policy models.

<sup>50</sup> L.B. 1154, 100th Leg., Reg. Sess. (Neb.2007).

<sup>51</sup> Neb. Rev. Stat. § 79-409 (2008).

city to annex land from any contiguous or adjacent land.<sup>52</sup> Together, this meant that “as the city of Omaha annexed land to capture new population growth, the boundaries of the Omaha Public Schools (OPS) expanded along with the city.”<sup>53</sup> As the city continued to grow, Omaha began to meet growing resistant to annexation over race and class issues. This resistance grew as Omaha became subject to court-order desegregation and began bussing students. Overtime, white higher-income families used the state’s option enrollment policy to transfer to suburban schools, metropolitan area became more segregated, and the district’s tax base eroded because of white flight and city development strategies that granted tax breaks to businesses in an effort to lure them downtown.<sup>54</sup> As a result of this decline and several filed attempts to address financing issues within the legislature, Omaha joined several other high poverty school districts in a lawsuit against the state challenging that the state finance system on grounds that it was discriminatory toward students of color and low-income students.<sup>55</sup> The plaintiffs ultimately withdrew the case without prejudice in 2008 because of the creation of the Learning Community.

The Omaha Learning Community employed a voluntary choice-based program that selects students through a lottery. The program includes a diversity provision that gave priority to students who would bring a school’s socioeconomic diversity closer to the average socioeconomic diversity of the entire learning community. “The law also provides for interdistrict cooperative magnet schools (called “focus schools”) and magnet school matriculation ‘pathways’ that foster diverse learning opportunities across the 11 districts.”<sup>56</sup> The Learning Community is required to establish Elementary Learning Centers for high-poverty elementary schools. The centers are intended to provide social and academic support services to children and their families outside of school hours, and the requires community input in order to maximize available resources.

The Learning Community is governed by a regional governing council that implements the agreement between participating districts, establishes a procedures for community input, mediates disputes between member districts, develops and implements diversity plans, oversees the construction of new interdistrict schools and support centers, and has the authority to collect and report data on student enrollment and achievement. The regional council also has the authority to issue and distribute common levy for general funds, special building funds, and capital projects. The shared tax base is pooled from property wealth across the eleven districts and re-distributed back according to need. The law establishes a tax-based sharing plan that establishes a maximum amount that school districts are allowed to levy, but more affluent

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<sup>52</sup> Neb. Rev. Stat. § 14-117 (1998).

<sup>53</sup> Jennifer Jellison Holme, Sarah Diem, and Katherine Cumings Mansfield, *Using Regional Coalitions to Address Socioeconomic Isolation: A Case Study of The Omaha Metropolitan Agreement 2* (2009).

<sup>54</sup> Jennifer Jellison Holme, Sarah Diem, and Katherine Cumings Mansfield, *Using Regional Coalitions to Address Socioeconomic Isolation: A Case Study of The Omaha Metropolitan Agreement 4* (2009).

<sup>55</sup> *Douglas County School District v. Heineman* (2003).

<sup>56</sup> Jennifer Holme, Sarah Diem, Katherine Mansfield, *Regional Coalitions and Educational Policy: Lessons from the Nebraska Learning Community*, in *INTEGRATING SCHOOLS IN A CHANGING SOCIETY: NEW POLICIES AND LEGAL OPTIONS FOR A MULTIRACIAL GENERATION* 151,153 (Erica Frankenberg & Elizabeth Debray ed. 2011).



districts are permitted to tax residents at slightly higher rates in order to maintain some of their tax base advantages.<sup>57</sup>

The Omaha Learning Community is still in its early stages, but it continues to face legal<sup>58</sup> and legislative challenges. Most recently, the state legislature enacted a measure that will partially eliminate the common levy, starting in 2017-18, and will increase state support for the learning community districts.<sup>59</sup> The law allows the regional governing council to retain authority to levy up to two cents on every \$100 of taxable property subject to the levy from the districts for early childhood education programs and elementary learning center facility leases.<sup>60</sup> Though regional school district cooperative agreements, like the Omaha Learning Community, are imperfect and still evolving, it is a unique model for creating interest convergence and collaboration within other racially and socioeconomic segregated metropolitan areas. This can be a useful model to explore for the Syracuse metropolitan area because Onondaga County already engages in a tax sharing arrangement<sup>61</sup> and is considering regional consolidation.

### Federated Regionalism

Federated regionalism is a form of regional governance that seeks to address critic's concerns about local control by placing important decisions affecting the entire metro area on the regional level, but allowing local governments to retain control of other government functions.<sup>62</sup> In addition to regional governance, property tax-base sharing is essential to any model of federated regionalism. Regional governance and reform expert, Myron Orfield, suggests "a certain portion of commercial, industrial, or residential property taxes on high valued homes could be shared region-wide. As long as basic local services are dependent on local property wealth, property tax-base sharing is a critical component of metropolitan stability."<sup>63</sup> He adds that the benefits of property tax-base sharing include: "(1) creates equity in the provision of public services, (2) breaks the intensifying metropolitan mismatch between social needs and property tax-based resources, (3) undermines local fiscal incentives supporting exclusive zoning, (4) undermines

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<sup>57</sup> Jennifer Holme, Sarah Diem, Katherine Mansfield, *Regional Coalitions and Educational Policy: Lessons from the Nebraska Learning Community*, in INTEGRATING SCHOOLS IN A CHANGING SOCIETY: NEW POLICIES AND LEGAL OPTIONS FOR A MULTIRACIAL GENERATION 151,153 (Erica Frankenberg & Elizabeth Debray ed. 2011).

<sup>58</sup> Landowners in the member districts challenged the common levy alleging that it is unconstitutional. The Nebraska Supreme Court found the levy to be constitutional because it serves a primarily local purpose.

Joe Dejka, *Learning Community levy is upheld*, LEARNING COMMUNITY OF DOUGLAS AND SARPY COUNTIES, Feb. 03, 2012, <http://www.learningcommunityds.org/news/newsroom/learning-community-levy-upheld-omaha-world-herald/>.

<sup>59</sup> L.B. 1067, 104th Leg. Reg. Sess. (2016); See also, Martha Stoddard, Joe Dejka, and Erin Duffy, *Lawmakers approve bill to revamp Learning Community, end controversial common levy*, OMAHA WORLD HEARLD, Apr. 15, 2016, [http://www.omaha.com/news/legislature/lawmakers-approve-bill-to-revamp-learning-community-end-controversial-common/article\\_8acfdc6a-0189-11e6-870c-0344a1c1556d.html](http://www.omaha.com/news/legislature/lawmakers-approve-bill-to-revamp-learning-community-end-controversial-common/article_8acfdc6a-0189-11e6-870c-0344a1c1556d.html).

<sup>60</sup> L.B. 1067, 104th Leg. Reg. Sess. (2016)

<sup>61</sup> See, Tim Knauss & Meghan Rubado, *Onondaga County tax deal cuts money to towns, villages, schools*, SYRACUSE.COM, May 05, 2010, [http://www.syracuse.com/news/index.ssf/2010/05/after\\_heated\\_negotiations\\_onon.html](http://www.syracuse.com/news/index.ssf/2010/05/after_heated_negotiations_onon.html).

<sup>62</sup> GENEVIEVE SIEGEL-HAWLEY, WHEN THE FENCES COME DOWN: TWENTY-FIRST CENTURY LESSONS FROM METROPOLITAN SCHOOL DESEGREGATION 34 The University of North Carolina Press (2016).

<sup>63</sup> Myron Orfield, *Metropolitics: Coalitions for Regional Reforms*, BROOKINGS INSTITUTE, Winter 1997, <http://www.brookings.edu/research/articles/1997/12/winter-metropolitanpolicy-orfield>.

local fiscal incentives supporting sprawl, and (5) ends intra-metropolitan competition for tax base.”<sup>64</sup> The revenue generated from the tax-sharing can go into a redevelopment fund to increase fair housing opportunities, develop coordinated infrastructure plans (e.g. integrated public transportation system), construct market-rate housing in affluent communities, and other steps to deconcentrate poverty and help develop stable communities.

A current example of federated regionalism is the seven-county Minneapolis-St. Paul metropolitan area (“Twin Cities”). The Twin Cities tax-base sharing system, known as the Fiscal Disparities Program, has been in place in since 1971 and mandates that each communities contribute 40 percent of growth in commercial-industrial tax capacity to a regional pool. The funds are then redistributed based on a formula that assesses a municipality’s population and fiscal capacity<sup>65</sup>. Hence, communities with lower fiscal capacities will receive more than its population share.<sup>66</sup>

While a primary weakness of the Fiscal Disparities Program is that the structure does not necessarily guarantee equitable outcomes,<sup>67</sup> over time it has reduced taxes, increased services in the metropolitan area, and resulted in a 2/3 tax gains.<sup>68</sup> Similar to Omaha’s common levy, the Fiscal Disparities Program continues to face legal and legislative challenges.<sup>69</sup> For example, though the law creating the regional program was enacted in 1971, it did not take effect until 1975 after being upheld by the courts.<sup>70</sup>

Though pundits argue that regional federalism cannot be implemented nationally because it is politically contentious, Myron Orfield suggests that is possible if there is robust community support and this occurs when urban and suburban residents recognize their commonality of interests.<sup>71</sup> Orfield also concedes that in addition to the robust community led coalition in the Twin Cities, his active participation as a state legislator and legal scholar on these issues was pivotal.<sup>72</sup> Moreover, Genevieve Siegel-Hawley notes that education is often absent in conversations about regional federalism, and that part of this omission could be related to scars

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<sup>64</sup> Myron Orfield, *Metropolitica: Coalitions for Regional Reforms*, BROOKINGS INSTITUTE, Winter 1997, <http://www.brookings.edu/research/articles/1997/12/winter-metropolitanpolicy-orfield>.

<sup>65</sup> Total market value per capita relative to the rest of the region.

<sup>66</sup> THOMAS LUCE, UNIVERSITY OF MINNESOTA HUBERT H. HUMPHREY INSTITUTE OF PUBLIC AFFAIRS, REGIONAL TAX BASE SHARING: THE TWIN CITIES EXPERIENCE 6 (1997).

<sup>67</sup> THOMAS LUCE, UNIVERSITY OF MINNESOTA HUBERT H. HUMPHREY INSTITUTE OF PUBLIC AFFAIRS, REGIONAL TAX BASE SHARING: THE TWIN CITIES EXPERIENCE 18 (1997).

<sup>68</sup> Interview with Myron Orfield, Professor, University of Minnesota Law School, on phone (July 11, 2016).

<sup>69</sup> See, Steven Dornfield, *Affluent suburbs challenge Twin Cities’ unique tax-base sharing law*, MINNPOST, Sept. 22, 2011, <https://www.minnpost.com/cityscape/2011/09/affluent-suburbs-challenge-twin-cities-unique-tax-base-sharing-law>; THOMAS LUCE, UNIVERSITY OF MINNESOTA HUBERT H. HUMPHREY INSTITUTE OF PUBLIC AFFAIRS, REGIONAL TAX BASE SHARING: THE TWIN CITIES EXPERIENCE 15-17 (1997).

<sup>70</sup> Kris Lyndon Wilson, *Rising property values expand fiscal disparities pool*, MINNESOTA JOURNAL, Feb. 20, 2001, at 1, <http://citizensleague.org/wp-content/uploads/2013/04/2001February.pdf>.

<sup>71</sup> See, Myron Orfield, Professor, University of Minnesota Law School, on phone (July 11, 2016); Myron Orfield, *Metropolitica: Coalitions for Regional Reforms*, BROOKINGS INSTITUTE, Winter 1997, <http://www.brookings.edu/research/articles/1997/12/winter-metropolitanpolicy-orfield>.

<sup>72</sup> Interview with Myron Orfield, Professor, University of Minnesota Law School, on phone (July 11, 2016).

from past desegregation efforts.<sup>73</sup> Since Onondaga County is considering regional reform and prior unsuccessful desegregation efforts in Syracuse were voluntary, it is possible that the county may be willing to explore a federated regionalism model that includes education equity.

### Consolidated School Districts

CNY Fair Housing, a fair housing enforcement agency in Syracuse, has recommended that Onondaga County analyze the feasibility of consolidating school districts into a county-wide district.<sup>74</sup>

School district consolidation is a regional desegregation model that has been implemented to varying degrees in a number of states. From an organizational perspective, consolidated school districts foster integrated schools districts “even when children are racially segregated by neighborhoods or municipalities within the district.”<sup>75</sup> In fact, Genevieve Siegel-Hawley argues that the broader the geographic region for school district consolidation, the less likely the region will experience “white flight” because it lowers the incentive for “more affluent familiar to choose wealthier (and less diverse) neighborhoods in order to access better quality schools and no longer bar lower-income (and predominately minority) families from access to better resources schools.”<sup>76</sup> Another benefit of this model is that school attendance boundaries in a consolidated district can be redraw to take diversity into account so that schools can be integrated without cross-district conflict over policies or financial accounting.<sup>77</sup> In fact, Paul Tractenberg suggests that county-wide school districts tend to be less dependent on property taxes than smaller school districts.<sup>78</sup>

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<sup>73</sup> GENEVIEVE SIEGEL-HAWLEY, *WHEN THE FENCES COME DOWN: TWENTY-FIRST CENTURY LESSONS FROM METROPOLITAN SCHOOL DESEGREGATION* 35 The University of North Carolina Press (2016).

<sup>74</sup> CNY FAIR HOUSING, *ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING: SYRACUSE AND ONONDAGA COUNTY, NY* 9 (2014), available at <http://cnyfairhousing.org/wp-content/uploads/2014/11/CNY-Fair-Housing-sm2.pdf>.

<sup>75</sup> THE FUND FOR NEW JERSEY, *PERSISTENT RACIAL SEGREGATION IN SCHOOLS: POLICY ISSUES AND OPPORTUNITIES TO ADDRESS UNEQUAL EDUCATION ACROSS NEW JERSEY’S PUBLIC SCHOOLS* 16 (2016), <http://www.fundfornj.org/sites/default/files/Persistent%20Racial%20Segregation%20In%20Schools%20-%20Policy%20Issues%20and%20Opportunities%20to%20Address%20Unequal%20Education%20Across%20New%20Jersey%E2%80%99s%20Public%20Schools%20v2.pdf>.

<sup>76</sup> THE FUND FOR NEW JERSEY, *PERSISTENT RACIAL SEGREGATION IN SCHOOLS: POLICY ISSUES AND OPPORTUNITIES TO ADDRESS UNEQUAL EDUCATION ACROSS NEW JERSEY’S PUBLIC SCHOOLS* 18 (2016), <http://www.fundfornj.org/sites/default/files/Persistent%20Racial%20Segregation%20In%20Schools%20-%20Policy%20Issues%20and%20Opportunities%20to%20Address%20Unequal%20Education%20Across%20New%20Jersey%E2%80%99s%20Public%20Schools%20v2.pdf>; see also, Interview with Genevieve Siegel-Hawley, Assistant Professor, Virginia Commonwealth University, on phone (June 23, 2016).

<sup>77</sup> THE FUND FOR NEW JERSEY, *PERSISTENT RACIAL SEGREGATION IN SCHOOLS: POLICY ISSUES AND OPPORTUNITIES TO ADDRESS UNEQUAL EDUCATION ACROSS NEW JERSEY’S PUBLIC SCHOOLS* 17 (2016), <http://www.fundfornj.org/sites/default/files/Persistent%20Racial%20Segregation%20In%20Schools%20-%20Policy%20Issues%20and%20Opportunities%20to%20Address%20Unequal%20Education%20Across%20New%20Jersey%E2%80%99s%20Public%20Schools%20v2.pdf>.

<sup>78</sup> Interview with Paul Tractenberg, Co-Director, Institute on Education Law and Policy, on phone (July 5, 2016).

Though the majority of school district consolidations have occurred in the southeast, each merger happened at different times, for different reason, with different outcomes. The following three case studies will help illuminate the circumstances and characteristics of school district consolidations that have had some integrative effects.

*Case Study: Morris School District, NJ*

In 1973, Morristown school district (increasingly black and low-income) and Morris Township school districts (primarily white and middle to upper income) merged to form the Morris School District. The consolidation was a result of a 1971 New Jersey Supreme Court decision that interpreted the state constitution anti-segregation provision education clause to empower the state commissioner of education to cross district lines to achieve racial balance in schools.<sup>79</sup> Following this decision, the commissioner ordered consolidation the two school districts, which resulted in immediate backlash, such that the commissioner lost his job and this had a chilling effect on his successors.<sup>80</sup> The consolidated district has one high school, one middle school, and several elementary schools where the attendance zones are drawn to capture a diverse mix of students and student assignments are based on achieving racial balance.<sup>81</sup>

Now, Morris school district is one of the most racially and socioeconomically balanced districts in the state with 52% white students, a declining Black student population, and a growing Latino population.<sup>82</sup> The percentage of white students is a good sign, in light of the fact that less students from Morris Township are enrolled in public school.<sup>83</sup> When researchers measured racial balance in the school district's elementary schools using a dissimilarity index, they found that only two percent of students would need to change schools to attain perfect diversity, compared to the housing level, where 40% of students would need to move.<sup>84</sup>

After its contentious start, the school district has since gained extraordinary community support. Paul Tractenberg believe is this is in part due to the region's history and geography.<sup>85</sup> Everything is based in based in Morristown (e.g. shopping mall and theatres) so Morris Township is in some

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<sup>79</sup> See, *Jenkins v. Morris Tp. School Dist.*, 58 N.J. 483, 279 A.2d 619 (1971).

<sup>80</sup> Other districts like, Plainfield and New Brunswick, lost their consolidation efforts on because the next commissioner learned a political lesson from his predecessor. In fact, since the Morris district consolidation, no education commissioner has taken a strong action to desegregate New Jersey's schools. GREG FLAXMAN ET AL., THE CIVIL RIGHTS PROJECT at UCLA, A STATUS QUO OF SEGREGATION: RACIAL AND ECONOMIC IMBALANCE IN NEW JERSEY SCHOOLS, 1989-2010 11 (2013), [http://ielp.rutgers.edu/docs/Norflet\\_NJ\\_Final\\_101013\\_POST.pdf](http://ielp.rutgers.edu/docs/Norflet_NJ_Final_101013_POST.pdf); Interview with Paul Tractenberg, Co-Director, Institute on Education Law and Policy, on phone (July 5, 2016).

<sup>81</sup> See, MORRIS BOARD OF EDUCATION POLICY, ELIGIBILITY OF RESIDENT/NONRESIDENT PUPILS (2012), [file:///C:/Users/richardson/Downloads/P\\_5111\\_ELIGIBILITY\\_OF\\_RESIDENT-NON\\_RESIDENT\\_PUPILS\\_2-12.pdf](file:///C:/Users/richardson/Downloads/P_5111_ELIGIBILITY_OF_RESIDENT-NON_RESIDENT_PUPILS_2-12.pdf); Interview with Paul Tractenberg, Co-Director, Institute on Education Law and Policy, on phone (July 5, 2016).

<sup>82</sup> GREG FLAXMAN ET AL., THE CIVIL RIGHTS PROJECT at UCLA, A STATUS QUO OF SEGREGATION: RACIAL AND ECONOMIC IMBALANCE IN NEW JERSEY SCHOOLS, 1989-2010 11 (2013), [http://ielp.rutgers.edu/docs/Norflet\\_NJ\\_Final\\_101013\\_POST.pdf](http://ielp.rutgers.edu/docs/Norflet_NJ_Final_101013_POST.pdf); Interview with Paul Tractenberg, Co-Director, Institute on Education Law and Policy, on phone (July 5, 2016).

<sup>83</sup> By high school 20% of Morris Township students are enrolled in private schools. Interview with Paul Tractenberg, Co-Director, Institute on Education Law and Policy, on phone (July 5, 2016).

<sup>84</sup> Interview with Paul Tractenberg, Co-Director, Institute on Education Law and Policy, on phone (July 5, 2016).

<sup>85</sup> Interview with Paul Tractenberg, Co-Director, Institute on Education Law and Policy, on phone (July 5, 2016).

ways part of Morristown.<sup>86</sup> The region also has several established civil and religious organizations that results in more mixing between individuals of different racial and socioeconomic status.<sup>87</sup> Finally, parents in the school district value diversity. In fact, families are increasingly drawn to the school district for its diversity and a foundation was created to provide independent funding to the school district for enrich programs and other projects.<sup>88</sup>

*Case Study: Louisville- Jefferson County School District, KY*

In 1974, a federal court order resulted in the consolidation of the Louisville school district (predominately black) and the surrounding Jefferson County school districts (predominately white).<sup>89</sup> Initially, the district used mandatory busing to integrate Jefferson County schools with specific enrollment goals for black students,<sup>90</sup> and this plan was met with violent opposition from the local Ku Klux Klan and white residents.<sup>91</sup> Shortly after this initial backlash, enrollment increased, and black students thereafter experienced strong academic gains.<sup>92</sup> In 1978, active court supervision of desegregation in the Louisville-Jefferson County school district ended, leaving some parts of the desegregation decree in place, but the school district decided to continue busing students.<sup>93</sup>

In 1992, Louisville-Jefferson County school district replaced mandatory busing with a new student assignment policy based on elementary school clusters because most school segregation issues are concentrated on the elementary school level.<sup>94</sup> This new plan employed controlled choice, where the district assigned students with the goal of creating racially diverse schools. The district also allowed students to transfer to any elementary school within their cluster as long as the transfer promoted racial balance. The school district continued to use enrollment guidelines for black students at all school levels: 15 to 50 percent in elementary schools; 16 to 46 percent in

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<sup>86</sup> Interview with Paul Tractenberg, Co-Director, Institute on Education Law and Policy, on phone (July 5, 2016).

<sup>87</sup> Interview with Paul Tractenberg, Co-Director, Institute on Education Law and Policy, on phone (July 5, 2016).

<sup>88</sup> See, Morris Education Foundation, <https://morrisedfoundation.org/>.

<sup>89</sup> See, *Haywood v. Board of Education of Louisville*, 510 F. 2d 1358 (6th Cir. 1974); also, KY. REV. STAT. ANN. § 160.041 (2009) (Kentucky statute that authorizes reconsolidation of school districts within a single county without the consent of the county school board).

<sup>90</sup> “The initial plan in Louisville-Jefferson County included a stipulation that elementary schools should enroll a student population that was no less than 12 percent black, and no more than 40 percent black, figures that centered on the district-wide average of black elementary school students at the time.” GENEVIEVE SIEGEL-HAWLEY, *WHEN THE FENCES COME DOWN: TWENTY-FIRST CENTURY LESSONS FROM METROPOLITAN SCHOOL DESEGREGATION* 63 The University of North Carolina Press (2016).

<sup>91</sup> Myron Orfield, Miliken, Meredith, Metropolitan, 62 UCLA L. Rev. 364, 419 (2015).

<sup>92</sup> “The reading level of black second graders from 1975 to 1977 improved from the 25th to the 34th percentile, black third graders rose from the 30th to the 40th percentile, and black fifth graders from the 25th to the 36th percentile.” Myron Orfield, Miliken, Meredith, Metropolitan, 62 UCLA L. Rev. 364, 419 (2015).

<sup>93</sup> Allison Ross, *JCPS desegregation timeline*, COURIER-JOURNAL, Sept. 3, 2015, <http://www.courier-journal.com/story/news/education/2015/09/03/jcps-desegregation-timeline/71637432/>.

<sup>94</sup> “Elementary schools tend to be the hardest to desegregate because of their attendance zones are smaller than middle or high school zones; the small size of the zone tends to concentrate residential segregation in school enrollment.” GENEVIEVE SIEGEL-HAWLEY, *WHEN THE FENCES COME DOWN: TWENTY-FIRST CENTURY LESSONS FROM METROPOLITAN SCHOOL DESEGREGATION* 67 The University of North Carolina Press (2016).



middle schools; and 12 to 42 percent in high schools.<sup>95</sup> The plan was success because between 1992 and 2009 no students, regardless of racial or economic background, attended an intensely segregated school.<sup>96</sup>

By 2007, after the Supreme Court ruling in *Parents Involved in Community Schools v. Seattle School District No. 1* (which included a Jefferson County specific case, *Meredith v. Jefferson County Board of Education*) Louisville-Jefferson County school district was forced to develop a new student assignment plan because it could no longer use race as the primary means of assignment. Gary Orfield and Erica Frankenberg worked with the school district to develop a new student assignment plan that ranks Census block using a number of factors, including “the percentage minority residents, the educational attainment of adults, and household income, and mixing up students from various blocks.”<sup>97</sup> The plan still uses controlled choice, where parents rank school preferences, including magnet schools and special programs, but the district ultimately assigns students to reach diversity goals within each school. The district also worked transportation consultants to design school routes with reasonable travel times.<sup>98</sup>

The current plan appears to have positive integrative effects on racial and socioeconomic balance in schools.<sup>99</sup> In fact, studies have shown that “students who attended the integrated schools in Jefferson County were better prepared to work with people from different racial or ethnic backgrounds and held fewer stereotypes than those who did not attend integrated schools.”<sup>100</sup> Erica Frankenberg, who is currently researching the school district, noted that the plan is working well for latino students, in particular.<sup>101</sup> She is continuing to research why this plan is having better outcomes for latino student rather than black students.<sup>102</sup>

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<sup>95</sup> Allison Ross, *JCPS desegregation timeline*, COURIER-JOURNAL, Sept. 3, 2015, <http://www.courier-journal.com/story/news/education/2015/09/03/jcps-desegregation-timeline/71637432/>.

<sup>96</sup> GENEVIEVE SIEGEL-HAWLEY, *WHEN THE FENCES COME DOWN: TWENTY-FIRST CENTURY LESSONS FROM METROPOLITAN SCHOOL DESEGREGATION* 84 The University of North Carolina Press (2016).

<sup>97</sup> Alana Semuels, *The City That Believed in Desegregation*, THE ATLANTIC, Mar. 27, 2015, <http://www.theatlantic.com/business/archive/2015/03/the-city-that-believed-in-desegregation/388532/>.

<sup>98</sup> “[I]n 2011, the average travel time for an elementary school student was 29.3 minutes, and less than 4% of elementary school students spent more than one hour being bused to school.” THE FUND FOR NEW JERSEY, *PERSISTENT RACIAL SEGREGATION IN SCHOOLS: POLICY ISSUES AND OPPORTUNITIES TO ADDRESS UNEQUAL EDUCATION ACROSS NEW JERSEY’S PUBLIC SCHOOLS* 18 (2016), <http://www.fundfornj.org/sites/default/files/Persistent%20Racial%20Segregation%20In%20Schools%20-%20Policy%20Issues%20and%20Opportunities%20to%20Address%20Unequal%20Education%20Across%20New%20Jersey%20E2%80%99s%20Public%20Schools%20v2.pdf>.

<sup>99</sup> Interview with Erica Frankenberg, Associate Professor of Education, Penn State College of Education, on phone (June 30, 2016).

<sup>100</sup> Alana Semuels, *The City That Believed in Desegregation*, THE ATLANTIC, Mar. 27, 2015, <http://www.theatlantic.com/business/archive/2015/03/the-city-that-believed-in-desegregation/388532/>.

<sup>101</sup> Interview with Erica Frankenberg, Associate Professor of Education, Penn State College of Education, on phone (June 30, 2016).

<sup>102</sup> Interview with Erica Frankenberg, Associate Professor of Education, Penn State College of Education, on phone (June 30, 2016).



The district consolidation has also had a positive effect on housing segregation, with Louisville-Jefferson County experienced the fastest decline in housing between 1990 and 2010.<sup>103</sup> “Black-White housing segregation in Louisville Jefferson County fell roughly 9 percentage points from 1990-2000 and about 13 percentage points from 2000 to 2010.”<sup>104</sup> A 2013 study attributes part of the decline to school integration efforts, as well as a 2000 municipal merger between the city and county.<sup>105</sup>

*Case Study: Charlotte-Mecklenburg County School District, NC*

Unlike, the Kentucky and New Jersey mergers, which were both a result of court orders, the Charlotte-Mecklenburg county consolidation was a result of a public vote. In the late 1950s, the city of Charlotte sought to expand its borders through an annexation process, which required a referendum vote. Since the superintendent of the Mecklenburg county school system was already in the process of consolidating many schools within the county, city leaders and stakeholder recognized that consolidation of the school districts would be an important part of their annexation effort.<sup>106</sup> The Charlotte Chamber of Commerce engaged in a major public relations campaign to convince voters to approve the referendum by emphasizing that district consolidation would result in more efficient administrative and fiscal policies, which would have a positive effect on the rural schools within Mecklenburg County.<sup>107</sup> In 1959, the residents of Charlotte and Mecklenburg Counties voted in favor of the consolidation and approved a 50-cent school tax for the consolidated school districts.<sup>108</sup>

During the time of the consolidation referendum, black residents of the segregated city of Charlotte increasingly tried to take advantage of their right to attend white schools, which result in a pattern of white flight, where white families moved to suburban areas of Mecklenburg County to avoid desegregation. This patterned continued and by 1964 the Charlotte-Mecklenburg school district had 88 segregated schools, 57 white and 31 black, and this subsequently led to the 1971 Supreme Court decision, *Swann v. Charlotte-Mecklenburg Board of Education*.<sup>109</sup> The decision led to mandatory busing of low-income, black students to formerly all-white schools in the suburbs, and wealthy, white suburban students into previously segregated schools in the inner city.

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<sup>103</sup> Genevieve Siegel- Hawley, *City Lines, County Lines, Color Lines: The Relationship between School and Housing Segregation in Four Southern Metro Areas*, TEACHERS COLLEGE RECORD, Vol. 115, at 28 (2013).

<sup>104</sup> Genevieve Siegel- Hawley, *City Lines, County Lines, Color Lines: The Relationship between School and Housing Segregation in Four Southern Metro Areas*, TEACHERS COLLEGE RECORD, Vol. 115, at 28 (2013).

<sup>105</sup> Genevieve Siegel- Hawley, *City Lines, County Lines, Color Lines: The Relationship between School and Housing Segregation in Four Southern Metro Areas*, TEACHERS COLLEGE RECORD, Vol. 115, at 28 (2013).

<sup>106</sup> History of CMS, <http://www.cms.k12.nc.us/mediaroom/aboutus/Pages/History.aspx> (last visited Jul. 29, 2016).

<sup>107</sup> GENEVIEVE SIEGEL-HAWLEY, WHEN THE FENCES COME DOWN: TWENTY-FIRST CENTURY LESSONS FROM METROPOLITAN SCHOOL DESEGREGATION 59 The University of North Carolina Press (2016).

<sup>108</sup> History of CMS, <http://www.cms.k12.nc.us/mediaroom/aboutus/Pages/History.aspx> (last visited Jul. 29, 2016).

<sup>109</sup> See, History of CMS, <http://www.cms.k12.nc.us/mediaroom/aboutus/Pages/History.aspx> (last visited Jul. 29, 2016); *Swann v. Charlotte-Mecklenburg Board of Education*, 402 U.S. 1 (1971)

Shortly after the *Swann* decision, Charlotte lost a housing segregation lawsuit alleging that officials intentionally concentrated public housing in racially isolated neighborhoods.<sup>110</sup> This resulted in city planners and school officials working together on collaborative solutions. In the early 1990s the Charlotte planning commission issued a report, “Housing Strategies to Racially Integrate Schools,” which included inclusionary zoning, linkage ordinances, density bonuses, and low interest loans.<sup>111</sup> The school board supported these proposals, but all efforts were ultimately blocked by the city’s mayor and housing and school segregation efforts remained separate. The superintendent later developed a magnet school programs and students were assigned to schools by a lottery with racial balance guidelines that reflected the district’s racial composition at the time, 60 percent white and 40 percent black.<sup>112</sup> The creation of magnet schools resulted in many white families exiting the regular public schools for magnet, which destabilized racial balance in the process.<sup>113</sup>

By 1997, the magnet school student assignment plan reactivated the *Swann* case after a white family sued the school district for denial of admission to a magnet school. The *Swann* decision was overturned and the school district was ordered to abandon its desegregation efforts. The result was a race-neutral controlled choice approach that prioritized proximity, which effectively reinforced patterns of school and housing segregation.<sup>114</sup> A local observer noted, “the plan allowed relatively little choice because it guaranteed students who chose to attend a neighborhood school a seat at that school.”<sup>115</sup> Studies of the Charlotte-Mecklenburg school district since it moved to a race-neutral plan document rising racial and socioeconomic segregation, in addition to some of the related educational and social consequences associated with segregation. Black-white test score gap remains unchanged since 1999, black and latino student are increasingly attending schools together, students in resegregated, predominately minority school experienced declines in academic performance, exposure to less effective teachers, and an overall negative effect on educational and life outcomes.<sup>116</sup> While the Charlotte-Mecklenburg school district still has the demographic advantages of a regional district,

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<sup>110</sup> GENEVIEVE SIEGEL-HAWLEY, WHEN THE FENCES COME DOWN: TWENTY-FIRST CENTURY LESSONS FROM METROPOLITAN SCHOOL DESEGREGATION 65 The University of North Carolina Press (2016).

<sup>111</sup> GENEVIEVE SIEGEL-HAWLEY, WHEN THE FENCES COME DOWN: TWENTY-FIRST CENTURY LESSONS FROM METROPOLITAN SCHOOL DESEGREGATION 65 The University of North Carolina Press (2016).

<sup>112</sup> History of CMS, <http://www.cms.k12.nc.us/mediaroom/aboutus/Pages/History.aspx> (last visited Jul. 29, 2016); GENEVIEVE SIEGEL-HAWLEY, WHEN THE FENCES COME DOWN: TWENTY-FIRST CENTURY LESSONS FROM METROPOLITAN SCHOOL DESEGREGATION 68 The University of North Carolina Press (2016).

<sup>113</sup> GENEVIEVE SIEGEL-HAWLEY, WHEN THE FENCES COME DOWN: TWENTY-FIRST CENTURY LESSONS FROM METROPOLITAN SCHOOL DESEGREGATION 68 The University of North Carolina Press (2016).

<sup>114</sup> GENEVIEVE SIEGEL-HAWLEY, WHEN THE FENCES COME DOWN: TWENTY-FIRST CENTURY LESSONS FROM METROPOLITAN SCHOOL DESEGREGATION 68-9,123-4 The University of North Carolina Press (2016).

<sup>115</sup> GENEVIEVE SIEGEL-HAWLEY, WHEN THE FENCES COME DOWN: TWENTY-FIRST CENTURY LESSONS FROM METROPOLITAN SCHOOL DESEGREGATION 124 The University of North Carolina Press (2016).

<sup>116</sup> GENEVIEVE SIEGEL-HAWLEY, WHEN THE FENCES COME DOWN: TWENTY-FIRST CENTURY LESSONS FROM METROPOLITAN SCHOOL DESEGREGATION 80 The University of North Carolina Press (2016).

abandoning the district's desegregation policy has led to resegregation of its schools and the many related harms.<sup>117</sup>

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<sup>117</sup> GENEVIEVE SIEGEL-HAWLEY, WHEN THE FENCES COME DOWN: TWENTY-FIRST CENTURY LESSONS FROM METROPOLITAN SCHOOL DESEGREGATION 82 The University of North Carolina Press (2016).