

# FENCED OUT OF EDUCATION

*HOUSING INACCESSIBILITY &  
EDUCATIONAL GERRYMANDERING*

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# ABSTRACT

**T**he right to a **public education** is not explicitly mentioned in the United States Constitution nor its 27 amendments. However, via the power granted to states by the 10th Amendment to the Constitution, all 50 states have taken it upon themselves to enumerate **a right to education** within their individually governing constitutions. Often called “**the great equalizer**” of our society, every child is required to receive and be provided an education. Nonetheless, disparities in **funding** and overall **quality of education** are incredibly prevalent— particularly in terms of income inequality. Research has shown that across America, **educational gerrymandering** is used to cluster low-income families into single school districts while simultaneously keeping housing options in higher-income school districts inaccessible (Spurrier et al. 2021). **Housing inaccessibility** has significant impacts on the amount of allotted funding and the educational outcomes of students. This brief analyzes current practices of educational gerrymandering to create policy solutions that promote greater **equity** throughout American school districts.



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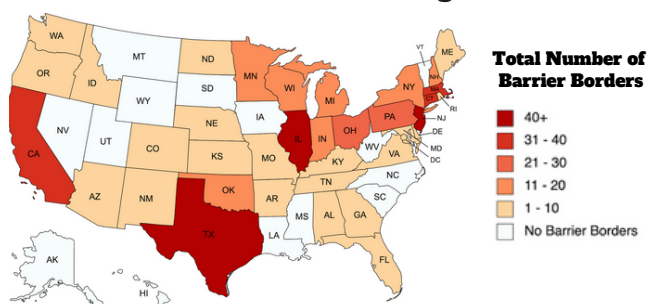
# PROBLEM DEFINITION

**D**espite *Brown v. The Board of Education*'s ruling that de jure racial segregation in public schools is unconstitutional, segregation and inequalities within United States public education subtly persist, specifically in the way school districts are zoned. Through the process of educational gerrymandering, local governments not only decide how these district lines are drawn, but also how much funding these districts will receive. Research has shown that oftentimes, these districts are drawn on lines of economic class, where areas with a high proportion of low-income students are zoned into large school districts, and high-income areas are zoned into smaller, more concentrated school districts (Spurrier et al. 2021). Because school funding is largely derived from property taxes, these small, high-income school districts receive significantly greater funding; this phenomenon has resulted in dramatically disparate testing scores and education quality between low and high-income districts (Rothwell 2012).

Unfortunately, low-income families aren't simply able to move into higher-income school districts in order to access higher quality education. Studies show that the lack of housing affordability and overall accessibility in more affluent school districts give low-income families extremely limited options in terms of school districts, as opposed to high-income families that may be able to move to different zones based on their educational preferences (Spurrier et al. 2021). Housing inaccessibility thus exacerbates the pre-existing inequities faced by low-income students.

Income segregation, and the subsequent housing inaccessibility that results from it, has created what is known as "barrier borders" – school districts with a high proportion of low-income housing that border school districts with inaccessible housing (Spurrier et al. 2021). In total, there are 497 barrier borders in the United States, concentrated primarily in States like Texas, California, and New Jersey. Barrier borders exemplify the ways in which income inequality impacts education. Beyond the disparate funding that schools in high and low-income districts receive, research has shown that low-income students receiving their education in areas with barrier borders have significantly lower test scores and educational outcomes than their counterparts (Rothwell 2012). As a result of strategic gerrymandering that treats educational outcomes as a market product, barrier borders enforce and propagate historic inequalities within education.

## Barrier Borders by State



Data Drawn From [Priced Out of Public Schools](#) (2022)

# ROLE FOR GOVERNMENT

**T**wo prominent arguments exist regarding the necessity of government intervention pertaining to the issue of educational gerrymandering:

1. High-quality, equitable education produces positive externalities;
2. There exists a dilemma of imperfect competition in the marketplace of education.

Decades worth of literature coalesce to assert that learning to read and write helps the individual in a private sense but also serves to make people better citizens, acquaintances, and colleagues, thereby benefiting the general public. Therein, education produces positive externalities whose value is not captured solely by the student who receives the education. Should education be provided only by private means, those less economically well-off would inherently receive less education via their lessened purchasing power. Therein, public education was derived as “the great equalizer,” wherein public schools should exist to level the playing field, providing every student with the equal opportunity to succeed, adopting the notion of a socially important good. Because all 50 state governments have accepted the task of providing public education, they, too, face the requirement of supplying the proper quantity and quality of education to achieve their established standards and promises.

While government intervention via the supply of public education elicits the desire to consider public education a public good, today’s educational marketplace defies the non-excludable and non-rivalrous stipulations of a public good. In today’s educational marketplace, competition arises over instructional quality and the types of students that schools can attract and retain, revealing that a high-quality education is limited in access and amount. Due to the mission under which public education exists, the responsibility falls upon governing bodies to establish practices that liken public education to that of a public good, wherein variables such as one’s residential address do not dictate the quality of education they receive.



# POLICY CONTEXT

**H**istorically, public education in the United States was a key responsibility of local governments. However, over the 20th century, a desire for more centralized financing enumerated a shared responsibility with state governments (Poterba 1996). While each state has its own formula for gathering and distributing school funding, most local funding is drawn from collecting local property taxes. In the 2019-20 school year, local governments supplied 46% of K-12 public education funds (US Census Bureau 2020). While this 46% might be down from the 82.7% local funding present nearly a century ago, there remains a reliance on money directly associated with a funding model that places neighborhood wealth at the center of public education investments (Poterba 1996). Given the continued utilization of local property tax to amass the local funds for public education, this discussion necessitates recognizing race and income as it relates to patterns of residential segregation.

While many look to the federal government to lead the charge for change, the federal government's responsibilities in public education have always been limited, much because control over education is a power wielded by the states. A new era of federal concerns over education were sparked in 1954 when the United States Supreme Court struck down the "separate but equal" policy via its *Brown v. Board of Education* decision. For a decade, policy was little changed. However, the 1964 Civil Rights Act (CRA) gave the Justice Department authority to bring lawsuits against school districts and required non-discrimination by entities receiving federal funding. Subsequently, in 1965, the federal government bolstered its weak power of monetary coercion via the enactment of Title I of the Elementary and Secondary Education Act (ESEA), increasing federal funding for public schools with higher proportions of low-income students (Cascio et al. 2008). Supreme Court cases such as *Green v. New Kent County* (1968) and *Swann v. Charlotte-Mecklenburg* (1971) set a federal precedent for requiring affirmative action and using sanctions against acts such as bussing to achieve racial balance.

Most modern conversations and policy discussions join the topics of race and income related to education. With policies such as **No Child Left Behind** (NCLB) and **Every Student Succeeds Act** (ESSA) serving to achieve the promise of an equal education as dictated by the 14th Amendment to the United States Constitution, reality has set in that the federal government remains weak in its ability to administrate the public classroom without the support of the state.

# POLICY ALTERNATIVES

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## REDISTRIBUTING PROPERTY TAXES ACROSS DISTRICT LINES

In order to reduce funding-related disparities between school districts, state governments should consider solutions to decrease their reliance on property taxes as school funding. Rather than eliminating property taxes as a source of funding, one alternative could be the proportional redistribution of property taxes across district lines based on district population and overall need. Although this policy solution may create more equity across school districts, its limitations are that it does not address the root cause of the issue: gerrymandered school districts.

Based on assessments as of January 1, 2021 your Real Estate Tax for the fiscal year beginning July 1, 2021 and ending June 30, 2022 on the parcel of Real Estate described below is as follows

### TAXPAYER'S COPY

OFFICE OF THE COLLECTOR OF TAXES

TOWN OF LEE

Treasurer/Collector  
Donna Toomey

Interest at the rate of 14% per annum will accrue on overdue payments from the due date until payment is made

Tax Rate per \$1000	Class 1 Residential	Class 2 Open Space	Class 3 Commercial	Class 4 Industrial
	13.65	0.00	13.65	13.65

Issue Date 10/29/2021  
Bill Number 981

PROPERTY IDENTIFICATION AND VALUES				ASSESSMENTS/EXEMPTIONS	
Location	197 EAST CENTER ST				
Map/Parcel	Deed Date	03/21/2000	Land Area (sqft)	30,927	RE Payment 1 1,341.12
013.0-0000-0057.0	Land Value	65,100			CPA Payment 1 Due 9.88
	Building Value	131,400			

2

## RESTRUCTURING AND RE-ZONING HOUSING OPPORTUNITIES

By creating more access to affordable housing options throughout various districts, state governments could lessen the impacts of income segregation on education. One way this could be accomplished is through a restructuring of property zoning. Oftentimes, affordable or public housing options are zoned into commercial or industrial areas, decreasing both property values and mobility; further, zoning regulations that prevent multi-family housing and other affordable options actually worsen segregation on the bases of income and race (Rothwell, 2012). Studies have shown that reforming zoning laws away from exclusionary regulations could decrease economic segregation by nearly 40% (Rothwell, 2012). Restructuring zoning regulations to allow for more affordable housing could increase equity in educational funding and outcomes.



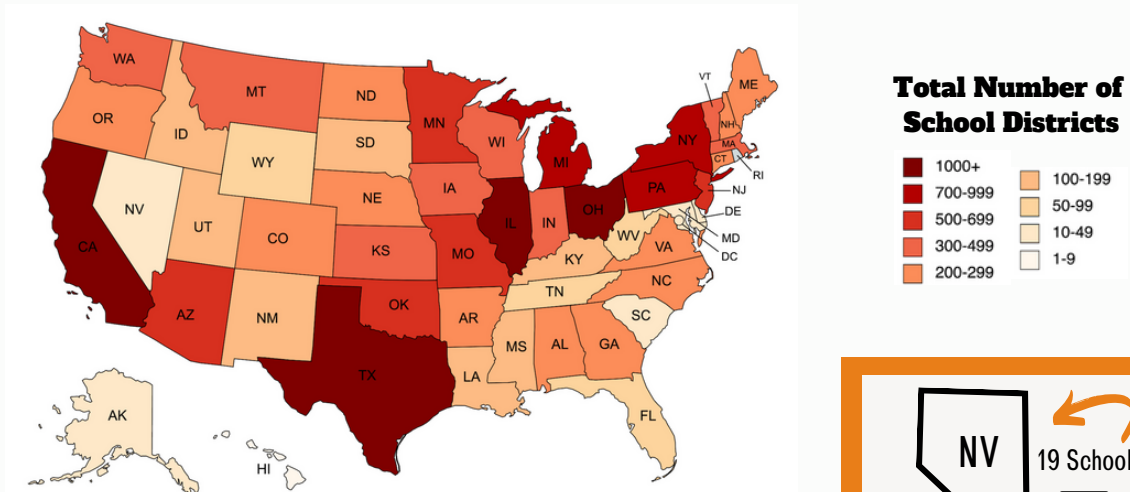
## 3

## REDRAWING AND CONSOLIDATING SCHOOL DISTRICTS

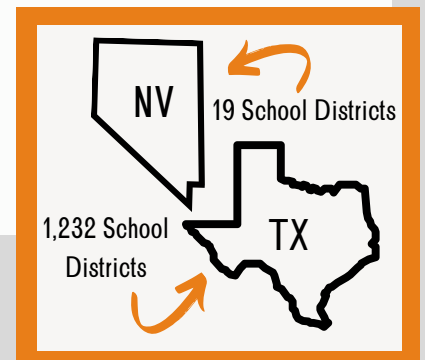
State policymakers and administrators possess the latitude to redraw, consolidate, or create new school districts per their control of educational standards and procedures. While states such as Maryland and Florida have taken steps to draw school districts that coincide with their county lines, states such as Texas and Illinois lead the nation in their number of school districts with 1,232 and 1,052 complex districts respectively, which coincide with an increased number of barrier borders (NCES 2021; Spurrier et al 2021). Therefore, using their power to define the shape and size of their school districts, nothing prevents states from addressing the challenges and inequalities perpetuated by their districting decisions by redrawing or consolidating district lines.



### School Districts by State



Data Drawn From [The National Center for Education Statistics](https://nces.ed.gov/ipeds/datacenter/ipedsdatacenter/) (2023)





# CONCLUSIONS & RECOMMENDATIONS

**H**erein, we have defined the problem of “educational gerrymandering” as it pertains to the drawing of school district lines and the perpetuation of inaccessible housing options to segregate low-income families into large, underfunded school districts. As established by the Supreme Court’s decision in the case of *Milliken v. Bradley*, it is made clear that **the federal government will not force states to address inequities that persist across school district lines**. Thereby much of the policy work needed to correct educational gerrymandering is left to the **individual states, their legislators, and local subunits**. Following extensive research and analysis, the proposed policy solution that should serve to limit the creation and perpetuation of barrier borders is two fold:

**States must address both the complex drawing of school districts and the availability of affordable housing.**

While limited in their executive control over public education, the elimination of barrier borders and limiting of educational gerrymandering must begin with a national initiative to ensure equal access to an equitable education. Therein, the U.S. Department of Education, under their mission to “promote student achievement” by “fostering educational excellence and ensuring equal access” must spearhead a national campaign, lobbying state and local governments to utilize their powers of educational administration to promote education as a public good.

Motivated by economically driven discussions of public education, state governments must set aside the political motivations that have driven them to craft the small, complexly drawn school districts that limit opportunities. Taking note of states that have seemingly avoided the mass presence of barrier borders by supporting fewer school districts, **state policymakers must use their ability to redraw or consolidate school district boundaries** to begin addressing the issues of income segregation perpetrated by their current districting maps. During the re-drawing process, state legislators shall in consultation with their respective state board of education, **work toward achieving a number of school districts that resemble the shape and count of their respective counties**. Therein, by limiting opportunities for the creation of several small school districts, which has been achieved in states such as Maryland and Florida, there shall be a limited prevalence of barrier borders (Spurrier et al. 2021).

In tandem with efforts of drawing equitable districting maps, **local zoning boards must collaborate with educational administrators** to ensure that areas zoned for affordable housing offer low-income families a greater opportunity to define their child’s educational path. By creating more **inclusionary zoning laws** at both the state and local level that allow for low-income housing in residential areas. Therein, by increasing affordable housing opportunities within residential, often inaccessible areas, more equitable educational opportunities may be achieved for all students.

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