

PART 2:

State-Based Advocacy



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Preface

About AIR and the AIR Equity Initiative

About the American Institutes for Research

Established in 1946, the American Institutes for Research® (AIR®) is a nonpartisan, not-for-profit institution that conducts behavioral and social science research and delivers technical assistance both domestically and internationally in the areas of education, health and human services, and the workforce. AIR's work is driven by its mission to generate and use rigorous evidence that contributes to a better, more equitable world. With headquarters in Arlington, Virginia, AIR has offices across the United States and abroad. For more information, visit air.org.

About the AIR Equity Initiative

In 2021, AIR launched the AIR Equity Initiative, a 5-year, \$100 million+ investment in behavioral and social science research and technical assistance to address the underlying causes of systemic inequities and to increase opportunities for people and communities. By funding inclusive and collaborative research and technical assistance efforts that engage partners from the beginning, the AIR Equity Initiative aims to foster bolder, strategic, and sustained ways to advance equity, especially in areas where investment is limited. Learn more at www.air.org/equity.

About the AIR Equity Initiative's Improving Educational Experiences Program Area

In an equitable educational system, a student's race and place of residence should not predict their access to the opportunities and resources that promote thriving and academic success. AIR Equity Initiative–funded projects in this program area aim to improve educational experiences and outcomes for students affected by the consequences of segregation. Specifically, these grants support projects that study and develop processes, interventions, and tools, in partnership with school districts and communities, to advance solutions that address the root causes of educational inequity. This work also aims to strengthen and learn from policy and technical assistance efforts to reduce racial segregation in housing and education across communities, districts, schools, and classrooms.

Call For Essays: Process and Perspectives

The AIR Equity Initiative issued a call for essays in August 2022 to inform and guide its work in educational equity and lift up evidence-based insights and ideas from the field. The authors of these essays are experts and practitioners in the field and their thoughts and viewpoints are based on deep knowledge and experience. However, it is important to note that the opinions and viewpoints in these essays are those of the authors and do not necessarily reflect the opinions or viewpoints of AIR, its staff, or its leadership.

Acknowledgments

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We offer our sincere appreciation to the expert reader panel who dedicated their time and attention to reviewing the ideas brought forth from this open call: Tanya Clay House; Tracy Gray, PhD; Preston Green, PhD; Makeba Jones, PhD; Kim Lane, EdD; Chinh Le; Effie McMillian, EdD; Na'ilah Nasir, PhD; Gary Orfield, PhD; Sonia Park; Arun Ramanathan, PhD; Lakeisha Steele; Zoe Stemm-Calderon, PhD; Adai Tefera, PhD; and Kevin Welner.

Finally, we extend our appreciation to the many researchers, activists, community advocates, professors, practitioners, and other experts who submitted essays. It is an honor to have learned from your work and we are thrilled to offer a sample of the many deserving submissions within this compendium.*

* The black-and-white cover image is from the records of the National Park Service. Youth march for integrated schools, October 25, 1958. National Archives at College Park, MD. <https://www.docsteach.org/documents/document/integration-youth-march>. Photo licensed under a [Creative Commons Public Domain Mark 1.0](https://creativecommons.org/licenses/publicdomain/1.0/) license.

Although federal policy is an important driver of school integration, state-level action has the power to create change locally.

State and local governments play among the most significant roles in determining education policy and outcomes. However, due to unique histories, politics, and legal frameworks, some states offer more fertile ground for change than others.

The authors in this part champion the importance of collaborative, interdisciplinary approaches that unite the goals of school integration, broader community integration, and school resource equity. Each essay includes case studies of state-based approaches to cultivating and leveraging powerful alliances to make new inroads in school integration and equity.

Fulfilling Brown’s Promise: Integrated, Well-Resourced Schools That Prepare All Students to Succeed

Ary Amerikaner and Saba Bireda, Brown’s Promise

Introduction: Integration to Achieve Resource Equity

School integration is a proven tool to advance access to opportunity and improve outcomes for historically marginalized and underserved communities, including students of color and students living in poverty. School integration works because it improves resource equity. The additional school resources that came along with court-ordered desegregation explain a significant amount of the beneficial effects for Black students; greater exposure to white peers without appreciable change in resources and funding did **not** lead to improved outcomes.¹ History has shown that, although there may be individual exceptions, at scale, so long as students of color and students living in poverty attend racially and socioeconomically isolated schools, they will be systematically denied the resources and opportunities—both tangible and intangible—offered to their white and wealthier peers.

Brown v. Board of Education was a groundbreaking Supreme Court case that overturned the legal concept of “separate but equal” public schools and demanded an end to segregation of students by race in schools.² Court-ordered desegregation in the post-*Brown* era was rife with challenges; generations of former students can attest to this. Many of the concerns about seriously revisiting school integration stem from communities of color—specifically Black families who have lived experiences of long bus rides, unsafe or unwelcoming schools, and within-school segregation/tracking that they do not want their children to experience. But we cannot afford to abandon the strategy entirely because of these challenges. Integration is one of the few reform strategies in recent history that substantially and meaningfully improved the life trajectories of millions of students of color. We can, and must, co-create and advance a vision of “integration 2.0” that seeks to achieve the same benefits articulated in *Brown*—

unlocking the resources and opportunities, the social and political capital, the networks of higher education opportunities—for students of color and students living in poverty, while intentionally avoiding the problems of “integration 1.0.”

Defining the Problem: Collective Abandonment of One of the Most Successful Education Reforms in American History

Research is clear on the fundamentals: Money matters in providing a quality education,³ and racial and socioeconomic integration is good for student outcomes.⁴ More school funding and diverse schools are good for all students, and they are especially good for historically underserved communities—students of color and those from low-income families.

For example, Black students who experienced court-ordered school desegregation for all 12 years of public schooling:⁵

- Completed more than a full year of additional education (“including greater college attendance and completion rates, not to mention attendance at more selective colleges”), enough to “eliminate the black-white educational attainment gap” (p. 60).
- Saw roughly a 30-percentage-point increase in likelihood of graduation, a 30% increase in adult wages, a 22-percentage-point decrease in likelihood of incarceration, and a 22-percentage-point decrease in likelihood of poverty.

These outcomes are not unique to Black students; Hispanic students who experienced court-ordered school desegregation in California for all 12 years of public schooling completed roughly 1 to 2 additional years of education,⁶ in line with the preceding finding for Black students.

The two strategies—well-funded and integrated schools from preschool through graduation—are inextricably connected.⁷ School segregation is one of the biggest impediments to achieving resource equity. Even relatively progressive school funding policies frequently cannot overcome the school district borders that segregate and isolate by race and socioeconomic class. Achieving resource equity is nearly impossible without an explicit focus on breaking down district borders and revising school assignment policies. For example:

- Segregation increases overall cost. The more socioeconomically segregated⁸ the schools, the more money is needed overall, because it is more expensive to serve students well in schools with concentrated poverty.
- Segregation increases the need for redistribution. The more segregated the schools are and the more concentrated wealth is in individual school districts, the greater the potential for inequity and the more redistribution of money is needed to fund schools fairly across a state, because wealth must shift from wealthy areas to less wealthy areas.
- Segregation means that, even if achieved, funding equity does not translate to resource equity or a meaningful change in student experience. Teacher churn, inequitable access to advanced coursework, and overreliance on exclusionary discipline often remain in schools that serve high concentrations of students of color and students from low-income families.

Yet, although many education advocates and policymakers are focused on achieving resource equity more broadly or school funding equity more narrowly, very few of those thought leaders are focused on actively addressing the borders that divide students from each other and from access to resources, and on breaking down those boundaries as a means to achieve their goal. *With few exceptions, we in the resource equity field focus on increasing funding in schools or districts with concentrations of poverty and ignore the borders and policies that create the concentration of poverty. We too often avoid talking about school integration, despite its critical role in achieving resource equity and its proven record of achievement.*

Fulfilling *Brown*'s Promise: A New Wave of State-Specific Advocacy Campaigns Centered on State Court Litigation

To reignite the movement for integrated, well-resourced schools in the 21st century, we need a new wave of state-specific advocacy campaigns centered on state court litigation that makes explicit states' constitutional duty⁹ to provide all students with an opportunity to attend a racially and socioeconomically integrated school that is well resourced, safe, affirming, and prepares all students for success. These campaigns will explicitly bridge the gap between (a) the school funding and resource equity field and (b) the school integration and diversity field, which are too often siloed, and will consistently bring a third lens: (c) a focus on the student experience.

Why Litigation?

Meaningfully tackling the borders that divide students from one another and from resources is one of the hardest, most politically controversial components of education reform. Proposing school integration initiatives can mean political suicide for elected or appointed leaders, because these initiatives may affect property values and evoke fear and anxiety in families about changing students' school assignments and daily experiences. Litigation can provide political cover for leaders who want to pursue school integration but fear the backlash of initiating such efforts.¹⁰ It also provides a multitude of opportunities for advocates to advance policy goals: every court filing is a media opportunity; discovery informs smarter, more nuanced policy proposals; and settlement sets the table for meaningful process and policy solutions negotiated by those in power and those most impacted. Finally, litigation provides a reframing of the story for advocates talking to legislators: a veiled threat, "make these policy changes now, before the court takes over." We know from years of experience and by comparing notes with other advocates and litigators that this strategic interplay between litigation and policy advocacy is a more effective strategy than either alone.

If litigation must be central to the work, one might ask what legal theories are left to pursue after decades of court-ordered desegregation efforts in federal courts directed at school districts' decisions about how students are assigned to individual schools. These efforts have, in recent years, ground to a near halt as federal court interpretations of the U.S. Constitution have all but shut off this pathway.

But there are promising legal theories that have only begun to be explored.

One such theory is rooted in state constitutions and the intersection between school desegregation and resource equity. Decades of state court litigation has tackled the question of whether states are meeting the duty prescribed to them in their state constitutions to provide an "adequate" and/or "equitable" public education for all students. These cases have very rarely included any element of racial and socioeconomic desegregation, but they could. Under this theory, plaintiffs would assert that the state's responsibility to provide an adequate education includes providing that education in a desegregated setting, in addition to appropriately funding and resourcing those schools. Today, in fact, [New Jersey](#) and [Minnesota](#) have active litigation advancing this theory. These efforts can be the seeds of new litigation and policy campaigns in multiple

states. It is plain to our eyes that any minimally adequate education in an ever more diverse America in the 21st century must include access to critical educational resources and a diverse, integrated, and inclusive school that prepares all students to work with, live with, and learn with others. Encouragingly, it appears that the Minnesota Supreme Court may agree. In a [2018 opinion](#), it said, albeit in a footnote, “It is self-evident that a segregated system of public schools is not ‘general, ‘uniform,’ ‘thorough,’ or ‘efficient,’” citing the requirements of the Minnesota Constitution’s education clause (Minn. Const. Art. XIII § 1).¹¹

The case in Minnesota is still being litigated, and it is, of course, possible that the outcome will not be what we hope. In a holistic policy and advocacy campaign, winning the lawsuit, though exciting and important when it happens, is not the only goal. At its best, this type of impact litigation is about bringing serious claims that provide a credible threat and a legitimate chance of success. But this litigation can also serve as a central tool in a broader advocacy and communications campaign; achieving a meaningful settlement or providing cover for a legislative or policy change are equally meaningful ways to progress.

Actively bringing new cases such as these, and strategically pairing them with advocacy and communications campaigns, requires bridging the long-standing siloes between (a) the school funding litigators and experts who have historically been the backbone of state education cases, and (b) civil rights litigators and desegregation experts who have historically worked in federal court to bring federal equal protection claims.

What Are the Concrete Steps?

Months of exploratory conversations with more than 50 thought partners (including researchers, litigators, advocates, former and current policymakers, national thought leaders, and philanthropic partners) have convinced us there is a real appetite for this effort, and that it will take four strands of work:

1. Research.
2. Communications support.
3. Learning labs/communities of practice.
4. In-state advocacy and litigation support.

Research. Although there is a strong research base supporting this theory of change (see above for a description), we must also be honest about the gaps in current research and ensure that we have answers to the questions policymakers and advocates will be asked as they work to advance a new vision of intentionally integrated, well-resourced schools that prepare all students for success. For example:

- **Integration/Segregation’s Impact on Student Outcomes.** How does racial and socioeconomic integration/segregation affect long-term educational, employment, health, and other outcomes for different students? How do these answers differ today from when they were studied in the decades immediately following *Brown v. Board of Education*? How does the level of funding and other resources available at the pre-K–12 schools affect the answer? How do these answers differ in the context of different integration strategies (e.g., magnet schools, intentional school siting, charters, redrawing school assignment lines, cross-district transfer programs)? How do the answers differ if the student pursues higher education in a predominantly white institution compared to, say, a historically Black college or university, or in another minority-serving institution?
- **Integration/Segregation’s Impact on Funding Reform.** Does the degree of integration or segregation in public schools cause differences in school funding? After a state or district reforms its funding formula, how do the daily experiences of students of color, for example, change in places with different degrees of integration or segregation? In places with deeply segregated schools, does an increase in funding affect the rate of [teacher churn](#), access to advanced coursework opportunities, or school climate? Graduation rates, college-going rates, and employment outcomes? Are the answers different in schools that are less segregated, especially those without intense within-school segregation?
- **How feasible is meaningful school integration in today’s housing and transit contexts?** What data tools, mapping systems, and analytic capacity can be brought to bear on the challenge of transportation to support intentionally integrated schools while maintaining reasonable commute times? Which types of school districts or geographic regions can advance integration goals within their current housing and transit realities?

The Brown’s Promise research agenda must be **co-created by litigators, state-based advocates, and rigorous, diverse researchers**. This collaborative process will ensure

that the research questions are both high-value (e.g., policymakers, advocates, practitioners, and litigators think they would help advance their work) and answerable (e.g., researchers have identified data sources and clear methodological approaches to answering the questions).

Communications Support. As Nikole Hannah-Jones writes in *The New York Times*, “that Americans of all stripes believe that the brief period in which we actually tried to desegregate our schools was a failure, speaks to one of the most successful propaganda campaigns of the last half century.”¹² We need strategic communications tools to respond to the negative connotations that inevitably arise in discussions about integration.

Those communications tools must be informed by **message testing** focused on understanding how Black and Hispanic families, teachers, thought leaders, and policymakers understand school integration efforts, and which messages do or do not resonate in pursuing intentional, equity-focused integration. The communications tools must also provide **positive stories** of what school integration has to offer for all students and highlight existing well-resourced, integrated schools. This could include identifying and supporting a cohort of “champions” who can talk about their own lived experiences, and the strategic use of site visits and multimedia to counter the negative images often associated with integration.

Learning Labs/Communities of Practice. Our interest in this work stems from midcareer realizations that the authors’ two fields—one in civil rights law with a school diversity focus and the other in school funding and resource equity policymaking and advocacy—have been missing opportunities because of long-standing professional silos. Building relationships and trust between those who historically work on school funding/resource equity and those focused on desegregation/integration requires an ongoing space to work together on building a shared vision and learning from one another’s strategies, successes, and mistakes. The best way to begin this effort is to **host a series of “learning labs”** with a group of national and state-based experts in each field and with equity leaders from individual states in which we can learn from one another and innovate together. In these working sessions, participants can build the shared research agenda described above; build, test, and refine legal theories; and identify, strengthen, and create new policy solutions and legal remedies that work for

students and families, are feasible for school systems, and will survive legal threats from the Right.

In-State Advocacy and Litigation Support. From our years of direct litigation and advocacy experience, we know the following:

- Examples of success—proof points that this can be done and, in fact, has been done somewhere else—are absolutely critical to change.
- No legal theory, policy solution, or advocacy strategy that works in one place will work exactly the same way in multiple places.

To create proof points, we should start by focusing on a few states. Asking in-state leaders to add this very large item to their agenda will require investment in capacity and support; these advocates are overwhelmed and under resourced, fighting on countless fronts (e.g., “critical race theory” in pre-K–12 schools, book bans, and the school-to-prison pipeline). These early states should be chosen based on a combination of at least four factors:

1. **State constitutional language and jurisprudence:** places with language and court interpretations more likely to support our understanding of constitutional requirements.
2. **Individual, influential state leaders who support integration:** policymakers who will actually use the political cover that litigation and advocacy create.
3. **Committed equity advocates:** effective in-state equity advocates who fundamentally believe in this work but need staffing capacity and supports to engage meaningfully.
4. **Divisive district borders:** states with multiple geographic regions in which district borders themselves clearly divide diverse cities, towns, or neighborhoods, creating districts in very close proximity to one another serving very different student populations.

An Invitation (Rather Than a Conclusion)

School integration will not solve all our challenges as a society, or even all of the challenges plaguing our public schools. We might soon learn that we should not even call it “integration” anymore. But given the results it boasts for historically marginalized

and underserved students long into their adult lives, and given the ways that school segregation today undermines our efforts to adequately and equitably fund and resource schools, we cannot afford not to try. Our democracy and our children are more than ready for integrated, well-resourced schools that are safe and affirming, and that prepare all students for success. This is why we are working to create Brown's Promise,¹³ devoted to the ideas and action steps outlined in this essay. We welcome collaboration with others who are interested in joining us in the effort.

Notes

1. Johnson, R., & Nazaryan, A. (2019). *Children of the dream: Why school integration works*. Basic Books and Russell Sage Foundation. https://gspp.berkeley.edu/static/default_site/static/research-and-impact/publications/children-of-the-dream-why-school-integration-works/index.php
2. Brown v. Board of Educ., 347 U.S. 483 (1954).
3. See Baker, B. (2016). *Does money matter in education?* (2nd ed.). Albert Shanker Institute; Kirabo Jackson, C. (2018). *Does school spending matter? The new literature on an old question*. National Bureau of Economic Research. https://www.nber.org/system/files/working_papers/w25368/w25368.pdf; Kirabo Jackson, C., Johnson, R., & Persico, C. (2016). The effects of school spending on educational and economic outcomes: Evidence from school finance reforms. *Quarterly Journal of Economics*, 131(1), 157–218. <https://academic.oup.com/qje/article-abstract/131/1/157/2461148?redirectedFrom=fulltext&login=false>; and Kirabo Jackson, C., & Mackevicius, C. (2021). *The distribution of school spending impacts*. National Bureau of Economic Research. <https://www.nber.org/papers/w28517>
4. See Johnson, R., & Nazaryan, A. (2019). *Children of the dream: Why school integration works*. Basic Books and Russell Sage Foundation. https://gspp.berkeley.edu/static/default_site/static/research-and-impact/publications/children-of-the-dream-why-school-integration-works/index.php; Anstreicher, G., Fletcher, J., & Thompson, O. (2022). *The long run impacts of court-ordered desegregation*. National Bureau of Economic Research. https://www.nber.org/system/files/working_papers/w29926/w29926.pdf; Antman, F., & Cortes, K. (2022). *The long-run impacts of Mexican-American school desegregation*. IZA Institute of Labor Economics and forthcoming in the *Journal of Economic Literature*. <https://docs.iza.org/dp15019.pdf>; and The Century Foundation. (2019). *The benefits of socioeconomically and racially integrated schools and classrooms*.
5. Johnson, R., & Nazaryan, A. (2019). *Children of the dream: Why school integration works*. Basic Books and Russell Sage Foundation.
6. Antman, F., & Cortez, K. (2022). *The long run impacts of Mexican-American school desegregation*. [Discussion paper]. IZA Institute of Labor Economics. (Forthcoming in *Journal of Economic Literature*).
7. This is the thesis of *Children of The Dream: Why School Integration Works*.
8. Race is still **meaningfully correlated** with poverty in America, although the correlation has been reduced over the last 60 years. This pattern is also true for children; Black, American Indian, and Latinx children are **more than twice as likely** to grow up in poverty as their non-Hispanic white, Asian, and Pacific Islander peers.

9. See, for example, Sciarra, D. (2023.). *Equity and diversity: Defining the right to education for the 21st century*. The Education Law Center.
<https://edlawcenter.org/assets/files/pdfs/ELC%2050th%20Anniversary%20Report.pdf>
10. See, for example, the opposition that former NYC School Chancellor Richard Carranza faced when he attempted to desegregate the city's schools by redrawing attendance zones:
<https://www.theatlantic.com/education/archive/2018/07/richard-carranza-segregation-new-york-city-schools/564299/>
11. The seminal case in this line of litigation was in Connecticut in the 1980s and '90s, in which the Supreme Court held that "the existence of extreme racial and ethnic isolation in the public school system deprives schoolchildren of a substantially equal educational opportunity and requires the state to take further remedial measures." *Sheff v. O'Neill*, 238 Conn. 1, 25–26, 678 A.2d 1267, 1281 (1996). However, the active litigation in Minnesota is more widely applicable because the Connecticut, New Jersey, and Hawaii state constitutions all share explicit prohibitions on segregation in public schools, unlike the vast majority of other state constitutions.
12. Hannah-Jones, N. (2019.). It was never about busing: Court ordered desegregation worked. But white racism made it hard to accept. *New York Times*.
<https://www.nytimes.com/2019/07/12/opinion/sunday/it-was-never-about-busing.html>
13. <https://www.brownspromise.org/>

A Multidimensional Approach to School Diversity in New Jersey and Beyond

Danielle Farrie and Robert Kim, Education Law Center, and David Sciarra, Learning Policy Institute

The prospect of real momentum in school desegregation at a statewide level, not witnessed in decades, is on the horizon. A New Jersey trial court is poised to issue a ruling in a lawsuit, *Latino Action Network v. New Jersey*, which could compel the state to dismantle school segregation in not just one or two districts, but statewide.¹ This case presents both a formidable challenge and a unique opportunity for New Jersey, whose schools are among the most segregated in the nation. It could also ignite a renewed commitment to desegregating schools in other states.

Whatever its outcome, the litigation has cast a spotlight on the shameful degree of racial segregation in New Jersey schools and the need for an innovative, multidisciplinary, cross-sector approach to remedy it. Members of the research and advocacy communities and the education and housing sectors must pursue racial diversity in schools in a manner that heeds the principles articulated in *Brown v. Board of Education* while recognizing the sociocultural, political, and legal realities of the 21st century.

Background

In recent decades, New Jersey has made great strides in meeting its obligation to provide equitable funding and resources for low-income students and students of color, most notably through the *Abbott v. Burke* litigation.² Despite these gains in school funding equity, New Jersey students continue to be educated in schools that are among the most segregated in the nation. New Jersey has the fifth-highest level of intense segregation among Black students and the fourth-highest level among Latinx students.³ The connection between inadequate funding and racial segregation is readily apparent: Our research reveals that New Jersey districts with predominantly Black and Latinx student populations are spending more than \$3,200 below state funding adequacy targets, whereas districts that are predominantly non-Black or -Latinx are spending more than \$2,200 above what is needed to achieve funding adequacy.⁴

The primary drivers of entrenched school segregation in New Jersey are the residential segregation and lack of affordable housing that permeate the state. In New Jersey, like many other northeastern states, the historical ramifications of property-tax-funded schools, white flight, redlining, and other racist housing policies have resulted in highly segregated school district boundaries that mirror highly segregated municipalities.⁵

Even with these conditions, several legal factors in New Jersey provide reason for hope. New Jersey is the only state where the constitutional right to a public education has been interpreted to encompass both equity *and* diversity.⁶ The New Jersey Supreme Court has previously held that the state must provide all students with equitable funding to achieve rigorous academic standards *and* integrate its schools (although the state has not made progress on the latter).⁷ In addition, the court, in the *Mount Laurel* case, has also established a constitutional right to affordable housing, which provides a legal foundation for reducing the residential segregation that is the greatest barrier to achieving diverse schools in the state.⁸

A Three-Part Plan

Given the enormity of the task and impact on all communities—suburban, urban, and rural—an effective plan to integrate and diversify New Jersey’s public schools must bridge education and housing policy, address school funding and resources, include short- and long-term strategies, and not only tap existing programs but also create new ones. And it will have to navigate the unsettled legal landscape resulting from United States Supreme Court decisions narrowing the range of permissible action on voluntary school desegregation under the U.S. Constitution.⁹

The plan should involve three core goals:

1. Study and Revamp Voluntary Interdistrict Public School Choice Programs

Interdistrict public school choice programs enable students to attend schools in districts outside the ones to which they are assigned. Research has shown that interdistrict public school choice models improve academic outcomes for participating students, contribute to positive changes in racial attitudes, and have long-lasting effects on social mobility.¹⁰ New Jersey’s educational landscape has multiple options, including charter and magnet schools, a county-level vocational school system, and a limited interdistrict public school choice program.

The potential for these programs to increase racial and socioeconomic diversity is clear, but New Jersey must remodel them to advance that goal. In fact, none of these programs currently operates with any directives to promote student diversity; some even contribute to the segregation of students by race and income.¹¹ Further research is needed to redesign interdistrict programs and to explore new, innovative models:

First, *map the pre-K–12 public school choice program enrollment landscape* in New Jersey. A full, statewide accounting of enrollment in charter, magnet, vocational, and interdistrict choice schools or programs, including participation by race and income level, is long overdue.

Second, establish collaborative and innovative *research–practice partnerships*¹² with the school communities that are (or have the potential to be) most impacted by public school choice programs. This would involve partnering with researchers *and* practitioners (including those listed below) to improve the existing public school choice landscape. This research would center the experiences of students, families, and school personnel. Initial research goals could include the following:

- Capturing the *motivations and experiences* among public school choice program participants of diverse racial and socioeconomic backgrounds.
- Understanding the *benefits and obstacles* perceived by educational leadership in sending and receiving districts of students in public school choice programs.
- Identifying *patterns and outcomes of interdistrict public school choice participation*, including the demographic characteristics and academic or other outcomes of those who participate in these programs, and the characteristics of schools that students choose (and leave).
- Exploring *new initiatives or measures* that could complement or go well beyond existing public school choice programs.

The legal and political challenges of fostering school integration through school district choice programs are not unique to New Jersey. This research could identify challenges or promising strategies or measures transferable to other states seeking to evaluate or improve integration through voluntary interdistrict choice programs. Although 28 states permit voluntary interdistrict open enrollment, only 11 of these states include desegregation provisions in their interdistrict enrollment programs, and even fewer are

charged with improving, rather than simply maintaining, the existing racial balance.¹³ This demonstrates a clear opportunity in (and need for) many states to redesign choice programs to promote integration.

2. Link School Integration and School Finance Reform

Recent research confirms that desegregation programs improve student outcomes, and that desegregation coupled with school finance reforms and increased spending lead to even better outcomes.¹⁴ New Jersey's long-standing commitment to school funding equity creates a strong foundation for desegregation efforts. Although New Jersey is close to providing the state aid required by the school funding formula, many districts, especially high-poverty districts serving predominantly students of color, still struggle to provide enough local funding to meet state-defined adequacy targets.¹⁵

As part of an effort to link desegregation efforts with reforms designed to update and modernize the state's school funding formula, a research plan could include:

- Examining the ways in which New Jersey's finance formula disproportionately burdens taxpayers in *communities of color affected by historic racism and neglect*.
- Exploring ways to adjust New Jersey's funding formula to *encourage districts to actively pursue racial diversity or desegregation* through district consolidation, redrawing attendance zones, targeted school siting and construction, or other means.
- Pursuing formula changes that ensure that districts have *extra resources to increase racial diversity* in the teaching force, adopt *a multicultural curriculum*, and foster a *positive school climate* for students of different racial and socioeconomic backgrounds.
- Engaging stakeholders and policymakers on whether the formula should include *reparations or compensation* for historically inadequate funding that has disproportionately harmed low-income students of color in urban and inner-ring suburban districts.¹⁶

These "integration-informed" improvements to New Jersey's school funding formula would not only further the state's commitment to an equitably funded education system; they could also dramatically increase racial integration in New Jersey schools and provide a model for other states pursuing desegregation policies, school finance

reform, or both. Although some state and federal money is now available to fund desegregation efforts in individual districts, incentivizing integration through a state school funding formula is a novel approach that would signal a long-term and systemic commitment to remedying school segregation, and one that could be adopted by other states.

3. Connect School Policy and Housing Policy

New Jersey will not move the needle on school integration without also focusing intensely on residential integration. New Jersey has a unique legal obligation to expand low-income housing options because of the 1975 *Mount Laurel* decision, referenced above. Implementation and enforcement of *Mount Laurel's* "fair share" requirement has waxed and waned over the years, but expansion of affordable housing in New Jersey's suburbs could lead to greater residential diversity (and therefore school diversity) by creating opportunities for Black and Latinx families often priced out of New Jersey's segregated suburbs and, by extension, suburban schools.

Research shows that landmark inclusionary housing policies enacted in Montgomery County, Maryland, provided extremely poor families with access to affluent neighborhoods and schools and that students in those families far outperformed their peers in less advantaged school settings.¹⁷ Through partnerships with several of the researchers and organizations listed below, similar research in New Jersey could answer questions such as:

- How uneven implementation of legal requirements under *Mount Laurel* has affected racial and socioeconomic residential housing integration in the state.
- Whether an increase in the number of affordable units has led or would lead to greater racial diversity and better student outcomes in particular school districts.
- The extent to which expanded affordable housing may contribute to residential or school segregation ("white flight"), and what factors might reduce this behavior.

We know that housing affordability is not the only noneducation factor that influences school diversity and enrollment patterns. Employment, health, and transportation systems, along with community demographic and cultural factors, also play a large role in where families live and where children go to school. Nevertheless, we believe that a cross-sector inquiry focused on the education and housing relationship is indispensable if sustainable school desegregation is to occur within a reasonable timeframe. The need

to expand housing opportunities as a tool of school desegregation is especially relevant in many Northeastern and Midwestern states, where more than two-thirds of school segregation is due to segregation between, rather than within, public school districts.¹⁸ Research on the relationship between state-level housing policy and education outcomes in New Jersey will complement ongoing efforts to foster collaboration between school and housing partners, such as those currently supported by The Century Foundation's Bridges Collaborative.¹⁹

The Research Partners

The research and policy work outlined above would be conducted and disseminated most effectively through a collaborative approach with a range of partners. This research could be used to develop actionable policy solutions, including legislation, that advance school integration in New Jersey. These groups should first convene to develop a coherent research plan with clear goals and priorities and then commit to meeting regularly to advance the agreed-upon agenda. Initial work could include literature reviews of existing research and policies; and communicating with organizations and stakeholders, including the community partners listed in the next section. *The research partners listed below have expressed interest and have made a preliminary commitment to exploring a common agenda focused on school desegregation.*

Education Law Center

For nearly 50 years, Education Law Center (ELC) has not only worked to effectuate students' constitutional rights through the courts, but also to deploy innovative, research-based advocacy and coalition-building to support and bolster those legal victories. ELC's representation of urban students in the *Abbott* litigation places it at the center of New Jersey's success in advancing equity. ELC staff includes two full-time researchers, Dr. Danielle Farrie and Dr. Mary McKillip.

Rutgers, The State University of New Jersey

The following professors and research centers across Rutgers University have expressed interest in working with ELC on desegregation-focused research projects: Dr. Benjamin Justice, professor of education and director of the PhD program at the Graduate School of Education; Dr. Julia Sass Rubin, professor at the Edward J. Bloustein School of Planning and Public Policy and director of the public policy program; and Dr. Charles Payne of the Cornwall Center for Metropolitan Studies. Partnership with Rutgers will

capitalize on related work already in progress. For example, ELC has already begun an analysis of the County Vocational school sector with masters' students in the Bloustein School; Dr. Rubin is engaging in ongoing research on (and ELC is engaging in litigation to counter²⁰) the impact of charter schools on segregation in New Jersey; and the Cornwall Center is developing a portfolio of research on the distribution of educational opportunities by race, ethnicity, and class.²¹

Wildwood School District and Other Member Districts of Great Schools New Jersey

Wildwood City Public Schools, a majority Latinx district on New Jersey's southern shore, has seen benefits and challenges from student participation in the Interdistrict Choice and County Vocational school programs and has affirmed its interest in participating in a research–practice partnership to explore school desegregation. In addition, ELC has identified other potential district partners by facilitating Great Schools New Jersey, an association of superintendents of high-need districts.

Fair Share Housing Center

Fair Share Housing Center is a nonprofit advocacy organization working to dismantle racial and economic discrimination in New Jersey by expanding opportunities for safe, healthy, and affordable housing. The organization spearheaded the litigation establishing the Mount Laurel Doctrine and works to enforce the law through legal, policy, research, and community-building strategies. The organization is interested in exploring the connection between affordable housing and school integration.

New Jersey Future

New Jersey Future is a nonprofit organization promoting sensible and equitable growth, redevelopment, and infrastructure investments with a broad agenda that bridges housing, environment, transportation, and economic development. New Jersey Future is interested in continuing its research on the implications of housing affordability, exclusionary zoning, and land use for school diversity and school funding.²²

New Jersey Policy Perspective

New Jersey Policy Perspective (NJPP) is a nonpartisan think tank that drives policy change to advance economic, social, and racial justice. NJPP has a strong commitment to education equity and brings expertise in the areas of budget, tax and economic

development, and education finance. NJPP has expressed interest in working with ELC on funding policies that advance racial justice and school desegregation.

Community Partners

The research partners listed above work within coalitions that connect research and policy to grassroots advocates, organizers, policymakers, and local groups that comprise diverse members. These include representatives of communities of color and faith-based, immigrant, school leadership, economic development, and urban planning communities. These existing connections can be leveraged to develop the community engagement necessary to turn this research into actual policy solutions. We expect that some community partners will inform our research agenda or even become research partners. In the appendix, we have provided a list of community organizations that we have identified as potentially interested in collaborating or partnering with ELC and its research partners.

Conclusion: A New, Collaborative Approach to Desegregation

Over 50 years ago, the New Jersey Supreme Court stated that “[s]tudents attending racially imbalanced schools are denied the benefits that come from learning and associating with students from different backgrounds, races and cultures.”²³ Today, New Jersey faces an unprecedented challenge: undoing state policies’ consignment of generations of children to segregated schools and a legally and morally unacceptable education. Transforming New Jersey’s segregated school system will not be a quick fix. This historical endeavor will require a cross-sector, multidisciplinary, and collaborative approach that uses research as a starting (but not an ending) point to critically analyze existing school choice programs while exploring new ones, tackle the legacy of residential segregation while also identifying education-based reforms, and align school desegregation and funding policies. This is the approach we must take in New Jersey. If we succeed, we may offer a blueprint for other states to follow or modify according to their own circumstances.

Appendix 2.2: Potential Community Organizing Partnerships

Education Law Center (ELC) has strong connections with many of the following organizations and expects to engage closely with them in the early stages of our effort:

- [Our Children/Our Schools](#), a statewide coalition of dozens of education, children’s rights, and civil rights advocates working to advance equity, convened by ELC.
- [Great Schools New Jersey](#), a nonprofit, voluntary association of superintendents of high-need school districts, convened by ELC.
- Statewide Education Equity Coalition, an emerging coalition of researchers, practitioners, and advocates convened by the [Cornwall Center for Metropolitan Studies](#) at Rutgers University.
- [Salvation and Social Justice](#), a Black-led, faith-rooted organization that seeks to liberate public policy theologically by modeling the hope and resiliency of Black faith.
- [Latino Action Network](#), a grassroots organization engaged in collective action at the local, state, and national levels to advance the equitable inclusion of Latino communities in American society (lead plaintiffs in New Jersey’s school desegregation case).
- [Save Our Schools New Jersey](#), a grassroots, all-volunteer organization of parents and other public education supporters who believe that every child in New Jersey should have access to a high-quality public education.
- [For the Many NJ](#), a statewide coalition working to promote a fairer tax code and renewed investments in public services.
- [Building ONE New Jersey](#), a faith-based, grassroots coalition of groups from throughout New Jersey devoted to the idea that everyone who lives here has a stake in the economic and social well-being of the region.
- [Together North Jersey](#), a consortium of partners working to make the region more competitive, efficient, livable, and resilient through collaboration, technical assistance, and peer-exchange opportunities.
- [National Coalition on School Diversity](#), a national network supporting a diverse group of constituents to advocate for and create experiences, practices, models, and policies that promote school diversity/integration and reduce racial and economic isolation in K–12 education.

Notes

1. See *Latino Action Network et al. v. New Jersey*, N.J. Sup. Ct., Docket No. MER-L-001076-18 (Amended Complaint dated Aug. 2, 2019). The plaintiffs—which also include the state or local chapters of the NAACP, Latino Coalition, Urban League, and United Methodist Church—allege that the state’s perpetuation of residential segregation, design of school district boundaries contiguous with residential municipality boundaries, and assignment of students to schools by residency violates state law. These violations include the constitutional rights to provide students a “thorough and efficient education” and to attend schools that are not segregated by race, color, ancestry, or national origin. N.J. Const. Arts. I, ¶15 and VIII, ¶14.
2. See *Abbott v. Burke*, 199 N.J. 140 (2009), which includes a summary of two decades of prior rulings in the *Abbott* case. The disparity of resources caused by New Jersey’s racially and economically segregated school system gave rise to the *Abbott* litigation, first filed by Education Law Center in 1981. In 23 successive opinions through 2020, the New Jersey Supreme Court has played a major role in the state’s progress in reducing the educational disparities between poor urban and wealthy suburban districts.
3. Frankenberg, E., Ee, J., Ayscue, J., & Orfield, G. (2019). [*Harming our common future: America’s segregated schools 65 years after Brown*](#). UCLA Civil Rights Project.
4. See Farrie, D. (2022). [*The color of opportunity*](#). Education Law Center.
5. Rothstein, R. (2017). *The color of law*. Liveright Publishing Corporation.
6. Sciarra, D. (2023). [*Equity and diversity: Defining the right to education for the 21st century*](#). Education Law Center.
7. See *Abbott* litigation, Note 2; see also *In re Petition (North Haledon)*, 181 N.J. 161 (2004) (in which the N.J. Supreme Court provides an excellent summary of New Jersey desegregation cases, some of which predate *Brown v. Board of Education*, and states: “We [in New Jersey] have paid lip service to the idea of diversity in our schools, but in the real world we have not succeeded.”).
8. See *Southern Burlington Cty. NAACP v. Twp. of Mt. Laurel*, 67 N.J. 151 (1975). In this case, plaintiffs challenged the system of land use regulation by a municipality on the ground that low- and moderate-income families were unlawfully excluded. The court established what has become known as the “Mount Laurel Doctrine,” under which municipalities have a constitutional obligation to provide a “fair share” of their region’s affordable housing units.
9. See *Parents Involved in Community Schools v. Seattle School District No. 1*, 551 U.S. 701 (2007).
10. Wells, A. (2009). [*Boundary crossing for diversity, equity and achievement: Inter-district school desegregation and educational opportunity*](#). Charles Hamilton Houston Institute for Race & Justice.

11. Tractenberg, P., Orfield, G., & Flaxman, G. (2013). [*New Jersey's apartheid and intensely segregated urban schools: Powerful evidence of an inefficient and unconstitutional state education system.*](#) Institute on Education Law and Policy, Rutgers University.
12. See Coburn, C., Penuel, W., & Geil, K. (2013). [*Research-practice partnerships: A strategy for leveraging research for educational improvement in school districts.*](#)
13. Erwin, B., Kelly, B., & Silva-Padron, G. (2022). [*50-state comparison: Open enrollment policies.*](#) Education Commission of the States.
14. Johnson, R. (2019). *Children of the dream.* Basic Books.
15. Farrie, D. (2022). [*The color of opportunity.*](#) Education Law Center.
16. Green, P. C., Baker, B. D., & Oluwole, J. O. (2021). *School finance, race, and reparations.* *Washington and Lee Journal of Civil Rights and Social Justice*, 27(2), 482–558.
<https://scholarlycommons.law.wlu.edu/cgi/viewcontent.cgi?article=1519&context=crsj>
17. Schwartz, H. (2010). [*Housing policy is school policy.*](#) The Century Foundation.
18. Potter, H. (2022). [*School segregation in U.S. metro areas.*](#) The Century Foundation.
19. Lowe, B. (2020). [*New effort pairs educators and housing advocates to tackle school segregation.*](#) The 74.
20. See [*In re Application of TEAM Academy Charter School*](#), 247 N.J. 46 (2021).
21. Campbell, V., & Payne, C. (2023). [*Segregated schooling in New Jersey.*](#) Joseph C. Cornwall Center for Metropolitan Studies, Rutgers University.
22. See Evans, T. (2020). [*School district fragmentation and residential segregation.*](#) New Jersey Future; Evans, T. (2022). [*The state of New Jersey's housing market: We need more.*](#) New Jersey Future; and Evans, T. (2020). [*The Black-White homeownership gap in New Jersey.*](#) New Jersey Future.
23. *Booker v. Plainfield Bd. of Educ.*, 45 N.J. 61 (1965).



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