



# **NEPC Review: Integrating Housing and Education Solutions to Reduce Segregation and Drive School Equity (Urban Institute, August 2023) and When Good Parents Go to Jail: The Criminalization of Address Sharing in Public Education (Available to All, August 2023)**



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November 2023

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# Acknowledgements

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## Summary

School attendance boundaries, like the district boundaries that encompass them, are politically and socially constructed, largely determined by state boards of education or local school boards. Two recent reports address issues associated with inequities that result from such tight coupling of housing and schooling. The first, *Integrating Housing and Education Solutions to Reduce Segregation and Drive School Equity* from the Urban Institute, specifically focuses on inequitable school resources and educational outcomes tied to residential and school segregation. Citing relevant research and arguing that education policies alone cannot remedy school segregation, the report outlines a multipronged approach for municipalities and school districts. Though the report has some weaknesses, the arguments are well-supported and the recommendations provide useful insights to inform policy and practice. Decision makers should, however, remain aware of potential contextual complications given insufficient attention.

The second report, *When Good Parents Go to Jail: The Criminalization of Address Sharing in Public Education* from a new organization called Available to All, similarly locates school and residential boundaries as drivers of educational inequities. Specifically, it explores families' use of an address other than their own to enroll a child in a more desirable school—a practice known as address sharing, punishable by law in many locales. Highlight-

ing high-profile cases of prosecutions across the U.S., the report offers a descriptive analysis of widespread and highly variable state statutes or laws that criminalize address sharing, with punishments ranging from fines to incarceration. The report clearly signals a need for further research as well as for policymakers to consider decriminalization; however, its unsupported recommendation for expanding open enrollment should be approached cautiously in light of several known issues with school choice.



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## I. Introduction

Residential areas segregated by race/ethnicity and/or socioeconomic status typically produce similar segregation patterns in schools—along with similar patterns of education inequity. Two recent reports focus on this tight coupling of housing and schools, demonstrating the ways that residence-based school attendance zones are problematic. Although theoretically such boundaries should support educational governance and efficiency, a well-documented body of work has shown that instead they help structure school segregation, systemically diminishing social, economic, and educational opportunities for some groups of children.<sup>1</sup>

In the first report, *Integrating Housing and Education Solutions to Reduce Segregation and Drive School Equity*,<sup>2</sup> Megan Gallagher and colleagues from the Urban Institute detail how racist housing policies negatively affect students. Although the report frequently uses the term “people of color” in describing students most often negatively affected by segregation, it links federal policies like redlining and federal investments in transportation infrastructure to argue that Black families and communities have been disproportionately affected. The report includes a series of suggested strategies for improvement. In the discussion below, it will be referred to as “the housing report.”

The second report, *When Good Parents Go to Jail: The Criminalization of Address Sharing in Public Education* from the organization Available to All,<sup>3</sup> also explores legal issues root-

ed in residence-based attendance zones. Authors Tim DeRoche, founder and president of Available to All, and colleagues from Bellwether<sup>4</sup> examine the common practice of address sharing, which they define as “a blanket term to capture the many practices that families engage in to misrepresent their primary residence for the purpose of school enrollment.” Although some states legally prohibit and prosecute such misrepresentation, many families use address sharing to move students out of under-resourced schools in their neighborhoods and into better schools outside their assigned attendance zones. Some states legally prohibit and prosecute such misrepresentation. To supplement the sparse literature on the practice, the report reviews and analyzes criminal and civil statutes in all 50 states and Washington, D.C. In the discussion below, it will be referred to as the “address-sharing” report.

## II. Findings and Conclusions of the Reports

The housing report finds that desegregating schools is one avenue to improving educational outcomes for both children of color and White children, citing evidence it can lead to increased funding for smaller class sizes, higher adult-to-student ratios in schools, more instructional time for students, and better teacher compensation—all linked to improved student outcomes.<sup>5</sup>

In addition to advocating for better funding for segregated schools, the housing report recommends that education policymakers consider:

1. Rezoning schools—redrawing or adjusting school attendance boundaries
2. Implementing school choice strategies designed to achieve racial integration
3. Addressing district fragmentation and associated school and residential segregation by consolidating districts, and
4. Establishing regional education areas that govern multiple districts through federated regionalism.

Recommendations for housing policies include:

1. Establishing housing mobility programs that enable families to move to less segregated neighborhoods
2. Helping districts plan for changes resulting from population changes
3. Developing collaborations among school districts, housing agencies and planning officials to promote mixed-income communities, and
4. Supporting students living in unstable or gentrifying neighborhoods to minimize housing displacement.

In addition, the report offers a series of practical steps that stakeholders can take to address

school segregation in their local communities. Taken together, the findings and framing suggest that cross-sector alignment and efforts are needed to effect racial desegregation of communities and schools.

The more tightly focused address-sharing report details state laws criminalizing address sharing and related prosecutions. Based on a 50-state scan, it finds address sharing criminalized in at least 24 states, although there are differences of “specificity” and “severity.” For example, 16 states have specific laws criminalizing the practice, while others prosecute it under more general laws. Only three states limit punishment to fines, while in 20 states parents can be jailed if convicted. Most states (17) prosecute the act as a misdemeanor, although six states consider it a felony and one categorizes it as the lowest level summary offense. Only two states—Connecticut and Georgia—have tried to decriminalize address sharing, and only Connecticut has been successful.

The address-sharing report concludes by encouraging policymakers, prosecutors, and district leaders to rethink the criminalization approach, and recommends:

1. Decriminalizing address sharing
2. Legalizing cross-boundary enrollment, and
3. Expanding open enrollment.

### **III. The Reports’ Rationale for Findings and Conclusions**

The housing report’s central rationale for promoting desegregation strategies is that school and residential segregation negatively affect outcomes for children of color, particularly Black children. In support, the report reviews decades of racist housing policies and practices, including redlining, predatory lending practices, violent tactics, and limited public and assisted housing development programs that have collectively and systematically disenfranchised Black families and communities of color. The report argues that exclusionary but legal practices coupled with inadequate federal, state, and local support have maintained a level of segregation that makes it “difficult or impossible for Black families to send their children to integrated schools.”<sup>6</sup>

The rationale for the address-sharing report lies in its implicit assumption that public education is a collective good.<sup>7</sup> As such, all public school students have a right to share equitably in public education, ensuring the country maintains an educated and productive citizenry. This stance is diametrically opposed to the rationale underpinning laws criminalizing address sharing. The legal foundation for such laws rests on the issue of property rights, which “assumes a school district to have an ownership right to each of the seats in its schools—along with the per-pupil revenue each of those seats generates—and it is therefore entitled to exclude any students who do not live within the district’s geographic boundaries.”<sup>8</sup> This perspective suggests that families who engage in address sharing should be penalized because they have no right to access schools outside a particular residential area. Conceptualizing

education instead as a public good, the report rejects the property rights perspective—and so criminalization of address sharing—as a “simplified justification” as it assigns “rights” to local schools.<sup>9</sup>

#### **IV. The Reports’ Use of Research Literature**

The housing report first rejects the notion of school segregation “as a reflection of personal preference or chance,” and instead asserts that it constitutes “the legacy of state-sanctioned segregation and decades of exclusionary practices that followed,”<sup>10</sup> limiting access to integrated schools for Black students and other students of color.<sup>11</sup> While it doesn’t provide an exhaustive review of studies in this area, the report does appropriately cite solid scholarship from mostly White researchers across multiple disciplines (especially sociology) studying at the intersections of race, school or residential segregation, poverty, housing, and policy.<sup>12</sup> In addition to such historical framing, the report appropriately engages with research literature across education and housing to identify multiple policy levers for addressing school segregation. Key recommendations are based on research evidence linked to relevant literature on school finance and school funding, school rezoning, residential zoning, or the use of mixed-income developments and communities to promote more affordable options for people of color.

However, the report overlooks recent research on contemporary housing practices that involve homebuyers’ use of school rating websites that shape families’ perception of school quality. Although this is not considered a “state-sanctioned” policy or practice, it is important to consider the role of private, market-based actors and firms like Zillow and Redfin featuring school ratings on their websites because such ratings are strongly correlated with the racial makeup of schools, resulting in racialized or classed “mismeasures of school quality.”<sup>13</sup>

Similarly, given that the report centers blatant anti-Black practices that have marginalized Black people, a brief discussion of anti-Blackness—as a policy framework—could have supported the report’s theoretical position. Doing so would have acknowledged policy, and specifically education policy, as a site of anti-Blackness given “the long history of Black struggle for educational opportunity, which is to say a struggle against what has always been (and continues to be) a struggle against specific anti-Black ideologies, discourses, representations, (mal)distribution of material resources, and physical and psychic assaults on Black bodies in schools.”<sup>14</sup> The absence of this framework is not inherently problematic, nor does it undermine findings, but an explicit framing would have strengthened the report’s rationale for and concern with Black people’s exclusion and containment from opportunity.

The address-sharing report, in contrast, openly acknowledges that there has been little research related to consequences of address sharing. However, it does cite some recent work,<sup>15</sup> including two key studies that explore address sharing from a conceptual and legal basis.<sup>16</sup> The limited research base is supplemented with anecdotal evidence and media articles. In fact, the report opens by detailing the criminalization of two Black mothers charged in 2011



with grand larceny for address sharing. A limited research base inherently essentializes parents and families who engage in address sharing as “criminals,” despite the complexity of their decisions. The report notes that “Research is limited, but there is reason to suspect that families are not only prosecuted selectively but also disproportionately, with low-income families (and perhaps especially families of color) more often prosecuted for these offenses.”<sup>17</sup>

Understandably, findings are based on the authors’ calculations. To understand existing law, findings were checked against available legislative histories. Where statutes did not exist, authors confirmed findings with state attorney generals and the general counsels for state education agencies.

A useful characteristic of the report is its definition of legal terms, cited from the Legal Information Institute at Cornell Law School.<sup>18</sup> In explaining terms like criminal prosecution, civil penalties, prosecutorial discretion, felonies, and misdemeanors, as well as terms frequently used in relation to address sharing such as larceny, fraud, and perjury, the report helps the lay reader conceptualize related legal territory.

## **V. Review of the Reports’ Methods**

The housing report’s methodology is straightforward. A base of existing literature is used to support advocacy for a multipronged approach to target desegregation. Although the report sufficiently engages appropriate research evidence, some assumptions made in its argument are questionable, as detailed below.

In the address-sharing report, a key methodological limitation is that, as footnoted several times, authors determined calculations, and they offer no evidence of a review process for validation or evaluation. In addition, little or no information about the data-gathering procedures from state officials and state documents is included. Nevertheless, given limited research on the topic, readers should not entirely dismiss the reports’ findings, which appear relatively consistent with evidence from existing literature.

## **VI. Review of the Validity of the Findings and Conclusions**

While the housing report’s recommendations are mostly warranted based on its literature review, several assumptions embedded in some recommendations are questionable. The address-sharing report also has weaknesses, and both reports are weakened by facile recommendations related to school choice.

The housing report assumes that state, district, and school-level administrators can and will engage the political will or ability to work together across governance levels to reduce school segregation and ensure sustainable outcomes. Similarly, the report overlooks philosophical

and/or political obstacles related to key recommendations for rezoning schools, broadening school choice, and consolidating districts. For instance, the issue of attendance boundaries is largely under the purview of local school boards, not state or school-level administrators. And, school boards engage in rezoning to address not only economic and racial segregation but also rapid student growth, over- or under-enrollment, school closures, or building utilization, all of which complicate how schools might be rezoned to address desegregation.<sup>19</sup>

Policymakers and administrators must also make choices complicated by legal mandates related to race. Race-neutral plans involve considering students' socioeconomic status rather than their race when trying to ensure an integrated student body. In contrast, voluntary, race-conscious plans suggest that integration can best be achieved by considering a mix of racial/ethnic and socioeconomic factors.<sup>20</sup> Given ongoing tensions in the literature about which approach is most legally and politically sustainable, choices about policy targeting desegregation across education and housing are not as straightforward as the report implies.

Similarly, the discussion of the recommended federated regionalism offers weak support. Regionalism proposes replacing local governance with a regional governance structure, theoretically allowing districts to work together on regional issues and allowing resources to be distributed more efficiently and fairly.<sup>21</sup> Research suggests that this approach could potentially reduce educational inequality, especially as suburbs become more racially and socioeconomically diverse. However, policymakers and local actors must consider the possibility of White flight into newly carved out exurbs and White enclaves, a repeated pattern that has thwarted past desegregation efforts.

In the address-sharing report, a narrow research base limits clear assessments about the validity of its findings and recommendations. While the report echoes similar claims made by researchers, it fails to acknowledge that address sharing is embedded in the larger context of local and national politics. For example, criminalizing address sharing and its impact on families of color coincides with increased criminalization more broadly.<sup>22</sup> In addition, it does not mention how criminalization harms families, especially those in single-parent households and/or homeless families, weakening the recommendation made by ignoring the immediate and long-term impact on children whose parents suffer heavy fines or incarceration.<sup>23</sup>

Given their shared concern with racial segregation in schools, it's not surprising to find a similar recommendation in both reports. Both, for example, recommend expanding school access options legally available to students—the housing report via “school choice” options and the address-sharing report via “expanding open enrollment.” However, these recommendations overlook research suggesting choice policies are more likely to privilege White, middle-class families given their ability to access information and navigate or circumvent school choice constraints (admission tests, paperwork, site visits, and so on), while Black middle-class families, despite their resources, are often excluded from choosing their preferred schools because of racial profiling.<sup>24</sup> In an analysis of metropolitan school segregation in the U.S. between 1993 and 2010, for example, researchers found that segregation increased when families opted into charter or private schools,<sup>25</sup> with charter schools becoming more segregated than traditional public schools. While the housing report specifically suggests that magnet and charter schools in particular could enact “policies that influence how

segregated they are, such as use of selective admissions or provision of transportation,”<sup>26</sup> the recommendation lacks nuance. An unexamined alternative, for example, is controlled choice, a system of managing student enrollment by balancing choice *and* racial/ethnic and/or socioeconomic diversity goals that research has indicated has promise.<sup>27</sup>

While the specific term “school choice” does not appear in the address-sharing report, the recommendation for expanding open enrollment might easily become conflated with the more narrowly defined term, and “misses the other pressures parents face and calculations they must undertake.”<sup>28</sup> Thus, both reports promote school choice without weighing important considerations.

### **VIII. Usefulness of the Reports for Guidance of Policy and Practice**

An important caveat for policymakers and administrators to keep in mind when reading either of these reports is that education inequities are not solely a function of education policy and school leadership; instead, they are affected by other social and economic policies and realities, especially those related to housing. Because decisions are complex and local conditions vary widely, neither report is sufficiently nuanced to directly shape policy, although both can do much to inform it. By incorporating an integrated policy lens on school and residential segregation and their impact on children and families, the housing report does offer policymakers and administrators useful information in its historical and contemporary insights, particularly for those officials working across sectors in local communities. The address-sharing report does shed light on an under-researched but common practice; its strong case for decriminalization is worth considering in many contexts, especially given variability in state law. Caution is warranted, however, toward its open enrollment recommendation.

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