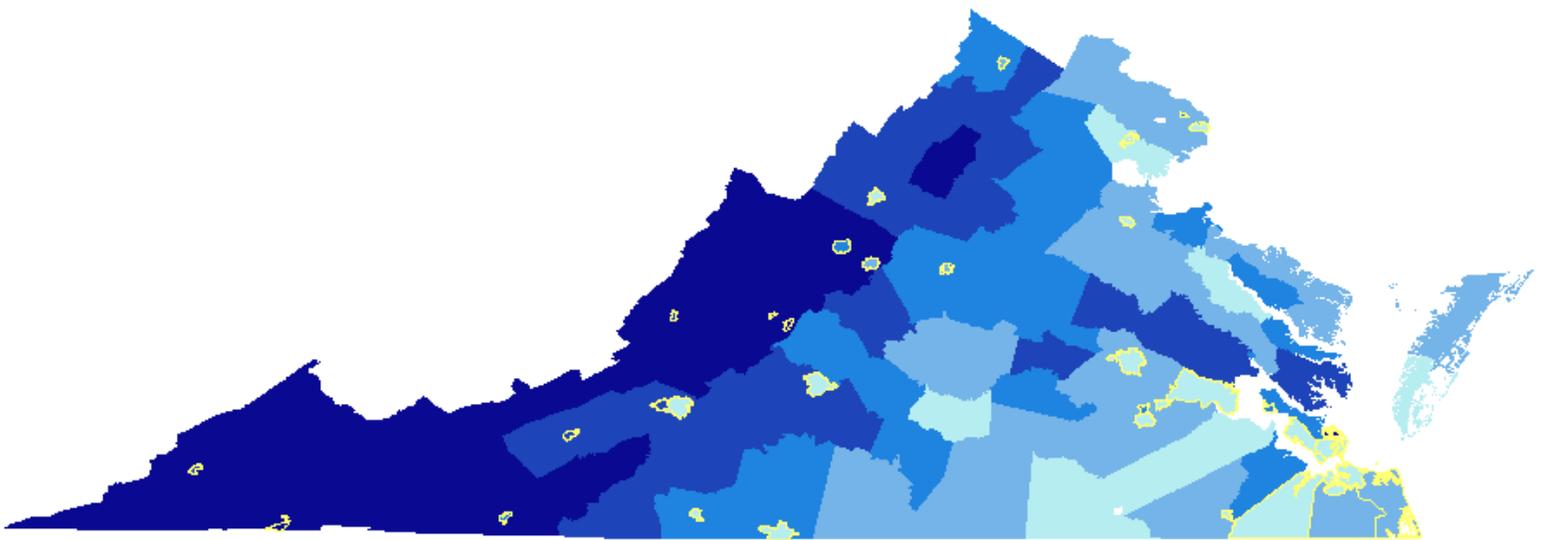


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# School Segregation by Boundary Line in Virginia: Scope, Significance and State Policy Solutions

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# Contents

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Introduction .....	1
Key findings.....	3
Landscape of school enrollment and segregation related to boundary lines .....	4
Enrollment by race, poverty and locale, 2009-2018 .....	4
Segregation between and within school divisions.....	6
School segregation by elementary, middle and high school.....	11
Rezoning Trends from Sample of 28 Virginia Divisions.....	12
Enrollment in sampled divisions that have undertaken or considered rezoning.....	13
Segregation in sampled divisions that have undertaken or considered rezoning.....	14
Rezoning policy in sampled divisions that have undertaken or considered rezoning.....	15
What the literature says about segregation and school-related boundaries .....	18
Relationship between housing and school segregation.....	18
Significance of school boundaries .....	20
School and neighborhood decisions related to school boundaries.....	22
School decisions in a metropolitan context.....	23
Legal parameters for school related boundaries .....	25
Evidence-based recommendations to combat relationship between school rezoning and segregation.....	26
Appendix .....	A-1

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## Introduction

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School segregation by race and poverty is deepening in Virginia.<sup>1</sup>

In an era of swift demographic change in both cities and suburbs, alongside sharply rising inequality,<sup>2</sup> renewed attention to the dynamics of segregation grows more important. School district and attendance boundary lines that wall-off communities with highly differentiated wealth help structure segregation. Over time, these invisible boundaries acquire strong social meaning flowing from the unequal allocation of educational resources and, relatedly, the racial/ethnic and economic makeup of students who attend schools within them.<sup>3</sup>

Widely disparate exposure to school poverty is a central predictor of achievement gaps between White and Asian versus Black and Latinx students.<sup>4</sup> Largely because of difficult working conditions, schools serving high concentrations of students of color and students in poverty experience higher rates of leader, teacher and student turnover.<sup>5</sup> These schools also offer students fewer opportunities for advanced coursework and receive inadequate funding relative to student need.<sup>6</sup> Inequities in school resources are compounded by inequities in surrounding community contexts.<sup>7</sup> Addressing segregating

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1. Chris Duncombe, *Unequal Opportunities* (Richmond: Commonwealth Policy Institute, 2017), <https://www.thecommonwealth-institute.org/2017/12/11/unequal-opportunities-sample-of-new-format-for-online-reports/>. Siegel-Hawley et al., *Miles to Go: A Report on Virginia School Segregation, 1989-2010* (Los Angeles: UCLA Civil Rights Project, 2013), <https://civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/miles-to-go-a-report-on-school-segregation-in-virginia-1989-2010>. It is also deepening nationally, according to a 2016 GAO report. See Government Accountability Office. (2016). *Better Use of Information Could Help Agencies Identify Disparities and Address Racial Discrimination*. Washington, DC.

2. Duncan, Greg and Richard Murnane, eds., *Whither Opportunity? Rising Inequality, Schools, and Children's Life Chances* (New York: Russell Sage, 2011); Lewis-McCoy, L'Heureux, *Inequality in the Promised Land: Race, Resources and Suburban Schooling* (Palo Alto: Stanford University Press, 2014) Pearman, Francis, *Gentrification and Academic Achievement: A Review of the Research*, *Review of Educational Research* 89(1) (2019).

3. Baker, Bruce and Corcoran, Sean, "The Stealth Inequities of School Funding" (Washington, DC: Center for American Progress, 2012), <https://www.americanprogress.org/issues/education-k-12/reports/2012/09/19/38189/the-stealth-inequities-of-school-funding/>

4. Reardon, S.F. (2015). *School Segregation and Racial Academic Achievement Gaps*, <https://cepa.stanford.edu/content/school-segregation-and-racial-academic-achievement-gaps>

5. Simon, Nicole and Johnson, Susan Moore (2015). *Teacher Turnover in High-Poverty Schools: What We Know and Can Do*. *Teachers College Record* Volume 117 Number 3, p. 1-36

6. GAO, 2016; Johnson, Rucker, *Children of the Dream* (New York: Basic Books, 2019); Rooks, Noliwe, *Cutting School* (New York: The New Press, 2017).

7. Owens, Ann, Sean F. Reardon, and Christopher Jencks, "Income Segregation between Schools and School Districts," *American Educational Research Journal* 53 (4) (2016):1159-1197.

mechanisms like school attendance zones and school division lines is thus critical to mitigating unequal education opportunities.

While school boundaries shape who goes to school with whom, they are not immutable—rather, they are politically constructed by the state board of education and local school boards vested with the authority to draw them. Unlike division boundaries, attendance boundaries are subject to regular change (e.g., whenever schools open or close, when capacity is too high or too low, etc.) by local board officials. The frequency with which boards take up attendance boundary shifts, which we refer to here as “rezoning,” offers a critical opportunity to either exacerbate segregation or further integration.<sup>8</sup> Moreover, in a restrictive legal context, considering the neighborhood characteristics underlying school attendance boundaries is one of a handful of permissible race-conscious avenues for local education agencies interested in voluntarily promoting integration.<sup>9</sup>

This research brief explores the landscape of school segregation<sup>10</sup> related to boundary lines in the state and in key regions. It also analyzes common rezoning criteria and policies in a large sample of Virginia school divisions. The brief then provides a condensed overview of existing literature on school boundaries and segregation. Finally, it offers evidence-based recommendations for Virginia to combat the relationship between school-related boundaries and segregation.

The research team has a wide range and depth of expertise in the areas of race, education, law, civil rights, politics, school board governance, state and federal policy and consultancy around the technical aspects of school rezoning. We draw on numerous data sources, including federal and state school enrollment data, Virginia school board policies and media accounts related to rezoning.

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8. We use the term integration with intention. School integration describes the complex and continuous process of bring students from different racial/ethnic (we will note when we also mean economic) backgrounds together in the same schools and classrooms on equal footing. See, Martin Luther King, “The Ethical Demands of Integration,” in *A Testament of Hope: The Essential Writings and Speeches of Dr. Martin Luther King*, ed. James Washington (San Francisco: Harper, 1986) and John A. Powell, “A New Theory of Integrated Education: True Integration,” in *School Resegregation: Must the South Turn Back*, eds. John Boger and Gary Orfield (Chapel Hill: University of North Carolina Press, 2005), 281–304.

9. *Parents Involved in Community Schools v. Seattle School District*. 551 U.S. 701 (2007).

10. We also use the term segregation with intention. School segregation describes the racial/ethnic (we will note when we also mean economic) separation of students in different schools or classrooms.

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## Key findings

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- Students of color now make up a majority of Virginia’s K-12 enrollment (51.6%).
- Past and present discrimination has helped dictate an uneven distribution of student enrollment by race among Virginia’s urban, suburban and rural/town areas.
- Student poverty, as measured by eligibility for federal free or reduced priced lunch (FRL), has increased across all geographic locales. It remains highest in Virginia’s urban schools (54% of students qualified for FRL in 2018), moderately high in rural schools (41%) and lowest in suburban schools (31%).
- Segregation between schools in the same division contributes to half or more of all multiracial school segregation in Virginia’s metropolitan regions, including Central Virginia (56%), Tidewater (50%) and Northern Virginia (63%).
- The school division boundaries surrounding independent cities are related to higher school segregation across Virginia’s rural and metro regions.
- With their smaller size and geographically compact attendance boundaries, elementary schools in Virginia are considerably more segregated than middle and high schools.
- About 57% of Virginia’s students live in a division that has recently rezoned or has considered rezoning some portion of its students, among our sample of 28 divisions.
- Among the 28 divisions studied, the goal of “efficient” school utilization was noted most frequently as the primary driver of school rezoning. Segregation and integration do not emerge explicitly in the policy language around efficiency and the general welfare of students though they are deeply related.
- Five of the 15 school divisions (one-third) currently undertaking or completing a rezoning policy in the past five years included integration language in policy and/or criteria.

Our recommendations are generally geared toward state policymakers. The

recommendations call for extensive use of the bully pulpit to amplify awareness about school segregation, as well as new training, research and data collection related to segregation. We also recommend that the state develop a definition of school segregation, followed by new reporting, monitoring and enforcement related to it.

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## **Landscape of school enrollment and segregation related to boundary lines**

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Grasping how school segregation is related to school division and attendance boundaries in Virginia first requires an exploration of K-12 enrollment by race, poverty and locale (e.g., urban, suburban and town/rural). Breaking out enrollment this way provides a snapshot of the key characteristics of Virginia school divisions, as we find that school rezoning activity is related to racial and economic diversity and locale. Enrollment characteristics also provide a basis for understanding segregation.

We rely heavily on a measure of segregation that helps illustrate the impact of boundaries between and within school divisions in Virginia. The measure allows us to understand how much segregation can be attributed to the separation of students between different school divisions (like independent city divisions and their surrounding county divisions) versus the separation of students within a single school division.

We conclude this section on the landscape of school segregation as it relates to boundary lines with trends in enrollment, segregation and rezoning policies among a sample of 28 school divisions. These divisions, purposely selected with an eye toward variation in size and locale, provide critical insight into the nature of contemporary school rezoning in Virginia.

### **Enrollment by race, poverty and locale, 2009-2018**

Over the past decade, school enrollment patterns have shifted markedly across the state of Virginia (see Table 1). Students of color now make up a majority of Virginia's

K-12 enrollment, driven by a significant increase in Latinx<sup>11</sup> and, to a lesser extent, Asian students. The state also saw a decline in the total numbers and percentage shares of White and Black student enrollment. The average size of Virginia school divisions grew by about 350 students over the same time period.

**Table 1: Racial composition and average size of school enrollment, school year 2009-10 and 2018-19**

	White	Black	Latinx	Asian	Two+	Average # students/district
SY 2009-10	696,821 (57.8%)	315,122 (26.1%)	116,200 (9.6%)	73,838 (6.1%)	N/A	9,408
SY 2018-19	623,162 (48.4%)	285,136 (22.2%)	207,758 (16.1%)	91,901 (7.1%)	73,384 (5.7%)	9,749

Source: Common Core Data (CCD) 2009-10, 2018-19.

Past and present discrimination has helped dictate an uneven distribution of student enrollment by race among Virginia’s urban, suburban and rural/town areas (see table 2).<sup>12</sup> For decades, black students were heavily concentrated in Virginia’s urban schools. Yet Black student enrollment in urban schools has declined substantially over the past decade, at the same time it has increased in suburban schools. Nearly equal numbers of Black students (roughly 100,000) enrolled in Virginia’s urban and suburban schools by 2018.

Even as overall enrollment numbers in suburban schools grew, the percentage of White and Black students in Virginia’s suburban schools declined as a result of Asian and Latinx increases. Latinx students made up more than 1 in 5 suburban students in 2018.

Virginia’s rural areas are dominated by White students. White students consistently made up a larger share of rural school enrollment (around two-thirds in 2018, down from about three-quarters in 2009) compared to urban or suburban enrollment. At between

11. The term Latinx is used to disrupt gender binaries as opposed to Latino/a, which are gendered terms when discussing identity. See Vidal-Ortiz, S., & Martínez, J. (2018). Latinx thoughts: Latinidad with an X. *Latino Studies*, 16(3), 384-395.

12. Pratt, Robert, *The Color of their Skin* (Charlottesville: University of Virginia Press, 1992); Rothstein, Richard, *The Color of Law* (New York: Liveright, 2017); Rusk, David, *Inside Game/Outside Game* (Washington, DC: Brookings, 1999).

16 and 18%, Black students accounted for the second largest share of rural enrollment over the past decade, followed by Latinx students at around 5-8%.

Since 2009, student poverty, as measured by eligibility for federal free or reduced priced lunch (FRL), has increased across all geographic locales. It remains highest in Virginia’s city schools (where 54% of students qualified for FRL in 2018), moderately high in rural schools (41%) and lowest in suburban schools (31%).

**Table 2. Racial and socioeconomic composition by locale,<sup>13</sup> school year 2009-10 and 2018-19**

	<b>White</b>	<b>Black</b>	<b>Latinx</b>	<b>Asian</b>	<b>Two+</b>	<b>FRL</b>
<b>SY 2009-10</b>						
Urban	109,076 (38.2%)	128,482 (45.1%)	24,852 (8.7%)	13,144 (4.6%)	N/A	136,020 (47.7%)
Suburban	242,603 (50.5%)	97,752 (20.4%)	70,125 (14.6%)	48,166 (10.0%)	N/A	135,916 (28.3%)
Town/Rural	345,142 (72.4%)	88,888 (18.7%)	21,223 (4.5%)	12,528 (2.6%)	N/A	171,834 (36.1%)
<b>SY 2018-19</b>						
Urban	103,982 (35.2%)	109,183 (37.3%)	45,726 (15.6%)	12,404 (4.2%)	19,709 (6.7%)	158,093 (54.0%)
Suburban	249,968 (42.7%)	106,795 (18.2%)	126,275 (21.6%)	67,132 (11.5%)	33,321 (5.7%)	178,932 (30.5%)
Town/Rural	269,212 (65.9%)	69,158 (16.9%)	35,757 (8.8%)	12,365 (3.0%)	29,354 (5.0%)	167,787 (41.1%)

Source: CCD 2009-10, 2018-19. Note: Locale codes derived from the CCD Urban-Centric locale assignment. For more information on school locale classifications see: <https://nces.ed.gov/ccd/commonfiles/glossary.asp>.

## Segregation between and within school divisions

A measure of how segregated different racial/ethnic groups are from one another, known as Thiel’s H, allows us to determine how much segregation can be attributed to

13. We combined the rural and town locales because there were relatively few schools identified as “town” in Virginia compared to the other categories. Town schools are also similar to the rural classification, albeit somewhat further from urban clusters.

the: 1) sorting of students into different school systems and 2) sorting of students into different schools within the same school system. As such, the measure helps us understand how much district boundaries contribute to school segregation versus how much attendance boundaries contribute.

Applied to Virginia, Thiel's H shows that segregation between schools in the same division contributes to half or more of all multiracial school segregation in Regions 1, 2 and 4, encompassing Central Virginia (56%), Tidewater (50%) and Northern Virginia (63%), respectively (see Table 3). School attendance boundaries are a key force behind within-district segregation, suggesting that redrawing attendance boundaries to create more diverse schools is an important lever for change in Virginia's major metro area school divisions. School choice in the form of open enrollment, specialty schools and the like is almost certainly an additional factor within divisions,<sup>14</sup> though it is impossible to determine the extent of choice-related segregation with existing data.

Between-district segregation attributed to district, rather than school attendance, boundary lines, is much higher in Virginia's rural areas (e.g., Regions 5, 6, 7, and 8) where it accounts for three-quarters or more of all multiracial school segregation (see Table 3). This pattern is likely related to the smaller number of schools within divisions in rural areas, making school attendance boundaries less salient. In other words, in a school division with only one middle and high school, all public school students would attend the same secondary schools.

The severity of school segregation varies by region, regardless of whether it is the result of within- or between-district sorting. (The total segregation column in Table 3 shows the extent of overall multiracial segregation in each region. Social scientists generally consider an H value above .25 to be severe segregation, values between .10 and .25 to be moderate and below .10 to be low.)

Central Virginia, or the Richmond metro area, is the only superintendent's region that reported severe school segregation between major student racial/ethnic groups (see Table 3). School segregation is even more intense between White and Black students

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14. See Gary Orfield and Erica Frankenberg, *Educational Delusions* (Berkeley: University of California Press, 2013).

in Central Virginia.<sup>15</sup> The state’s other two large metro regions, Northern Virginia and Tidewater, both reported moderate overall school segregation as measured by Thiel’s H. Virginia’s rural regions generally had low to moderate overall levels of multiracial school segregation, though the difference in the severity of segregation in adjacent Southside Region 6 (.225) and Western Virginia Region 8 (.082) was striking.

**Table 3: Racial segregation within and between school districts, school year 2018-19**

Region No. and Name	Within District	Between District	Total Segregation	Number of Districts	Number of Schools
1 Central Virginia	0.150 (56.0%)	0.118 (44.0%)	0.268	15	249
2 Tidewater	0.084 (50.0%)	0.084 (50.0%)	0.168	15	359
3 Northern Neck	0.029 (35.8%)	0.052 (64.2%)	0.081	17	115
4 Northern Virginia	0.106 (63.1%)	0.062 (36.9%)	0.168	19	543
5 Valley	0.039 (21.4%)	0.142 (78.6%)	0.180	20	191
6 Western Virginia	0.055 (24.4%)	0.170 (75.6%)	0.225	15	173
7 Southwest	0.035 (25.5%)	0.102 (74.5%)	0.137	19	156
8 Southside	0.017 (20.7%)	0.065 (79.3%)	0.082	12	59

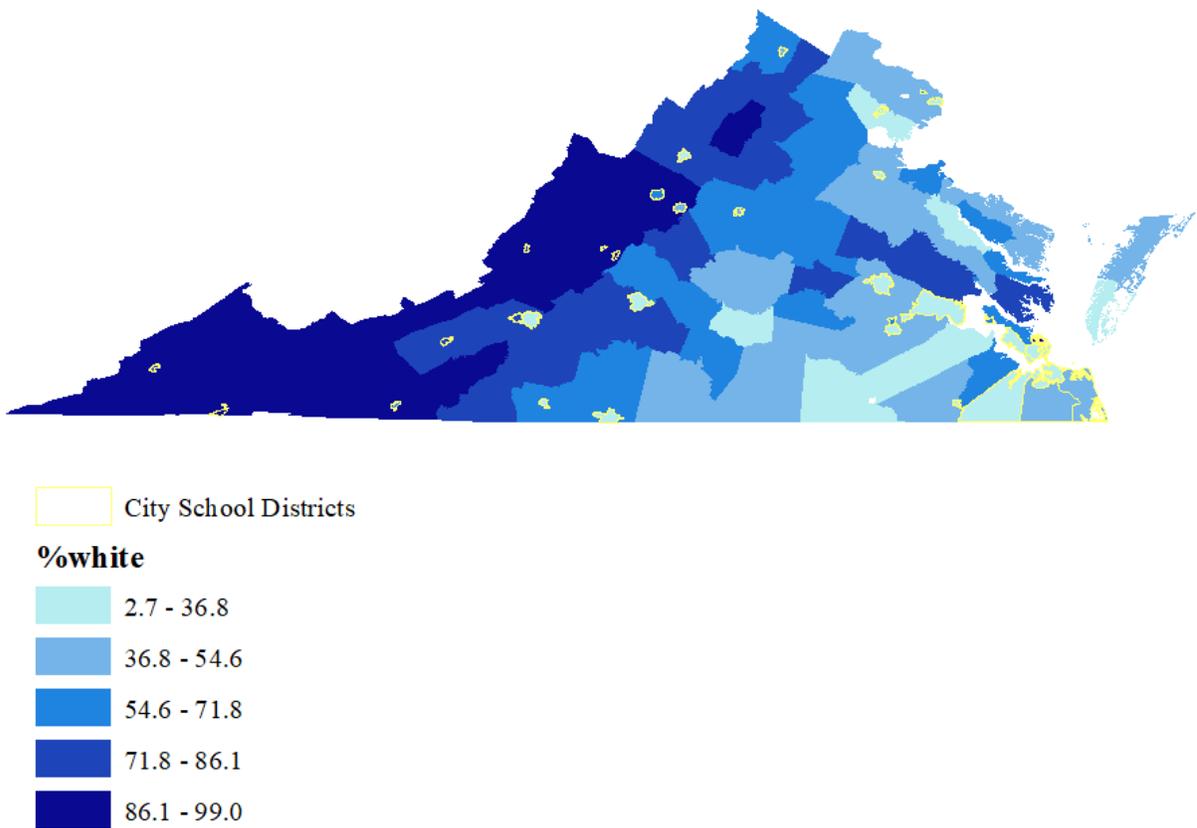
Source: CCD 2018-19; Virginia Department of Education Superintendents regions. Note: We relied on the superintendent’s regions to define geographic regions as they provide school leaders from multiple divisions opportunities to regularly come together to discuss shared concerns. If the state begins examining school segregation at the regional level, these existing regional groups offer a potential structure.

The difference in overall segregation between rural Virginia regions 6 and 8, with region 8 reporting much lower levels, was even more noteworthy because Region 8 has the

15. At .368, meaning the typical Richmond area school’s Black/White student composition is about 37% less diverse than its division for Black and White students. This is far higher than total segregation in the region (.268). Other dyads (Latinx-White, Asian-White) available by request from authors.

highest share of Black students (see Table 1A in the appendix). Other research has indicated that segregation is often more intense in districts where the share of Black students approaches parity with or surpasses the share of White students.<sup>16</sup> However, there are no independent cities in Region 8, while there are 5 independent cities in Region 6 (see table 1A in appendix and Figure 1). Region 8 also reported the second lowest overall levels of segregation, while Region 3, the Northern Neck, with only one independent city, reported the lowest overall levels. The presence of independent cities, then, is associated with higher segregation in Virginia’s rural areas.

**Figure 1. School division boundaries by percentage white enrollment, school year 2018-2019**



Source: CCD 2018-19; NCES EDGE school district boundaries, 2018.

16. Fiel, Jeremy. “Closing Ranks: Closure, Status Competition, and School Segregation.” *American Journal of Sociology* 121(2015):126-170.; Taylor, Kendra, Anderson, Jeremy and Frankenberg, Erica, “School and Residential Segregation in School Districts with Voluntary Integration Policies,” *Peabody Journal of Education* 94(4) (2019).

Independent cities also play a role in segregating students in Virginia’s metropolitan communities. In Central Virginia (Region 1), five independent cities enroll markedly lower shares of White students than their neighboring counties (Table 4). Specifically, White students make up about 18% of the independent city school division enrollment in Region 1 compared to about 45% of the neighboring county enrollment, a gap of 28 percentage points. The Tidewater area (Region 2), with 10 independent cities, the most of any region, reported a slightly smaller gap at 23 percentage points. Even more marked disparities are present in Northern Virginia (Region 6), where the gap between White enrollment in independent city systems versus neighboring county systems is about 35 percentage points.

**Table 4: Racial composition of city school districts and their neighboring county districts, 2018-19**

Superintendent’s Region No. and Name	Total	White	Non-White
<b>1 Central Virginia</b>			
Independent City Districts	36,828	6,440 (17.5%)	30,388 (82.5%)
Neighbor Districts	127,120	57,732 (45.4%)	69,388 (54.6%)
<b>2 Tidewater</b>			
Independent City Districts	230,962	85,944 (37.2%)	145,018 (62.8%)
Neighbor Districts	21,150	12,614 (59.6%)	8,536 (40.4%)
<b>3 Northern Neck</b>			
Independent City Districts	3,710	1,118 (30.1%)	2,592 (69.9%)
Neighbor Districts	52,938	26,651 (50.3%)	26,287 (49.7%)
<b>4 Northern Virginia</b>			
Independent City Districts	34,390	9,681 (28.2%)	24,709 (71.8%)
Neighbor Districts	319,701	121,797 (38.1%)	197,904 (61.9%)
<b>5 Valley</b>			
Independent City Districts	26,458	11,548 (43.6%)	14,910 (56.4%)
Neighbor Districts	60,755	46,019 (75.7%)	14,736 (24.3%)
<b>6 Western Virginia</b>			
Independent City Districts	26,405	10,021 (38.0%)	16,384 (62.0%)
Neighbor Districts	42,429	31,126 (73.4%)	11,303 (26.6%)
<b>7 Southwest</b>			
Independent City Districts	6,080	4,718 (77.6%)	1,362 (22.4%)
Neighbor Districts	22,230	20,246 (91.1%)	1,984 (8.9%)

Source: CCD 2018-19; Virginia Department of Education Superintendents regions. Note: Region 8 does not have any city school districts.

Findings here suggest that policymakers should consider addressing segregation both within divisions and between independent cities and surrounding counties. In Virginia's major metro regions, school attendance boundaries and other drivers of within-division segregation like school choice play a bigger role in segregating students than the boundaries between school divisions. This is not to say that school division boundaries—the lines between independent city and suburb, or suburb and outlying exurb—do not continue to play a role. Division boundaries still structure just under half of segregation in Virginia's major metro regions. They matter more in the state's rural areas, however, indicating the need for a targeted approach to addressing school segregation across the state.

## **School segregation by elementary, middle and high school**

Because elementary school attendance boundaries tend to be geographically more compact than middle or high school boundaries, exploring school segregation by grade-level offers another window into the impact of attendance boundaries. The smaller the attendance boundary, the thinking goes, the more likely it is that residential segregation, which remains high, will be reflected in school enrollment.<sup>17</sup>

As expected, we find that elementary schools in Virginia were considerably more segregated than middle and high schools (see Table 5). More specifically, elementary schools were 12.5% less diverse than their districts in 2018, compared to middle schools, which were 6.2% less diverse, and high schools, which were 8.1% less diverse. Surprisingly, high schools, which tend to have the largest attendance zones, were slightly more segregated than middle schools. This may reflect greater school choice at the high school level in Virginia (e.g., specialty centers and Governor's schools), though the lack of readily available data on choice makes it difficult to understand the extent to which it is impacting segregation.

Just as policymakers should consider tailoring school integration strategies to differ-

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17. Orfield, Myron and Thomas Luce, *Region: Planning the Future of the Twin Cities*, University of Minnesota Press, 2010.

ing metropolitan and rural circumstances, they should also consider varied policy solutions for elementary, middle and high schools.

**Table 5: The extent to which schools are less diverse than their districts by school level, school year 2009-10 and 2018-19**

	All Schools	Elementary	Middle	High
SY 2009-10	9.9%	10.2%	7.7%	10.7%
SY 2018-19	10.5%	12.5%	6.2%	8.1%

Source: CCD 2009-10, 2018-19. Note: H is calculated using White, Black, Latinx, and Asian students.

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## Rezoning Trends from Sample of 28 Virginia Divisions

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We examined enrollment and segregation trends, along with rezoning policies and criteria used by local school boards, in 28 different school divisions<sup>18</sup> selected to reflect a cross-section of Virginia, with an emphasis on independent city and suburban systems. The 28 divisions collectively educate about two-thirds of Virginia’s enrollment, or 855,896 students. As such, they represent contemporary trends in school rezoning activity for a significant portion of Virginia’s students.

For each of the 28 divisions, we searched website policy manuals and repositories (board docs, etc.) for the terms “rezoning,” “school rezoning,” “redistricting,” “student assignment,” and “attendance boundaries.” To identify past rezoning efforts and any criteria used in determining school zones, beyond what was stated in policy or on division websites, we searched via google general and news for the same terms.

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18. These included Albemarle, Arlington, Campbell, Charlottesville, Chesapeake, Chesterfield, Fairfax, Fauquier, Hampton, Harrisonburg, Henrico, Loudoun, Lynchburg, Manassas, Mathews, New Kent, Newport News, Norfolk, Northampton, Orange, Prince Edward, Prince William, Richmond City, Roanoke City, Roanoke County, Stafford, Suffolk and Virginia Beach.

## Enrollment in sampled divisions that have undertaken or considered rezoning

Close to three-quarters of a million Virginia students, or 57%, live in a sampled division that has undertaken or considered rezoning since 2009, and the majority conducted some type of rezoning in the past five years (see Table 6). This figure may underestimate the true extent of students impacted by rezoning as it does not include all divisions in the state.

Our review of board policies and media accounts indicated that most contemporary school rezoning was not systemic, likely limiting widespread opportunities to further integration. Over half of the divisions we studied created new attendance zones for one or more schools without undertaking a system-wide rezoning.

Of the 28 divisions reviewed, the 20 divisions that reported some kind of rezoning activity,<sup>19</sup> either discussing it or undertaking a process, tended to have somewhat higher shares of Black, Latinx and Asian students than overall state shares (see Tables 1 and 6), suggesting that more racially diverse divisions have been more likely to rezone or consider rezoning. At the same time, the share of students eligible for FRL in districts that have rezoned (roughly one third) is lower than the state share of FRL-eligible students. This may track with the prevalence of rezoning in suburban divisions, which have lower levels of student poverty.

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19. These 20 divisions included Albemarle, Arlington, Charlottesville, Chesapeake, Chesterfield, Fairfax, Harrisonburg, Henrico, Lynchburg, Manassas, New Kent, Newport News, Norfolk, Prince William, Richmond City, Roanoke City, Roanoke County, Stafford, Suffolk and Virginia Beach.

**Table 6: Characteristics of school divisions that rezoned or considered rezoning of 28 sampled, SY 2009-10 and 2018-19**

	Total	White	Black	Latinx	Asian	Two+	FRL	Average #Students/district
SY 2009-10	683,460	317,223 (46.4%)	195,184 (28.6%)	83,359 (12.2%)	57,477 (8.4%)	N/A	227,774 (33.3%)	34,173
SY 2018-19	725,534	283,464 (39.1%)	182,278 (25.1%)	146,210 (20.2%)	66,259 (9.1%)	44,125 (6.1%)	272,411 (37.5%)	36,277

Source: CCD 2009-10, 2018-19.

Suburban students in the divisions reporting rezoning activity underwent a sharp growth in rezoning over the last decade (see Table 7). Urban<sup>20</sup> students experienced slower growth in rezoning and rural students experienced a decline, likely indicative of more substantial enrollment shifts in suburban and urban school systems relative to rural ones.

**Table 7: Number of students by locale in school divisions that rezoned or considered rezoning, of 28 sampled, school year 2018-19**

	Urban	Suburban	Rural & Town
SY 2009-10	218,450	370,000	95,010
SY 2018-19	220,774	437,802	66,958

Source: CCD 2009-10, 2018-19.

## Segregation in sampled divisions that have undertaken or considered rezoning

All students were overexposed to same-race peers in divisions that have rezoned or considered rezoning, among the 28 school divisions we reviewed (see Table 8). This trend was most extreme for Black students. The typical Black student in a division that rezoned or considered rezoning attended a school that was 45% Black, though Black students made up just 25% of the enrollment. Over the past decade, Latinx students in the same

20. The terms urban and suburban in this section refer to the NCES locale codes used in the tables above.

divisions also became increasingly concentrated in schools with other Latinx students.

**Table 8: Racial exposure and isolation in school in school divisions that rezoned or considered rezoning, of 28 sampled districts, 2018-19**

	Average White student	Average Black student	Average Latinx student	Average Asian student	Average two race student
<b>School Year 2009-10</b>					
% White	60.2%	33.5%	37.7%	49.5%	N/A
% Black	20.6%	51.0%	23.8%	17.2%	N/A
% Latinx	9.9%	10.1%	27.5%	15.6%	N/A
% Asian	9.0%	5.1%	10.8%	17.4%	N/A
<b>School Year 2018-19</b>					
% White	50.6%	27.3%	30.2%	39.4%	42.2%
% Black	17.6%	44.6%	20.9%	14.2%	23.5%
% Latinx	15.6%	16.8%	34.1%	19.9%	17.6%
% Asian	9.2%	5.2%	9.0%	20.1%	9.0%
% Two+	6.6%	5.7%	5.3%	6.0%	7.3%

Source: CCD 2009-10, 2018-19.

## Rezoning policy in sampled divisions that have undertaken or considered rezoning

Among the 28 division rezoning policies studied, the goal of “efficient” school utilization was noted most frequently as the primary driver of school rezoning.<sup>21</sup> Over half of divisions sampled (15 of the 28) used shared verbiage, perhaps from previous model policies disseminated to local school boards, that defined the impetus for rezoning as the

21. This focus reflects the emphasis established in the Code of Virginia § 22.1-79, which delineates the powers and duties of school boards. Within the 10 duties defined in this code section, the fourth relates specifically to the duty of rezoning: “Provide for the consolidation of schools or redistricting of school boundaries or adopt pupil assignment plans whenever such procedure will contribute to the efficiency of the school division.” It should be noted that many of the 28 divisions we studied had outdated or unclear policies related to rezoning.

“need to provide for the orderly administration of the schools, the competent instruction of the students and the health, safety, best interests and general welfare of all students.”<sup>22</sup>

Segregation and integration do not emerge explicitly in the policy language around efficiency and the general welfare of students but are deeply related. De jure segregation, or segregation by law, which required school boards to maintain dual school systems, one for Black students and one for White students, was inherently inefficient and costly.<sup>23</sup> De facto segregation, or segregation by fact, circumstances or custom, in evidence across Virginia’s divisions today, also prompts inefficiencies. Schools in affluent, largely White neighborhoods tend to be overcrowded while those in higher poverty neighborhoods with higher shares of Black and Brown residents tend to be underutilized.<sup>24</sup> Both conditions can prompt re-examination of existing school zones.<sup>25</sup> In terms of the “general welfare of all students,” decades of social science research document the harms of segregation and the benefits of integration for all students.<sup>26</sup> So while integrated schools do serve the goals of increasing effectiveness and serving students’ best interests and welfare, a more direct policy impetus would help to clarify division needs and reflect what the research shows.

In the policies of 20 of the 28 (71%) school divisions studied, there was no language reflective of integration as an impetus, goal, or decision-making criteria for rezoning de-

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22. Two Tidewater districts, Chesapeake and Northern Neck, mention court guidelines, likely a holdover from judicially mandated desegregation.

23. Noliwe Rooks, *Cutting School* (New York: The New Press, 2019).

24. See, e.g., Richmond and Henrico. [https://richmond.com/news/local/administrative-error-means-possible-trailers-at-fox-elementary-school-in-the-fan/article\\_ea8473a3-b07a-5dd1-ad19-aac4e9ef184b.html](https://richmond.com/news/local/administrative-error-means-possible-trailers-at-fox-elementary-school-in-the-fan/article_ea8473a3-b07a-5dd1-ad19-aac4e9ef184b.html); [https://richmond.com/news/local/government-politics/with-three-incumbents-retiring-henrico-school-board-to-see-change-in-leadership-before-redistricting-decision/article\\_a06bf76f-1701-5153-92db-e73168a84261.html](https://richmond.com/news/local/government-politics/with-three-incumbents-retiring-henrico-school-board-to-see-change-in-leadership-before-redistricting-decision/article_a06bf76f-1701-5153-92db-e73168a84261.html)

25. In divisions with rising school-age populations and the use of neighborhood attendance boundaries as its primary student assignment policy, K12 enrollment growth can prompt construction or renovation of facilities; opening a new school necessitates new attendance zones so that school serves a geographic area with sufficient number of students to use the new space. A new school with a new attendance zone can also help reduce overcrowding in other existing schools. Overcrowding in some schools while others have excess building capacity also necessitate re-drawing school attendance boundaries to “level” the numbers of students across schools. In divisions or schools with declining enrollments, school closures or consolidations may meet the goal of “right-sizing” school populations so that each remaining school serves the number of students that each building can accommodate.

26. For a summary, see Robert Linn and Kevin Welner. *Race-Conscious Policies for Assigning Students to Schools: Social Science Research and the Supreme Court Cases. Committee on Social Science Research Evidence on Racial Diversity in Schools* (Washington, DC: National Academy of Education, 2007).

cisions. Conversely, 8 Virginia divisions *did* reference integration, although the language used varied. Some divisions mentioned integration in rezoning policy, offering it as a goal that would guide the process. Prince William’s policy, for instance, states, “Many factors may be considered when establishing school boundaries including, but not limited to, projected enrollments, school capacities, transportation distances, future school construction plans, and school demographics.” A handful of other school divisions referenced integration as part of the policy *and* criteria guiding the rezoning process. For example, three cited the “the need to provide cultural, racial and economic balance” as one of the core criteria in rezoning decisions.<sup>27</sup> Suffolk offered a more readily measurable goal, laying out an “attempt to maintain diversity that closely matches the school division overall.”

Perhaps signaling that integration is an increasing priority for local school boards, 5 of the 15 school divisions currently undertaking or completing a rezoning policy in the past five years included integration language in policy and/or criteria. Divisions falling into this category were Prince William, Albemarle, Henrico, Richmond and Suffolk. However, among these districts, board language around integration was often vague, difficult to quantify or reflective of potentially competing considerations without offering guidance about priorities. To illustrate: Henrico’s board was focused on “reducing concentrations of poverty while balancing a community or neighborhood school concept,” while Richmond’s sought to “increase student diversity of all kinds within schools.” The lack of clarity may flow from the uncertain legal context surrounding race and student assignment (more on this in the following section).

Our analysis of enrollment and segregation in the 8 divisions that *did* include language pointing towards integration yielded figures that were very similar to the overall sample of 28 divisions (see Tables 2A and 3A in appendix). The fact that explicit policy

27. Fauquier references integration in their rezoning criteria within their overall policy, “need to provide cultural, racial and economic balance.” Suffolk references integration in their rezoning criteria within their overall policy: “Attendance zones will be established based upon the capacity of the school, the number of children of school age living in the area, the natural boundaries, city limits and major traffic arteries, the safety of students going to and from school, the exceptional educational needs of students and the need to provide cultural, racial and economic balance.” Harrisonburg City’s says, “Division lines will be established based upon the capacity of the schools; the number of children of school age living in the area; the natural boundaries, city limits, and major traffic arteries; the safety of the students going to and from school; the exceptional educational needs of the student; and the need to provide cultural, racial, and economic balance.”

language around integration was not related to differences in segregation levels may reflect a number of issues. These could include divisions stating a focus on integration but not following through on their policies, unclear or not readily measurable integration policy and criteria language, or a weak priority on integration among other rezoning criteria—or some combination of all of the above.

Rezoning, then, is a relatively frequent occurrence in the Virginia divisions reviewed, and one that impacts many students and could help drive integration, particularly in the state's large metropolitan regions. However, current policies often leave out the necessary integration impetus. Even among those divisions that have undertaken rezoning with integration as an intended outcome, policies and criteria with clarity of purpose and priorities as well as measurable goals could help intent better match outcomes.

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## **What the literature says about segregation and school-related boundaries**

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We synthesize the multi-disciplinary body of literature surrounding school-related boundary lines below. The review is organized into several themes, including the relationship between housing and school segregation, the significance of school boundaries, how school and neighborhood decisions are shaped by boundaries in a metropolitan context and the legal parameters governing school boundaries.

### **Relationship between housing and school segregation**

Today's residential segregation flows from racial discrimination at all levels of government.<sup>28</sup> Private actors were and are complicit too. A combination of restrictive covenants, ghettoization, urban renewal, discriminatory buying, selling and lending practices, federal highway construction, along with suburban planning and subsidization

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28. Trountine, Jessica (2018). *Segregation by Design: Local Politics and Inequality in American Cities* (Cambridge, England: Cambridge University Press).

centered on exclusion contributes to stark, ongoing neighborhood isolation by race and, increasingly, class.<sup>29</sup>

While black-white residential segregation has declined slowly over the past few decades, it remains extremely high. Those declines also have been uneven, with numerous metros reporting stalled progress on integration between black and white residents.<sup>30</sup> Contemporary factors related to diminished progress in many metros include intense anti-black prejudice, deep wealth divides between black and white households, particularly households with children, and restrictive density zoning in suburbia.<sup>31</sup> White residents remain the most segregated group though there's been some headway here too. In 2010, the typical white metro resident lived in a neighborhood that was 72% white; thirty years earlier that same figure was 92%.<sup>32</sup>

Meanwhile, residential segregation by income has intensified. In conjunction with rising economic inequality, neighborhoods have polarized along class lines. In 1970, about 65 percent of Americans lived in middle income neighborhoods; by 2010 that number had declined considerably to about 42 percent.<sup>33</sup> As middle income neighborhoods have hollowed out, the proportion of residents living amid more extreme concentrations of wealth and poverty has grown. From 1970 to 2010, the proportion of families living in affluent neighborhoods increased from 7 to 15 percent and the proportion living in poor neighborhoods of increased from 8 to 18 percent.<sup>34</sup>

Such numbers matter for schools because the vast majority of districts assign students on the basis of proximity. The most recent estimates indicate that about 70% of U.S. stu-

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29. Rothstein, Richard (2017). *The color of law*. New York, NY: Livewright; Reardon, Sean F., Kendra Bischoff, Ann Owens, and Joseph B. Townsend. 2018. "Has Income Segregation Really Increased? Bias and Bias Correction in Sample-Based Segregation Estimates." *Demography* 55(6): 2129-2160.

30. Logan, John (2013). The persistence of segregation in the 21st century metropolis. *City Community* 12(2), doi: 10.1111/cico.12021.

31. Massey, Douglas and Jacob Rugh. (2014). Segregation in post-civil rights America: Stalled integration or the end of the segregated century? *Du Bois Review* 11(2), 205-232; Percheski, Christine & Christina Gibson-Davis (2020). A penny on the dollar: Racial inequalities in wealth among households with children. *Socius*, online first, <https://doi.org/10.1177/2378023120916616>.

32. Massey, Douglas. (2015). The legacy of the 1968 Fair Housing Act. *Sociological Forum* 30 (Supp 1), 571-88.

33. Reardon, Sean and Kendra Bischoff. (2011). Income inequality and income segregation. *American Journal of Sociology* 116(4), 1092-1153.

34. Ibid.

dents attend their neighborhood public school.<sup>35</sup> The school-housing relationship works in other direction too, with school policies helping shape patterns of residential segregation.<sup>36</sup>

## Significance of school boundaries

Fundamentally, when attendance boundaries are drawn or redrawn to encompass the nearest communities surrounding a school, residential segregation gets reproduced in the school.<sup>37</sup> For decades, school desegregation plans that relied on transportation shouldered much of the responsibility for interrupting the relationship between segregated neighborhoods and schools—trying to make good on the promise of equal protection under the law.<sup>38</sup> As desegregation orders ended, that relationship has been restored. Research indicates that the link between school and housing segregation is now strengthening, particularly in the South, where broad-based school desegregation in the past fueled a “school advantage” whereby schools were less segregated than neighborhoods.<sup>39</sup> A handful of research studies have focused on the ways in which school attendance boundaries are linked to segregation within districts. Two large-scale, spatial and quantitative explorations of the gerrymandering of attendance boundaries—relying on the same dataset but using different methods—reached opposite conclusions about the relationship between how lines are drawn and segregation. In one, the researchers found that irregularly shaped school attendance boundaries were linked to increased integration (e.g., school officials drew oddly shaped zones to promote racial/ethnic diversity).<sup>40</sup>

35. U.S. Department of Education, National Center for Education Statistics. (2019). *Digest of Education Statistics, 2018* (NCES 2020-009), Chapter 2.

36. Taylor, Kendra, “The contribution of attendance boundary segregation to school district racial residential segregation in large U.S. school districts” PhD dissertation, Pennsylvania State University (2018).

37. Ong, Paul, and Jordan Rickles. “The Continued Nexus between School and Residential Segregation.” In Symposium, Rekindling the Spirit of *Brown v. Board of Education*, *California Law Review* (2004); Denton, Nancy, “The Persistence of Segregation: Links Between Residential Segregation and School Segregation.” *Minnesota Law Review* 80 (1996): 795-824.

38. Delmont, Mathew, *Why Busing Failed: Race, Media and the National Media Resistance to School Desegregation* (Oakland: University of California Press, 2016).

39. Reardon, Sean F. and John Yun, “Integrating Neighborhoods, Segregating Schools: The Retreat from School Desegregation in the South, 1990-2000.” *North Carolina Law Review*, 81(2003): 1563-96.

40. Saporito, Sal and David Ripper. “Do Irregularly Shaped School Attendance Zones Contribute to Racial Segregation or Integration?” *Social Currents* (2015).

The authors suggested that “irregular attendance zones may be one of best remaining mechanisms to achieve modest racial integration in racially diverse school districts.” In the other, the researcher concluded that irregularly shaped zones were linked to increased racial segregation.<sup>41</sup> A case study of a racially changing suburban school system split the difference, showing that school officials redrew regularly shaped attendance boundaries in a way that increased racial and economic segregation.<sup>42</sup>

Alongside evidence about how attendance boundaries relate to segregation, contemporary reports suggest that a number of school districts are attempting to use attendance boundaries to promote integration—specifically socioeconomic (SES) integration. Two recent analyses of student assignment policies revealed that redrawing attendance boundaries is a common voluntary integration method. In 2017, researchers at Penn State found that of 60 systems engaging in voluntary integration by race or SES, 20 relied on adjustments to attendance boundaries.<sup>43</sup> According to a 2016 analysis by the Century Foundation, redrawing school attendance boundaries is the most common method districts employ to foster SES diversity (38 of 91, or about 42%, of districts identified as using some form of SES integration).<sup>44</sup> An earlier study of districts engaging in SES integration plans found that 28% relied on attendance boundaries to further school diversity.<sup>45</sup>

Deepening school segregation is driven in part by regional fragmentation, or the proliferation of numerous small school systems within a metropolitan area.<sup>46</sup> Estimates have indicated that between 60 to 70 percent of school segregation occurs because students of different races and income levels attend separate school districts, not just separate

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41. Richards, Meredith. “The Gerrymandering of School Attendance Zones and the Segregation of Public Schools.” *American Educational Research Journal* (2014). doi: 10.3102/0002831214553652

42. Siegel-Hawley, Genevieve. “Educational Gerrymandering? Race and Attendance Boundaries in a Demographically Changing Suburb.” *Harvard Educational Review*, 83 no. 4 (2013).

43. Frankenberg, Anderson & Taylor, 2019.

44. Potter, Halley, Quick, Kathryn, & Davies, Elizabeth. *A New Wave of School Integration: Districts and Charters Pursuing Socioeconomic Diversity*. New York: The Century Foundation, 2016.

45. Reardon, Sean F., & Rhodes, Lori. “The Effects of Socioeconomic School Integration Plans on Racial School Desegregation.” In Erica Frankenberg and Elizabeth DeBray (Eds.), *Integrating Schools in a Changing Society: New Policies and Legal Options for a Multiracial Generation*. (2011) Chapel Hill: University of North Carolina Press.

46. Frankenberg, Erica. “Splintering School Districts: Understanding the Link between Segregation and Fragmentation,” *Law and Social Inquiry* 34 (2009); Holme, Jennifer Jellison and Kara Finnigan, “School Diversity, School District Fragmentation and Metropolitan Policy,” *Teachers College Record* 115 (2013): 1–29; Weiher, Gregory. *The Fractured Metropolis: Political Fragmentation and Metropolitan Segregation* (Albany: State University of New York Press, 1992).

schools within a district.<sup>47</sup> Segregation by district boundary line thus also wields a great deal of influence over contemporary patterns of school segregation.

School-related boundary lines, whether they pertain to districts or attendance zones, shape a geographic area and define the population that resides within it. The name attached to those boundaries becomes a proxy for the demographic makeup of the community, giving rise to an identity and acting as a signal for families moving into and around metropolitan areas.<sup>48</sup> For advantaged families, the demographic signals structured by boundary lines drive an important version of school choice—the decision about where to live and send their children to school.

## School and neighborhood decisions related to school boundaries

Marked differences in the racial makeup of the school districts and zones make the racially coded signals and conversations exchanged among well-off families easier. Both qualitative and quantitative studies point to race as a driver in judgments about the quality of schools.<sup>49</sup> Methodologically exploiting a unitary status decision in Charlotte-Mecklenburg, NC, one analysis generated causal evidence to indicate that White families were more likely to move to a neighborhood with more White residents after school desegregation ended.<sup>50</sup> Qualitative research predating No Child Left Behind (NCLB) indicated that school or district demographics were a central determinant in conversations about school quality, with schools earning the reputation of “good” and “bad” based on the

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47. Reardon, Sean F., John Yun, and Tamela Eitle, “The Changing Structure of School Segregation: Measurement and Evidence of Multiracial Metropolitan-Area School Segregation, 1989–1995,” *Demography* 37 (2000): 351–64; Stroub, Kori and Meredith Richards, “From Resegregation to Reintegration: Trends in Metropolitan School Segregation, 1993–2010,” *American Educational Research Journal* 50 (2013): 497–531.

48. Holme, Jennifer Jellison. “Buying Homes, Buying Schools,” *Harvard Educational Review*, 72, no. 2 (2002): 177–206; Weiher, Gregory. *The Fractured Metropolis: Political Fragmentation and Metropolitan Segregation* (Albany: State University of New York Press, 1992).

49. Glazermann, Steven, & Dallas Dotter. Market Signals: Evidence on the Determinants and Consequences of School Choice from a Citywide Lottery. (Washington, D.C.: Mathematica Policy Research working paper 45, 2016); Home, 2002.

50. Liebowitz, David, and Lindsay Page, “Does School Policy Affect Housing Choices? Evidence from the End of Desegregation in Charlotte-Mecklenburg,” *American Educational Research Journal* 51 (2014): 671–703.

racial or economic composition of a school rather than visits or publicly available data on performance.<sup>51</sup> In the era of NCLB, evidence indicates that test score performance, which is tightly bound up in race, class, and opportunity, also become a proxy for school quality.<sup>52</sup>

Once families with means buy into a specific school zone or district, studies indicate that they exercise significant political power to maintain rights to those schools.<sup>53</sup> This is partly because property values vary considerably on either side of attendance boundaries.<sup>54</sup> Today, popular real estate applications like Zillow and Trulia have explicitly linked these different dimensions of the school-housing choice process.<sup>55</sup> Site users can easily maneuver between home information and value, school attendance boundaries, the racial and economic makeup of the assigned school and test scores—and make decisions accordingly. All of this underscores the political and symbolic importance of school-related boundary lines in determining access to equal educational opportunity.

## School decisions in a metropolitan context

The interrelated school and housing searches for advantaged families typically play out in the suburbs and exurbs of U.S. metropolitan communities.<sup>56</sup> These districts are

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51. Holme, 2002.

52. Lareau, Annette, and Kimberly Goyette, *Choosing Homes, Choosing Schools* (New York: Russell Sage Foundation, 2014); Dougherty, John, et al., “School Choice in Suburbia: Test Scores, Race, and Housing Markets,” *American Journal of Education* 115 (2009): 523–48.

53. McDermott, Kathryn, Frankenberg, Erica, & Diem, Sarah. “The ‘post-racial’ politics of race: Student assignment policy in three urban school districts.” *Educational Policy* 29(2015): 504-544; Siegel-Hawley, Genevieve, Bridges, Kimberly, and Shields, Tom, “Solidifying Segregation or Promoting Diversity? School Closure and Rezoning in an Urban District,” *Educational Administration Quarterly* 53(1) (2017). Wiley K, Shircliffe B, Morley J (2012) Conflicting Mandates amid Suburban Change. *The Resegregation of Suburban Schools: A Hidden Crisis in Education*, eds Frankenberg E, Orfield G (Harvard Education Press, Cambridge, Massachusetts).

54. Dougherty et al., 2009; Hasan, Sharique and Kumar, Anuj, Digitization and Divergence: Online School Ratings and Segregation in America (July 23, 2019). Available at SSRN: <https://ssrn.com/abstract=3265316> or <http://dx.doi.org/10.2139/ssrn.3265316>

55. Humber, N. J. (2020). In West Philadelphia Born and Raised or Moving to Bel-Air: Racial Steering as a Consequence of Using Race Data on Real Estate Websites. *Hastings Race & Poverty LJ*, 17, 133.

56. Lareau, Annette, and Kimberly Goyette, *Choosing Homes, Choosing Schools* (New York: Russell Sage Foundation, 2014); Wells, Amy Stuart, et al., “Why Boundaries Matter: A Study of Five Separate and Unequal Long Island School Districts” (New York: Teachers College/Long Island Index, 2009).

less subject to the waves of reform aimed at major central city school systems;<sup>57</sup> which, in recent years, has often included the expansion of school choice in the form of charters. The rapid explosion of charter schools, by and large choice without important civil rights protections like free transportation, extensive outreach and diversity goals, is related to intense segregation.<sup>58</sup> In urbanized communities, school segregation within one sector influences segregation in other sectors. An analysis of metropolitan school segregation in the U.S. between 1993 and 2010 was the latest study to find that segregation is most extreme when families have many charter school or private school options or when they can choose from a variety of school districts due to regional fragmentation.<sup>59</sup> Studies also found that, in the nation's urban school districts, neighborhood schools would be less racially segregated if all assigned students opted into them.<sup>60</sup> In other words, private, charter and magnet school options all contribute to racial segregation in the district as advantaged families take advantage of these alternatives. The same authors also found that school desegregation policies helped reduce racial segregation. Specifically, in the four districts with magnet schools and controlled choice plans focused on desegregation, racial segregation was lower in schools than in school zones.<sup>61</sup>

On a broader scale, city-suburban school desegregation policies—which help overcome the fragmenting impact of school district boundary lines—have been linked to more stable and comprehensive school desegregation<sup>62</sup> and faster declines in housing

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57. Ryan, James. *Five Miles Away, a World Apart: One City, Two Schools and the Story of Modern Educational Inequality* (New York: Oxford University Press, 2010)

58. Orfield, Gary and Erica Frankenberg, *Educational Delusions? Why Choice Can Deepen Inequality and How to Make Schools Fair* (Berkeley: University of California Press, 2013);Renzulli, Linda A. and Evans, L. “School Choice, Charter Schools, and White Flight.” *Social Problems*, 52 (2005): 398-418.

59. Fiel, 2015.

60. Saporito, Sal and Deneesh Sohoni. “Coloring Outside the Lines: Racial Segregation in Public Schools and their Attendance Boundaries.” *Sociology of Education*, 79 no. 2 (2006): 81–105; Sohoni, Deensh and Sal Saporito. “Mapping School Segregation: Using GIS to Explore Racial Segregation Between Schools and their Corresponding Attendance Areas.” *American Journal of Education* 115 no. 4 (2009): 569-900.

61. Saporito & Sohoni, 2009.

62. Frankenberg, Erica. “The Impact of School Segregation on Residential Housing Patterns: Mobile, Alabama and Charlotte, North Carolina,” in *School Resegregation: Must the South Turn Back?*, ed. John C. Boger and Gary Orfield (Chapel Hill: University of North Carolina Press, 2005), 165–84.

segregation.<sup>63</sup> The dynamics surrounding these findings tie back to the school-housing relationship: once families in a metropolitan community understand that they can move to any neighborhood, urban or suburban, and remain connected to a school with roughly the same demographics and performance as other schools in the community, the link weakens between residential and educational decisions.

School decisions vary according to a number of different factors, including race, income, locale and policy context. One constant is that school-related boundary lines help structure and inform those choices and decisions. Given what is at stake, understanding the legal guidelines for drawing and redrawing those lines is critical.

## Legal parameters for school related boundaries

The demographic makeup of schools—and, relatedly, how educational resources are distributed across them—is based not just on family decisions but also on state and local decisions. Changes to school district boundaries are governed by a patchwork of state law and policy,<sup>64</sup> subject, of course to judicial decisions involving segregation.<sup>65</sup> Within districts, as we saw in the prior section, school officials decide how to draw student attendance zones. Earlier court cases recognized that where new schools were sited and the way attendance boundaries were shaped could exacerbate or mitigate school-level segregation.<sup>66</sup> A case out of Denver also prohibited school officials from drawing attendance zones in an intentionally segregative manner.<sup>67</sup>

Today, even as school segregation by race grows more severe, the courts have

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63. Orfield, Myron. “*Milliken, Meredith* and Metropolitan Segregation,” *UCLA Law Review* 62 (2015): 367–438; Siegel-Hawley, Genevieve. “City Lines, Color Lines: An Analysis of School and Housing Segregation in Four Southern Metros, 1990–2010,” *Teachers College Record* 115 (2013): 1–45.

64. EdBuild, “Frontier: School District Borders and the Pursuit of Educational Opportunity,” (2019), <https://edbuild.org/content/frontier#policy-viewer>

65. See e.g., *Milliken v. Bradley*, 1974; *Wright v. Council of City of Emporia* (1972); *Stout v. Gardendale City Board of Education* (2017).

66. *Swann v. Charlotte-Mecklenburg Board of Education*, 402 U.S. 1 (1971).

67. *Keyes v. School Dist. No. 1*, 413 U.S. 189 (1973).

curtailed many popular race-conscious student assignment policies.<sup>68</sup> As discussed, though, officials have the option to consider neighborhood racial demographics to promote integration when drawing school zones. Officials may also set flexible diversity goals that, as of this writing, can be race-conscious.<sup>69</sup> This matters because research shows that school racial segregation is typically lower in districts using race-conscious policies than in the districts that used race-neutral policies, even when residential segregation is relatively constant across both types of districts.<sup>70</sup> In short, processes related to adjusting attendance boundaries represent a crucial but largely overlooked method by which nearly every moderate- or large-sized school district could further integration efforts.

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## **Evidence-based recommendations to combat relationship between school rezoning and segregation**

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Based on our analysis of state and federal enrollment data, in addition to a review of a large, purposive sample of Virginia school board policies related to rezoning, we find that school attendance boundaries help structure school segregation to a considerable extent, particularly in Virginia’s metropolitan regions. Some evidence further suggests that school choice at the high school level exacerbates segregation between schools in the same division. However, the lack of readily available data on choice makes it difficult to ascertain its contribution to segregation within divisions.

We also find that Virginia’s school division boundary lines give shape to school segregation, accounting for just under half of school segregation in major metros and roughly three-quarters in rural areas. In rural and metro areas, independent city boundaries help sort Black students out of adjacent school systems. This finding is consistent with prior research indicating that geographic areas containing multiple school districts are associated with higher school segregation.<sup>71</sup>

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68. *Parents Involved in Community Schools v. Seattle School District No. 1*, 551 U.S. 701 (2007).

69. *Parents Involved*, 20017. See also *Fisher v. Univ. of Texas*, 136 S. Ct. 2198 (2016).

70. Taylor, Kendra, Anderson, Jeremy and Frankenberg, Erica, “School and Residential Segregation in School Districts with Voluntary Integration Policies,” *Peabody Journal of Education* 94(4) (2019).

71. Bischoff, Kendra. 2008. “School District Fragmentation and Racial Residential Segregation: How do Boundaries Matter?” *Urban Affairs Review* 44(2):182-217; Fiel, 2015.

School rezoning has affected significant numbers of Virginia students in recent years. Among the sample of policies we reviewed, divisions that recently rezoned tended to be somewhat more racially and economically diverse than the state enrollment. Local school board policies and criteria related to rezoning varied widely in the 28 divisions reviewed and the overwhelming majority (71%) do not consider segregation or integration as part of the decision-making process.

The following recommendations largely apply to Virginia state executive and/or legislative branches though most also have implications for local school divisions. The state's role in codifying school segregation and inequality, and then massively resisting desegregation,<sup>72</sup> requires state action to address the ongoing impacts of its earlier actions. The regional nature of school segregation and resistance to reform that local power centers often apply offers further incentive for state leadership.

- Use the state **bully pulpit** to amplify the importance of reducing school segregation and promoting integration for students and communities
  - ◇ Educate the public about the role of attendance and division boundaries in structuring segregation and how to mitigate it.
  - ◇ Highlight how school segregation manifests differently across the state, with unique challenges for rural versus metropolitan regions. Across both, independent cities are a consistent contributor to segregation.
  - ◇ Support local school divisions in efforts to reduce school segregation and further integration as part of school improvement, student support and academic enrichment grants, 21st century community learning programs or magnet school grant applications under ESSA.<sup>73</sup>

AND

- **Establish an office or department in VDOE** to support voluntary integration and reduce segregation within<sup>74</sup> and between schools

72. Pratt, 1992; <https://www.odu.edu/library/special-collections/dove/timeline>

73. For more detail see [https://school-diversity.org/wp-content/uploads/NCSDPB10\\_Final.pdf](https://school-diversity.org/wp-content/uploads/NCSDPB10_Final.pdf).

74. Our subsequent report will address within-school segregation (i.e. tracking) more fully but the work of integration extends into schools and classrooms. Any new office or department must be equipped to provide assistance at the building as well as division and regional level.

- ◇ Offers technical assistance, professional development, oversight, monitoring, grant review and related aspects of work outlined below.
- ◇ Collaborates with state housing, transportation, workforce and health and human services departments to address school segregation.

AND

- Establish **certification requirements for superintendents, school boards,<sup>75</sup> principals and teachers** related to school segregation and integration

AND

- Authorize **new state data collection for public use<sup>76</sup>** related to school attendance boundaries, with flag for changes to school attendance boundaries, as well as a more detailed collection of school choice data
  - ◇ Establish baseline analysis of school segregation, reported annually, related to attendance boundaries in each division.
  - ◇ Create a state rezoning dashboard that offers a transparent system for stakeholder engagement in the technical aspects of rezoning. Dashboard would illustrate multivariate trade-offs related to common local rezoning criteria, including school capacity, transportation time. Critically, it would also include criteria around reducing segregation and increasing integration.<sup>77</sup>
  - ◇ Collect publicly available data distinguishing between the school a child attends and the one for which they are zoned (e.g., capturing specialty center enrollment) as well as a flag for open enrollment students.

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75. Certification content should help superintendents and board members understand the need for 1) an explicit commitment to reducing segregation and furthering integration in rezoning policy and criteria and 2) clear and measurable goals that help division stakeholders understand how different proposals impact segregation and integration.

76. As Virginia is required to update its ESSA plan, the state should consider including school segregation and integration as part of its accountability measures.

77. For a summary, see Lazarus, 2010, School Boundaries: Finding Solutions while Gaining Community Support. See also: <https://vtnews.vt.edu/articles/2019/03/urbcomp-redistrict.html>

AND

- **Grant program(s)** to support voluntary integration
  - ◇ Provide funding and assistance to school divisions interested in designing and implementing student assignment plans that reduce segregation and promote integration. These plans should also explicitly address strategies for integration within schools. Funding would help develop capacity and engage local communities around school integration. May tie existing funding streams (at-risk add-on, dedicated casino funding) to improving integration through rezoning.<sup>78</sup>
  - ◇ Establish eligibility for school divisions or consortia of school divisions working with one or more agencies governing public housing, zoning, transit, etc. for planning and implementation of student assignment, school choice and/or rezoning plans and processes designed to reduce racial/ethnic and economic segregation.<sup>79</sup>
  - ◇ Include funding set aside for the State Board of Education/VDOE to provide technical assistance, monitoring and evaluation and administration of new grant programs.
  - ◇ Add a diversity priority to the scoring system for existing VDOE grants (e.g. high school innovation, year-round schooling).

AND

- Study, define, evaluate and address **racial/ethnic and economic school segregation**
  - ◇ Conduct VBOE “review of the adequacy” of existing school divisions for promoting the realization of the prescribed standards of quality, as per the

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78. See, e.g., [https://school-diversity.org/wp-content/uploads/NCSDPB11\\_Final.pdf](https://school-diversity.org/wp-content/uploads/NCSDPB11_Final.pdf). See also, Lazarus, 2010.

79. Plans will likely require a variety of strategies depending on the characteristics of the division or consortia of divisions. We will outline the evidence base around voluntary integration strategies in our subsequent reports.

Virginia constitution<sup>80</sup> and recognizing the school segregation is negatively linked to realizing the goals of public schools in the Commonwealth. This analysis suggests that independent city divisions enroll much higher shares of Black students and, relatedly, that more regional school divisions would further integration.

- ◇ Revise Standards of Quality to explicitly define and include segregation as part of the “condition and needs of public education in the Commonwealth” and provide annual reports to that effect.<sup>81</sup>
- ◇ Establish a legislative commission or initiate a JLARC study on school segregation in Virginia.<sup>82</sup>
- ◇ Draft a bill or promulgate a rule<sup>83</sup> defining school segregation using flexible ratios (e.g., any school more than 5-10 percentage points above or below combined share of Black and Latinx ED students in a division; any division more than 5-10 percentage points above or below combined share of Black and brown ED students in a region<sup>84</sup>).
- ◇ Require division and regional annual reporting on school segregation along with a detailed plan to address it either within and/or between divisions; encourage planning with housing and transportation sectors.
- ◇ Provide oversight, technical assistance, funding for transportation, magnets, required training for superintendents, board members and school division

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80. <https://law.lis.virginia.gov/constitutionexpand/article8/>, specifically, Section 5(a) “Subject to such criteria and conditions as the General Assembly may prescribe, the Board shall divide the Commonwealth into school divisions of such geographical area and school-age population as will promote the realization of the prescribed standards of quality, and shall periodically review the adequacy of existing school divisions for this purpose.”

81. Consider revising Virginia code with suggested language in italics § 22.1-18. Report on education and standards of quality for school divisions; when submitted and effective. Information regarding parent and student choice within each school division and any plans of such school divisions to increase school choice *and the impact of choice programs on de facto segregation*.

82. See, e.g., GAO 2016 report on school segregation at the federal level.

83. See, e.g., racial imbalance legislation or DOE rules in other states. On Massachusetts racial imbalance law: <https://scholarworks.umass.edu/cgi/viewcontent.cgi?article=3647&context=theses>; <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleII/Chapter15/Section11>. On Connecticut racial imbalance law: <https://www.cga.ct.gov/2010/rpt/2010-R-0249.htm>. On Minnesota DOE school desegregation rules: [https://www.law.umn.edu/sites/law.umn.edu/files/metro-files/orfield\\_neosegregation\\_draft.pdf](https://www.law.umn.edu/sites/law.umn.edu/files/metro-files/orfield_neosegregation_draft.pdf).

84. Using Virginia’s superintendent’s regions, though sub-regions may be required in more geographically dispersed rural areas.

attorneys related to school segregation and their responsibility to address it, etc. through VBOE/VDOE

- ◇ Withhold state funding if divisions are out of compliance and/or offer supplemental funding to help divisions and regions address segregation in a multidimensional way, to include coordination with the housing sector.<sup>85</sup>

AND/OR

- **Expand state and public oversight** of new school construction and attendance boundaries
  - ◇ Amend state code requirement for submission of construction plans to the state<sup>86</sup> to require that significant public expenditures for new public schools are reviewed and approved by the state superintendent, subject to criteria relating to reducing segregation and promoting integration. Plans must include reasons why new school(s) are in the best interest of residents in a particular area, explanation of the new school(s) impact on funding of existing schools, expected student count, demographics and zone, expected impact of new school on system-wide racial/ethnic and economic segregation as a result of related school rezoning. Plan and impact on segregation would be presented to and evaluated by VDOE before a division could proceed.<sup>87</sup>
  - ◇ Prioritize state funding assistance<sup>88</sup> for construction of schools serving diverse communities

AND

- **Increase school board capacity** to address segregation as part of rezoning processes

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85. This could prove particularly important if decisions made in the housing sector (e.g., siting of a new development) negatively impact school division work toward integration.

86. [https://law.lis.virginia.gov/vacode/title22.1/chapter9/section22.1-140/#:~:text=No%20public%20school%20building%20or,ii\)%20are%20accompanied%20by%20a;](https://law.lis.virginia.gov/vacode/title22.1/chapter9/section22.1-140/#:~:text=No%20public%20school%20building%20or,ii)%20are%20accompanied%20by%20a;) [http://www.doe.virginia.gov/support/facility\\_construction/school\\_construction/regs\\_guidelines/guidelines.pdf](http://www.doe.virginia.gov/support/facility_construction/school_construction/regs_guidelines/guidelines.pdf). See also Reardon & Rhodes, 2006.

87. See, e.g., [https://school-diversity.org/wp-content/uploads/NCSDPB11\\_Final.pdf](https://school-diversity.org/wp-content/uploads/NCSDPB11_Final.pdf)

88. [http://www.doe.virginia.gov/support/facility\\_construction/literary\\_fund\\_loans/index.shtml](http://www.doe.virginia.gov/support/facility_construction/literary_fund_loans/index.shtml)

- ◇ Revise § 22.1-253.13:5. Standard 5. Item D to include training focus on school segregation and integration (proposed additional verbiage in italics)  
“Each local school board shall require (i) its members to participate annually in high-quality professional development activities at the state, local, or national levels on governance, including, but not limited to, personnel policies and practices; the evaluation of personnel, curriculum, and instruction; use of data in planning and decision making; *history, mechanics and outcomes related to school segregation and integration* and current issues in education as part of their service on the local board.”
- ◇ Revise § 22.1-79. Powers and duties of the school board (proposed additional verbiage in italics)  
“Provide for the consolidation of schools or redistricting of school boundaries or adopt pupil assignment plans whenever such procedure will contribute to the efficiency *and/or reduction of segregation* of the school division.”
- ◇ Issue state guidance, in collaboration with researchers and school boards, outlining evidence-based best practices<sup>89</sup> related to rezoning and integration. These include local school board policies that:
  - Contain an explicit commitment to integration;
  - Clearly define school segregation and identify it as a regular trigger for a rezoning process based on shifting enrollment patterns, whether limited to one school or more comprehensive;
  - Prohibit rezoning, whether for one school or for all schools in a division, from increasing school segregation;
  - Require rezoning, whether for one school or for all schools in a division, to increase integration;

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89. The recommendations below are based on two multilayered, ongoing studies of attendance boundaries and rezoning, one at Penn State (see, [https://www.nsf.gov/awardsearch/showAward?AWD\\_ID=1918277&HistoricalAwards=false](https://www.nsf.gov/awardsearch/showAward?AWD_ID=1918277&HistoricalAwards=false)) and one at VCU (see, <https://soe.vcu.edu/news/wt-grant-foundation-awards-50k-grant-to-soe-researchers.html>). They are also based on best practices related to reducing segregation in student assignment more broadly (see, <http://www.idraeacsouth.org/wp-content/uploads/2018/02/Using-Socioeconomic-Based-Strategies-to-Further-Racial-Integration-Lit-Review-IDRA-EAC-South-2017.pdf>).

- Offer clear and measurable goals for increasing school integration during rezoning;
- Prioritize integration as a decision-making criterion, ranked among the top 1-2 criteria;
- Suggest prior consultation with other sectors that influence school segregation, like housing or transit.
- Establish norms for public oversight, engagement, transparency, and accountability; include community-based stakeholders and ensure that processes are inclusive and give equal weight to historically marginalized populations; and
- Outline a framework for monitoring and addressing patterns or practices perpetuating within-school segregation as a follow-up to rezoning process.

AND

- **Increase real estate industry and public’s awareness** of school rezoning
  - ◇ Prohibit real estate agents from advertising a home for sale based on its school assignment and require home buyers to sign off on a document acknowledging that school boundaries change regularly.<sup>90</sup>
  - ◇ Advise local school divisions to include a statement around attendance boundaries being subject to change on division-provided maps or school locator tools.

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90. See, e.g., <https://bethesdamagazine.com/bethesda-beat/government/proposed-legislation-would-ban-marketing-homes-based-on-school-assignment/>

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## Appendix

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**Table 1A: Characteristics of Virginia’s superintendents regions, school year 2018-19**

Region	Total	Percentage of Students					Number of Independent City Districts
		White	Black	Latinx	Asian	Two+	
1	190,499	44.2	34.3	12.1	4.6	4.3	5
2	258,834	39.0	39.4	10.2	3.3	7.4	10
3	84,311	53.5	20.9	15.1	2.4	7.5	1
4	479,576	42.0	11.6	26.1	14.2	5.6	5
5	101,265	66.9	13.7	10.9	2.1	6.0	7
6	85,723	64.4	20.9	7.7	2.1	4.7	5
7	60,936	91.9	2.3	3.0	0.4	2.2	4
8	28,032	47.2	42.5	4.6	0.6	4.9	0
Virginia	1,289,176	48.4	22.2	16.1	7.1	5.7	

Source: CCD 2018-19; Virginia Department of Education Superintendents regions.

**Table 2A: Enrollment in 8 divisions with integration policy language, school year 2009-10 and 2018-19**

	Total	White	Black	Latinx	Asian	Two+	FRL	Average #students per division
SY 2009-10	220,203	115,903 (52.6%)	45,873 (20.8%)	33,759 (15.3%)	16,851 (7.7%)	N/A	63,356 (28.8%)	27,525
SY 2018-19	261,650	108,365 (41.4%)	46,693 (17.8%)	60,834 (23.3%)	29,127 (11.1%)	15,365 (5.9%)	93,195 (35.6%)	32,706

Source: CCD 2009-10, 2018-19.

**Table 3A: Exposure and isolation in 8 divisions with integration policy language, school year 2009-10 and 2018-19**

	<b>Average White student</b>	<b>Average Black student</b>	<b>Average Latinx student</b>	<b>Average Asian student</b>	<b>Average Two+ race student</b>
<b>School Year 2009-10</b>					
% White	62.9%	42.9%	41.6%	52.8%	N/A
% Black	17.0%	35.4%	21.0%	16.3%	N/A
% Latinx	12.1%	15.4%	29.0%	16.3%	N/A
% Asian	7.7%	6.0%	8.1%	14.3%	N/A
<b>School Year 2018-19</b>					
% White	51.3%	32.1%	31.5%	39.4%	43.2%
% Black	13.8%	31.7%	17.1%	12.3%	17.6%
% Latinx	17.7%	22.3%	36.7%	18.5%	21.1%
% Asian	10.6%	7.7%	8.9%	23.3%	11.1%
% Two+	6.1%	5.8%	5.3%	5.8%	6.5%

Source: CCD 2009-10, 2018-19.

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## About the authors

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## About the Center for Education and Civil Rights

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The Center for Education and Civil Rights seeks to be a hub for the generation of knowledge and coalition-building among the education and civil rights communities to promote research-based actions that address the complicated nature of racial and ethnic inequality in the 21st century. The Center's collective work is intended to promote equity across the educational pipeline by supporting efforts that facilitate integration through an inter-disciplinary approach. The Center is directed by Erica Frankenberg. For more information, see [www.cecr.ed.psu.edu](http://www.cecr.ed.psu.edu) or follow us on Twitter ([@psu\\_civilrights](https://twitter.com/psu_civilrights)).

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